



## Invitation to Tender including Tender Specifications

**For simplified below-threshold procedure according to Act No. 134/2016 Coll. on public procurement (hereinafter referred to as the "Act")**

Title of the public contract	<b>QKD system</b>
Type of public contract	deliveries
CPV of the public contract (especially)	32422000-7 Network components 32420000-3 Network equipment 32500000-8 Telecommunications equipment and supplies
Co-financed by	Operational Programme Jan Amos Komenský
Project name	Infrastructure support for doctoral study programmes at VSB-TUO, reg. no. CZ.02.01.01/00/22_012/0008111

### PART I. IDENTIFIKAČNÍ ÚDAJE ZADAVATELE

Name of the contracting authority	<b>Technical University of Ostrava, Faculty of Electrical Engineering and Computer Science</b>
Contracting authority's address	17. listopadu 2172/15, 708 00 Ostrava - Poruba
Contracting authority's Comp. ID no.	619 89 100
Legal form of the contracting authority	601 - Higher education institution
Contracting authority's authorized person	prof. Ing. Jan Platoš, Ph.D., dean
Contracting authority's profile	<a href="https://zakazky.vsb.cz/">https://zakazky.vsb.cz/</a>
Contracting authority's contact person	Mgr. Marcel Pobořil
Telephone number	+ 420 597 329 211
E-mail address	<a href="mailto:marcel.poboril@vsb.cz">marcel.poboril@vsb.cz</a>

#### Identification data of Tender Specifications

Preliminary market consultation	Not undertaken
Access to tender documentation	A part of this Invitation to Tender, including Tender Specifications (hereinafter referred to as the "Invitation"), published on the Contracting Entity's website.

### PART II. DEFINITION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT

- 2.1. The subject-matter of performance of the public contract is the delivery of two QKD nodes. The transmitter and receiver modules will consist of three subsystems - Quantum Optical Transmitter/receiver, quantum post-processing and key buffer. Performance also includes transportation to the place of performance, installation of the device (at the place of performance, or remotely with local support from the submitter) and training of equipment users in the range of at least 2 working days of 4 hours each.

Detailed technical specifications are presented in Appendix 1 to this Invitation. The terms and conditions of performance are further specified in the Commercial Terms and Conditions (Draft Contract), which constitutes Appendix 2 to this Invitation.

- 2.2. The subject-matter of the public contract shall be submitted for co-financing from the Operational Programme Jan Amos Komenský as part of the "Infrastructure support for doctoral study programmes at VSB-TUO" project, reg. no. CZ.02.01.01/00/22\_012/0008111.
- 2.3. The Contracting Entity refers the Supplier to the fact that the Specifications are a summary of the requirements of the Contracting Entity and not a final listing of all requirements arising from generally-binding standards. The Supplier must therefore not only follow the requirements stated in the Specifications when compiling its tender, but also the provisions of the relevant generally-binding standards.
- 2.4. The **place of performance** (delivery) is Technical University of Ostrava, Faculty of Electrical Engineering and Computer Science, 17. listopadu 2172/15, 708 00 Ostrava – Poruba, building FEI, room EA005.
- 2.5. **Term of delivery:** The subject-matter of performance of the public contract shall be delivered **not later than 90 days following the date on which the contract with the selected Supplier enters into effect.**
- 2.6. **The estimated value of the public contract is CZK 4.720.700,- not including VAT.**  
The estimated value of the public contract is set as the maximum value and participants may not exceed this.
- 2.7. **Technical conditions of the public contract:**  
The technical conditions, specifications, and technical and user standards are set out in the technical specifications of the public contract, which constitute summary Appendix 1 to this Invitation and are provided to the participants in procurement procedure as supporting documents for the compilation of tenders for the public contract. Participants are under obligation to respect all technical parameters stated therein, save references to specific suppliers or products, or patents for inventions, utility models, industrial designs, trademarks, or designations of origin. It is necessary to respect the provisions of the relevant ČSN EN, EN, DIN, and ISO standards, or parts thereof which have been declared to be binding by the authorised authority. All materials and products must comply with the requirements of Act No. 22/1997 Coll. on the technical requirements for products and amending and supplementing certain laws, as amended.  
If this Invitation or the appendices thereto contain requirements or references to individual trade names, the special designation of an enterprise, special designations of products, execution, or commercial materials which stand for a certain enterprise or organisational unit as significant, as the case may be patents and utility models, these are stated merely for the sake of specification and explication of the technical parameters, and the Contracting Entity permits the use of other qualitatively and technically similar solutions.
- 2.8. This document is at the same time an Invitation to Tender and the Tender Specifications. If the Invitation or the Tender Specifications are mentioned in the Tender Conditions, this is a reference to this document and the appendices thereto.

### **PART III. EXPLANATION OF THE TENDER SPECIFICATIONS, AMENDMENT OR SUPPLEMENTATION OF THE TENDER SPECIFICATIONS**

- 3.1. Explanations of Tender Specifications  
The Contracting Entity shall provide explanations of Tender Specifications in accordance with the provisions of Section 98 of the Act. The Contracting Entity shall publish explanations of Tender Specifications for the below-threshold public contract a minimum of 4 business days prior to the deadline for the submission of tenders.
- 3.2. Amendment or supplementation of the Tender Specifications  
The Contracting Entity may amend or supplement the tender conditions contained in the Tender Specifications before the deadline for the submission of tenders in accordance with the provisions of Section 99 of the Act. An amendment or supplementation of the Tender Specifications shall be published or reported to Suppliers in the same way as a tender condition which has been amended or supplemented.

- 3.3. An Supplier may ask the Contracting Entity for a written explanation of the Tender Specifications. A written request must be delivered to the contacts of the Contracting Entity specified above (to the e-mail address of the contact person) or via the E-ZAK electronic tool (accessible at <https://zakazky.vsb.cz/vz00002544>). A written request must be delivered to the Contracting Entity not later than 3 business days before the passing of the deadline according to paragraph 3.1 of the Invitation.
- 3.4. Since the entire Invitation is freely-accessible in the Contracting Entity's profile, the Contracting Entity does not know and has no way of knowing which Suppliers used unlimited remote access to the Invitation, and therefore has no way of knowing all addresses to which it should provide an explanation. However, the Contracting Entity invariably publishes explanations, and the precise wording of the request, in the Contracting Entity's profile. **For these reasons, the Contracting Entity recommends that all Suppliers regularly monitor the Contracting Entity's profile.**

#### **PART IV. THE CONTRACTING ENTITY'S REQUIREMENTS FOR FULFILLMENT OF QUALIFICATIONS**

Participants must fulfill the following qualification requirements and qualification criteria, as set out by the Act and by the Contracting Entity. Requirements for proving qualification and technical qualification are set out in this article of the Invitation.

##### **4.1. Basic eligibility according to Section 74 of the Act:**

###### **4.1.1. An Supplier is **not** eligible when**

- a) it has been finally convicted in the country of its registered office of a crime specified in Annex 3 to this Act, or a similar crime according to the law of the country of the registered office of the Supplier, in the five years directly preceding the initiation of procurement procedure; a spent conviction is not taken into consideration,
- b) has a tax arrears recorded in the tax records in the Czech Republic or in the country of its registered office,
- c) has an arrears due on insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office,
- d) has an arrears due in the Czech Republic or in the country of its seat on insurance premiums or penalties for social security and contributions to the state employment policy,
- e) is in liquidation (Section 187 of the Civil Code), a bankruptcy decision has been handed down against it (Section 136 of Act No. 182/2006 Coll. on bankruptcy and procedures for handling it (the Insolvency Act), as amended, receivership has been imposed on it according to other legal regulation (for example, Act No. 21/1992 Coll. on banks, as amended, Act No. 87/1995 Coll. on credit unions and certain related measures and on the amendment of Act of the Czech National Council No. 586/1992 Coll. on income taxes, as amended, Act No. 363/1999 Coll. on insurance and amending certain other related acts), or it in a similar situation according to the legal order of the country of the registered office of the Supplier.

###### **4.1.2. If the Supplier is a legal person, that legal person and, at the same time, each member of the governing body must fulfill the condition set out in subparagraph 4.1.1(a) of the Invitation. If a legal person is a member of the governing body, the condition set out in subparagraph 4.1.1(a) of the Invitation must be satisfied by:**

- a) that legal person,
- b) each member of the governing body of that legal person; and
- c) the person representing that legal person in the governing body of the Supplier.

4.1.3. If a branch of the enterprise participates in the procurement process

- a) of a foreign legal person participates in procurement procedure, that legal person and, at the same time, the head of the branch of the enterprise must fulfill the condition set out in subparagraph 4.1.1(a) of the Invitation,
- b) of a Czech legal person participates in procurement procedure, the persons specified in subparagraph 4.1.2 and the head of the branch of the enterprise must fulfill the condition set out in subparagraph 4.1.1(a) of the Invitation.

4.1.4. Proving basic eligibility

**In accordance with the provisions of the third sentence of Section 53(4) of the Act, the Supplier proves fulfillment of the conditions of basic qualification by submitting a solemn declaration**, whereby a specimen solemn declaration constitutes Appendix 4 to these Invitation.

Documents which prove **basic qualification according to Section 74 of the Act** must prove fulfillment of the required criterion of qualification **not later than within the period of 3 months prior to the date of commencement of procurement procedure.**

4.2. **Professional eligibility according to Section 77 of the Act**

The Contracting Entity requires proof of professional eligibility according to Section 77 of the Act; i.e., that an Supplier that submits an **Extract from the Commercial Register** (Section 77(1) of the Act) or other equivalent records, when other legal regulations requires entry in such records, is qualified.

The Supplier need not submit the document specified above if the legal regulations in the country of its registered office do not require equivalent professional eligibility.

4.3. **Technical qualification according to Section 79 of the Act**

In order to prove fulfillment of the Supplier's technical qualification, the Contracting Entity requires:

- a) In accordance with the provisions of **Section 79(2)(b) of the Act, the submission of a list of significant supplies provided in the last 3 years** prior to the commencement of the procurement procedure, including the price and period of their provision and identification of the client.

**The minimum level** for meeting this technical qualification criterion is defined by the contracting authority as the submission of **at least 1 delivery, the subject of which was the supply of a QKD system, while the financial value of this delivery was at least CZK 2 million without VAT.**

To prove this technical qualification criterion, the Contractor may use the sample list of supplies provided, which is Annex 5 to this Call. The list must also include contact details of a person who can confirm the provision of the supplies in question.

To prove compliance with this technical qualification criterion, the contractor may, pursuant to Section 79 of the Act, the services he provided were:

- i. together with other suppliers, to the extent that it has participated in the performance of the services, or
  - ii. as a subcontractor, to the extent that it participated in the performance of the service.
- b) In accordance with the provisions of **Section 79(2)(k) of the Act, the submission of a description of the products intended for supply (QKD system)** from which it is clear the performance tendered meets the parameters required by the Contracting Entity; this the Supplier shall do by completing, in full, Appendix 1 to the Tender Documentation and by providing a technical description of the product (QKD system) from which it will be clear at least the manufacturer and the type designation of the offered equipment (e.g. technical sheet, catalogue sheet or other suitable form).

The Contracting Entity does not permit substitution of the documents which prove fulfillment of technical qualification specified above with a solemn declaration from which the information decisive for evaluation of fulfillment of the required qualification is not clear.

#### **PROVING QUALIFICATION AND SUBMITTING DOCUMENTS:**

- 4.4. **In accordance with the provisions of the sixth sentence of Section 53(4) of the Act, Suppliers shall submit documents of qualification in tenders as copies and may substitute them with a written solemn declaration or a European Single Procurement Document according to Section 87 of the Act.** The Contracting Entity may, in the course of procurement procedure, demand the submission of the originals or officially-authenticated copies of those documents.
- 4.5. Before entering into a contract, the Contracting Entity may demand that the selected Supplier submit the originals or authenticated copies of documents of qualification, if these have not already been submitted during procurement procedure.
- 4.6. If the contracting authority requires the submission of a document and the supplier is unable to submit the required document for reasons beyond his control, he is entitled to submit another equivalent document.
- 4.7. If the Act or the Contracting Entity requires the submission of a document according to the legal order of the Czech Republic, the Supplier may submit an equivalent document according to the legal order of the state in which such document is issued. A document written in a language other than a language which the Contracting Entity has specified for the submission of the tender is submitted together with a translation into a language specified by the Contracting Entity. Where the Contracting Entity has doubts as to the accuracy of the translation, it may demand the submission of a certified translation of the document by a translator listed in the register of experts and interpreters. A document in the Slovak language and a document regarding education in the Latin language are submitted without translation. If a required document is not issued according to the relevant legal order, it may be substituted with a written solemn declaration.
- 4.8. An Supplier may fulfill the obligation to submit a document with a link to the corresponding information maintained in the public administration information system or in a similar system maintained in another Member State which facilitates unrestricted remote access. Such link must contain an Internet address and data with which to log in and search for the required information, if such data are required.
- 4.9. If such qualification was attained abroad, it is to be proven by documents issued pursuant to the legal order of the country in which it was attained to the extent required by the Contracting Entity.
- 4.10. In the case of the joint participation of Suppliers, basic qualification and professional qualification are proven according to paragraph 4.2. of the Invitation by each Supplier separately, the other parts of qualification and eligibility jointly.
- 4.11. An Supplier may prove the technical qualification required by the Contracting Entity **through other persons**. In such case, the Supplier is, in accordance with the provisions of Section 83(1) of the Act, under obligation to submit to the Contracting Entity:
- a) documents proving fulfillment of professional qualification according to Section 77(1) of the Act by another person,
  - b) documents proving fulfillment of the lacking parts of qualification through another person,
  - c) documents of fulfillment of basic qualification according to Section 74 by another person; and
  - d) a contract or confirmation, signed by the other person, of its existence the content of which is the commitment of the other person to provide performance intended for the performance of the public contract or for the provision of a thing or rights with which the Supplier shall be authorised to have disposal of in the performance of the public contract, **at least to the extent in which the other person has proven qualification on behalf of the Supplier.**
- 4.12. An Supplier may, when proving fulfillment of qualification, submit to the Contracting Entity an excerpt from the List of Approved Suppliers according to Section 228 of the Act. Should an Supplier submit to the Contracting Entity an excerpt from the List of Approved Suppliers, such excerpt replaces a document which proves:

- a) professional eligibility according to Section 77 of the Act to the extent that the data in the excerpt from the List of Approved Suppliers prove fulfillment of the criteria of professional qualification; and
- b) basic eligibility according to Section 74 of the Act.

The Contracting Entity is under obligation to accept an excerpt from the List of Approved Suppliers if that excerpt from the List of Approved Suppliers was issued less than three months before the final date on which basic eligibility or professional eligibility is to be proven. The Contracting Entity need not accept an excerpt from the List of Approved Suppliers which indicates the initiation of procedure according to Section 231(4) of the Act..

As with an excerpt from the List of Approved Suppliers, the Supplier may prove qualification with an attestation that originates in another Member State in which the Supplier has its registered office, whereby such attestation must be the equivalent of an excerpt from the List of Approved Suppliers.

- 4.13. In the case that the supplier submits to the contracting authority a certificate issued within the system of certified suppliers according to § 233 et seq. of the Act, replaces this certificate to the extent of the data specified in it proving the fulfillment of the qualification by the supplier.

As with a certificate, the Supplier may prove qualification with an attestation that originates in another Member State in which the Supplier has its registered office, whereby such attestation must be the equivalent of a certificate from the System of Certified Suppliers.

## **PART V. SUBMITTING OFFERS**

- 5.1. **Where to submit offers** - Offers must be submitted in electronic format via the E-ZAK electronic tool, accessible at <https://zakazky.vsb.cz>. The URL of the public contract is: <https://zakazky.vsb.cz/vz00002544>.
- 5.2. **The Contracting Entity has set the deadline for the submission of offers at 10:00 a.m. on 11. 12.2024.** If an offer is submitted following the deadline specified in the preceding sentence, the Contracting Entity's electronic tool will not accept the offer.
- 5.3. All terms and conditions and information to concern the electronic tool, including information on the use of an electronic signature, are/is available in the user guide and the electronic signature manual at:  
<https://zakazky.vsb.cz/manual.html> (particularly in the document Contractor User Guide, "Contractor sign-up" and "Electronic bids and participation requests").  
Technical support of the operator of the E-ZAK electronic tool - tel.: +420 538 702 719, e-mail: [podpora@ezak.cz](mailto:podpora@ezak.cz), web: <https://www.ezak.cz/>.
- 5.4. A supplier may submit only one offer.

## **PART VI. METHOD OF EVALUATING OFFERS ACCORDING TO EVALUATION CRITERIA**

- 6.1. Offers shall be evaluated according to their **value for money**. The value for money of offers shall be evaluated according to the **lowest offer price**. The offer price which is the lowest of all evaluated offers shall be deemed the best.
- 6.2. The decisive factor when evaluating the offer price is the **total amount in CZK not including VAT** for the entire subject-matter of performance of the public contract specified in the Draft Contract (paragraph VII.(1) of this Invitation). Offers shall be ordered in ascending order from the lowest offer price to the highest offer price.

## **PART VII. REQUIREMENTS ON THE METHOD OF COMPILING THE OFFER PRICE**

- 7.1. The total offer price shall be set as the total price for the entire subject-matter of performance requested by the Contracting Entity in these Tender Specifications. The total offer price shall be stated in the Draft Contract (see Appendix 2 to this Invitation).
- 7.2. The offer price shall be stated in Czech currency and separated as follows: offer price not including value added tax (VAT), VAT, and total offer price including VAT.
- 7.3. The total offer price, formulated as above, shall be stated in the cover sheet for the offer - see Appendix 3 to this Invitation. Where the offer price specified in the Draft Contract of Purchase and in the cover sheet do not match, the offer price stated in the Draft Contract of Purchase stands.
- 7.4. The offer price shall be set as the "maximum possible" price and must include therein all costs associated with the full execution of the subject-matter of the public contract.
- 7.5. The estimated value of the public contract (CZK 4.720.700,-Kč not including VAT) is the maximum and may not be exceeded by the offers submitted by the participants. Where a participant's offer exceeds the estimated value, this is sufficient to disqualify the participant from this procurement procedure.

## **PART VIII. COMMERCIAL TERMS AND CONDITIONS INCLUDING PAYMENT TERMS**

As part of this Invitation, the Contracting Entity presents commercial terms and conditions including payment terms, which are binding for the performance of the public contract in question, in the form of a binding Draft Contract of Purchase (hereinafter referred to as the "Draft Contract"), within the meaning of Section 37(1)(c) of the Act. The Draft Contract constitutes Appendix 2 to this Invitation.

The Draft Contract defines the future framework of the contractual relationship. The written Draft Contract must honour the text of the Invitation or other documents which contain a definition of the subject-matter of the public contract. **The written Draft Contract must fully honour the text of the commercial terms and conditions, which constitute Appendix 2 to this Invitation, and may not diverge from them (the participant merely completes the designated parts of the Draft Contract, as the case may be according to notes, and merely modifies the Draft Contract in the appropriate way to this extent.** Failure to fulfill this condition is deemed to be breach of the tender conditions, resulting in the disqualification of the participant from further participation in the procurement procedure. The information stated in the Draft Contract may not diverge from the information stated in other parts of the participant's tender. In the case of divergence, the written Draft Contract is invariably decisive.

## **PART IX. REQUIREMENTS FOR ALTERNATIVES**

The Contracting Entity does not permit any alternative solutions.

## **PART X. OTHER REQUIREMENTS ON THE SELECTED SUPPLIER**

- 10.1. In accordance with the provisions of Section 122(3) of the Act, the Contracting Entity **shall send the selected Supplier a call to submit:**
  - a) documents regarding its qualification which the Contracting Entity requested and does not have at its disposal, including documents according to Section 83(1) of the Act; where the Contracting Entity does not proceed according to Section 122(4)(b) of the Act, documents of basic qualification must prove fulfillment of the required criteria of qualification at the time according to Section 86(3) of the Act,
  - b) documents or samples whose submission is a condition for the conclusion of a contract, if the Contracting Entity has proceeded according to Section 104 of the Act and does not have them at its disposal,

- c) documents according to Section 85(1), if the Contracting Entity has requested them and does not have them at its disposal.
- 10.2. The Contracting Entity may state in the call according to the preceding paragraph that the selected Supplier must submit:
  - a) originals or officially-authenticated copies of the documents according to the preceding paragraph,
  - b) documents of basic qualification according to Section 74 of the Act which prove fulfillment of the required criteria of qualification following delivery of the call according to the preceding paragraph, or
  - c) a written solemn declaration that the information decisive for evaluation of fulfillment of qualification contained in documents according to the preceding paragraph which the Contracting Entity has at its disposal has not changed, or new documents, if the decisive information in those documents has changed.
- 10.3. If the selected Supplier is a Czech legal person, the Contracting Entity shall ascertain information about its beneficial owner according to Act No. 37/2021 Coll. on the register of beneficial owners, which regulates the register of beneficial owners (hereinafter referred to as the "Beneficial Owner"), from the register of beneficial owners according to that same act (hereinafter referred to as the "Register of Beneficial Owners").
- 10.4. If the selected Supplier is a foreign legal person, the Contracting Entity shall also call for the submission of an excerpt from the foreign register equivalent to the Register of Beneficial Owners, or, if no such register exists,
  - a) for communication of the identification data of all persons who are its Beneficial Owner; and
  - b) for the submission of documents from which the relationship of all persons according to point a) to the Supplier is clear; such documents are, in particular
    - an excerpt from a foreign register equivalent to the Register of Beneficial Owners,
    - a list of shareholders,
    - the decision of the governing body on the payment of a share in profit,
    - the Memorandum of Association, Deed of Incorporation, or Articles of Association.
- 10.5. The Contracting Entity disqualifies the selected Supplier,
  - a) if it is a Czech legal entity that has a real owner, if it was not possible to find out information about its real owner from the records of real owners in accordance with the provisions of Section 122, paragraph 5 of the Act; the entry made available in the register of real owners after the notification of the supplier's exclusion has been sent is not taken into account,
  - b) if it has failed to submit information, documents, or samples according to the provisions of Section 122(3), (4) or (6) of the Act; or
  - c) when the result of tests of samples does not match the tender conditions (if relevant).
- 10.6. The Contracting Entity verifies whether the grounds exist for disqualifying the selected Supplier according to the provisions of Section 48(7) of the Act on the basis of the information contained in the Commercial Register. Should it emerge from the information contained in the Commercial Register that the grounds exist for disqualification according to Section 48(7) of the Act, the Contracting Entity shall disqualify the participant in the procurement procedure from the procurement procedure.
- 10.7. The Contracting Entity shall ask a selected Supplier having its registered office abroad which is a joint stock company (akciová společnost) or which has a legal form that is equivalent to a joint stock company (akciová společnost) to submit within a reasonable time limit a written solemn declaration about persons that own shares the aggregate par value of exceeds 10% of the registered capital of the participant in the procurement procedure, stating the source from which the data on the size of the stake of shareholders comes; this request is deemed to be a request according to Section 46 of the Act.



## PART XI. TERMS AND REQUIREMENTS ON COMPILING AN OFFER

- 11.1. A participant shall state in its offer its own identification data: trade name, registered office/place of business/place of residence, name of the person authorised to act on behalf of the participant, Company Number, Taxpayer Identification Number, telephone number, e-mail address - see Appendix 3 to this Invitation.
- 11.2. A participant shall submit in its offer a Draft Contract signed by a person authorised to act in the name of or on behalf of the participant. If the Draft Contract is signed by an authorised person, the participant's tender must also include the relevant valid power of attorney (it is sufficient to submit a simple copy of power of attorney).
- 11.3. **The offer shall also include other documents required by law and by the Contracting Entity, including documents and information proving fulfillment of qualification.**
- 11.4. In accordance with the provisions of Section 105(1)(b) of the Act, the Contracting Entity requires the submission of **a list of the subcontractors that will participate in the performance of the public contract** (a specimen is found in Appendix 5 to this Invitation). A participant shall state all subcontractors in the list and state the part of the public contract which each of the subcontractors will perform.
- If the Supplier intends to perform the subject-matter of the public contract on its own, it shall state this in its tender in the form of a solemn declaration and shall not complete the appendix.
- 11.5. **The tender shall be translated into the Czech or English language.** For documents and instruments submitted in a language other than the Czech or English language, a translation thereof into the Czech or English language must be appended. The obligation to append a translation into the Czech or English language does not apply to documents in the Slovak language and to documents regarding education in the Latin language.
- 11.6. A participant's tender may not contain erasures or corrections which could mislead the Contracting Entity.
- 11.7. **The Contracting Entity recommends (but does not insist) that participants use the following order of documents (content) in their offer:**
- 1) **Cover sheet of the offer** (Appendix 3 to this Invitation may be used), containing the identification data of the participant and the signature of the authorised person (persons) of the Supplier, as the case may be other information required by the Contracting Entity.
  - 2) **Documents to prove fulfillment of qualification** (see part IV. of the Invitation):
    - **Basic eligibility**
    - **Professional eligibility**
    - **Technical qualification**
  - 3) **A properly completed and signed Draft Contract** (see Appendix 2 to this Invitation), **including appendices,**
  - 4) **List of subcontractors,** or declaration of not using subcontractors,
  - 5) **Solemn declaration** (see Appendix 7 to the Invitation),
  - 6) Other documents at the discretion of the participant (for example, contract for the formation of a grouping, information about subcontractors).
- 11.8. The participant alone is responsible for the completeness of the content of the offer - the listing of documents in this article of the Invitation is merely designed to make it easier for the participant to orientate itself when assembling the tender - if a document is not stated in this listing, but the obligation to submit it in the offer ensues from the tender conditions or from the law, a participant may not divest itself of responsibility for the fact that the content of the tender is incomplete by making reference to this list of documents.

- 11.9. In accordance with the provisions of Section 45(4) of the Act, the Supplier may fulfil the obligation to submit a document with a link to the corresponding information maintained in the public administration information system or in an equivalent system maintained in another Member State which facilitates unrestricted remote access. Such link must contain an Internet address and data with which to log in and search for the required information, if such data are required.
- 11.10. A Supplier that has submitted an offer in the procurement procedure may not at the same time be a person through which another Supplier proves qualification in the same procurement procedure. The cover sheet of the offer shall include the declaration of the Supplier that it is not a subcontractor through which another Supplier proves qualification in the same procurement procedure.
- 11.11. If the supplier submits several offers separately or together with other suppliers or has submitted an offer and is at the same time the person through whom another participant in the procurement procedure proves his qualifications in the same procurement procedure, the contracting authority excludes such a participant in the procurement procedure.
- 11.12. The Contracting Entity requires that in the case of a joint offer by multiple Suppliers, a written document signed by all Suppliers (for example, a contract) is submitted from which the division of responsibilities for the performance of the public contract is clear. The Contracting Entity requires that all Suppliers submitting a joint offer bear responsibility jointly and severally.

## **PART XII. EXTREMELY LOW OFFER PRICE**

- 12.1. The Contracting Entity reserves the right to judge (via an evaluation committee) whether the offers submitted by participants contain an extremely low offer price, in accordance with Section 113 of the Act.
- 12.2. The Contracting Entity does not set a precise algorithm for the determination of an extremely low offer price according to Section 113(2) of the Act, but reserves the right to judge an offer price or costs as extremely low even in the cases not specified in Section 113(2) of the Act.

## **PART XIII. OTHER ARRANGEMENTS**

- 13.1. The Contracting Entity shall not pay to participants the costs incurred from their participation in the procurement procedure.
- 13.2. Opening offers - In accordance with the provisions of Section 109(1) of the Act, offeres are opened after the passing of the deadline for submitting offeres. In light of the fact that offeres shall only be submitted in electronic format, there shall be no public opening of offeres.
- 13.3. By submitting an offer, the Supplier gives the Contracting Entity consent to open and verify the data stated in offeres. The Contracting Entity shall disqualify a participant from the procurement procedure in the case that the participant states false data in its offer.
- 13.4. **The Contracting Entity reserves the right, according to the provisions of Section 53(5) of the Act, to announce the disqualification of a participant in the procurement procedure or to announce the selection of an Supplier in the Contracting Entity's profile. In such case, announcement is deemed to have been delivered to all participants in the procurement procedure at the instant of publication thereof.**
- 13.5. The Contracting Entity makes it known that the selected Supplier is a person obliged to cooperate in the execution of financial control according to Section 2(e) of Act No. 320/2001 Coll. on financial control in public administration, as amended.

#### **PART XIV. INFORMATION ON PERSONAL DATA PROCESSING**

- 14.1. The Contracting Entity, in the position of personal data controller, hereby informs the participants in the procurement procedure of the processing of personal data for the purposes of conducting the procurement procedure according to the Act within the meaning of Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as "GDPR").
- 14.2. As part of conducting the procurement procedure, the Contracting Entity might process the personal data of Suppliers and their subcontractors (entrepreneurs - natural persons), members of governing bodies and contact persons of Suppliers and their subcontractors, persons through which an Supplier proves its qualification, members of the Supplier's implementation team, and the Supplier's Beneficial Owner(s).
- 14.3. The Contracting Entity shall process personal data solely to the extent necessary to conduct the procurement procedure and only for the period defined by legislation, and in particular by the Act. Data subjects are authorised to exercise their rights under Article 13 through 22 GDPR in writing, whereby they shall address these to the Contracting Entity's registered office.

#### **PART XV. SOCIAL RESPONSIBILITY, INTERNATIONAL SANCTIONS, CONFLICT OF INTERESTS**

- 15.1. In accordance with the provisions of Section 6 of the Act, the Contracting Entity considered the possible impact on social spheres before initiating the procurement procedure. The Contracting Entity demands that an Supplier solemnly declare in its offer (specimen declaration found in Appendix 7 to this Invitation) that it shall ensure, for the entire duration of implementing the subject-matter of the public contract:
  - the fulfillment of all obligations arising from the legal regulations of the Czech Republic, in particular from labour regulations, regulations from the sphere of employment and occupational health and safety, vis-à-vis all persons that are involved in the performance of the subject-matter of the public contract; it shall ensure that its subcontractors also fulfil these obligations,
  - the arrangement of and adherence to contractual terms and conditions with/by its subcontractors which are comparable to the terms and conditions arranged in the contract for the public contract, at a minimum in terms of the size of contractual penalties;
  - the due and timely fulfillment of financial obligations to its subcontractors, in that due and timely fulfillment is deemed to be the full payment of invoices issued by subcontractors for performance duly provided in relation to the performance of the public contract within the arranged terms and entirely in accordance with the contractual terms and conditions of the contractual relationship entered into with the subcontractor;
  - that, during the performance of the public contract, environmental impacts are minimised, in particular by sorting waste, saving energy, and respecting sustainability or the possibilities of the circular economy.
- 15.2. In light of the impact of international sanctions on the sphere of public contracts, the Contracting Entity requires that the Supplier solemnly declare in its offer that no international sanctions impact on the Supplier according to Act No. 69/2006 Coll. on carrying out international sanctions, as amended (specimen declaration found in Appendix 7 to this Invitation), in particular, although not restricted to, that, within the meaning of Council Regulation (EU) No 269/2014 and its implementing regulations, no funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural persons or natural or legal persons, entities or bodies associated with them listed in Annex I of Council Regulation (EU) No 269/2014, as amended.

15.3. The Contracting Entity is, according to Section 4b of Act No. 159/2006 Coll. on conflicts of interests, as amended (hereinafter referred to as "ZSZ"), prohibited from awarding a public contract to an Supplier that is a business corporation in which a public official specified in Section 2(1)(c) ZSZ or a company which he/she controls owns a stake equalling at least 25% of the participation of the member in the business corporation. For this reason, the Contracting Entity requires that the Supplier solemnly declare that it is not an Supplier to which the prohibition specified in the preceding sentence of this paragraph of the Invitation would apply (specimen declaration found in Appendix 7 to this Invitation).

## **PART XVI. PŘÍLOHY VÝZVY**

Appendix 1	Technical specifications
Appendix 2	Commercial terms and conditions
Appendix 3	Cover sheet of the offer (specimen)
Appendix 4	Specimen solemn declaration to prove basic eligibility
Appendix 5	List of significant deliveries form
Appendix 6	List of subcontractors
Appendix 7	Solemn declaration

In Ostrava

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