

**PROCUREMENT DOCUMENTS
TO THE ABOVE THRESHOLD PUBLIC CONTRACT FOR SUPPLIES AWARDED IN
AN OPEN PROCEDURE**

**under Section 56 of Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter the “Act”)**



EUROPEAN UNION
European Structural and Investment Funds
Operational Programme Research,
Development and Education



MINISTRY OF EDUCATION,
YOUTH AND SPORTS



EuroHPC
Joint Undertaking

The acquisition and operation of the EuroHPC supercomputer is funded jointly by the EuroHPC Joint Undertaking, through the European Union's Connecting Europe Facility and the Horizon 2020 research and innovation programme, as well as Czech Republic.

The supercomputer is also supported by the project „IT4Innovations national supercomputing center - path to exascale“ (CZ.02.1.01/0.0/0.0/16_013/0001791), funded by European Structural and Investment Funds as well as Czech Republic.

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1 IDENTIFICATION INFORMATION OF THE CONTRACTING AUTHORITY

I.

Name of the Contracting Authority	VSB – Technical University Ostrava
Registered office	17. listopadu 2172/15, 708 00 Ostrava-Poruba, CZ
Corporate ID	61989100
Person authorised to act on behalf	prof. RNDr. Václav Snášel, CSc. – Rector
Contact person	Ing. Jan Juřena, e-mail jan.jurena@vsb.cz
Profile of the contracting authority (hereinafter “VSB – Technical University Ostrava”)	https://zakazky.vsb.cz/

II.

Name of the Contracting Authority	The European High-Performance Computing Joint Undertaking
Registered office (hereinafter “EUROHPC JU”)	12, Rue Guillaume J. Croll, L-1882 Luxembourg, LUX

(VSB – Technical University Ostrava and EuroHPC JU hereinafter jointly as the “Contracting Authority”)

According to Section 8 of the Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter the “Act”), the Contracting Authority launches a joint public procurement procedure for the acquisition, delivery, installation and maintenance of a petascale supercomputer in the Czech republic IT4Innovtaions – National Supercomputing Center.

VSB – Technical University Ostrava is "the lead contracting authority" and the only contact point between the Contracting Authorities and economic operators for the purposes of the procurement.

2 IDENTIFICATION INFORMATION OF THE PROCUREMENT PROCEDURE

Public contract	EURO_IT4I Supercomputer
TED reference number of the procurement	Z2019-021999
File number	9600/2019/01
Type of public contract	supplies

The contracting authority, under Section 4 (1 e) of Act, hereby awards the above threshold public contract for supplies, consisting of the supply of petascale supercomputer system for IT4Innovations.

The Contracting Authority is not contractually represented in the tender procedure for performance of awarding activities under Section 43 of the Act.

Under Section 36 (4) of the Act, the Contracting Authority declares that the procurement documents was not prepared by an entity different from the Contracting Authority.

2.1 Protection of Confidential Information and Proposed Solutions by Participants in the Procurement Procedure

The Contracting Authority will maintain confidentiality of all information or documents provided by an invited participant, if it was designated as confidential when provided; this does not affect protection of personal and other data in compliance with applicable legal regulations.

The Contracting Authority is authorised to make the proposed solutions and confidential information available only when it received a prior written consent of the invited participant which proposed the solution or to which such information relates. In other cases, the Contracting Authority will provide for the confidentiality of proposed solutions or other confidential information disclosed by an invited participant in the procurement procedure.

3 PRELIMINARY MARKET CONSULTATIONS

Under Section 33 of the Act, the Contracting Authority initiated preliminary market consultations to this procurement procedure (hereinafter the “PMC”) by an announcement of the Call to Participate in a Preliminary Market Consultation on the contracting authority profile on 1st June 2019.

The Contracting Authority conducted the PMC with an objective of verifying the information on the subject matter of the public contract from publicly available sources or sources otherwise available to the Contracting Authority and preventing a situation in which it would set the tender conditions in discriminatory, inadequate manner or in a manner not standard on the particular market for the following reason:

- Verification of the specification of the subject matter of the public contract and procurement conditions so that best suit to the needs of the Contracting Authority and concurrently possibilities of the market;
- Identification of possible alternative methods to meet the needs of the Contracting Authority;
- Increase in the awareness of the Contracting Authority on the subject matter of the public contract and current possibilities of the market or potential specific conditions of performance from the perspective of economic operators.

In the initiation round of the PMC, the Contracting Authority provided the economic operators with a general idea of the subject matter of performance under the public contract primarily to cover realistic options for meeting the needs relating to the purchase of the subject matter of this public contract. Underlying documents provided to the economic operators were published on the Contracting Authority’s profile at: https://zakazky.vsb.cz/contract_display_271.html.

The Contracting Authority consequently conducted the PMC in three rounds in a written form and pursuant to proposals, comments and observations and given the detailed specification of needs in relation to the subject matter of the public contract, it made partial adjustments to technical parameters of the petascale supercomputer system (i.e. technical conditions of participation).

In the fourth round of the PMC the Contracting Authority provided all the economic operators who filed their proposals of solutions in the initiation round of the PMC with the revised requirements for the subject matter of the public contract. The manner of processing of the provided material marked as “Technical requirements specification for EURO_IT4I system” was consistent with the idea of the Contracting Authority about determination of technical conditions of the assignment and it was presented to be part of the final technical conditions for participation in the subsequent procurement procedure in a similar form.

Subsequently, petascale supercomputer proposals provided by the PMC participants in the fourth round of the PMC were separately discussed within personal negotiations with all the economic

operators. Personal negotiations conducted during the 4th round of the PMC resulted in the final form of the technical conditions of the assignment consisting mainly in the determination of the minimum performance parameters of the petascale supercomputer system.

3.1 Marking of the Information resulting from the PMC

Using the information obtained during the PMC, the Contracting Authority adjusted technical conditions of the specification in the “Technical requirements specification for EURO_IT4I system” document:

1st round of the PMC:

- Adjusted memory requirement for Universal compute nodes (RAM capacity per CPU core).
- Adjusted memory requirement for Accelerated compute nodes (RAM capacity per node).
- Adjusted Data analytics compute partition’s LINPACK performance requirement.
- Defined storages’ independency and sharing requirements.
- Defined physical servers for Login nodes requirement.
- Defined operating system requirement for all servers.

2nd round of the PMC:

- Clarified processor requirements for Universal compute partition.
- Defined processor PCIe gen 4 requirement for Universal compute partition.
- Clarified, that Quantum Computing Simulator is not a part of delivery.
- Defined memory coherency requirement for Data analytics compute partition.
- Defined dynamic routing requirement for Compute network.
- Adjusted performance and design requirements for SCRATCH storage.
- Stated expected performance, design, and features for PROJECT storage expansion.
- Defined more detailed requirements for HOME and INFRA storages – POSIX functionality, redundancy, high availability, architecture, device independency/sharing.
- Defined basic servers’ local disk equipment requirement.
- Defined basic bandwidth requirements for LAN infrastructure.
- Defined key features and protocols requirements for LAN infrastructure.
- Defined requirement for ticketing system used for warranty, support, and implementation.
- Defined requirement for PBS Pro compatible scheduler.

3rd round of the PMC:

- Defined requirement for diskless solution of Universal compute partition.
- Removed processor PCIe gen 4 requirement for Universal compute partition.
- Adjusted connection of Accelerated compute nodes to Compute network (dual-rail).
- Defined GPUs requirements for Accelerated compute partition.
- Defined processor PCIe gen 4 requirement for Accelerated compute partition.

- Asked for NUMA characteristics of proposed Data analytics compute partition.
- Defined basic network requirement for Cloud infrastructure compute partition.
- Adjusted Compute network requirements (minimal latency stated, GPU RDMA support omitted).
- Adjusted performance and design requirements for SCRATCH storage (lower minimal performance).
- Adjusted performance requirements and design for PROJECT storage (defined required connections and expected performance).
- Defined requirement that HOME and INFRA storage are flash based.
- Rewritten (for readability and consistency) and adjusted requirements for HOME and INFRA storage - POSIX functionality, redundancy, high availability, architecture, device independency/sharing.
- Defined servers' local disk equipment requirement for Login nodes.
- Defined GPU and local disk equipment requirements for Visualization nodes.
- Clarified requirements for Backup solution.
- Adjusted requirement for ticketing system (API details).

4th round of the PMC:

During the previous rounds of PMC, the draft of technical specification has been prepared. The draft of technical specification consisted of detailed description of the technical requirements and the Contracting Authority's infrastructure.

- Defined Compute network characteristics/requirement based on bisection bandwidth metric.
- Adjusted performance and number of sockets requirement for Data analytics compute partition.
- Defined detailed requirements for Integration into Data Center.

Adjustment of the technical requirements based on the personal negotiation within the 4th round of the PMC:

- Adjusted minimal LINPACK performance of Compute partitions to meet financial scope.
- Adjusted performance and number of sockets requirement for Data analytics compute partition.
- Redefined Compute network requirements based on topologies and their characteristics, adjusted Compute network requirements (removed dynamic routing requirement).
- Adjusted connection of Accelerated compute nodes to Compute network (quad-rail).
- Removed PROJECT storage expansion part of procurement.
- Adjusted requirements for Integration into Data Center (cooling connection and load distribution, MaR integration).
- Clarifications of requirements for better understanding and accuracy.

All inputs of the Contracting Authority are listed in Annex 10 to this procurement documents. The appended materials indicate all changes in procurement conditions made using the data obtained from the PMC. The Contracting Authority does not provide specific technical proposals of solutions

or any indicative price bids of participants in the PMC in order to maintain equal rules of competition, trade secret, and personal data protection in line with applicable legal regulations.

3.2 Entities which Participated in the Preliminary Market Consultation

Name: Atos IT Solutions and Services, s.r.o.

Registered office: Doudlebská 1699/5, 140 00 Praha 4

Corporate ID: 44851391

Name: Cray Computer GmbH

Registered office: Hochbergerstrasse 60C, 4057 Basel, Switzerland

Corporate ID: -

Name: HEWLETT-PACKARD s.r.o.

Registered office: Za Brumlovkou 1559/5, 140 00 Praha 4 - Michle

Corporate ID: 17048851

Name: M Computers s.r.o.

Registered office: B. Smetany 206, 380 01 Dačice

Corporate ID: 26042029

4 DEFINITION OF THE SUBJECT MATTER OF THE PUBLIC CONTRACT

4.1 Description of the Subject matter of the Public Contract

VSB – Technical University Ostrava is building a supercomputer centre, unique in the Czech Republic, in the “IT4Innovations National Supercomputer Centre – Path to exascale” project financed in the Operational Programme Research, Development and Education. This IT4Innovations National Supercomputer Centre works on an excellent scientific research in high tech performance computing and embedded computing systems having benefits for the industry. It operates state of the art technologies and services in high tech performance computing and makes them available to Czech and foreign research teams from both academia and the industry. The task of IT4Innovations is to improve the quality of life, competitiveness of the academic and industrial sector and promote productive interconnection of high-performance computing (HPC) with other scientific and technical disciplines using research, knowledge and infrastructure.

The subject matter of this public contract is modernisation of Contracting Authority’s facilities and equipment through the purchase of a modern petascale supercomputer system EURO_IT4I Supercomputer. The subject matter of the contract is a comprehensive system for complex calculations, i.e. set of computing, storage, network and other systems and software solution. The solution will use modern technologies and will provide efficient and available services. The Contracting Authority expects the use of components of the most recent technology generations and newly launched technologies and their comprehensive interlinkage for provision of advanced services. The contract involves the implementation of the solution, integration in the Contracting Authority’s infrastructure, training, provision of support, maintenance and other services. With respect to a particularly complex subject matter of performance, one or several solutions capable to meet the demands and requirements of the Contracting Authority will be selected and determined during the competitive dialogue.

The subject matter of the public contract will be co-financed from the following projects:

- “IT4Innovations National Supercomputer Centre – Path to exascale” (project ref. no. CZ.02.1.01/0.0/0.0/16_013/0001791) in the Operational Programme Research, Development and Education;

- “IT4Innovations center for European science and industry“ financed from EuroHPC JU¹ in accordance with hosting agreement no. 05/2019.

The public contract is not structured into parts, as it is not desirable to divide the performance given its comprehensive character and potential risks arising from the splitting of the supplied equipment (guarantee of quality, coordination of the assembly etc.) in terms of the legal certainty of the Contracting Authority.

Detailed specification of the subject matter of the public contract is provided in Annex 1: Technical Requirements Specification for EURO_IT4I System and Annex 3: Business Terms and Conditions – Binding Draft Contract of this procurement documents.

Classification of the subject matter of the public contract – CPV codes

- CPV 30211100-2 – Supercomputers
- CPV 48820000-2 – Servers
- CPV 48800000-6 – Information systems and servers
- CPV 51610000-1 – Installation and assembly of computers and data processing devices

4.2 Estimated Value of the Procurement

The value of the procurement is EUR 14,855,000 net of VAT.

The estimated value of the procurement was determined pursuant to the market survey using the data and information on contracts with identical or similar performance and further confirmed with the use of the information obtained during the preliminary market consultation.

The estimated value is additionally determined as a fixed price for purposes of assessment under Section 116 (4) of the Act (for details refer to Article 13 of this procurement documents).

5 TECHNICAL CONDITIONS

The proposed performance must adhere to technical specifications and standards in accordance with Czech technical standards which assume European standards, in accordance with European standards, European technical approvals, technical specifications published in the Official Journal of the European Union, in accordance with Czech technical standards and technical specifications contained in other publicly available documents, commonly applied in professional technical practice.

When the procurement documents and its annexes contain requirements or references to company names, names and surnames, specific labelling of products and services which are typical for a certain business entity or its organisational branch, patents for inventions, industrial designs, trademarks or certified brand of origin, it does not suggest preferences or intentional favouring of these and discrimination of others. The Contracting Authority clearly declares that it will allow the tender of other, equal solution and materials under Section 89 (6) of the Act, for the performance of the public contract, if the economic operator proposes them and meets the requirements of the Contracting Authority for their required quality. If the economic operator offers the use of other solutions similar in terms of quality and technical features with identical or better parameters in terms of quality, it must provably document the meeting of the required minimum parameters. The rules stated in this paragraph will apply even if the Contracting Authority determines technical conditions through a reference to standards or technical documents under Section 90 (1 and 2) of the Act. All names and products used in this procurement documents are an expression of the minimum technical standard.

¹ The EuroHPC Joint Undertaking is a 1 billion Euro joint initiative between the European Union and European countries to develop a World Class Supercomputing Ecosystem in Europe.

By signing the Tender Cover Sheet, the economic operator confirms its consent expressed by filing of the tender with all particulars listed in the procurement documents, confirms that it understood it and the information will be used as a basis for the performance of the subject matter of the public contract and will be used as underlying information for the determination of the tender price. By signing the Cover Sheet, it additionally declares that it read the procurement documents, including all annexes, and accepts all conditions.

Detailed technical conditions, including technical requirements for the subject matter of performance are described in Annex 1: Technical Requirements Specification for EURO_IT4I System, Annex 2: Technical Parameters of the Tender and Annex 3: Business Terms and Conditions – Binding Draft Contract.

The Contracting Authority does not determine special conditions of performance under the public contract, not even in terms of the impact of the subject matter of the public contract on the environment, social implications arising from the subject matter of the public contract, economic issues and innovations.

Based on the technical conditions set by the Contracting Authority, the economic operator has to submit its “Design of Technical Solution” that meets all the requirements of the contracting authority listed in the procurement documents, primarily Annex 1, as well as completely filled Annex 2 to the procurement documents entitled “Technical Parameters of the Tender”.

6 PLACE AND DATE OF PERFORMANCE

6.1 Place of Performance

The place of the performance under the contract is IT4Innovations National Supercomputer Centre, VSB – Technical University Ostrava, Studentská 6231/1B, 708 00 Ostrava-Poruba.

6.2 Time of Delivery

The time of delivery under the public contract is the entire duration of the contract based on which this public contract will be implemented, after it takes effect.

The anticipated time schedule of the public contract and supply of its subject matter is as follows:

Public procurement procedure	04/2020
Contract award	07/2020
Delivery and acceptance	03/2021

7 CONDITIONS FOR QUALIFICATION (PROOF OF QUALIFICATION)

7.1 Introductory Information

In this part of the procurement documents, the Contracting Authority aims to introduce to users a wide range of possibilities of proving qualification in the tender submission stage that may reduce the administrative burden arising from the preparation of relevant documents. The Contracting Authority does not give preference to any of the legally recognised forms of proof of qualification and leaves it up to the economic operators to consider what approach to proving their qualifications they will select. Whether it be a “traditional” form consisting in the submission of documents themselves, or their copies, or use of the below listed legal possibilities for their replacement in the tender submission stage. Further details are provided in paragraph 7.6 of this procurement documents.

Meeting of qualification involves:

- a) Proving basic qualification under Section 74 of the Act;
- b) Proving professional qualification under Section 77 of the Act;
- c) Proving technical qualification under Section 79 of the Act.

7.2 Proving Qualification in an Open Procedure

The economic operator will prove that it fulfils all qualification requirements by submitting the copy of the relevant documents. When conducting the procurement procedure, the Contracting Authority may request the submission of the originals or certified copies of the qualification documents.

According to Section 86 (5) of the Act, documents demonstrating basic qualifications under Section 74 of the Act and professional qualifications under Section 77 (1) of the Act shall demonstrate the fulfilment of the required qualification criterion not later than three months before the date of the commencement of the procurement procedure.

Before the conclusion of the public contract, the Contracting Authority always requests the submission of the originals or certified copies of the qualification documents under Section 86 (3) of the Act, where these have not already been submitted within the procurement procedure.

7.2.1 Submission of Documents

Where a request for submission of the document pursuant to the legal order of the Czech Republic is stipulated in the procurement documents, the economic operator may submit a similar document in accordance with Section 45 (3) of the Act under the legal order of the state where this document is issued²; this document will be submitted along with its translation into the **Czech** language (despite the remaining parts of the tender being submitted in English language). Where the Contracting Authority has doubts regarding the correctness of the translation, it may require the submission of a certified translation of the document into the Czech language made by a court appointed interpreter/translator registered in the list of court appointed experts and interpreters/translators.

A document issued in the English and Slovak language and a certificate of education in the Latin language will be submitted without a translation. Where pursuant to the relevant legal order the required document is not issued, it may be substituted by an affidavit.

The Contracting Authority notifies foreign economic operators, in particular, that they may comply with the duty to submit a document by making a reference to relevant information kept in the public administration information system or in a similar system kept in another Member State that enables unlimited long-distance access (typically, a website link). Such a reference will contain the internet address, credentials and data for the lookup of the requested information, where such data is necessary.

7.2.2 Proving of Qualification Obtained Abroad

Where qualification has been obtained abroad, it will be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting Authority.

7.2.3 Joint Proving of Qualification

In the case of joint participation of economic operators, the basic and professional qualifications under Section 74 of the Act will be proved by each economic operator separately.

In the case of joint participation of economic operators, the basic and professional qualifications under

² Database of documents used to prove qualifications for economic operators from EU member states is available at: <https://ec.europa.eu/tools/ecertis/#/search>.

Section 77 (1) of the Act will be proved by each economic operator separately.

Pursuant to Section 103 (1f) of the Act, the Contracting Authority requests that the economic operators participating jointly demonstrate in their tender joint and several liability for the public contract performance.

7.3 Basic Qualification

The basic qualification is met by a participant in the procurement procedure:

- a) which was not convicted for a criminal act listed in Annex 3 to the Act or similar criminal act according to the legal order of the country of the economic operator's registered office in the past 5 years before the initiation of the procurement procedure; spent convictions will be disregarded; if it is a corporate entity, this assumption must be met both by the corporate entity and each member of the statutory body. If a corporate entity is a member of the statutory body of the economic operator, the above conditions must be met by both the corporate entity and each member of the statutory body of this corporate entity and a person representing this corporate entity in the statutory body of the economic operator.³
- b) which does not have recorded due tax arrears in the Czech Republic or country of its registered office;
- c) which does not have due arrears in health insurance payments or penalty in the Czech Republic or country of its registered office;
- d) which does not have due arrears in social security payments or penalty and contribution to the state employment policy;
- e) which is not in liquidation, no resolution on its bankruptcy was issued, no forced administration was ordered in accordance with another legal regulation or which is not in a similar situation in accordance with the legislation of the country of economic operator's registered office.

The economic operator having its registered office outside the Czech Republic proves the meeting of basic qualification in respect of requirements listed in letters b), c) and d) both in relation to the Czech Republic and the country of economic operator's registered office. It means that it submits the relevant document in accordance with paragraph 5.2.1 of this procurement documents and a similar document issued in the country of its registered office.

7.3.1 Proving of Basic Qualification

The economic operator proves the meeting of conditions of basic qualification in the Czech Republic by submission of copies of

- a) relevant extracts from the Criminal Record of Individuals and Corporate Entities under Section 74 (1a) of the Act;
- b) confirmation by the relevant taxation authority under Section 74 (1b) of the Act;
- c) written affidavit relating to consumer tax under Section 74 (1b) of the Act;
- d) written affidavit under Section 74 (1c) of the Act;

³ If a tender is submitted by a branch of a foreign corporate entity, the above conditions must be met by both the corporate entity and the head of the branch. If a tender is submitted by a branch of a Czech corporate entity, the above conditions must be met, in addition to the above listed persons, by the head of the branch.

- e) confirmation of the relevant district social security administration under Section 74 (1d) of the Act,⁴
- f) Extract from the Register of Companies or submission of a written affidavit if it is not recorded in the Register of Companies, under Section 74 (1e) of the Act;

The Contracting Authority provides economic operators with the possibility to prove basic qualification in the tender only by an affidavit under Section 86 (2) of the Act. An affidavit which may be used to prove the basic qualification is appended as Annex 5 to this procurement documents.

The affidavit must be signed by a statutory body of the economic operator; if signed by another (authorised) person, the original or notarised copy of the authorisation of this person must be part of the documents used by an economic operator to prove its qualification.

7.4 Professional qualification

The meeting of the professional qualification under Section 77 is proved by a participant in the procurement procedure by submission of a **copy of an extract from the Register of Companies**, if it is recorded in the register, or extract from another similar register, if not recorded in the Register of Companies (Section 77 (1) of the Act).

If the economic operator is not recorded in the Register of Companies, it is obliged to include an affidavit under Section 74 (1e) of the Act in the tender.

7.5 Technical Qualification

To prove meeting of the technical qualification criteria, the economic operator will submit the list of significant supplies provided over the past five⁵ years before the commencement of the procurement procedure, including prices and dates of their provision and the identification of clients, under Section 79 (2b) of the Act.

The Contracting Authority considers such supply as a significant supply the subject matter of which is the supply of a computing system having the following features:

- i. Computing system is intended for complex calculations (High Performance Computing).
- ii. Computing system involves computing cluster of computing nodes.
- iii. The Rmax computing performance of the computing system identified during the High Performance LINPACK computing benchmark equals to or exceeds 4500 TFlop/s.

Meeting of the requirements listed in the prior text and included in the list of significant supplies will be compared by the Contracting Authority to TOP500 ranking of 500 best performance computer systems.

The Contracting Authority recommends that the economic operators use the template of the list of significant supplies appended in Annex 6 to this procurement documents.

According to Section 104 (1) of the Act, the contracting authority will request the selected economic operator to submit a declaration of the economic operator on the meeting of the required properties and provable determination of the Rmax computing performance, including a comprehensive output of the High Performance LINPACK computing benchmark run documenting and meeting the minimum Rmax computing performance in accordance with point “iii” mentioned above. The declaration will be requested if the publication in TOP500 ranking will not be found by the

⁴ According to the law, non-existence of arrears includes the situation when the economic operator has agreed on a repayment schedule with a tax administrator or relevant district social security administration for any due amount.

⁵ In order to ensure an adequate level of economic competition, the original three year period has been extended due to specific subject matter of the public contract and with the aim to increase the range of potential suppliers potentially.

Contracting Authority during the assessment of the fulfilment of the conditions for participation in the procurement procedure.

7.6 Proving of Qualification through Other Persons

The economic operator may prove a certain part of the professional qualification (except for the criterion under Section 77 (1) of the Act – Register of Companies) requested by the public contracting authority through other persons.

In that case, the economic operator is obliged to submit to the Contracting Authority:

- a) documents proving that the professional qualification pursuant to Section 77 (1) of the Act (register of Companies) has been met by the other person,
- b) documents proving that a missing part of the technical or professional qualification has been met by the other person,
- c) documents proving that the basic qualification was met pursuant to Section 74 of the Act by the other person,
- d) a written commitment of the other person to provide performance intended for the performance of the public contract or to provide things or rights which the economic operator is entitled to use when performing the public contract, at least to the extent to which the other person has proved its qualification instead of the economic operator. Such written commitment must meet the conditions stipulated in Section 83 (2) of the Act.

7.7 Other Manners to Prove Qualification

7.7.1 European Single Procurement Document

The economic operator may replace the documents and data proving fulfilment of the qualification conditions with the European Single Procurement Document in accordance with Section 87 of the Act (hereinafter referred to as the “Single Document”). The specimen Single Document reflecting the particular qualification proving conditions will be provided as part of the procurement documents.

The objective of the Single Document is to reduce the administrative burden and replace numerous other certificates, forms, and other documents.

The Single Document is a formal declaration, i.e. a preliminary document to prove fulfilment of the qualification and other participation conditions. In addition, it can be used to state the information on the use of a subcontractor, or the information that the economic operator meets the definition of a small and medium-sized enterprise as defined in Annex 9.

7.7.2 Use of the Extract from the List of Approved Economic Operators

Where an economic operator submits the extract from the list of approved economic operators within the period for proving the qualification, this extract serves to prove the basic qualification under Section 74 of the Act and professional qualification under Section 77 of the Act to the extent to which the qualification proving documents fulfil the professional qualification conditions of the public Contracting Authority to perform a public contract.

The extract from the List of Approved Economic Operators must not be older than 3 months on the last day on which the qualification is to be proved.

7.7.3 Proving Qualification by a Certificate

Where an economic operator submits a valid certificate issued within the system of approved economic operators containing the requisites stipulated in Section 239 of the Act, such certificate may serve as a substitute of the qualification proving documents to the extent of the data included therein.

7.8 Changes in Qualification

If, after the submission of documents or an affidavit on qualification, there is a change in the qualification of a participant during the procurement procedure, that would otherwise mean a non-compliance with requirements for qualification, the participant in the procurement procedure is obliged to notify the Contracting Authority in writing of such fact by no later than 5 days and submit new documents or an affidavit regarding the qualification to the Contracting Authority by no later than 10 working days after the notification of the change.

The failure to fulfil this obligation is a reason for an immediate exclusion of a participant in the procurement procedure under Section 88 (2).

8 BUSINESS TERMS AND CONDITIONS

8.1 Business Terms and Conditions including Payment Conditions

Contracting Authority's business terms and conditions including payment conditions are listed in the binding draft contract in Annex 3 to this procurement documents. The economic operator is obliged to submit one draft contract that is included in Annex 3 to this procurement documents in the tender for this public contract. The economic operator is not authorised to make changes or amendments to the binding requirements of the Contracting Authority listed in the draft contract, except for the data in respect of which the content of these binding requirements suggests the obligation of their amendment.

If a tender is submitted together with several economic operators, the economic operator is authorised to adjust the draft contract solely in respect of this fact. Any adjustment to other than above listed parts of the text will be treated by the Contracting Authority as a failure to meet the conditions stipulated by this procurement documents.

The draft contract must be signed by the statutory body of the economic operator or a person authorised to act on behalf of the economic operator. If the draft contract is signed by an authorised person, the tender by the economic operator must include the relevant power of attorney.

If the tender is submitted by several economic operators together (as a consortium of economic operators), the draft contract must be signed by statutory bodies of all economic operators or persons provably authorised to act on behalf of these economic operators or the economic operator which was explicitly authorised by other members of the consortium.

8.2 The nature of the Contract

The Contract itself contains two contracting parties (the supercomputer Supplier and the Client). However, the Client is a term that is used for two different legal entities (which together form one contracting party – the Client), which are VSB-Technical University of Ostrava and the European High-Performance Computing Joint Undertaking. Thus, in most cases, the individual rights and obligations arising from the Contract apply to those two entities. For example, the Client becomes the owner of the supplied supercomputer, and the ownership ratio will be the same as the ratio of payment for its acquisition. On the other hand, only VSB-Technical University of Ostrava will be responsible for some of the obligations or can have claims on the Economic operator's obligations. In such cases, this is always stated in the Contract.

8.3 Financial Provisions

Also, the Contract contains specific contractual conditions which were adopted because of specific requirements set by the subsidy provider and according to the fact that Contracting Authority intends

to set a fixed price and evaluate solely the quality of the proposed performance according to Article 14 of the procurement documents.

1. The price of the Work shall be paid in accordance with the payment schedule in Annex 4 of the binding draft contract (Annex 3 of the procurement documents).

2. Payment of the price for the Work under the contract will be made by a bank transfer based on two invoices (tax documents), which the economic operator is entitled to issue under the conditions specified in the contract. The first invoice will be issued at EuroHPC JU and the second invoice will be issued at VSB – Technical University Ostrava.

The invoice to EuroHPC JU will be issued for EUR 5,130, 000 and the invoice to VSB-TUO will be issued in CZK by conversion of EUR 9,725,000 net of VAT at the exchange rate of the Czech National Bank (exchange rate on the date of acceptance of the work), up to the amount of CZK 251,800,000 net of VAT.

3. The due date of the invoice will be 30 calendar days from the date of the invoice issued by the economic operator in the case of VSB – Technical University Ostrava and 60 calendar days from the date of the invoice issued by the economic operator in the case of EuroHPC JU.

4. Both invoices must contain the particulars of the tax document referred to in Act No. 235/2004 Coll., on Value Added Tax (VAT), as amended, must state the number of the Contract, and must be accompanied by a signed acceptance protocol confirming the protocol acceptance of the Work or the relevant Statement of Performance.

The invoice issued to will include the tax base, tax rate and tax amount.

The invoice issued to EuroHPC JU will not contain a quantification of VAT. EuroHPC JU is exempt from all taxes and duties, including VAT, in accordance with Articles 3 and 4 of the Protocol 7 of the Treaty on the Functioning of the European Union on the privileges and immunities of the European Union. According to requirements of the subsidy provider the contractor must complete the necessary formalities with the relevant authorities to ensure that the supplies and services required for performance of the contract are exempt from taxes and duties, including VAT.

9 REQUIREMENTS FOR VARIANTS

The Contracting Authority does not allow a variant solution.

10 REQUIREMENTS FOR THE TENDER PRICE DETERMINATION METHOD

The tender price is determined as a fixed price in accordance with the evaluation stipulated in Section 116 (4) of the Act and corresponds to the estimated value amount of the procurement, i.e. EUR 14,855,000 net of VAT.

The draft contract that will be included in the tender, the economic operator will state the total price for the performance of the subject matter of the contract and will state this price broken down as defined in the Annex 4 of the binding draft contract in Annex 3 to this procurement documents.

The tender price is determined as the “maximum permitted” price and must include all costs relating to the complete performance of the subject matter of the contract and all potential taxes, customs duties, fees for payments transactions – wire transfer of the total price, travel costs, accommodation costs, other payments and other relating costs as well as packaging, labelling and certificates relating to the subject matter of performance.

The total tender price will be determined as the price for the complete supply of EURO_IT4I Supercomputer in the scope, specification and under the conditions listed in the draft contract and its annexes.

11 CONDITIONS AND REQUIREMENTS FOR TENDER PREPARATION

The language of this procurement procedure is English. The tender will be submitted in English.

According to point 7.2.1 of the procurement documents, the Contracting Authority reminds the economic operator that in case where a request for submission of the document pursuant to the legal order of the Czech Republic is stipulated in the procurement documents, the economic operator may submit a similar document in accordance with Section 45 (3) of the Act under the legal order of the state where this document is issued⁶; this document will be submitted along with its translation into the **Czech** language (despite the remaining parts of the tender being submitted in English language).

A document issued in the English and Slovak language and a certificate of education in the Latin language will be submitted without a translation.

The tender submitted by the economic operator must not contain any rewrites or corrections that might mislead the Contracting Authority.

11.1 Recommended Content and Structure of the Tender

- a) Completed tender cover sheet (Annex 4 to this procurement documents).

By signing the cover sheet, the economic operator confirms that by submitting the tender it agrees with all requirements listed in the procurement documents, understood it and this information will be used as a basis for the performance of the subject matter of the public contract and used as underlying data for the determination of the tender price. By signing the cover sheet, the economic operator additionally declares that it carefully read the procurement documents, including its annexes, and accepts all conditions listed in the procurement documents.

- b) The content of the tender with the list of numbers of tender chapters, including the list of annexes (the Contracting Authority recommends marking all pages of the tender with one uninterrupted ascending series of numbers).
- c) Documents proving meeting the conditions of basic qualification, refer to point 7.2 of this procurement documents (the affidavit that may be used to prove basic qualification is included in Annex 5 to this procurement documents).
- d) Documents proving the meeting of conditions of professional qualification, refer to point 7.3 of the procurement documents.
- e) Documents proving the meeting of conditions of technical qualification, refer to point 7.4 of the procurement documents (template of the list of significant supplies is included in Annex 6 to the procurement documents).
- f) Draft contract (Annex 3 to this procurement documents) signed by a person authorised to act on behalf of the economic operator with completed data in marked fields.

The written draft contract must entirely accept the business terms and conditions (refer to Annex 3 – Binding Draft Contract) and must comply with the procurement documents.

⁶ Database of documents used to prove qualifications for economic operators from EU member states is available at: <https://ec.europa.eu/tools/ecertis/#/search>.

No deviations must be made from the business terms and conditions that are part of the procurement documents. The data listed in the draft contract must not differ from the data listed in other parts of the tender.

- g) **“Design of Technical Solution” – according to requirements of the contracting authority listed in the procurement documents, primarily Annex 1.**
- h) **Completely filled Annex 2 to the procurement documents entitled “Technical Parameters of the Tender”.**
- i) Tender price (broken down as required by Article 10 of this procurement documents).
- j) Document on the provision of the security refer to Article 16 of this procurement documents.
- k) Under Section 105 (1b), of the Act, the Contracting Authority requests that the participant in the procurement procedure should submit a list of specific subcontractors in the tender, if they are known to the participant and state what part of the public contract each of the subcontractor will perform. The economic operator may use the template included in Annex 8 to this procurement documents. If the economic operator does not use subcontractors for the performance under the public contract, it will submit a declaration stating that it will not use subcontractors on a separate sheet. If the tender does not contain none of these documents, it is deemed that the economic operator will provide performance under the public contract without sub-supplies.
- l) Other documents at the discretion of the economic operator or documents resulting from legal regulations.

12 CONDITIONS AND REQUIREMENTS FOR THE ACCEPTANCE OF TENDERS

Tenders will be accepted in an electronic form under Section 211 (3) and Section 107 (1) of the Act.

A tender must be submitted through an electronic tool in line with the requirements stipulated by law. The electronic address for the submission of tenders: <https://zakazky.vsb.cz/>.

Detailed instructions for the submission of tenders in electronic form are available to economic operators at: <https://zakazky.vsb.cz/>.

The economic operators may submit only one tender in the procurement procedure. The Contracting Authority will exclude the participant in the procurement procedure which submitted several tenders individually or together with other economic operators or submitted a tender and concurrently is an entity through which another participant in the procurements procedure proves qualifications in the same procurement procedure.

The economic operator which submitted a tender in the procurement procedure must not concurrently be the entity through which another economic operator proves qualifications in the same procurement procedure.

Deadline for the delivery of tenders: 12. 6. 2020 till 9:00 AM

Tenders submitted after this deadline will not be opened and the economic operator will be immediately informed by the Contracting Authority of the fact that its tender was submitted after the deadline for the submission of tenders.

13 OPENING OF ENVELOPES

There will be no opening of tender envelopes as the tenders will be received only in the electronic form.

14 METHOD OF TENDER EVALUATION ACCORDING TO EVALUATION CRITERIA

Tenders will be evaluated on the basis of their economic advantageousness.

According to Section 116 (4) of the Act, the Contracting Authority sets a fixed price corresponding to the estimated value of the procurement i.e. EUR 14,855,000 net of VAT and will evaluate solely the quality of the proposed performance.

Technical merit as well as the functional characteristics of proposed solutions shall be evaluated within evaluation of the quality.

For the purpose of quality evaluation, the Contracting Authority lays down following evaluation criteria, the weighting of which corresponds to the maximum possible score of tenders according to the individual evaluation criterion:

1. Universal partition computing performance (B_1)

The contracting authority will evaluate the Universal partition computing performance based on the information provided by the economic operator in Annex 2 of the procurement documents titled "Technical Parameters of the Offer" using the following formula:

$$B_1 = \min \left(\frac{38}{3484} * R_{max} ; 38 \right)$$

B_1 is the criterion's score, R_{max} is the Universal partition Rmax computing performance in TFLOPS reached in the High-Performance LINPACK benchmark as specified in Chapter 4.3 "Requirements – Compute Cluster/Partitions" of Annex 1 "Technical requirements specification for EURO_IT4I system". The $\min(a ; b)$ function returns lower of the values a and b .

For the R_{max} value, the value of the parameter "Universal partition LINPACK Rmax computing performance, using CPUs only [TFLOPS]", cell D19, worksheet "Universal partition" will be used.

2. Accelerated partition computing performance (B_2)

The contracting authority will evaluate the Accelerated partition computing performance based on the information provided by the economic operator in Annex 2 of the procurement documents titled "Technical Parameters of the Offer" using the following formula:

$$B_2 = \min \left(\frac{40}{8100} * G_{max} ; 40 \right)$$

B_2 is the criterion's score, G_{max} is the Accelerated partition Rmax computing performance in TFLOPS reached in the High-Performance LINPACK benchmark as specified in Chapter 4.3 "Requirements – Compute Cluster/Partitions" of Annex 1 "Technical requirements specification for EURO_IT4I system". The $\min(a ; b)$ function returns lower of the values a and b .

For the G_{max} value, the value of the parameter "Accelerated partition LINPACK Rmax computing performance [TFLOPS]", cell D24, worksheet "Accelerated partition" will be used.

3. Accelerated to Universal partition performance ratio (B₃)

The contracting authority will evaluate the Accelerated to Universal partition computing performance ratio based on the information provided by the economic operator in Annex 2 of the procurement documents titled “Technical Parameters of the Offer” using the following formula:

$$B_3 = 8 \left(1 - \text{abs} \left(\frac{3 * G_{max}}{8 * R_{max}} - 1 \right) \right)$$

B_3 is the criterion’s score, G_{max} is the Accelerated partition Rmax computing performance in TFLOPS reached in the High-Performance LINPACK benchmark as specified in Chapter 4.3 “Requirements – Compute Cluster/Partitions” of Annex 1 “Technical requirements specification for EURO_IT4I system”. R_{max} is the Universal partition Rmax computing performance in TFLOPS reached in the High-Performance LINPACK benchmark as specified in Chapter 4.3 “Requirements – Compute Cluster/Partitions” of Annex 1 “Technical requirements specification for EURO_IT4I system”. The $\text{abs}(a)$ function returns the absolute value of a .

For the G_{max} value, the value of the parameter “Accelerated partition LINPACK Rmax computing performance [TFLOPS]”, cell D24, worksheet “Accelerated partition” will be used.

For the R_{max} value, the value of the parameter “Universal partition LINPACK Rmax computing performance, using CPUs only [TFLOPS]”, cell D19, worksheet “Universal partition” will be used.

4. SCRATCH storage performance (B₄)

The contracting authority will evaluate the SCRATCH storage performance in sustainable aggregated read throughput based on the information provided by the economic operator in Annex 2 of the procurement documents titled “Technical Parameters of the Offer” using the following formula:

$$B_4 = \min \left(\frac{12}{1000} * R_{BW} ; 12 \right)$$

B_4 is the criterion’s score, R_{BW} is the long-term sustainable sequential read performance for the 1MiB block of the SCRATCH storage in GB/s as specified in Chapter 4.12 “Requirements – Storages”. The $\min(a ; b)$ function returns lower of the values a and b .

For the R_{BW} value, the value of the parameter “long-term sustainable sequential read performance for the 1MiB block [GB/s]”, cell D4, worksheet “SCRATCH storage” will be used.

5. Hot-water cooling (B₅)

The contracting authority will evaluate the cooling solution properties of Accelerated partition based on the information provided by the economic operator in Annex 2 to the procurement documents titled “Technical Parameters of the Offer”. If only hot water cooling circuits allowing any temperature in a range of 30°C to 32°C are used as prevailing source of cooling for Accelerated partition, the score is calculated as:

$$B_5 = 2$$

else

$$B_5 = 0$$

B_5 is the criterion’s score.

To verify the condition of awarding points, the value of the parameter “Accelerated partition uses the hot water cooling circuits (TV1 and TV2) as the prevailing source of cooling. Accelerated partition is fully operational with primary hot cooling circuits temperature set at any value in a range of 30°C to 32°C.”, cell D7, worksheet “Integration into DC” will be used.

The economic operator must always fill in the evaluation criteria information in Annex 4: Tender Cover Sheet of these procurement documents. The score must be identical to the score in other parts of the tender.

The method of tenders' evaluation is determined for each evaluation criterion based on a mathematical relationship (formula), which is always given for the relevant evaluation (sub-) criterion.

The method for the overall tender evaluation is determined as the sum of the scores:

$$B = B_1 + B_2 + B_3 + B_4 + B_5$$

Where B is the total score of the tender and B_1 to B_5 are scores of the evaluation criteria 1–5.

Tenders will be ranked in descending order according to the number of points obtained based on the total score B , where the most economically advantageous bid will be the one with the highest number of points in the overall score.

In all cases, the contracting authority will always round the total score to eight decimal places. If the number at the ninth decimal place is 0, 1, 2, 3, 4 or 5, it is rounded down. If the number at the ninth decimal place is 5, 6, 7, 8, or 9, it is rounded up.

In the event that the overall score of any number of tenders is equal, the ranking of tenders will be decided by the number of points achieved for the criterion B_1 .

In case of persistent equality of points, the ranking of tenders will be decided by the number of points achieved for the criterion B_2 .

In case of persistent equality of points, the ranking of tenders will be decided by the number of points achieved for the criterion B_3 .

In case of persistent equality of points, the ranking of tenders will be decided by the number of points achieved for the criterion B_4 .

In case of persistent equality of points, the ranking of tenders will be decided by the number of points achieved for the criterion B_5 .

If the ranking is not decided according to the rules stated above, it will be decided by a lottery.

The draw will take place with the participation of economic operators. The contracting authority will inform the economic operator of the place and time of the draw at least 3 working days in advance.

The Contracting Authority adds that Annex 11 to the procurement documents contains an indicative tender evaluation calculator. The aim of the contracting authority is to provide economic operator with a comprehensive overview on the method of evaluation. The Contracting Authority points out that the results achieved via calculator cannot be considered as bindingly entering the evaluation of tenders. The calculator has only a supporting role when submitting the tender.

15 EXPLANATION OF THE PROCUREMENT DOCUMENTS

The economic operator is authorised, under Section 98 (3) of the Act, to ask the Contracting Authority to explain the procurement documents. The request for the explanation of the procurement documents will be delivered by the Contracting Authority to the address of the contact person listed in Part 1 of the procurement documents. The Contracting Authority recommends giving priority to sending of this request electronically with an advanced electronic signature.

A written request in electronic form must be delivered to the Contracting Authority no later than 3 working days before the expiration of the time limit as defined in Section 98 (1a) of the Act.

Pursuant to the request for the explanation of the procurement documents delivered in the determined time period, the Contracting Authority will deliver an explanation to the procurement documents to the economic operator no later than within 3 working days from the day of delivery of the economic operator's request. These explanations, including the exact wording of the request, will be provided by the Contracting Authority to all economic operators who asked for the procurement documents. The Contracting Authority will concurrently publish the explanation, including the exact wording of the request, in the Contracting Authority's profile: <https://zakazky.vsb.cz/>.

The Contracting Authority has the right to provide the economic operators with an explanation of the procurement documents even without prior request of the economic operator. Such explanation of the procurement documents will be published by the Contracting Authority under Section 98 (1a) of the Act by no later than 5 working days before the expiry of the time limit for the submission of tenders.

16 Award period, Security

The Contracting Authority determined the award period under Section 40 of the Act as 180 days.

To provide for the meeting of their obligations arising from the participation in the procurement procedure, the economic operators will provide a security of EUR 200,000 (two hundred thousand euros). The security will be administered under Section 41 of the Act. The Contracting Authority is entitled to benefits from the security, including interest recognised by the financial institution, if the participation in the procurement procedure ceased to a participant in the procurement procedure following an exclusion under Section 122 (5) or Section 124 (2) of the Act.

The security will be provided as follows:

a) In the form of depositing the cash amount to the Contracting Authority's account (hereinafter the "Cash Security"), until the end of the time limit for submission of tenders.

Account number:	02650287/0300
IBAN:	CZ94 0300 1772 8710 1705 8203
Variable symbol:	7809600201
Specific symbol:	Economic operator's corporate ID

In the tender, the economic operator will provide the Contracting Authority with information on the payment made. The information will be provided in the form of a copy of the statement of the economic operator's bank account where the total amount corresponding to the amount of the required security is provably deducted in favour of the account of the Contracting Authority or the original copy of the confirmation by the bank that it performed the relevant transfer or the original copy of the confirmation by the bank that it received the relevant transfer order, will perform the transfer on the relevant date and that the transfer order is irrevocable (this confirmation does not mean, in any case, the mere stamping of the transfer bank order by bank's stamp), or copy of the cash receipt on the deposit of funds in cash at the cash desk of any of branches of the determined financial institution, if the economic operator provides the security by depositing of the cash to the account of the Contracting Authority in cash.

If the economic operator provides the Cash Security to the Contracting Authority, it will additionally provide the declaration of the economic operator on depositing of the security to the account of the Contracting Authority signed by a person authorised to act on behalf of the economic operator in its tender where the economic operator will state payment symbols for the refund of the Cash Security as follows:

Payment symbols for the refund of the Cash Security:

Account number:

Bank code:
Bank name:
Bank branch address:
Variable symbol:

b) In the form of a bank guarantee

In respect of a security provided in the form of a bank guarantee, the document on the provision of the security is the original of the guarantee certificate submitted in the tender, that contains an obligation to pay the security to the Contracting Authority under the conditions stipulated in Section 41 (8) of the Act.

c) In the form of a guarantee insurance

In respect of a security provided in the form of a guarantee insurance, the document on the provision of security is the original of a written declaration of the insurer submitted in the tender, that contains an obligation to pay the security to the Contracting Authority under the conditions stipulated in Section 41 (8) of the Act.

The Contracting Authority, reasonably in compliance with Section 45 (3) of the Act, requires that the participants in the procurement procedure present the document on depositing of the security in Czech. If the document on the provision of the security is not prepared in Czech, a translation from the original language into Czech must be appended.

The Contracting Authority will exclude a participant in the procurement procedure, under Section 48 (3) of the Act, who did not document the deposit of the requested security or did not provide the security of the entire tender period.

17 OTHER INFORMATION ON THE PERFORMANCE AND COURSE OF THE PUBLIC CONTRACT

I.

By submitting the tender, the economic operator agrees with the provision of its content to the subsidy provider for the purposes of the inspection of the procurement procedure.

II.

In a selected economic operator, if it is a corporate entity, the Contracting Authority will find out the information on its beneficial owner (hereinafter the "Beneficial Owner") in accordance with the Act on Selected Measures against Legitimation of Proceeds of Crime and Financing of Terrorism from the data on beneficial owners in accordance with the Act on the Public Registers of Legal Entities and Natural Persons.

If it is not possible to find out the data on the Beneficial Owner under Section 122 (4) of the Act, the Contracting Authority will call upon the selected economic operator under Section 122 (3) of the Act to present an extract from records similar to the records of Beneficial Owners or

- a) to state identification information of all entities or persons who are Beneficial Owners; and
- b) to present documents which indicate relationship of all entities or persons to the economic operator under letter a); such documents predominantly include

- 1. extract from the Commercial Register or other similar records;

2. list of shareholders;
3. resolution of the statutory body on the payment of profit share; and
4. deed of incorporation, memorandum of association, or articles of association.

III.

The Contracting Authority is obliged, under Section 48 (9) of the Act, to exclude a selected economic operator from the participation in the procurements procedure if it finds out that there are reasons for exclusion under Section 48 (7) of the Act, it means that the selected economic operator which is a joint stock company or has a legal status similar to the joint stock company does not have issued solely shares in the certificate form.

The Contracting Authority may, under Section 48 (5) of the Act, exclude a participant from the procurement procedure on grounds of unsuitability provided that it demonstrates that

- the performance offered by the economic operator would result in a failure to comply with the duties set out in provisions of environmental, social and labour law or collective agreements relating to the subject-matter of the public contract.;
- there was a conflict of interest, and another remedial measure, except for the cancellation of the procurement procedure, is impossible;
- economic competition was distorted by the fact that the participant in the procurement procedure took part in the preparation of the procurement procedure, another remedial measure is impossible and the participant in the procurement procedure did not prove, at the call of the Contracting Authority, that the economic competition was not distorted;
- in the past 3 years from the commencement of the procurement procedure, the participant has shown grave or long-term deficiencies while performing a prior contract with the contracting authority awarding the public contract or with another contracting authority, which caused damage, led to an early termination of the prior contract or other comparable sanctions;
- the participant has made an unjustified attempt to influence the decision made by the contracting authority within the procurement procedure or has made an unjustified attempt to obtain non-public information that could provide it with undue advantages during the procurement procedure; or
- in the past three years prior or after to the commencement of the procurement procedure, the participant committed a grave professional misconduct, which renders its integrity questionable, including a misconduct for which it has been imposed a disciplinary punishment or a disciplinary measure under separate legal regulations⁷.

The contracting authority may, under Section 48 (6) of the Act, also exclude a participant from the procurement procedure on the grounds of unsuitability provided that the contracting authority has sufficiently plausible indications based on trustworthy information to conclude that the participant has, in relation to the public contract, being awarded entered into a contract prohibited by another legal regulation⁸ with other persons.

⁷ Statutory measures of the Senate No. 341/2013 Coll., amending Act No. 137/2006 Coll., on Public Contracts, as amended, and Act No. 55/2012 Coll., amending Act No. 137/2006 Coll., on Public Contracts, as amended

⁸ Act No. 40/2015 Coll., amending Act No. 137/2006 Coll., on Public Contracts, as amended.

V.

Intellectual property rights that have arisen in relation to the performance under the public contract are always governed by the applicable legislation, or policies listed in the binding template for the draft contract included in Annex 2 of these procurement documents.

VI.

By submitting the tender, the economic operator grants a consent to the Contracting Authority to verify and check the data contained in the tender or other documents submitted by the economic operator. The Contracting Authority may exclude the economic operator from the procurement procedure if the economic operator states false information in any document.

VII.

The Contracting Authority announces that the selected economic operator is an entity obliged to cooperate in the performance of a financial inspection under Section 2 (e) of Act No. 320/2001 Coll., on Financial Control in Public Administration, as amended.

VIII.

The Contracting Authority does not cover the costs incurred by the participation in the procurement procedure to the economic operators.

IX.

Given the administrative requirements relating to the publication of the information on the procurement procedure in the Tender Electronic Daily, the Contracting Authority asks the economic operator to state on the cover sheet, pursuant to the information listed in Annex 9 or the following website: https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en, whether it is a small or medium-sized business/enterprise in line with the relevant policies (SME).

X.

The Contracting Authority notifies the economic operator, under Section 219 of the Act and Section 2 of Act No. 340/2015 Coll. on Special Conditions for the Efficacy of Some Agreements, Publication of these Agreements, and on an Agreement Register (Act on Register of Agreements), as amended, that the Contracting Authority is obliged to publish the complete wording of the concluded contract, including its changes and amendments, if any, in determined time limits, and the amount of the actually paid price for the performance under the contract after the performance is completed.

In Ostrava

prof. RNDr. Václav Snášel, CSc.
Rector

ANNEXES TO THE PROCUREMENT DOCUMENTS:

Annex 1: Technical Requirements Specification for EURO_IT4I System

Annex 2: Technical Parameters of the Tender

Annex 3: Business Terms and Conditions – Binding Draft Contract

Annex 4: Tender Cover Sheet (template)

Annex 5: Affirmation on Fulfilment of the Basic Qualification of Economic Operator (template)

Annex 6: List of Significant Supplies (template)

Annex 7: European Single Procurement Document

Annex 8: List of Subcontractors (template)

Annex 9: User guide to the SME Definition

Annex 10: Preliminary Market Consultations

Annex 11: Indicative tender evaluation calculator