

## TENDER DOCUMENTATION

within the meaning of Act No 134/2016, on public procurement, as amended (hereinafter the “Act”)

Name of public contract:

### DELIVERY OF MOBILE CAMERAS AND PROVISION OF RELATED SERVICES

Above-the-threshold public delivery contract,  
open procedure (hereinafter the “Public Contract”)

Reference number: VZ\_2019\_A48

#### 1 BASIC INFORMATION

##### 1.1 Identification of the contracting authority

Name: CENDIS, s. p.  
Registered office: nábřeží Ludvíka Svobody 1222/12, 110 00 Praha 1  
Company ID No: 00311391  
Tax ID No: CZ00311391  
Registration: entered in the Commercial Register kept by the Municipal Court in Prague, Section ALX, Insert 706

##### 1.2 Acting on behalf of the contracting authority

On behalf of the contracting authority acts: Ing. Jan Paroubek, in charge of state enterprise management.

##### 1.3 Contact point for procurement procedure:

The contact point for the procurement procedure is the person authorised by the contracting authority for the management of this public contract:

Name	e-mail
Ing. Petr Moravec	<a href="mailto:zakazky@cendis.cz">zakazky@cendis.cz</a>

#### 1.4 Communication and delivery

1.4.1 All communication, such as the participants' questions concerning the tender documentation, the submission of tenders and other tasks related to this public contract, shall be done in writing, in particular through the contracting authority's electronic public procurement tool E-ZAK (<http://zakazky.cendis.cz/>, hereinafter the "E-ZAK system"). The exact address of this public contract on the contracting authority's profile is [https://zakazky.cendis.cz/contract\\_display\\_18.html](https://zakazky.cendis.cz/contract_display_18.html)).

For communication purposes, registration of suppliers (participants) in the E-ZAK system is required. The contracting authority points out that for outgoing communication (including tender submissions), the E-ZAK system requires a qualified certificate for electronic signatures issued by one of the qualified trust services providers (see <https://www.mvcr.cz/clanek/seznam-kvalifikovanych-poskytovateluu-sluzeb-vytvarejicich-duveru-a-poskytovanych-kvalifikovanych-sluzeb-vytvarejicich-duveru.aspx>).

The E-ZAK system also accepts electronic signatures based on a qualified certificate issued by a foreign provider listed <https://webgate.ec.europa.eu/tl-browser/#/>.

A supplier who is not yet registered in the E-ZAK system may apply to the contracting authority for registration in the E-ZAK system only in writing by e-mail to the contact point mentioned in paragraph 1.3, providing its company name, legal form, company ID number and a contact e-mail address.

1.4.2 At the same time, in order to avoid confusion, the contracting authority notifies the suppliers (participants) that, in accordance with general legal regulations, the date of delivery of legal acts is:

- the day on which the contracting authority delivers the message to the participant's account registered in the E-ZAK system (i.e. the moment from which the participant is able to read the message in the E-ZAK system);
- the day on which the participant (supplier) delivers the message to the contracting authority in the E-ZAK system (i.e. the moment from which the contracting authority is able to read the message in the E-ZAK system).

1.4.3 In view of this, and for the sake of substitutability, the contracting authority recommends that suppliers (participants) have more contact persons (e-mails) in their registered account in the E-ZAK system.

1.4.4 In justified cases (e.g. non-functional E-ZAK system, force majeure, etc.), the contracting authority also allows alternative communication between the contracting authority and the supplier in accordance with Section 211 of the Act; to avoid any doubts, tenders are accepted solely through the E-ZAK system.

1.4.5 The contracting authority warns the supplier that the mere fact that the supplier does not have a qualified certificate for electronic signatures is not a reason for alternative delivery outside the E-ZAK system.

#### 1.5 Provision of tender documentation

The tender documentation is provided exclusively in electronic form by unrestricted remote access via the E-ZAK system (see paragraph 1.4.1). The contracting authority does not require any payments for the provision of the tender documentation.

### 1.6 Purpose of the contract

The contracting authority is a state-owned enterprise, a legal entity established and authorised by the Czech Republic – the Ministry of Transport, among other things to provide professional capacities for the operation, support and development of selected public administration information systems in the transport sector.

The purpose of this public contract is to acquire cameras compliant with the technical specification provided in Annex 1; which shall be acquired by a purchase contract, the binding draft of which is provided in Annex 2 to this tender documentation. The purchase contract includes the provision of related warranty services, further specified in paragraph 1.3. Annex No. 1 to this tender documentation.

### 1.7 Procurement procedure participant

The term “participant” in this tender documentation means a participant of the procurement procedure within the meaning of Section 47 of the Act. For the purposes of this tender documentation, the terms participant and supplier have the same meaning, unless the context otherwise requires.

### 1.8 Preliminary market consultations (PMC)

This tender documentation was prepared by the contracting authority using the results of preliminary market consultations. All documentation, results and the report from PMC are published on the contracting authority’s profile under the its registration number VZ\_2019\_A30 (see [https://zakazky.cendis.cz/contract\\_display\\_7.html](https://zakazky.cendis.cz/contract_display_7.html)).

The information resulting from the preliminary market consultations is also indicated in this tender documentation and its Annex 1 for each specific procurement specification, including the identification of the person who participated in the preliminary market consultation for the procurement specification in question, including all material information contained in the preliminary market consultation on the given procurement specification.

## 2 SUBJECT-MATTER OF THE PUBLIC CONTRACT

2.1 The subject-matter of this procurement procedure is the selection of the most economically advantageous tender for the supply of TCP/IP cameras (furthermore also “**goods**”) suitable for placement behind the windshield of the patrol vehicles and compliant with the technical specification set forth in Annex 1 of this tender documentation. The price of the delivery includes warranty services as defined in paragraph 1.11 Annex No.1 to this tender documentation.

2.2 The public procurement will result in a purchase contract with the selected participant for the delivery of goods and provision of warranty services as defined in paragraph 1.3. Annex No.1 to this tender documentation.

2.3 Classification of the subject-matter of the public contract

Main CPV codes:

CPV code	Name
32333200-8	Video camcorders
38651000-3	Cameras
32234000-2	Closed-circuit television cameras
32235000-9	Closed-circuit surveillance systems

2.4 A detailed description of the requirements for the requested performance is provided in Annex 1 to this tender documentation – Technical Specification.

- 2.5 Other, especially business terms and conditions for performance are set out in Annex 2 to this tender documentation - Binding Draft Purchase Contract.
- 2.6 The contracting authority requires that the participant, in demonstrating the ability to provide the performance required by the contracting authority, clearly states in its tender how it meets the (especially technical) requirements of the contracting authority specified in Annex 1 by providing commentary on Annex 1 or by adding its own datasheet of the offered equipment, from which it will be clear that the contracting authority's technical requirements for the goods and related services will be met.
- 2.7 The contracting authority notifies the participants that, in accordance with the Act, it is not possible, except in the cases specified in Section 46 of the Act, to change the tenders after the deadline for their submission.
- 2.8 In this regard, the contracting authority recommends that the participants, in case of any uncertainty, utilise the possibility to send a request to the contracting authority for an explanation of the tender documentation (see paragraph 1.4).

### 3 PERIOD AND PLACE OF THE PERFORMANCE OF THE PUBLIC CONTRACT

The period and place of the performance of the public contract are specified in the contracting entity's business terms and conditions, which form Annex 2 to this tender documentation – Binding Draft Contract.

### 4 INSPECTION OF THE PLACE OF PERFORMANCE

Due to the subject-matter and method of the performance, the contracting authority will not organise an inspection of the place of performance.

### 5 CONDITIONS FOR QUALIFICATION OF PARTICIPANTS

- 5.1 In this procurement procedure, the contracting authority requires each participant to prove the following:
- basic competence (Sections 74 to 76 of the Act and paragraph 5.2 below);
  - professional competence (Section 77 of the Act and paragraph 5.3 below);
  - economic qualification (Section 78 of the Act and paragraph 5.4 below);
  - technical qualification (Section 79 of the Act and paragraph 5.5 below).
- 5.2 Requirements for demonstrating basic competence

The basic competence is met by the supplier as follows (Section 74 of the Act):	In order to demonstrate the basic competence in relation to the Czech Republic (Section 75 of the Act), a supplier must:
<ul style="list-style-type: none"> <li>• demonstrate that it has not been convicted by a final decision of the offences listed in Annex 3 to the Act or a similar offense under the law of the country of the supplier's domicile in the country of its registered office in the last 5 years prior to the start of the procurement procedure; deleted convictions are disregarded;</li> </ul>	<ul style="list-style-type: none"> <li>• submit an extract from the Criminal Register;</li> </ul> <p><i>Note:</i>  <i>if the participant is a legal entity, it shall provide the extract from the Criminal Register both in relation to the legal entity itself and in relation to all its statutory bodies (e.g. s.r.o.) or all members of its statutory body (e.g. a.s.);</i>  <i>if the statutory body of the participant or a member of the statutory body of the participant is a legal entity, the extract from the Criminal Register shall be provided by the participant both for the legal entity</i></p>

The basic competence is met by the supplier as follows (Section 74 of the Act):	In order to demonstrate the basic competence in relation to the Czech Republic (Section 75 of the Act), a supplier must:
	<i>itself and for the person representing the legal entity in the supplier's statutory body or for every member of this legal entity's statutory body; if a branch of a foreign legal entity participates in the procurement procedure, the condition of basic competence must be met by the legal entity and the head of the branch; if a branch of a Czech legal entity participates in the procurement procedure, the condition in question must be met by the persons referred to in point 2) and by the head of the branch;</i>
<ul style="list-style-type: none"> <li>• have no tax arrears due in the Czech Republic or in the country of its registered office;</li> </ul>	<ul style="list-style-type: none"> <li>• submit a certificate from the competent tax authority; and</li> <li>• submit a written affidavit in relation to excise duty;</li> </ul>
<ul style="list-style-type: none"> <li>• have no outstanding arrears of premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office;</li> </ul>	<ul style="list-style-type: none"> <li>• submit a written affidavit about its basic competence;</li> </ul>
<ul style="list-style-type: none"> <li>• have no outstanding arrears in insurance premiums or penalties for social security and state employment policy contributions in the Czech Republic or in the country of its registered office;</li> </ul>	<ul style="list-style-type: none"> <li>• submit a certificate from the relevant district social security administration;</li> </ul>
<ul style="list-style-type: none"> <li>• not be in liquidation (Section 187 of the Civil Code);</li> <li>• have no bankruptcy decision issued against itself (Section 136 of Act No 182/2006, on insolvency and methods of its resolution, as amended (the Insolvency Act));</li> <li>• have no forced administration ordered against itself under another legal regulation (e.g. Act No 21/1992, on banks, as amended, Act No 87/1995, on savings and credit cooperatives and certain related measures and amending Act of the Czech National Council No 586/1992, on income tax, as amended, Act No 363/1999, on insurance and amending certain related acts); the supplier must not be in situation similar to the above under the law of the country of the supplier's registered office.</li> </ul>	<ul style="list-style-type: none"> <li>• submit an extract from the Commercial Register or a written affidavit if it is not registered in the Commercial Register.</li> </ul>

*Note: documents proving the basic competence in accordance with Section 74 of the Act (i.e. those listed in the table above) must prove that the basic competence criteria were met no later than 3 months before the date of commencement of the procurement procedure.*

### 5.3 Requirements for demonstrating professional competence

The supplier shall prove the demonstrate its professional competence in relation to the Czech Republic by submitting an extract from the Commercial Register or other similar register, if another legal regulation requires registration in such register; *(note: the document referred to in this point must show compliance with the required competence criterion no later than 3 months before the date of commencement of the procurement procedure – i.e. the relevant extract must not be older than 3 months before the date of commencement of the procurement*

*procedure*).

#### 5.4 Requirements for demonstrating economic qualification

The contracting authority requires each participant to prove that its minimum annual turnover in the last 3 immediately preceding accounting periods was at least CZK 5 million without VAT.

The participant shall prove the turnover by a supplier's profit and loss statement or a similar document according to the law of the country of its registered office.

#### 5.5 Requirements for demonstrating technical qualification

Requirement of the contracting authority for technical qualification of the participant	Method of demonstrating technical qualification
A significant delivery with a similar subject-matter of performance to this public contract, i.e. delivery of TCP/IP cameras.	<p>A supplier meets this technical qualification criterion if it proves that it has made at least 3 significant deliveries in the last 3 years prior to the start of the procurement procedure, with a list of significant deliveries provided by the supplier in the following structure, preferably in the form of a table:</p> <ul style="list-style-type: none"> <li>• name of the client;</li> <li>• client's sector or field of business;</li> <li>• name of contract;</li> <li>• place of implementation;</li> <li>• description of delivery and, where appropriate, of services provided;</li> <li>• total scope of performance (optional);</li> <li>• start date;</li> <li>• information whether the contract has already been completed;</li> <li>• name, telephone number and e-mail of the person who can confirm the references.</li> </ul>

The list of significant deliveries in the above binding structure can be combined into one table.

The contracting authority reserves the right to verify the said significant deliveries with the contact persons of the ordering parties, which the supplier shall specify as the contact persons for significant deliveries.

#### 5.6 Common provisions regarding qualification

The documents required in this part of the tender documentation may be submitted as a simple copy or they may be replaced by a single European public procurement certificate in accordance with Section 87 of the Act; however, the contracting authority is entitled to require the submission of the original or a certified copy of the document in accordance with the procedure in accordance with Section 46(1) of the Act.

Before concluding the contract, the contracting authority shall require the selected supplier to submit the originals or certified copies of the qualification documents, if they have not already been submitted in the procurement procedure.

If there is a change in the qualification of the participant, it is necessary to proceed according to Section 88 of the Act.

If the qualification was acquired abroad, it shall be proved by documents issued under the law of the country in which it was acquired, to the extent required by the contracting authority.

If the law or the contracting authority requires the submission of a document under the law of the Czech Republic, the supplier may submit a similar document according to the law of the country in which this document is issued; such a document must be submitted together with a Czech language translation. In accordance with Section 45(3) of the Act, the contracting authority stipulates that if it has doubts about the correctness of the translation, it may require the supplier to submit an officially certified translation of the document into the Czech language by an interpreter registered in the list of experts and interpreters in accordance with a special legal regulation<sup>1</sup>.

If the relevant legal order does not issue the required document, it may be replaced by an affidavit.

In accordance with Section 45(4) of the Act, the contracting authority stipulates that the obligation to produce the document may be fulfilled by the supplier by reference to the corresponding information kept in a public administration information system under special legal regulation<sup>2</sup> or in a similar system maintained in another Member State allowing unrestricted remote access. Such a reference must include the Internet address and credentials for logging in and retrieving the required information, where such credentials are necessary.

The contracting authority requires that the participant submits documents proving the basic competence in accordance with Section 74 of the Act and paragraph 5.2 and professional competence in accordance with Section 77 of the Act and paragraph 5.3 of this tender documentation for its possible subcontractors.

In accordance with Sections 228 and 234 of the Act, a participant may demonstrate compliance with basic and professional competence by submitting an extract from the list of qualified suppliers or a valid certificate issued under an approved system of certified suppliers.

In accordance with Section 83 of the Act, the supplier may prove a certain part of the economic and technical qualifications required by the contracting authority through other persons. In this case the supplier must submit to the contracting entity the following:

- a) documents proving the another person's professional competence referred to in paragraph 5.3;
- b) documents proving that the missing part of the qualification has been met by another person;
- c) documents proving the another person's basic competence in accordance with Section 74 of the Act (paragraph 5.2 of this tender documentation); and
- d) a written obligation of the another person to provide performance intended to perform the public contract or to provide things or rights that the supplier will be entitled to dispose of as part of the performance of the public contract, at least to the extent the another person has demonstrated qualification in place of the supplier.

Requirement under point (d) above (i.e. the requirement in accordance with Section 83(1)(d) of the Act) is fulfilled if the content of such a written obligation of another person is joint and

---

<sup>1</sup> Act No 36/1967, on experts and interpreters. Decree No 37/1967, on the implementation of the Act on Experts and Interpreters.

<sup>2</sup> Act No 365/2000, on public administration information systems and amending certain other acts.

several liability of that person for performance of the public contract together with the supplier.

In the case of joint participation of suppliers, basic competence under Section 74 of the Act and professional competence under Section 77(1) of the Act shall be demonstrated by all of the suppliers, i.e. each of these suppliers must prove that this competence has been met in relation to its own person. The fulfilment of other requirements for economic qualification in accordance with Section 78 of the Act and technical qualification in accordance with Section 79 of the Act stipulated by the contracting authority in this tender documentation must be demonstrated by all suppliers in the case of joint participation jointly or through other persons.

#### 5.7 Consequence of failure to demonstrate qualification

If a participant fails to demonstrate its qualification in the full (required) scope, it can be excluded from participation in the procurement procedure in accordance with Section 48 of the Act.

## 6 BUSINESS CONDITIONS AND TERMS OF PAYMENT

The binding business conditions and terms of payment of the contracting authority are specified in the binding draft contract, which forms Annex 2 to this tender documentation.

## 7 DRAFT CONTRACT

By submitting a tender, the participant expresses its consent to the binding draft contract provide in Annex 2 of this tender documentation.

## 8 METHOD OF TENDER PRICE PREPARATION

- 8.1 In this public contract, the contracting authority demands **50 cameras** of one type, complying with the technical specifications and requirements set forth in Annex No. 1.
- 8.2 The bid price shall be stated in the tender as the total amount for the complete performance of this public contract, excluding VAT.
- 8.3 The contracting authority requires that the price of the supply includes also the costs of the required services according to paragraph 1.11 of Annex No. 1 for the whole duration of the warranty period offered by the participant.

## 9 EVALUATION CRITERIA AND TENDER EVALUATION METHOD

- 9.1 Tenders will be evaluated according to the value for money principle. The most economically advantageous tender shall be considered the one with the highest summary score from the weighted evaluation criteria set:

Criterion	Type	Weight
Total tender price (in CZK excl. VAT)	Cost-based (lower is better)	60%
Warranty period (in months)	Return-based (higher is better)	30%
Leadtime (in calendar days)	Cost-based (lower is better)	10%

- 9.2 Evaluation method within the **Total tender price** criterion (in CZK without VAT).

This criterion is cost-based, i.e. lower values are considered more advantageous than higher

ones. The participant receives a score according to the following equation:

$$\frac{\textit{lowest tender price}}{\textit{evaluated tender price}} * \textit{criterion weight} * 100$$

The total tender price is set by the participant in accordance with article 8 of this tender documentation.

9.3 Evaluation method within the **Warranty period** (in months) criterion.

This criterion is return-based; higher values are considered more advantageous than lower ones. The participant receives a score according to the following equation:

$$\frac{\textit{evaluated warranty period}}{\textit{longest warranty period}} * \textit{criterion weight} * 100$$

The contracting authority requests that the

- minimal warranty period is 24 months and
- maximal warranty period is 60 months

from the day of complete delivery of the goods and its acceptance (signing of the Handover report, see paragraph 6.5 of Annex 2).

9.4 Evaluation method within the **Leadtime** (in calendar days) criterion.

This criterion is cost-based; lower values are considered more advantageous than higher ones. The participant receives a score according to the following equation:

$$\frac{\textit{shortest leadtime}}{\textit{evaluated leadtime}} * \textit{criterion weight} * 100$$

The contracting authority requests that the

- minimal leadtime is 10 calendar days and
- maximal leadtime is 90 calendar days

from the day of contracting authority's (client) request for delivery.

9.5 The tenders will be ranked by the contracting authority in descending order from best to worst. The tender with the best value for money will be the tender ranked in the first spot, i.e. the tender that has earned the highest weighted total of score for all evaluation criteria under this article.

9.6 In the event that in accordance with the procedure according to the preceding paragraph, the contracting authority evaluates the tenders of multiple participants to be of equally good value for money and thus equality of tenders occurs, the contracting authority carries out a secondary evaluation of tenders and decides on their ranking based on the higher point evaluation for the Total tender price (CZK without VAT) criterion.

9.7 If multiple tenders are still equal even after the secondary evaluation of the contracting authority according to the preceding paragraph, the order of tender will be decided by draw lots in the presence of the concerned participants of this procurement procedure.

- 9.8 If the winning tender or the participant submitting such tender fail to comply with the specifications or other conditions for the conclusion of the contract, the participant will be excluded from the procurement procedure and the contracting authority will consider the next tender in order. The contracting authority is entitled to use this procedure repeatedly.

## **10 REQUIREMENTS AND CONDITIONS FOR THE PREPARATION OF TENDERS**

### 10.1 Required particulars:

- set of documents to prove qualification – see article 5 of this tender documentation;
- documents for determining the tender price – see article 8 of this tender documentation;
- detailed specifications of goods and services – the participant’s tender and Annex 1 to this tender documentation with commentary;
- a list of subcontractors, if known to the participant, and information on which part of the contract each subcontractor will perform.

### 10.2 Suggested method of tender preparation:

- table of contents with page indication or hyperlinks;
- documents demonstrating qualifications;
- technical and price part – information about what goods and services the supplier offers;
- proof of the person’s authorisation to act on behalf of the participant (e.g. power of attorney), if the legal act on behalf of the participant is made by a person other than the person authorised to act as the statutory body of the participant or a corporate agent.

### 10.3 Form of tenders:

- tenders are submitted exclusively in electronic form (see paragraph 12.1);
- the tender, demonstrating documents and documentation submitted as part of the tender, all correspondence, including the supplier’s questions regarding the tender conditions, must be submitted in Czech, Slovak or English; all documents serving to demonstrate qualifications that are not in Czech or Slovak must be accompanied by a translation into Czech;
- the contracting authority asks the suppliers (participants) that the electronic tender they submit contains (also) a version that can be searched automatically (i.e. not just a scan, but e.g. a pdf generated directly from a word or spreadsheet editor); this applies in particular to the technical part of the tender and documents demonstrating economic and technical qualifications.

## **11 TIME LIMIT FOR SUBMISSION OF TENDERS AND TENDER PERIOD.**

- 11.1 The closing and opening dates for the submission of tenders are set out in the procurement procedure notice in the Public Contracts Journal and in the Official Journal of the European Union, as well as on the contracting authority’s profile.
- 11.2 Tenders received after the submission deadline will not be opened in the procurement procedure and their content will not be made available to the contracting authority by the E-ZAK system. Such a tender will be deemed not to have been submitted.
- 11.3 The contracting authority does not set an award period.

**12 METHOD OF TENDER SUBMISSION**

- 12.1 The tenders shall be submitted in writing, exclusively in electronic form, via the E-ZAK system (see 1.4.1).
- 12.2 Technical requirements and conditions for electronic submission of tenders are specified in the supplier's user manual, which is available for download on the home page of the contracting authority's profile (<https://zakazky.cendis.cz/>).
- 12.3 The contracting authority does not confirm submission of the offer in electronic form; the confirmation is part of the E-ZAK system and each supplier has access to it within their user account.
- 12.4 The contracting authority notifies the suppliers of the possibility to test the settings of the browser and the system from which it will send the offer, including the test of sending the electronic offer – for detailed information see [https://zakazky.cendis.cz/test\\_index.html](https://zakazky.cendis.cz/test_index.html).
- 12.5 Tenders are not accepted in paper form.
- 12.6 The supplier (participant) may submit only one tender in the procurement procedure.
- 12.7 The supplier (participant) who has submitted a tender in the procurement procedure must not at the same time be the person through which another supplier proves his qualification in the same procurement procedure.
- 12.8 The contracting authority shall exclude a participant who has submitted several tenders separately or jointly with other suppliers or has submitted a tender and at the same time is the person through which another participant demonstrates qualification in the same procurement procedure.

**13 OPENING OF TENDERS**

- 13.1 The opening of tenders shall take the form of making the content of tenders available to the contracting authority in accordance with the contracting authority's E-ZAK system setting, immediately after the deadline for submission of tenders. Opening of the electronic tenders takes place without the presence of participants' representatives.

**14 OBLIGATIONS OF THE SELECTED SUPPLIER**

- 14.1 The selected supplier is obliged to provide the contracting authority with the necessary cooperation for the conclusion of the contract for performance of the public contract.
- 14.2 The contract shall be negotiated and concluded in the Czech language according to the applicable Czech laws. Other language versions, if any, are for information only.
- 14.3 In order to provide cooperation prior to the conclusion of the contract, the selected supplier is obliged, in particular, to submit to the contracting authority upon its request originals or certified copies of documents demonstrating the supplier's qualification and the qualification of his subcontractors, if any.

- 14.4 In the event that the contracting authority fails to obtain information on the beneficial owner of the participant in accordance with the Act on Certain Measures against Money Laundering and Terrorism Financing (hereinafter the “**beneficial owner**”) from the register of beneficial owners under the Act on Public Registers of Legal and Natural Persons (see Section 122(4) of the Act), the contracting authority shall also invite the selected supplier to submit an extract from the register similar to that of the beneficial owners or to disclose identification data of all persons who are its beneficial owners in accordance with Act No 253/2008, on certain measures against money laundering and terrorist financing, as amended, and to submit documents demonstrating the relationship of all persons referred to in point (a) to the Supplier; these documents are in particular the following:
- an extract from the Commercial Register or other similar register;
  - list of shareholders;
  - the decision of the statutory body to pay the profit share;
  - memorandum, articles of association or statutes.

## **15 RESERVATIONS AND RIGHTS OF THE CONTRACTING AUTHORITY**

- 15.1 In the event that the information stated in the tender change before the conclusion of the contract with the selected supplier, the selected supplier is obliged to inform the contracting authority about the fact in writing without delay.
- 15.2 The contracting authority does not accept variants of the tender.
- 15.3 The contracting authority does not grant any supplier the right to reimbursement of costs associated with participation in the procurement procedure. At the same time, the contracting authority shall not claim reimbursement of costs for the realisation of this procurement procedure from the supplier, neither in the form of reimbursement of actually incurred costs nor in the form of fees for the supplier’s participation in this procurement procedure.
- 15.4 Any costs or expenses incurred in connection with the performance of the public contract by the supplier shall be included in the tender price, otherwise the supplier is obliged to pay them. The supplier shall not be entitled to demand reimbursement for such expenses outside the agreed tender price or to refuse to pay them from its own resources.
- 15.5 The contracting authority reserves the right to verify the information provided by the participant to third parties and the participant is obliged to provide all necessary cooperation in this respect.
- 15.6 The contracting authority shall not be liable for errors, wrong statements, misinterpretations or any omissions or missing information relating to this procurement procedure obtained by the supplier from sources other than the tender documentation or its supplement and explanations received from the contracting authority in accordance with the Act.
- 15.7 The contracting authority notifies the participants that legal regulations other than the Act apply to the procurement procedure, to the performance of the contract and to the subsequent control (further specified in Annex 2 of this tender documentation).
- 15.8 The contracting authority requires that, in the case of joint participation of several suppliers (joint performance of the public contract), all the suppliers submitting the joint offer are jointly and severally liable.

- 15.9 The supplier is obliged to indicate in the tender the data which it considers confidential or protected under special legal regulations and which must not be disclosed. The contracting authority shall keep confidential all information and documents indicated by the supplier as a trade secret, unless otherwise stated in this tender documentation or required by law. The obligation of the contracting authority to maintain confidentiality does not apply to information the disclosure of which is, or in the future will be, required from the contracting authority by valid and effective legal regulations by which the contracting authority is or will be bound.

List of annexes:

Annex 1: Technical specification

Annex 2: Binding draft contract

Prague, date 9 April 2020

---

Ing. Jan Paroubek  
in charge of state enterprise management