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| TENDER DOCUMENTATION **FOR A PUBLIC CONTRACT TO BE AWARDED IN AN OPEN PROCEDURE UNDER THE PROVISIONS OF ART. 56 OF ACT NO. 134/2016 COLL., THE PUBLIC PROCUREMENT ACT, AS AMENDED (hereinafter the “PPA”)** |

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| **Name of the Public Contract** |

**“Purchase of a Multifunctional and Measuring Vehicle”**

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| **Contracting Authority’s Identification Details** |

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| Business Name: | **Technická správa komunikací hl. m. Prahy, a.s. (Technical Road Administration of the City of Prague)** |
| Registered Office (or Delivery Address): | **Řásnovka 770/8, Staré Město, 110 00 Praha 1** |
| Identification Number (IČ): | **03447286** |
| Registered: | **in the Commercial Register maintained by the Municipal Court in Prague, section B, file 20059** |
| Contracting Authority’s Profile Address: | [**https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/verejne-zakazky**](https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/verejne-zakazky) |
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| **Identification Details of the Entity Representing the Contracting Authority Under Art. 43 of the PPA** |

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| Entity Representing the Contracting Authority in the Procurement Procedure: | **ROWAN LEGAL, advokátní kancelář s.r.o.** |
| Registered Office: | **Na Pankráci 1683/127, 140 00 Praha 4** |
| Identification Number (IČ):  Contact Person:  Telephone:  E-mail: | **284 68 414**  **Dominika Horká**  **224 216 212**  [**horka@rowan.legal**](mailto:horka@rowan.legal) |

The contracting authority’s representative for the awarding of the public contract is authorized by the contracting authority to perform procurement activities, i.e., it is authorized to take all steps relating to arranging for the course of the procurement procedure with the exception of steps specified in Art. 43 (2) of the PPA. All correspondence in the matter of the public contract award must be addressed by the contractor to such representative of the contracting authority for the public contract award.

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| Introductory Provisions |

The purpose of the procurement procedure is the selection of a supplier of Multifunctional and Measuring Vehicle and related services for comprehensive and efficient collection of variable road parameters according to the needs of the contracting authority as an entity that manages, maintains, repairs and develops the road network (hereinafter the "**Roads**") in the capital Prague, or elsewhere, in the interest of proper implementation of the road management system, all in accordance with the requirements of the contracting authority defined in the public contract for the realization of the subject of the public contract (hereinafter the "**Contract**") and its annexes. The rights and obligations of the participants of the procurement procedure and of the contracting authority not specified in this documentation shall be governed by rules of the PPA.

By submitting a bid, the contractor accepts the contracting terms in full and without reservations, including all of the annexes and any amendments to these contracting terms. It is presumed that the contractor will carefully study all of the instructions, forms, deadlines and specifications contained in the contracting terms and that the contractor will comply with all of these. If the contractor fails to provide all of the required information and documentation in a timely manner, or if its bid does not correspond to the contracting terms in every regard, this can result in the contractor’s disqualification from the procurement procedure.

The contracting authority cannot take into consideration any of the contractor’s reservations in regard to the contracting terms contained in its bid. Any reservation shall mean the contractor’s disqualification from the procurement procedure.

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| Information on the Procurement Procedure |

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| Name of the Public Contract | **“Purchase of a Multifunctional and Measuring Vehicle”** | |
| Type of Public Contract | **Public Supply Contract** | |
| Type of Procurement Procedure | **Open Procedure** | |
| Anticipated Value of the Public Contract | **CZK 30,000,000 Not Including VAT** | |
| Number of Contractors with Whom an Agreement Will Be Executed | **1 Contractor** | |
| Public Contract Subject Classification Code | **38548000-8** | **Instruments for Vehicles** |

The contracting authority strongly recommends for contractors to devote maximum attention to the requirements under the tender documentation pertaining to bids.

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| Identification Details of the Entity that prepared part of the Tender Documentation |

The contracting authority states that a person other than the contracting authority participated in the preparation of the following parts of the tender documentation, namely:

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| **Identification of the Entity that prepared part of the Tender Documentation** | **Identification of the part of the Tender Documentation** |
| Centrum dopravního výzkumu, v. v. i., ID No. (IČ): 44994575, registered office at Líšeňská 33a, 636 00 Brno | Technical specification of the subject of performance of the public contract |

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| Subject of the Public Contract |

The subject of performance under this public contract is the supply and commissioning of a multifunctional and measuring vehicle in accordance with the specifications stipulated by the contracting authority. The supply also includes the conducting of acceptance tests and the theoretical and practical training of the contracting authority’s staff, the supply of all required hardware and software equipment, implementation of software modifications, and arranging for the provision of service in regard to the supplied hardware and software equipment.

A detailed specification of the parts of performance as set out above, including the relevant conditions, is provided in Annex No. 3 to this tender documentation, consisting of a binding specimen of the agreement (hereinafter the “**Agreement**” or the “**Binding Specimen Agreement**”).

The information and data contained in the individual sections of this tender documentation and in the annexes to the tender documentation defines the contracting party’s binding requirements for the performance of the public contract. The contractor is obligated to respect these requirements in full and without reservations when drawing up its bid. Non-acceptance of the contracting authority’s requirements thus stipulated shall be considered to constitute non-fulfillment of the contracting terms resulting in the contractor’s disqualification from further participation in the procurement procedure.

If the tender documentation states a manufacturer or the name of a specific product, then this is a product that is currently being utilized by the contracting authority, so such a reference is fully in compliance with the requirements under Art. 89 (5) of the PPA. Stating the manufacturer or name of a specific product in the documentation does not obligate the contractor to offer precisely such a product. The contract may offer a product with the same or better technical parameters that will be fully compatible with the required solution.

This tender documentation including all annexes is published on the contracting authority’s profile at [**https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/verejne-zakazky**](https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/verejne-zakazky), from the date of publication of the notification of the procurement procedure, and shall remain published in such manner at least until the end of the deadline for the submission of bids.

**Reservation of the Right to Change Contractor**

The contracting authority is entitled, within the meaning of the provisions of Art. 100 (2) of the PPA and Art. 222 (10) of the PPA, to enter into an agreement(s) with a different contractor (or participant of the procurement procedure) for the public contract, under the conditions as set out below:

a) If any of the conditions for the contracting authority’s withdrawal from the Agreement entered into with the selected contractor are fulfilled, the contracting authority is entitled to enter into a new Agreement with the participant of the procurement procedure for the public contract that has placed in second place according to the results of evaluation (i.e., in the original evaluation for the public contract), if such a (new) contractor agrees to provide performance of the public contract under the conditions contained in its bid submitted in the procurement procedure for the public contract and in the tender documentation for the public contract within the meaning of Art. 28 (1) (b) of the PPA.

b) If the participant of the procurement procedure who has placed in second place according to the evaluation results refuses to enter into a new Agreement with the contracting authority and to thus provide performance in place of the originally selected contractor, the contracting authority is entitled to turn to the participant of the procurement procedure who has placed in third place.

c) If, within the scope of a newly executed Agreement with a new contractor, any of the conditions for the reservation of the right to change under letter a) of this article of the tender documentation are fulfilled, the contracting authority is entitled to enter into a new Agreement with the next placing participant of the procurement procedure, under the conditions set out under letter a) and letter b) of this article of the tender documentation above.

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| Time and Place of Performance of the Public Contract |

The anticipated commencement of performance of the public contract is immediately after the Agreement enters into effect, whereby the Agreement will be entered into with effect until the full and flawless fulfilment of the subject of performance of the public contract.

The place of performance is specified in the Agreement.

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| Inspection of the Place of Performance |

In view of the nature of the subject of performance, the contracting authority will not be conducting an inspection of the place of performance.

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| Requirements for Proof of Qualifications |

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| * 1. **General Provisions on Proof of Qualifications** |

The conditions for participation in the procurement procedure pertaining to qualifications are fulfilled by a contractor who:

1. proves basic eligibility under Art. 74 of the PPA,
2. proves professional eligibility under Art. 77 of the PPA,
3. proves economic qualification under Art. 78 of the PPA, and
4. proves technical qualification under Art. 79 of the PPA.

The Contractor proves fulfillment of qualifications with documents required in this tender documentation.

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| * 1. **Form of Proof of Qualifications** |

The contractor submits documents proving fulfillment of qualifications in the form of an ordinary copy. With the exception of cases where this tender documentation expressly states that fulfillment of qualifications is to be proven by submitting a sworn statement, the contracting authority does not allow contractors to provide a sworn statement in place of submitting the required documents.

The contracting authority is entitled to require, within the meaning of Art. 122 (3) of the PPA, for the selected contractor to submit originals or certified copies of documents proving that qualifications have been fulfilled prior to the execution of the Agreement. The selected contractor is obligated to submit these within a reasonable deadline specified by the contracting authority. If the selected contractor fails to submit the documents in accordance with the previous paragraph, such contractor shall be disqualified from the procurement procedure by the contracting authority. In such a case, the contracting authority is entitled to call upon the contractor that placed in next place to enter into the Agreement.

Documents proving fulfillment of basic eligibility and an extract from the Commercial Register must prove fulfillment of the required eligibility criteria no later than 3 months prior to the date of commencement of the procurement procedure.

In cases where the contracting authority requires the submission of the contractor’s sworn statement as part of proof of fulfillment of qualifications, such a sworn statement must contain the information required by the contracting authority and must also be signed by a person authorized to act for the contractor or on its behalf. If an agent is acting on behalf of the contractor under a power of attorney, it is required for the power of attorney for such person to be included among the documents by which the contractor proves fulfillment of qualifications as a part of the bid.

The contractor is obligated to submit documents proving fulfillment of qualifications as part of its bid and to submit the same to the contracting authority within the deadline for the submission of bids.

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| * 1. **Proof of Qualifications Through Another Person (Subcontractor)** |

In regard to economic qualification, technical qualification or professional eligibility, with the exception of the criteria under Art. 77 (1) of the PPA, the contractor is entitled to prove fulfillment of the contracting authority’s requirements through other persons. However, in such a case, it is obligated to submit the following to the contracting authority:

1. documents proving fulfillment of professional eligibility under Art. 77 (1) of the PPA by the other person;
2. documents proving fulfillment of a missing part of qualification through the other person;
3. documents on fulfillment of basic eligibility under Art. 74 of the PPA by the other person;
4. a written undertaking by the other person to provide performance intended for the performance of the public contract or for provision of items or rights that the contractor will be authorized to dispose of within the scope of the performance of the public contract, at least to the extent in which the other person has proven qualification on behalf of the contractor. This requirement is fulfilled if the content of the written undertaking of the other person is the joint and several liability of such person for the performance of the public contract jointly with the contractor. However, if the contractor is proving qualification through the other person and is submitting documents under Art. 79 (2) (b) or (d) of the PPA pertaining to such person, the written undertaking must clearly specify that the other person will be performing an activity to which the qualification criterion being proven pertains.

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| * 1. **Proof of Qualifications If the Bid is Being Submitted Jointly by Multiple Persons** |

If the subject of the public contract is to be performed by several contractors jointly and, for such purpose, they are submitting or intend to submit a joint bid, each of the contractors is obligated to prove, separately and completely, fulfillment of basic eligibility under Art. 74 of the PPA and professional eligibility under Art. 77 (1) of the PPA. Fulfillment of the other parts of qualification may be proven by all of the contractors jointly.

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| * 1. **Proof of Qualification Acquired Abroad** |

If qualification has been acquired abroad, it must be proven with documents issued according to the law of the country in which it was acquired, to the extent as required by the contracting authority.

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| * 1. **Special Methods of Proving Qualifications** |

The contractor can also prove fulfillment of basic eligibility under Art. 74 of the PPA and professional eligibility under Art. 77 of the PPA by submitting an extract from a list of qualified contractors in accordance with and under the conditions as set out in Art. 226 et seq. of the PPA, or by submitting a certificate issued within the scope of the certified contractor system in accordance with and under the conditions as set out in Art. 233 et seq. of the PPA. The contracting authority will accept an extract from a list of qualified contractors if the extract from the list of qualified contractors is not more than 3 months old as of the last day when the fulfillment of the qualification is to be proven.

In accordance with the provisions of Art. 86 (2) of the PPA, the contractor is entitled to submit a European single procurement document in place of the required documents.

In accordance with the provisions of Art. 45 (4) of the PPA, the contractor can fulfill the obligation to submit a document by referring to the corresponding information entered in the public administration information system or in a similar system maintained in another member state that enables unrestricted remote access. Such a reference must contain the internet address and the details in order to log in and find the required information, if such details are necessary.

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| * 1. **Changes in the Contractor’s Qualifications** |

If, in the course of the procurement procedure, a change in the contractor’s qualification occurs after the submission of documents or a declaration of qualification, such contractor is obligated to notify the contracting authority of such change within 5 business days and to submit new documents or a new declaration of qualification within 10 business days of the notification of such change. The contractor will not have this obligation if the qualification was changed in such a way that the qualification conditions continue to be fulfilled or the bid evaluation criteria have not been affected.

If the contracting authority learns of the non-fulfillment of the contractor’s obligation as described in the previous paragraph, the contracting authority can disqualify such a contractor from the procurement procedure.

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| * 1. **Basic Eligibility** |

* + 1. **Basic Eligibility Criteria**

A contractor is not eligible if:

1. in the country of its registered address within the past 5 years prior to the commencement of the procurement procedure, it has been convicted in a final manner of a criminal act set out in Annex No. 3 to the PPA or of a similar criminal act under the law of the country of the contractor’s registered address;
2. it has due tax arrears shown in the tax records in the Czech Republic or in the country of its registered address;
3. it has due arrears on premiums or penalties for public health insurance in the Czech Republic or in the country of its registered address;
4. it has due arrears on premiums or penalties for social security and contributions for state employment policy in the Czech Republic or in the country of its registered address;
5. it is in liquidation, a decision on bankruptcy has been issued against it, administration has been ordered in regard to it under a different legal regulation or in a similar situation under the law of the country of the contractor’s registered office.
   * 1. **Basic Eligibility of a Legal Entity**

If the contractor is a legal entity, the condition under Art. 74 (1) (a) of the PPA above must be fulfilled by such legal entity and, at the same time, by every member of the statutory body. If a member of the contractor’s statutory body is a legal entity, such condition must be fulfilled by such legal entity, by every member of the statutory body of such legal entity, and by the person representing such legal entity in the contractor’s statutory body.

* + 1. **Basic Eligibility of a Branch Establishment**

If a participant of the procurement procedure is a branch establishment

1. of a foreign legal entity, the condition under Art. 74 (1) (a) of the PPA must be fulfilled by such legal entity and by the head of the branch establishment,
2. of a Czech legal entity, the condition under Art. 74 (1) (a) of the PPA must be fulfilled by the persons specified in section 6.8.2 of this article of the tender documentation and by the head of the branch establishment.
   * 1. **Proof of Basic Eligibility**

The contractor proves fulfillment of the conditions of basic eligibility in relation to the Czech Republic by submitting:

1. an extract from the Criminal Registry records in regard to the requirement under section 6.8.1 (a) of this article of the tender documentation;
2. a confirmation from the relevant financial authority in relation to section 6.8.1 (b) of this article of the tender documentation;
3. a written sworn statement pertaining to consumption tax in relation to section 6.8.1 (b) of this article of the tender documentation;
4. a written sworn statement in relation to section 6.8.1 (c) of this article of the tender documentation;
5. a confirmation from the relevant district social security administration in relation to section 6.8.1 (d) of this article of the tender documentation; and
6. an extract from the Commercial Register, or by submitting a written sworn statement if it is not registered in the Commercial Register, in relation to section 6.8.1 (e) of this article of the tender documentation.

The contractor is entitled to utilize the specimen sworn statement contained in Annex No. 2 to this tender documentation.

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| * 1. **Professional Eligibility** |

The contractor shall prove fulfillment of professional eligibility under Art. 77 of the PPA by submitting:

1. under Art. 77 (1) (a) of the PPA – an extract from the Commercial Register, if the contractor is registered therein, or an extract from another similar registry if the contractor is registered therein,
2. under Art. 77 (2) (a) PPA – a document regarding authorization to conduct business under special legal regulations to an extent corresponding to the subject of the public contract, primarily a document proving a relevant trade licensing authorization or license, at least to the extent of:
   * + production, installation, repairs of electrical machinery and devices, electronic and telecommunications equipment.

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| * 1. **Economic Qualification** |

In accordance with Art. 78 (1) of the PPA, the contracting authority requires for the contractor’s minimum annual turnover to achieve a minimum amount of **CZK 30,000,000.00 not including VAT**, within each of the 3 immediately preceding accounting periods; if the contractor entered into existence later, it shall suffice for it to submit data regarding its turnover in the required amount for all accounting periods since its inception.

The contractor shall prove turnover by submitting the contractor’s profit and loss accounts for all 3 immediately preceding accounting periods or a similar document in accordance with the law of the country of the contractor’s registered office, as well as the contractor’s sworn statement clearly showing what part of the turnover according to the profit and loss accounts is attributable to the above activities corresponding to the subject of the public contract.

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| * 1. **Technical Qualification** |

* + 1. **List of Significant Supplies**

The contractor shall submit a list of significant contracts performed within the last 5 years prior to the commencement of the procurement procedure, including a specification of the price and the time of the performance thereof, and the identification of the customer.

The contractor is obligated to submit a list of significant contracts in the form of a sworn statement having the following structure, preferably in the form of a table:

* contractor's name;
* name of significant contract;
* description of performance (brief description, what the provided construction work, supplies or services consisted in);
* total scope of performance (in CZK not including VAT);
* execution time of supplies or installations (the contracting authority recommends using the mm/yyyy – mm/yyyy format).

In accordance with Art. 79 (3) of the PPA, a significant contract has been executed within the past 5 years if it was completed within such period. In the case of a significant contract of a regular nature, for the purposes of proving technical qualification, the scope of the contract executed in the course of the past 5 years is considered decisive.

The documents must clearly show fulfillment of the technical qualification criterion level defined below.

The contractor fulfills such technical qualification criterion if, within the past 5 years, it has executed at least:

1. 3 significant contracts for the supply of multifunctional measuring vehicles intended for measuring longitudinal and transverse unevenness and defects in roadways or similar measuring equipment, having a value of at least CZK 15,000,000 not including VAT per each supplied vehicle or similar equipment;
2. 3 significant contracts consisting in the provision of service or maintenance for hardware and software equipment for measuring longitudinal and transverse unevenness and defects in roadways, each of which for a period of at least 24 months.

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| Payment and Business Terms |

The payment and business terms are defined by the Agreement. The contractor shall complete the annexed business terms with details necessary for a draft Agreement (offer) to be created (primarily including its own identification, the price, and any other details the completion of which the text of the business terms anticipates) and shall submit such modified draft Agreement (business terms) as an integral part of the bid.

The contracting authority does not require the submission of a signed binding specimen Agreement as part of the bid, but it does alert to the fact that the selected contractor will have an obligation to enter into the Agreement without the option of changes or additions (with the exception of adapting the identification details regarding the legal form of the selected contractor and other details the completion of which the text of the business terms anticipates – primarily Annex No. 2 to the Agreement).

Nevertheless, the bid must include a completed Annex No. 4 to the Agreement defining subcontractor performance.

In the case of a bid being submitted jointly by several contractors, the contractor is entitled to modify the draft Agreement only in view of such fact.

The draft Agreement must not exclude or restrict in any manner the rights of the contracting authority as set out in this tender documentation including annexes; otherwise, the contractor will be disqualified from participating in the procurement procedure.

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| Requirements for Manner of Preparing the Bid Price |

The contracting authority requires for the contractor to fully complete the table contained in Annex No. 4 – “Bid Price Breakdown Table” of this tender documentation.

The contracting authority requires for the contractor, for the purposes of submitting a bid, to fill in the Total Bid Price in CZK not including VAT according to Annex No. 4 of this tender documentation in the relevant place in the Bid Cover Sheet. The contractor is also obliged to follow the instructions of the contracting authority set out on the method of processing the tender price in Annex No. 4 to this tender documentation and the contractor then fills the component bid prices into the relevant places in Art. 5 of the draft Agreement. In case of discrepancies between such figures, the bid price stated in the draft Agreement shall be decisive. The contracting authority alerts to the fact that the terminology used in this tender documentation may not necessarily fully correspond to the terminology used in the Agreement.

The contractor shall be fully liable for any contradictions or discrepancies in individual bid prices stated in Annex No. 4 of this tender documentation. **Listing differing values that may have an impact upon the evaluation of bids is grounds for the elimination of the bid and the disqualification of the participant from the procurement procedure**. The contractor bears liability for accurately setting the rate of VAT.

The bid price must include all of the costs arising in connection with the performance of the public contract. The agreed price includes all of the contractor’s work, services, fees and costs necessary for the proper and complete execution of the subject of performance including a reasonable profit, unless the contracting terms expressly provide otherwise.

The bid price shall be set as the highest permissible price for the proper performance of the subject of the public contract. The bid price can only be exceeded if, in the course of the realization of the subject of the public contract, a change occurs in the amount of the value added tax rate or in the rate of statutory fees applicable to the subject of the public contract as of the date of taxable supply.

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| Evaluation of Bids According to Evaluation Criteria |

Bids will be evaluated within the meaning of Art. 114 (1) of the PPA according to their **value for money**, based upon the lowest bid price.

The subject of evaluation will be the total amount of the bid price of the public contract in CZK not including VAT set by the participant in accordance with Art. 9 of this tender documentation (i.e., the total price of the subject of purchase and related performance and the price of 100 man-days of software modifications).

The contractor is not entitled to make the values, parameters and details being proposed by it that are subject to evaluation conditional upon any other condition.

The figures that the contractor offers for the purposes of the evaluation of bids are binding upon the contractor, including as regards the subsequent performance of the Agreement.

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| Requirements and Terms for Preparing the Bid |

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| * 1. **General Requirements Regarding the Bid** |

The contractor is obligated to submit the bid in writing in electronic form in accordance with the contracting terms.

The bid must be drawn up in the Czech language. The exception to this is documents in the Slovak language, and documents regarding education or professional qualification in the Latin or English language under Art. 45 (3) of the PPA.

All documents or statements requiring the contractor’s signature may be submitted as a simple copy. In the case of a signature by another person, such person’s authorization must be substantiated in the bid.

If multiple contractors are submitting a bid jointly, they are obligated to enclose documents demonstrably showing that all such contractors will be liable jointly and severally in regard to the contracting authority and in regard to any third persons out of any obligations arisen in connection with the performance of the subject of the public contract or arisen as a result of a delay or other breach of contractual or other obligations in connection with the performance of the subject of the public contract. The relevant documents must also clearly define which of the contractors is authorized to act as the representative of the company. In the case of a joint bid, the contractors shall also specify in the bid, in addition to the contact addresses of all of the contractors, the person who will be authorized to represent such contractors in contact with the contracting authority in the course of the procurement procedure, in accordance with the previous sentence.

If a part of the contract is to be performed through another person (through a subcontractor), the contracting authority requires for the contractor to specify in the bid the parts of the public contract that it intends to assign to one or more subcontractors, and to also state the identification details and contact details of each such subcontractor. The contractor will have fulfilled this condition required by the contracting authority by stating the required details in the list of subcontractors, the binding specimen of which is contained in Annex No. 4 to the Agreement (for a subcontractor, the contractor is obligated to state its identification details under Art. 28 (1) (g) of the PPA). That shall not affect the contractor’s exclusive liability for the provision of proper performance.

If the contractor does not intend to utilize subcontractors, it shall give a sworn statement in regard thereto which will be a part of the bid. The contractor shall complete Annex No. 4 to the draft Agreement containing a list of subcontractors in such a way so as to make it absolutely clear that it will not be utilizing any subcontractors in the course of performance.

As a part of the bid, the contractor is obligated to submit a **Bid Cover Sheet**. For such purpose, the contractor shall use Annex No. 1 to the tender documentation.

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| * 1. **Agreement and Conditions of Its Execution** |

The contractor is obligated to complete the binding specimen Agreement and all of the annexes to the Agreement.

Upon the contracting authority’s request prior to entering into the Agreement, the contractor will be obligated to submit all of the documents and information prescribed in Art. 122 (3) of the PPA to the extent as specified in this tender documentation.

The contractor will be obligated to submit primarily originals or certified copies of documents regarding qualification, or a document on insurance within the meaning of the specimen Agreement, if such have not yet been submitted in the procurement procedure or if the contracting authority does not have them otherwise available.

In the case of a contractor who is a legal entity, the contracting authority will ascertain information regarding its beneficial owner in accordance with Act No. 253/2008 Coll., on Certain Measures Against Legalization of Proceeds of Criminal Activity and Financing of Terrorism, as amended (hereinafter the “**beneficial owner**”) from records containing details on the beneficial owners. If it is not possible to ascertain information on the beneficial owner of the contractor in such way, the contracting authority will call upon the contractor in accordance with Art. 122 (5) of the PPA to submit an extract from an entry in a similar registry of data regarding beneficial owners, or to provide the identification details of all of the persons that are its beneficial owners, and to submit documents showing the relationship of such persons to the selected contractor.

**The contracting authority alerts to the fact that it is bound by Art. 211 (3) of the PPA, which sets out the obligation of written electronic communication between the contracting authority and the contractor, applicable to all documents being submitted, including documents being submitted by the selected contractor on the basis of a request under Art. 122 (3) and (5) of the PPA. In cases where the selected contractor is required by law (e.g., Art. 122 (3) (a) of the PPA) or by the contracting authority in the contracting terms to submit original documents and these only exist in paper form, their conversion into electronic form is presumed, in accordance with Art. 22 of Act No. 300/2008 Coll., on Electronic Operations and Authorized Conversion of Documents, as amended.**

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| Clarification of the Tender Documentation |

The contractor is entitled to require the contracting authority to provide a clarification of the tender documentation under Art. 98 of the PPA. A written request for clarification must be delivered to the contracting authority through the electronic tool located at <https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/verejne-zakazky>.

Upon a written request for clarification of the tender documentation, the contracting authority will send a clarification of the tender documentation and any related documents within the statutory deadline to all contractors who have requested to be provided with the tender documentation or to whom the tender documentation was provided, through the electronic tool specified above, and will publish the clarification of the tender documentation including the exact wording of the enquiry on the contracting authority’s profile (without identifying the contractor who submitted the enquiry).

The contracting authority reserves the right to provide contactors with a clarification of the tender documentation even without a previous request.

This tender documentation is published on the contracting authority’s profile, on the website <https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/verejne-zakazky>, from the date of publication of the notification of the procurement procedure, and shall remain published in such manner at least until the end of the deadline for the submission of bids.

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| Manner of and Place for Submitting Bids |

Bids are to be submitted in writing, and only in electronic form.

A bid must be submitted no later than by the end of the deadline for the submission of bids as set out in Art. 14 below. The contractor is liable for the timely delivery of the bid. Bids submitted after the deadline for the submission of bids will not be opened.

A bid in electronic form must not exceed a size of 200 MB, of which a maximum of 100 MB may be documents to prove qualifications and a maximum of 100 MB may be other documents for the bid. The bid must be drawn up with the use of acceptable file formats, i.e., Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG.

The contracting authority provides detailed information in regard to the submission of bids in electronic form:

* For the submission of bids in electronic form, a certified electronic tool available at <https://www.nen.nipez.cz> (hereinafter the “**electronic tool**”) shall be used.
* In order to be able to submit a bid, a participant of the procurement procedure must be registered as a Contractor in the Tender arena electronic tool (link “Log In – New Contractor Registration”). It takes a maximum of 48 hours (on business days) to process such registration upon submission of all required documents, and such registration is not subject to a fee.
* The contracting authority does not bear any liability for technical conditions on the part of a participant of the procurement procedure. The contracting authority recommends for participants of the procurement procedure to take into consideration primarily the speed of their internet connection when submitting the bid so that the bid is submitted within the deadline for the submission of bids (the submission of a bid is understood to mean the final dispatch of the bid to the tool after uploading all of the annexes).

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| Deadline for Submission of Bids |

The deadline for the submission of bids is specified in the notification of commencement of the procurement procedure.

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| Opening Bids |

The opening of bids will be non-public.

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| Communications Between the Contracting Authority and the Contractor |

All of the operations within the scope of this procurement procedure as well as all communications between the contracting authority and the participant of the procurement procedure (even beyond the scope of electronic submission of bids as has already been required) shall be conducted electronically through an electronic tool.

All documents sent by way of an electronic tool are considered duly delivered as of the date of their delivery to the user account of the addressee of the document in the electronic tool. The delivery of the document is not affected by whether the document was read by the addressee, or whether or not the electronic tool sent a notification to the addressee’s contact email address stating that a new message had been delivered to its user account.

The participant of the procurement procedure shall always be liable for becoming acquainted in a due and timely with documents being sent by the contracting authority through an electronic tool manner, as well as for the accuracy of the contact details specified for the participant of the procurement procedure.

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| Other Rights and Terms Stipulated by the Contracting Authority |

The contracting authority also stipulates the rights and terms set out below:

1. the contracting authority excludes the option of submitting alternative bids;
2. the contracting authority reserves the right to change or modify the terms set out in the tender documentation, either on the basis of contractors’ requests for clarification of the tender documentation (contractors’ enquiries) or upon its own initiative;
3. contractors themselves shall bear all of their own costs associated with participation in the tender procedure;
4. individual contractors are obligated to refrain from any actions that might disrupt the transparent and nondiscriminatory course of the procurement procedure, primarily including actions that could result in distortion of competition among contractors within the scope of the award of the public contract;
5. the contracting authority reserves the right to publish or make accessible to third parties any information that it has received from the contractor in connection with the Agreement for the performance of this public contract, primarily for reasons set out by the valid legal regulations pertaining to the right of the public to information or rules relating to the financing of the price of the subject of performance. The contractor thus agrees to the publication of such information by the contracting authority. Additionally, this paragraph does not restrict the right of the contracting parties to provide necessary information to its auditors or to legal, economic or other advisors who are bound by confidentiality in regard to the contracting party, nor does it restrict the right of the contracting parties to exercise their rights under the executed Agreement. By submitting a bid, the contractor agrees to the Agreement (including any annexes, changes and amendments) being published on the official websites https://www.tsk-praha.cz/, https://smlouvy.gov.cz/ or on the contracting authority’s profile, in accordance with the requirements of the generally binding legal regulations, primarily including Act No. 340/2015 Coll., the Act on Special Conditions for the Effectiveness of Certain Contracts, the Publication of Such Contracts, and on the Contracts Registry (the Contracts Registry Act). By submitting a bid, the contractor also agrees that it does not consider the information set out in the Agreement to constitute business secrets within the meaning of the provisions of Art. 504 of Act No. 89/2012 Coll., the Civil Code, or to constitute confidential information, and agrees to the use and publication thereof. An exception to the consent to the publication of the Agreement as specified above are the personal data of authorized persons contained in the Agreement. The contractor also acknowledges that the contracting authority is obligated, upon request by a third party, to provide information in accordance with Act No. 106/1999 Coll., on Free Access to Information, and agrees for all information contained in the Agreement (including any annexes, changes and amendments) to be provided to third parties, with the exception as set out above, if they request the same under the Act specified above. The termination of the procurement procedure does not terminate the right to the publication of information. By participating in the procurement procedure for the award of the public contract, the contractor acknowledges that the contracting authority will dispose of the said information in the course of the procurement procedure in the manner as stated, and expresses its consent to the use thereof. The contracting authority also alerts the contractor to the fact that the tender documentation is a summary of the contracting authority’s requirements and not a final summary of all of the requirements arising from the generally valid rules. Thus, in drawing up its bid, the contractor must always comply not only with the requirements contained in the tender documentation, but also with the provisions of the relevant generally binding rules;
6. the contracting authority alerts to the fact that this tender documentation is a summary of its special requirements, whereby **the contracting party’s and contractor’s rights and obligations in connection with the procurement procedure are further specified in the relevant provisions of the PPA.**
7. **This tender documentation has been prepared in Czech and English language. In case of discrepancies, the Czech version shall prevail.**

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| Annexes to the Tender Documentation |

* + - Annex No. 1 – Bid Cover Sheet
    - Annex No. 2 – Sworn Statement on Basic Eligibility
    - Annex No. 3 – Specimen Agreement
    - Annex No. 4 – Bid Price Breakdown Table

In Prague on: 22/12/2020

on behalf of the Technical Road Administration of the City of Prague (Technická správa komunikací hl. m. Prahy, a.s.)

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Mgr. Jozef Sinčák, MBA prof. Ing. Karel Pospíšil, Ph.D.

Chairman of the Board of Directors Vice-Chairman of the Board of Directors

**Annex No. 1**

**Bid Cover Sheet**

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| **BID COVER SHEET** | | | |
| **Public Contract** | | | |
| **Name** | Purchase of Multifunctional and Measuring Vehicle | | |
| **Basic Identification Details** | | | |
| **Contracting Authority:** | | | |
| **Name:** | | **Technical Road Administration of the City of Prague (Technická správa komunikací hl. m. Prahy, a.s.)** | |
| **Registered Office:** | | **Řásnovka 770/8, Old Town, 110 00 Prague 1** | |
| **Identification Number (IČ):** | | **03447286** | |
| **Person Authorized to Represent the Contracting Authority:** | | **Mgr. Jozef Sinčák, MBA, Chairman of the Board of Directors**  **prof. Ing. Karel Pospíšil, Ph.D., Vice-Chairman of the Board of Directors** | |
| **Contractor:** | |  | |
| **Name:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Registered Office of Business:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Tel./Fax.:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Identification Number (IČ):** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Tax Identification Number (DIČ):** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Legal Form:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Person Authorized to Represent the Contractor:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Telephone:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Email:** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Total Bid Price in CZK Not Including VAT** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Authorization of Bid by Person Authorized to Represent the Contractor:** | | | |
| **Signature of Authorized Person:** | | **……………………………………………………** | **Stamp** |
| **Title, Name, Surname** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |
| **Position** | | **[TO BE COMPLETED BY THE CONTRACTOR]** | |

**Annex No. 2**

**Specimen of Sworn Statement on Fulfillment of Basic Eligibility**

**Sworn Statement**

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| Contractor: | [TO BE COMPLETED BY THE CONTRACTOR] |
| id. no. (IČ): | [TO BE COMPLETED BY THE CONTRACTOR] |
| registered office: | [TO BE COMPLETED BY THE CONTRACTOR] |

registered in the Commercial Register maintained by the [TO BE COMPLETED BY THE CONTRACTOR]

(hereinafter the “contractor”)

hereby, for the purposes of a public contract entitled “**Purchase of a Multifunctional and Measuring Vehicle**” honestly declares that it fulfills the basic eligibility requirements within the scope of Art. 74 (1) letters (c) and (e), and, as pertains to consumption tax, letter (b) of Act No. 134/2016 Coll., the Public Procurement Act, as amended (hereinafter the “PPA”), i.e., that:

* it does not have due tax arrears pertaining to consumption tax shown in the tax records in the Czech Republic or in the country of its registered office;
* it does not have due arrears on premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office;
* it is not in liquidation, a decision on bankruptcy has not been issued against it, administration under another legal regulation has not been ordered in regard to it, nor is it in a similar situation under the law of the country of the contractor’s registered office[[1]](#footnote-1).

The contractor is making this sworn statement in accordance with its seriously intended free will and is aware of all of the consequences arising from stating false information.

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of Authorized Person / Specification of Position]

**Annex No. 3**

**Specimen Agreement**

(comprising a separate document)

**Annex No. 4**

**Bid Price Breakdown Table**

(comprising a separate document)

1. If the contractor is registered in the Commercial Register, it shall prove this item by submitting an extract from the Commercial Register [↑](#footnote-ref-1)