FACTUAL JUSTIFICATION OF THE ESTABLISHMENT OF THE EVALUATION CRITERION

Contracting entity: Bílovecká nemocnice, a.s.

With registered office at: 17. listopadu 538/57, 743 01 Bílovec

Represented by: Ing. Kamil Mašík and MUDr. Dagmar Palasová

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public procurement:

“MODERNISATION OF SPACES TO IMPROVE THE QUALITY OF CARE OF CHRONIC PATIENTS IN BÍLOVECKÁ NEMOCNICE, a.s.”

implemented within the project:

“MODERNISATION OF SPACES TO IMPROVE THE QUALITY OF CARE OF CHRONIC PATIENTS IN BÍLOVECKÁ NEMOCNICE, a.s.”

The Contracting entity has established a single evaluation criterion for the public procurement in question, that is, the lowest bid price excluding VAT.

The evaluation criterion is established fully in compliance with current legislation, Section 78, paragraph 1b of the Act No. 137/2006 Coll., on public procurement, as amended, and in accordance with the Guide for Applicants and Beneficiaries of the Subproject, Program implementing Swiss-Czech cooperation at the Ministry of Health of the Czech Republic, version 2, in force as from 6 January 2014, Article 7.2.4.1. – Obligation arising from the Program of Swiss-Czech cooperation, paragraph – definition of evaluation criteria.

The priority task of the Contracting entity in the implementation of the tender procedure is to achieve maximum transparency.

To achieve this task the Contracting entity uses a single criterion to evaluate bids “THE LOWEST BID PRICE EXCLUDING VAT” and absolute definitions of all other parameters of the contract, such as delivery time, length of the warranty period, etc.

In order to achieve the desired transparency, the Contracting entity shall proceed as follows:

1) Project documentation and bill of quantities, which shall be the basis for drawing up bids, hence bid price by the bidders, is processed in detail by a qualified project consultant, in particular in details concerning required quality of materials, delivered techniques, use of construction technologies, etc. This thorough documentation prevents the candidates from using low-quality materials or procedures in the implementation of construction works.

The tender documentation expressly states:

* *Technical specifications are defined in the project documentation and bill of quantities, which form the Annex 6 of the tender documentation.*
* *Where the tender documentation, technical specifications or project documentation with the bill of quantities contain requirements or references to companies, trade names or first and last names, specific designations of products and services that are deemed characteristic of a specific subject, or its organizational unit, patents for inventions, utility models, industrial designs, trademarks or indications of origin, such specification shall be regarded as a standard. It is permissible to replace all the specified materials with other equivalent ones for which the supplier guarantees that it will have at least a minimum of identical properties, technical and qualitative parameters and that it will not affect the functionality of proposed constructions, technologies, products and materials used in the construction and will ensure the compliance with all required technical and user standards of the construction.*

*Should a tenderer in its offer replace a specified material with an equivalent one, the tenderer* ***shall be obliged to insert technical sheets in the offer****, evidencing that the equivalent will have at least a minimum of identical properties, technical and qualitative parameters as the material suggested and specified by the Contracting entity. Should the suggested equivalent fail to meet the parameters specified by the Contracting entity, which need to be deemed a minimum standard, the bid of the tenderer shall be excluded and the tenderer shall be disqualified from further participation in the tender procedure.*

The above clearly indicates that the tenderers may freely choose from the range of manufacturers or suppliers for the supply of equipment and materials; however, they need to comply with the requirements for a minimum specified standard.

2) The expertise of potential contractors shall be checked and evaluated on the basis of criteria specified as part of requirements to prove meeting the technical qualification requirements, where the Contracting entity requires the evidence of professional experience in the implementation of contracts similar to the subject of the tender procedure, as well as the evidence of expertise and experience of supplier’s leaders, with the authorization requirement in the field of building construction.

3) The Contracting entity shall check the work implemented and material and technologies used consistently by itself, through its specialists, as well as, in particular, through the external technical supervision, which shall be selected on the basis of an invitation to tender, where high expertise of the authorized person and its experience with constructions similar to the subject of the tender procedure shall be the main selection criterion. During the actual implementation of construction works, all key steps in the implementation of construction shall be supervised, as well as duly documented.

4) The Contracting entity drafted a detailed contract for work pursuant to Section 2586 et seq. of the Act No. 89/2012 Coll., of the Civil Code, as amended, which defines terms for the implementation of construction works in details, such as:

 a) delivery time,

 b) warranty period,

 c) place of performance,

 d) ownership of the work,

 e) price of the work,

 f) terms of the implementation of additional work, or limitation of the scope of work,

 g) penalties in the event of non-compliance with the contractual arrangements,

 i) method to ensure proper performance of work and work quality,

 j) terms of the performance of work and principles for checking the performed work,

 k) terms of keeping a building logbook,

 l) terms of the handover and takeover of the work and other terms.

In other words, this contract thoroughly specifies terms and conditions for the performance of the subject of the public procurement without any ambiguity. The specified terms are identical for all tenderers and completely transparent.

The above clearly indicates that the establishment of the single evaluation criterion prevented possible errors in improper or subjective assessment and evaluation of bids in the event of the establishment of the evaluation criterion in the form of economic profitability of tenders pursuant to Section 78, paragraph 1a of the Act No. 137/2006 Coll., on public procurement, as amended.

Based on the established evaluation criterion and terms for meeting the qualification of tenderers, the tenderer who will be technically competent to implement the contract duly, well, within specified period and at the lowest bid price shall be selected as the best tenderer.

In Bílovec, on

 Ing. Kamil Mašík and MUDr. Dagmar Palasová