

Tender documentation pursuant to the Act No. 137/2006 Coll., on Public Procurement, as amended (hereinafter referred to as “the Act”).

OPEN TENDER FOR CONSTRUCTION WORKS BELOW THE THRESHOLD

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

Supported by the Program of Swiss – Czech Cooperation
Supported by a grant from Switzerland through the Swiss Contribution to the enlarged
European Union

1. NAME OF THE PUBLIC PROCUREMENT

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

2. PROJECT NAME AND FUNDING

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

Supported by the Program of Swiss – Czech Cooperation.
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Subproject registration No.: CH.10/1/007

3. IDENTIFICATION DATA OF THE CONTRACTING ENTITY

Name of the Contracting entity:	Bílovecká nemocnice, a.s.
Address:	17. listopadu 538, 743 01 Bílovec
Represented by:	Ing. Kamil Mašík and MUDr. Dagmar Palasová
Company identification No.:	26865858
Tax identification No.:	CZ26865858

4. IDENTIFICATION DATA OF THE PERSON REPRESENTING THE CONTRACTING ENTITY UNDER SECTION 151 OF THE ACT

Representing the Contracting entity in the tender procedure

Performance of contracting activities is entrusted to the company:

Name:	Miroslav Švancar
Address:	Petra Kříčky 2700/1, 702 00 Ostrava
Contact address:	Česká 1108/18, 700 30 Ostrava - Zábřeh
Company identification No.:	62340701
Contact person:	Miroslav Švancar
Phone:	+420 596 11 70 46, +420 773 90 90 80
E-mail:	svancar.vz@gmail.com

5. ESTIMATED VALUE OF THE PUBLIC PROCUREMENT

CZK 35,998,824.87, excluding VAT. The estimated value of the public procurement is a maximum permissible value.

6. PLACE OF IMPLEMENTATION OF THE PUBLIC PROCUREMENT

Bílovecká nemocnice, a.s., 17. listopadu 538, 743 01 Bílovec

7. CLASSIFICATION OF THE SUBJECT OF THE PUBLIC PROCUREMENT

pursuant to Section 9 of the Act – **Construction works**

Name	CPV	Unit	Amount
construction works	45000000-7	kpt	1
work associated with construction site preparation	45100000-8	kpt	1
building installation work	45300000-0	kpt	1
building completion work	45400000-1	kpt	1

8. DEFINITION OF THE SUBJECT OF THE PUBLIC PROCUREMENT

The subject of the public procurement is construction work in the extent as defined in the model contract, project documentation and bills of quantities, which are an integral part of the tender documentation. See Annex 5 and Annex 6.

The project addresses construction work of completed buildings “C” and “B” within the complex of buildings in Bílovecká nemocnice, a.s.

1)

The project addresses construction work for the completed building “C” of Bílovecká nemocnice, a.s on the aboveground floors 2, 3, 4 and the annex, roofing with sheathing for the purpose of a covered terrace and an indoor walkway (indoor garden) in the area of the western front of the expansion unit C in the complex of buildings of Bílovecká nemocnice, a.s.

The interior is designed so as to modernize the department of inpatient aftercare with the creation of facilities and a space that would meet the needs of patients and the requirements of current regulations, norms and international standards for long term care. There are double rooms designed with separate sanitation facilities for two rooms, as well as single rooms, double and triple rooms with shared toilet facilities. Next, there is a room designed for doctors to meet relatives of patients on the third floor. There are meeting rooms, examination rooms, nurse's station, kitchen, day room for the personnel, utility rooms with storage, storage for sterile supplies, staff toilet, common washrooms and toilet for patients designed on the floors indicated. For patients, there is also an indoor terrace and walkway with extra features like a winter garden designed there. The area is roofed and sheltered by a glass wall. In addition, the repair of the existing elevator is proposed, the chapel is also designed for the possibility of a dignified farewell of survivors on the second aboveground floor.

Within the construction work, also new division of the space is designed using brick partitions, new flooring or new wear layers, new fitting of internal surfaces with plaster, new tiles, plaster or plasterboard ceilings. New water mains, sewers, low current and low voltage distribution are designed on the affected floors, as well as new heating and mechanical ventilation of selected areas where natural ventilation would be impossible.

2)

The project addresses construction work of the completed construction on the 1st underground floor and part of the 1st aboveground floor in the building “B” within the complex of buildings of Bílovecká nemocnice, a.s. Proposed construction work solves the location of the department of rehabilitation based on the investor's requirements on the 1st underground floor of the building “B”. The rehabilitation proper consists of rooms for physiotherapy, ergotherapy, magnotherapy, hydrotherapy, and a gym room. Furthermore, there is a reception designed there, as well as separate changing rooms and toilets for patients and a new central part of the employee locker rooms. A meeting room is designed near the locker rooms; there is also a utility room on the floor. As part of the project, new water mains, sewers, low current and low voltage distribution, and heating are designed on the affected floor, as well as a new mechanical ventilation of selected areas.

Construction work on the “B” and “C” buildings will not be carried out simultaneously. The Contracting entity absolutely defines the procedure of works, as follows: First, all construction work on the “B” building will be carried out and only then construction work on the “C” building will begin.

If the Contracting entity in the tender documentation or its annexes provides specific names or specific product marking, this is only the definition of the required standard and the Contracting entity allows for the performance of the public contract use of other, technically and qualitatively similar solutions. Thus, if the tender documentation specifies a particular product or technology, it is understood that it defines the minimum required standard and can be replaced with a good or better alternative.

9. TECHNICAL SPECIFICATIONS PURSUANT TO SECTION 45 OF THE ACT

- Technical specifications are defined in the project documentation and bill of quantities, which form Annex 6 to 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 specifications shall be regarded as a standard. It is permissible to replace all the specified materials with other equivalent ones for which the contractor 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 tenderer's offer shall be excluded and the tenderer shall be disqualified from further participation in the tender procedure.

10. TERMS AND CONDITIONS

The Contracting entity defined terms and conditions in an absolute way. Terms and conditions defined by the Contracting entity are binding upon the tenderer and are defined in the model contract annexed to the tender documentation.

Terms and conditions include:

- *payment terms,*
- *delivery terms,*
- *warranty terms,*
- *penalty terms,*
- *other terms defined by the Contracting entity (e.g. requirement for the liability insurance for damage caused by the Contractor to a third party, etc.).*

The tenderer is entitled to make additions to the model contract only where indicated, in particular, it is obliged to complete its identification data, bid price and other assets that are subject to evaluation. Otherwise, this fact will result in the exclusion of the offer and disqualification of the tenderer from the tender procedure.

The tenderer is required to submit individual attachments to the draft contract, by following the instructions in the tender documentation. The completed and signed draft contract, including attachments, is binding upon the tenderer.

The contract will be signed by an authorized person of the tenderer in accordance with the method of dealing with a legal or natural person under the Commercial and Civil Codes (in all parts intended for signing).

The unsigned contract is an unsigned offer pursuant to the Act and is therefore legally invalid. The offer, which will contain an unsigned contract will be excluded from the tender for failure to meet the conditions of the tender procedure.

When an agent acts on behalf of or for the tenderer under a power of attorney, a valid power of attorney in original or certified copy must be submitted in the offer after the draft contract. Submission of incomplete or unsigned text of the contract shall result in the exclusion of the tenderer's offer.

If an offer is submitted by tenderers jointly, the header of the contract must include all contractors who submitted the joint offer, and the contract must be signed by an authorized person of all contractors who submitted the joint offer, in accordance with the method of dealing with a legal or natural person under the Commercial and Civil Codes (in all parts intended for signing).

11. REQUIREMENTS FOR THE PROTECTION OF CLASSIFIED INFORMATION

- Public procurement is not subject to the regime for the protection of classified information.
- By submitting an offer, the contractor acknowledges that the concluded contract for work with all its statutory attachments will be published on the profile of the Contracting entity.

12. REQUIREMENTS TO SECURE SUPPLIES UNDER SECTION 46C

- The Contracting entity has no such requirements.

13. REQUIREMENTS FOR OFFER VARIANTS

- The Contracting entity does not recognize any offer variants.

14. REQUIREMENTS FOR THE METHOD OF PROCESSING A BID PRICE

The Contracting entity requires processing of a total bid price for the entire performance of the subject of the public procurement.

For the purpose of the tender procedure, bid price means a total price for the performance of the public procurement to be determined by the absolute amount based on the valuation of individual items listed in the itemized budget / bill of quantities annexed to the tender documentation.

Other requirements:

- Bid price shall be provided in **CZK without VAT**.
- Bid price shall be provided in categories: bid price without value added tax (VAT), VAT separately (VAT rate 21%, or a reduced rate of VAT – *VAT rate in relation to the subject of performance of the public procurement will be provided by the tenderer*) and bid price including VAT.
- Bid price shall include all costs of the tenderer related to the performance of the subject of the public procurement.
- The tenderer shall provide a total amount of the bid price for the entire performance of the public procurement.
- The tenderer shall provide a total amount of the bid price based on the valuation of individual items listed in the itemized budget. The tenderer is required to value all items listed in the bill of quantities. Failure to value any items, as well as inclusion or „dissolution“ of a particular type of work, supply, service under item other than the specified item of the bill of quantities shall result in the exclusion of the offer and disqualification of the tenderer from the tender procedure.
- The tenderers shall not alter or modify the contents and the structure of the itemized budget / bill of quantities in any way.
- Bid price shall be processed in accordance with the tender specifications. Bid price shall be determined as the price “maximum permissible”!
- Valued itemized budget and draft contract for work, signed by a person authorized to act on the behalf of or for the tenderer, are a required part of the submitted offer.
- Contractors from the EU and third countries shall provide the price including VAT, even if they do not pay VAT, since they must take into consideration the applicable tax legislation in the Czech Republic.
- **Bid price is subject to evaluation** in a criterion: **Bid price without VAT**

15. CONDITIONS AND REQUIREMENTS FOR THE OFFER PROCESSING, OTHER REQUIREMENTS OF THE CONTRACTING ENTITY FOR THE PERFORMANCE OF THE SUBJECT OF THE PUBLIC PROCUREMENT

- 15.1 The offer shall be submitted **in one original in writing, in one copy in writing and in two complete counterparts in electronic form on a data medium (CD/DVD) in the Czech language.** In the event of a conflict between these documents, the paper form shall prevail.
- 15.2 The offer shall not contain rewritten words or corrections that may mislead the Contracting entity.
- 15.3 The offer shall be sealed against unauthorized manipulation with individual sheets so that no individual sheet can be removed without breaking the “seal” by force. The seal shall be signed on both sides by a person authorized to act for the tenderer and stamped. All sheets of the offer, including attachments, shall be properly numbered using upward continuous numerical series, including all enclosed attachments.
- 15.4 The offer shall be submitted at the address for submitting offers, indicated by the Contracting entity in this tender documentation. The offer shall be submitted in accordance with Section 69, paragraph 5 of the Act, in one volume, in a properly sealed envelope, bearing the name of the tenderer, its identification number and address. The envelope must also indicate the name of the public procurement **“MODERNISATION OF SPACES TO IMPROVE THE QUALITY OF CARE OF CHRONIC PATIENTS IN BÍLOVECKÁ NEMOCNICE, A.S.”** and say **“DO NOT OPEN – TENDER OFFER”**.
- 15.5 The tenderer shall use the order of documents specified in the following sections of these guidelines for the preparation of an offer:
- 15.5/1 Contents of the offer.** *The offer shall include a table of contents indicating the number of pages of individual sections (chapters) and the indication of the total number of pages; the tenderer shall use Annex 1 of the tender documentation – Contents of the offer therefore.*
- 15.5/2 Cover sheet of the offer.** *To compose a cover sheet, the tenderer shall use Annex 2 of the tender documentation – Cover sheet of the offer. The cover sheet shall contain the following data: name of the public procurement, basic identification of the Contracting entity and the tenderer (including persons authorized to act further), maximum bid price permissible itemized according to the tender documentation, date and signature of a person authorized to act on behalf of or for the tenderer. In the event of a conflict between the bid price specified on the cover sheet of the offer and the bid price specified in the draft contract, the draft contract shall prevail.*
- 15.5/3** *The tenderer shall submit a **draft contract** as part of the offer, including all required attachments, signed by a person authorized to act on behalf of or for the tenderer. A model contract is annexed to the tender documentation. Submission of an incomplete contract for work shall be a reason for disqualification of the tenderer’s offer from further evaluation.*
- 15.5/4 Itemized budget.** *The tenderer shall submit an Itemized Budget in its offer as an annex to the Contract. The tenderer shall use itemized budgets/bills of quantities to process the itemized budget, which are included in the tender documentation.*
- 15.5/5 Documents to demonstrate the qualification stipulated by law, qualification documentation.** *Qualification documentation regulates in detail the definition and method of the demonstration of qualification requirements. Documentation of the compliance with qualification according to the requirements of the Contracting entity specified in accordance with law is a requirement for the contract conclusion. Qualification documentation is a part of this tender documentation.*
- 15.5/6 Documents required in accordance with Section 68, paragraph 3 of the Act:**
- a) *a list of statutory bodies or members of statutory bodies that were in employment, functional or similar relationship with the Contracting entity in the last 3 years since the end of the deadline for submitting offers,*
- b) *if the contractor is in the form of a joint-stock company, a list of shareholders, with shares having a total nominal value exceeding 10% of the share capital, composed within the period for submitting offers,*

c) a declaration of the tenderer that it did not conclude and will not conclude any prohibited agreement under a special legal regulation in connection with the awarded public procurement.

The above documents must be signed by a person authorized to act on behalf of or for the tenderer.

15.5/7 Documents evidencing the provision of a financial security – in accordance with Art. 19. REQUIREMENT FOR THE PROVISION OF SECURITY

15.5/8 The integrity clause in accordance with Article 20 below and other papers and documents required by the Contracting entity. (For example, technical sheets which the tenderer is obliged to insert in the offer, if the tenderer intends to replace the material specified by the Contracting entity with another equivalent – see Article 9 – Technical specifications).

16. METHOD OF OFFER EVALUATION

Pursuant to Section 78, paragraph 1 b) of the Act

The basic evaluation criterion for awarding the public procurement is:

- **The lowest bid price without VAT**

The offers shall be ordered according to the amount of the bid price without VAT. The offer with the lowest bid price will be evaluated by the evaluation commission as the best offer.

17. REQUIREMENT FOR THE FORM OF THE SUBMITTED OFFER

Offers shall be submitted in paper format only.

An offer shall be submitted also in one copy in paper form and in two complete counterparts in electronic form on a data medium (CD/DVD) – see provisions of Article 15.1 of the tender documentation.

18. OTHER REQUIREMENTS OF THE CONTRACTING ENTITY FOR THE PERFORMANCE OF THE PUBLIC PROCUREMENT, SUBCONTRACTING SCHEME

Pursuant to Section 44, paragraph 6 of the Act, the Contracting entity requires tenderers to specify in the offer parts of the public procurement which they intend to subcontract to one or more subcontractors and to provide identification data (Section 17 d) of the Act) and contact data of each subcontractor. **The tenderer shall do so by a declaration, using the attachment of the tender documentation – Subcontracting scheme**, where the tenderer shall describe the subcontracting system together with the indication which part of this public procurement will be implemented by a specific subcontractor – also indicating the type of supplies, services or construction works and indicating the percentage (%) of the financial share on the public procurement.

The tenderer shall submit with the offer a binding written declaration of each subcontractor about future cooperation, signed by persons authorized to act on behalf of or for the subcontractor. In this required declaration, prepared separately by individual subcontractors, each subcontractor shall agree that in the event the tenderer is awarded the public procurement, it will accept the obligation to participate in the performance of this public procurement within the specified extent.

In the event the tenderer does not intend to subcontract a specific part of the public procurement to any entity (subcontractor), it shall submit a written declaration stating this fact with the offer.

Failure to submit a binding written declaration of each subcontractor about future cooperation shall be deemed a reason for exclusion of its offer from further evaluation and disqualification of the tenderer from the tender procedure.

19. REQUIREMENT FOR THE PROVISION OF SECURITY

In order to secure the performance of tenderer's obligations under its participation in the tender procedure, a security in the amount of CZK 700,000 (seven hundred thousand Czech crowns) is required.

The form of the security provision must be in accordance with Section § 67 of the Act on Public Procurement.

Data necessary for the provision of a financial security:

Bank account No. of the Contracting entity: 35-3952570207
Bank code: 0100
Bank name: Komerční banka, a.s.
Branch address: Bílovec, Slezské náměstí

The tenderer shall provide the following payment symbols with the security payment:

Variable symbol: Tenderer's identification No., or tenderer's date of birth
Specific symbol: Public procurement registration No., under which the public procurement is published in the information system – Public Procurement Bulletin.

Document evidencing the provision of a financial security means a copy of the statement of the tenderer's bank account, which shows the total amount corresponding to the amount of the security required demonstrably debited in favor of the account of the Contracting entity or the original bank certificate that the transfer in question took place or the original bank certificate that the bank has received the relevant transfer order, that it will effect the transfer of the relevant deadline, and that the transfer order is irrevocable (a mere bank stamp on the bank transfer order by the bank is not a certificate), or a copy of a cash sale receipt on depositing the funds in cash at the cash desk of one of the branches of the specified financial institution, in the event the tenderer provides a security by depositing the financial amount on the account of the Contracting entity in cash.

In the event the tenderer provides the Contracting entity with a financial security, it shall submit in the offer a tenderer's statement signed by a person authorized to act on behalf of or for the tenderer, indicating payment symbols for refund of the financial security with the following information:

Payment symbols for refund of financial security:
Bank account No.:
Bank code:
Bank name:
Branch address:
Variable symbol:

In the event the security is provided in the form of a bank security, the document evidencing the provision of the security is the original instrument of the bank security, which shall be inserted in the offer in a non-removable manner. A copy of the bank security shall be included in the offer, which shall be inserted in the offer in a non-removable manner.

In the event the security is provided in the form of the insurance of the security, the document evidencing the provision of the security is the original written statement, issued by the insurer to the insured, about the obligation to pay the insurance indemnity to the Contracting entity under the terms of Section 67, paragraph 7 of the Act. The insurance agreement must be concluded so that the tenderer is the insured and the Contracting entity is the person entitled to the indemnity. **Original written statement shall be inserted in the offer in a non-removable manner.** A copy of the written statement shall be included in the offer, which shall be inserted in the offer in a non-removable manner.

In the event the security is provided in the form of a bank security or insurance of the security, the tenderer shall be obliged to ensure its validity throughout the tender period under Section 43 of the Act.

20. INTEGRITY CLAUSE

The tenderer is obliged to provide a statutory declaration of the contractor in its offer to the clause of integrity annexed to the tender documentation. The statutory declaration shall be signed by a person authorized to act on behalf of or for the contractor. In the case of consortium or association, a statutory declaration shall be signed by all its members. Submitted statutory declaration must be in original or certified copy.

21. TOUR OF THE PLACE OF PERFORMANCE

Tour of the place of performance will be held on **3.11.2014** at **9:00 hod.** am. Meeting of the tenderers to tour the place of performance shall be at the entrance to the hospital grounds (reception), Bílovecká nemocnice, a.s., 17. listopadu 538, 743 01 Bílovec.

Contact person: Miroslav Švancar, Česká 1108/18, 700 30 Ostrava – Zábřeh, tel. +420 596 11 70 46 +420 773 90 90 80, e-mail: svancar.vz@gmail.com.

22. ADDITIONAL INFORMATION TO THE TENDER REQUIREMENTS

The tenderer is entitled to request additional information to the tender requirements from the Contracting entity in writing in terms and under conditions stipulated by Section 49 of the Act. Requests for additional information shall be sent in writing to the e-mail address: svancar.vz@gmail.com or by mail to the address: Miroslav Švancar, Česká 1108/18, 700 30 Ostrava – Zábřeh.

Contact person: Miroslav Švancar, tel. +420 596 11 70 46 +420 773 90 90 80.

A request for additional information shall include the name of the natural person or the name of the company of the contractor (tenderer), name of the contractor's contact person, contractor's address, e-mail address, telephone number and formulation of the contractor's inquiry.

23. SUBMISSION OF OFFERS

Offers shall be submitted only in writing, in paper form (with an attached medium in electronic form), in accordance with Section 69 of the Act. The offers shall be delivered in a properly sealed envelopes with the indication of the name of the public procurement and tenderer's address.

DEADLINE FOR SUBMITTING OFFERS:

Start of the period for submitting offers: 23. 10. 2014

End of the period for submitting offers: 18. 11. 2014 at 10:00 am

Offers can be submitted in person or by mail. Offers can be delivered in person on weekdays from 08:00 am to 02:00 pm.

The tenderer (contractor) is responsible for the time of delivery of the offer. The Contracting entity does not accept any delays caused by the mail service, courier service or any other carrier. The time indicated on the document evidencing submission of the offer is considered the time of submission of the offer.

PLACE FOR SUBMITTING OFFERS:

Place for submitting offers within the period from 23. 10. 2014 to 17. 11. 2014

Miroslav Švancar, public procurement administrator, Česká 1108/18, 700 30 Ostrava – Zábřeh

Place for submitting offers within the period by 18. 11. 2014 (*last date for submitting offers*) **from 08:00 am to 10:00 am:**

Bílavecká nemocnice, a.s., 17. listopadu 538, 743 01 Bílovec, in the meeting room.

Contact person for receipt of offers: **Miroslav Švancar, phone 596 11 70 46, mobile 773 90 90 80, e-mail: svancar.vz@gmail.com**

24. OPENING OF ENVELOPES

Opening of envelopes with offers will be held on 18. 11. 2014 at 10:00 am in the meeting room, Bílavecká nemocnice, a.s., 17. listopadu 538, 743 01 Bílovec.

Opening of envelopes may be attended only by 1 representative of the contractor who submitted its offer within the period for submitting offers and who has not been disqualified from the tender so far. Selected representative of the contractor, who will attend the opening of envelopes, prior to the commencement of opening the envelopes must show the original power of attorney with the mandate to participate in this meeting from a person authorized to act for the person interested, if he is not that person. The person who will attend the meeting shall also demonstrate a proof of identity. The representatives of the Contracting entity, representatives of the financial grant provider and the company of the public procurement administrator may attend the meeting too.

25. TENDER PERIOD

Pursuant to Section 43 of the Act. Tender period shall be announced by **30. 04. 2015**.

26. ABSOLUTE TERMS OF THE CONTRACTING ENTITY

The Contracting entity absolutely defines the following requirements that the tenderer is required to comply with and accept.

- 1) In the event of non-provision of the grant, the Contracting entity reserves the right to cancel the tender procedure, or to withdraw from the concluded contract without any financial or other claims by the contractor.
- 2) By submitting the offer, the contractor undertakes to follow the instructions of the grant provider regarding required publicity of the project. Rules are defined by Procedures for Ensuring Publicity published by EF, available at www.swiss-contribution.cz
- 3) All materials, equipment and technologies must be new, unused, be of 1st quality class and must be approved for use in the Czech Republic.
- 4) The contractor agrees to provide the employees or agents of authorized bodies with access to the area and the land affected by the project and its implementation, and enable them to check documents connected with the project. It is an inspection from these institutions: Ministry of Health – EF, Control department, Supreme Audit Office, Ministry of Finance – Control department, National Coordination Unit, Swiss Agency for Development and Cooperation, Office for Protection of Competition, Tax Office. The tenderer shall create conditions for the inspection and provide assistance, including the provision of access to the original accounting documents, records, and information on data carriers.
- 5) Pursuant to the Act No. 499/2004 Coll., on archives and records management and amending certain laws, as amended, and pursuant to the Act No. 563/1991 Coll., on accounting, as amended, the contractor is obliged to keep all original documents related to the project for the period of ten years from the financial end of the project in an appropriate manner, with the start of the period as from 1 January of the following calendar year after the last project payment was made.



- 6) The contractor shall submit to the Contracting entity a list of subcontractors who were involved in the performance of the public procurement in accordance with Section 147a of the Act.
- 7) The contractor undertakes to provide the investor's technical supervision with the access to the area and the land affected by the project and its implementation, and enable them to check the course of the contract implementation.
- 8) In the event of a change of data provided in the offer prior to the conclusion of the contract with the selected tenderer, the tenderer concerned shall be required to inform the Contracting entity about the change immediately in writing. In the event of a change of the tenderer's qualification, it is necessary to proceed in accordance with Section 58 of the Act.
- 9) The contractor shall submit a schedule to the client for the implementation of the work (hereinafter referred to as the „schedule“), approved by the client, no later than on the date of signing the contract by both parties. This schedule shall include binding terms for individual work to be performed and basic types of work shall be broken down to at least building components /according to the Classification of building structures and works (TSKP)/ with an expected date of implementation and financial volume of work performed. Schedule for implementation of the work shall be Annex 3 to the contract.
- 10) The contractor is obliged to submit a financial schedule to the client no later than on the date of signing the contract by both parties. The schedule shall be phased into calendar weeks. Its content shall provide clear information about financial demands of construction works, supplies and services for individual time periods. The financial schedule shall be Annex 6 to this contract.

27. Publication of information on the profile of the Contracting entity

Profile of the Contracting entity: <https://www.vhodne-uverejneni.cz/profil/26865858>

28. Other parts of the tender documentation – Annexes

Basic information of the tender documentation for the public procurement awarded in the tender procedure in accordance with the Act No. 137/2006 Coll., on public procurement, as amended, including **8** Annexes:

- ***Qualification documentation to demonstrate qualification compliance.***
- ***Annex 1 – Contents of the offer***
- ***Annex 2 – Cover sheet of the offer***
- ***Annex 3 – Subcontracting scheme***
- ***Annex 4 – Model contract***
- ***Annex 5 – Project documentation***
- ***Annex 6 – Bill of quantities/budget***
- ***Annex 7 – Integrity clause***



QUALIFICATION DOCUMENTATION

REQUIREMENTS TO DEMONSTRATE QUALIFICATION COMPLIANCE

1. GENERAL REQUIREMENTS OF THE CONTRACTING ENTITY TO DEMONSTRATE QUALIFICATION

This qualification documentation (hereinafter referred to as „QD“) provides a detailed definition and method of demonstrating qualification requirements.

1.1 Pursuant to Section 50 of the Act - Contractor who qualifies for the performance of the public procurement:

- a) meets the basic qualification requirements in accordance with Section 53 of the Act,
- b) meets professional qualification requirements in accordance with Section 54 of the Act,
- c) submits a statutory declaration about its economic and financial capacity to fulfill the public procurements and
- d) meets technical qualification requirements in accordance with Section 56 of the Act.

1.2 Pursuant to Section 51, paragraph 4 of the Act - Demonstration of qualification through a subcontractor

If the contractor is unable to demonstrate compliance with a certain part of qualification required by the public Contracting entity in accordance with Section 50, paragraph 1 b) and d) in its entirety, it is entitled to demonstrate compliance with the qualification in the missing extent through a subcontractor. In this case, the contractor is obliged to submit to the Contracting entity

- a) documents evidencing the subcontractor's compliance with the basic qualification requirement under Section 53, paragraph 1 j) and the professional qualification requirement under Section 54, paragraph a) and
- b) an agreement concluded with the subcontractor which shows the obligation of the subcontractor to provide the performance intended for the performance of the public procurement by the contractor, or to provide goods or rights which the contractor will be entitled to dispose of in the performance of the public procurement, at least to the extent in which the subcontractor demonstrated compliance with the qualification under Section 50, paragraph 1 b) and d).

The contractor is not entitled to demonstrate compliance with the qualification through a subcontractor under Section 54, paragraph a).

1.3 Pursuant to Section 51, paragraph 5 and 6 of the Act - Demonstration of the qualification in the case of a joint offer

Should the subject of the public procurement be performed by several contractors jointly, and they submit or intend to submit a joint offer, each of these contractors is obliged to demonstrate compliance with the basic qualification requirements under Section 50, paragraph 1 a) of the Act and the professional qualification requirement under Section 54 paragraph a) of the Act in its entirety.

Compliance with the qualification under Section 50, paragraph 1 b) and d) of the Act must be demonstrated by all contractors jointly.

In the case of demonstrating compliance with the qualification in the missing extent through a subcontractor, Article 1.2 shall apply mutatis mutandis.

In the event that the subject of the public procurement is performed in accordance with Section 51, paragraph 5 of the Act jointly by several contractors, they are obliged to submit to the Contracting entity, together with documents evidencing compliance with the qualification requirements, an agreement which contains a commitment that all these contractors will be liable to the contracting entity and third parties of any legal relations arising in connection with the public procurement jointly and severally, for the whole period of performance of the public procurement, even for the duration of other obligations arising from the public procurement. The requirement for liability under the first sentence that contractors were bound jointly and severally shall apply, unless a special legal regulation or the Contracting entity provide otherwise.

1.4 Pursuant to Section 51, paragraph 7 of the Act – Demonstration of the qualification of a foreign contractor

Unless a special regulation provides otherwise, a foreign contractor shall demonstrate compliance with the qualification in a manner according to the laws applicable in the country of its registered office, place of business or residence, to the extent required by law and the Contracting entity. If a specific document is not issued by law in the country of the registered office, place of business or residence of the foreign contractor, the foreign contractor is obliged to demonstrate compliance with this qualification part by a statutory declaration. If an obligation, whose fulfillment shall be demonstrated within the qualification, is not specified in the country of the registered office, place of business or residence of the foreign contractor, it shall submit a statutory declaration thereof.

The documents proving compliance with the qualification shall be submitted by the foreign contractor in the original language with a certified translation into Czech language, unless the Contracting entity in the tender specifications or an international agreement by which the Czech Republic is bound stipulates otherwise; this applies even if the contractor with the registered office, place of business or residence in the Czech Republic demonstrates compliance with the qualification by documents in languages other than Czech. The obligation to attach a certified translation into Czech language to the documents does not apply to documents in Slovak language.

1.5 Special ways to demonstrate qualification

1.5.1 List of qualified contractors (Section 125 – Section 132 of the Act)

Using an extract from a list of qualified contractors

If the contractor submits an extract from a list of qualified contractors to the Contracting entity within the period for demonstrating compliance with the qualification, this extract shall replace the demonstration of compliance with the basic qualification requirements under Section 53, paragraph 1 or 2 of the Act and the professional qualification requirements under Section 54, paragraph a) to d) of the Act to the extent to which the documents demonstrating compliance with these professional qualification requirements cover requirements of the Contracting entity to demonstrate compliance with the qualification requirements for the performance of the public procurement.

Duration of an extract from a list of qualified contractors, other requirements of the Contracting entity

Extract from a list of qualified contractors may not be older than 3 months as of the last day, when compliance with the qualification is demonstrated.

If the contractor uses the option specified in Section 127 of the Act and demonstrates compliance with the basic and professional qualification requirements by an extract from a list of qualified contractors, the Contracting entity will not require submission of other documents and evidence in addition to the extract from a list of qualified contractors to demonstrate compliance with the basic qualification requirements.

1.5.2 System of certified contractors (Section 133 – Section 142 of the Act)

Using a system of certified contractors

If the contractor submits a certificate to the Contracting entity issued under a system of certified contractors, containing the particulars specified in Section 139 of the Act, within the period for demonstrating compliance with the qualification, and the information on the certificate is valid at least as of the last day of the period for demonstrating compliance with the qualification, the certificate shall replace the demonstration of compliance with the qualification by the contractor to the extent of information specified therein.

1.5.4 List of foreign contractors (Section 143 of the Act)

Using an extract from a foreign list of contractors

In accordance with Section 143 of the Act, the Contracting entity shall accept an extract from a foreign list of qualified contractors (hereinafter referred to as the „foreign list“), or a relevant foreign certificate, which is issued in the country that is part of the European Economic Area, or another country, if provided for by an international agreement concluded by the European Union or the Czech Republic, and only if this extract or foreign certificate was issued in the country of the contractor’s registered office, place of business or residence. An extract from the foreign list, or a relevant foreign certificate shall be submitted by a foreign contractor in the original language with a certified translation into Czech language, unless an international agreement by which the Czech Republic is bound, stipulates otherwise. An extract from the foreign list or a foreign certificate must clearly demonstrate the following qualifications at the level and to the extent defined by the Contracting entity, i.e.

- a) basic qualification requirements that are equivalent to the qualification requirements under Section 53, paragraph 1 of the Act in the relevant country,
- b) professional qualification requirements that are equivalent to the qualification requirements under Section 54, paragraph a) to d) of the Act in the relevant country, or
- c) technical qualification requirements that are equivalent to the qualification requirements under Section 56, paragraph 1, concerning supplies, Section 56, paragraph 2 a), c) to h) of the Act, concerning services, and Section 56, paragraph 3 a) to c) and e) and f) of the Act, concerning construction work in the relevant country.

Duration of an extract from a foreign list of qualified contractors, other requirements stipulated by law

Extract from a foreign list may not be older than 3 months. Foreign certificate must be valid as of the last day of the period for demonstrating compliance with the qualifications.

Validity of the extract, requirement to demonstrate other documents for compliance with the qualification

Extract from a foreign list or foreign certificate shall replace compliance with qualification under requirements stipulated by law in accordance with the foregoing provisions, or compliance with its relevant part.

If the contractor uses the option specified in Section 143 of the Act and demonstrates compliance with the basic qualification requirements by an extract from a list of qualified contractors, the Contracting entity will not require submission of other documents and evidence in addition to the extract from a list of qualified contractors to demonstrate compliance with the basic qualification requirements.

1.6 Pursuant to Section 57 of the Act – Authenticity and validity of the documents

The contractor shall submit copies of documents demonstrating compliance with the qualification. If the Contracting entity requires submission of original or certified copies of documents demonstrating compliance with the qualification prior to the conclusion of the contract, the tenderer, with whom the contract shall be concluded in accordance with Section 82, is obliged to submit them.

1.6.1 Validity of documents demonstrating compliance with the qualification

Documents demonstrating compliance with the qualification requirements and an extract from the Companies Register shall not be older than 90 calendar days as of the last day, when compliance with the qualification is demonstrated.

1.6.2 Other requirements to demonstrate compliance with the qualification

In cases when the Contracting entity within the demonstration of qualification requires the submission of the tenderer's **declaration**, this declaration must include data required by the Contracting entity and, at the same time, be signed by a person authorized to act on behalf of or for the tenderer.

If a proxy acts for the tenderer under the power of attorney, the offer must include the power of attorney in original or certified copy.

1.7 Pursuant to Section 58 of the Act – Changes in qualification

If, before the decision on the selection of the best offer, the tenderer ceases to meet the qualification, the contractor is obliged to inform the Contracting entity of this fact in writing within 7 working days. The contractor is required to submit the necessary documents proving the qualification in full extent within 10 working days from the notification of this fact to the Contracting entity. The Contracting entity may, at the request of the contractor, extend this period or waive the missed period.

The obligation under the preceding paragraph shall apply mutatis mutandis to the tenderer with whom it is possible to conclude the contract in accordance with the decision of the Contracting entity pursuant to Section 81 of the Act, up to the time of the conclusion of the contract. In such a case, the tenderer with whom the Contracting entity concludes the contract shall submit the necessary documents proving compliance with the qualification to the full extent no later than at the conclusion of the contract.

The deadline for demonstrating compliance with the qualification

The tenderer is obliged to demonstrate compliance with the qualification within the period for submitting offers.

2. BASIC QUALIFICATION REQUIREMENTS

2.1 Pursuant to Section 53, paragraph 1 of the Act:

Basic qualification requirements are met by a contractor that

- a) has not been convicted of an offense committed for the benefit of an organized criminal group, criminal offense of participation in an organized criminal group, money laundering activities, participation, acceptance of a bribe, bribery, indirect bribery, fraud, credit fraud, including cases involving preparation or attempt or participation in such offense, or conviction for such an offense has been expunged; in the case of a legal person, this requirement must be met by the legal entity and its statutory authority or any member of the statutory body, and if a legal entity is the statutory body or a member of the statutory body, this requirement must be met by both the legal entity and the statutory body or any member of the statutory body of the legal person; if an offer or request to participate is submitted by a foreign legal entity through its branch, the requirement hereunder shall be also met the head of the organizational unit in addition to those persons indicated; this basic qualification requirement must be met by the contractor in relation to both the Czech Republic and the country of its registered office, place of business or residence;
- b) has not been convicted of a criminal offense, the matter of which is related to the subject of business of the contractor under special legislation or the conviction for such an offense has been expunged; in the case of a legal person this requirement must be met by both the legal entity and its statutory authority or any member of the statutory body, and if a legal entity is the statutory body or a member of the statutory body, this requirement must be met by both the legal entity and the statutory body or any member of the statutory body of the legal person; if an offer or request to participate is submitted by a foreign legal entity through its branch, the requirement hereunder shall be also met the head of the organizational unit in addition to those persons indicated; this basic qualification requirement must be met by the contractor in relation to both the Czech Republic and the country of its registered office, place of business or residence;
- c) has not complied with elements of unfair competition in the form of bribery under special regulation in the last three years;
- d) no insolvency proceedings takes place or has taken place in the last three years against its assets, in which the decision of the bankruptcy or insolvency petition has been rejected because of insufficient assets to cover the costs of insolvency proceedings or bankruptcy has not been canceled because the property was completely insufficient or sequestration has not been imposed under special legislation,
- e) is not in liquidation;
- f) has no record of tax arrears, both in the Czech Republic and the country of the registered office, place of business or residence of the contractor;
- g) is not in arrears on premiums and penalties for public health insurance, both in the Czech Republic and the country of the registered office, place of business or residence of the contractor;
- h) is not in arrears on premiums and penalties for social security and contributions to the state employment policy, both in the Czech Republic and the country of the registered office, place of business or residence of the contractor;
- i) has not been on disciplinary punishment, or has not been lawfully imposed disciplinary measures under special legislation in the last 3 years, if, pursuant to Section 54, paragraph d), it is required to demonstrate professional competence under special legislation; if the supplier carries out this activity through an authorized representative or another person responsible for the activities of the contractor, this requirement shall apply to these persons.
- j) is not included in the register of people banned from public contracts,
- k) has not been finally fined for allowing illegal work under special legislation in the last 3 years.

2.2 Pursuant to Section 53, paragraph 1 of the Act:

The contractor shall prove compliance with the basic qualification requirements under Section 53, paragraph 3 of the Act by submitting:

- a) a certificate of incorporation [Section 53, paragraph 1 a) and b) of the Act]
- b) a confirmation of the competent financial authority and a statutory declaration in relation to the excise tax [Section 53, paragraph 1 f) of the Act]

- c) a confirmation of the relevant authority or institution [Section 53, paragraph 1 h) of the Act]
- d) a statutory declaration [Section 53, paragraph 1 c) to e) and g), i) to k) of the Act]

3. PROFESSIONAL QUALIFICATION REQUIREMENTS

Pursuant to Section 54 of the Act:

Compliance with the professional qualification requirements shall be demonstrated by a tenderer that submits:

- Section 54, paragraph a) of the Act: a **certificate of incorporation**, if registered therein, or an extract from a similar register, if registered therein.
- Section 54, paragraph b) of the Act: proof of **authorization to do business** under special legislation to the extent corresponding to the subject of the contract, in particular a document proving a relevant trade authorization or license.
- Section 54, paragraph d) of the Act: **document certifying the professional competence of the contractor** or the person through whom the competence is ensured, that is, the certificate of authorization of persons responsible for carrying out the work in accordance with the Act No. 360/1992 Coll., on the profession of authorized architects and the profession of authorized engineers and technicians active in construction, as amended. This applies for **one authorized engineer or technician** in the field of "**Building construction**".

4. TECHNICAL QUALIFICATION REQUIREMENTS

Pursuant to Section 56, paragraph 3 of the Act, technical qualification requirements.

Compliance with the technical qualification requirements shall be demonstrated by a tenderer that submits and proves the requirements indicated below.

4.1 Pursuant to Section 56, paragraph 3 a) of the Act

The amount of information and documents required under Section 56, paragraph 5 a) of the Act:

The contractor shall submit a list of the works carried out by the contractor for the last 5 years and certificates of clients about the proper performance of the major works; these certificates must include the price, time and location of works, and must include a statement of whether such works were executed properly and professionally.

Method of proving compliance with these qualification requirements under Section 56, paragraph 5 b) of the Act:

Submission of a list and certificates, clearly evidencing compliance with the level of qualification requirement defined below.

The list of major construction works shall include:

- a) name and description of the subject of the contract - major construction works,
- b) place and time of construction works,
- c) price for work, excluding VAT,

If the tenderer submits a list of more major works, it shall clearly indicate those which demonstrate the qualification requirement in this tender procedure and to which it shall simultaneously attach required certificates annexed to the list. The submitted attachments of the list - certificates shall evidence the fulfillment of the following min. level, must clearly indicate the subject of that contract (construction works), time and place of its performance, price for work, excluding VAT, and information about whether the construction work was carried out properly and professionally, i.e. in the required quality, to the required extent and within the agreed periods.

Definition of the minimum level of qualification requirement appropriate to the type, range of complexity of the subject of the public contract under Section 56, paragraph 5 c) of the Act:

The contractor meets the technical qualification requirement, if it has performed in the last **5 years** at least **5 construction works**, which have been the subject of contracts of similar nature, such as the subject of the tender

procedure, i.e. construction work involving the construction or renovation of buildings. **The financial volume of each individual reference contract included in the list of the works carried out by the contractor is at least 17 million CZK without VAT.**

4.2 Pursuant to Section 56, paragraph 3 c) of the Act

The amount of information and documents required under Section 56, paragraph 5 a) of the Act:

The contractor shall submit a certificate of educational and professional qualifications of the supplier or contractor managers or persons in a similar position and those responsible for the management of the implementation of the works.

Method of proving compliance with these qualification requirements under Section 56, paragraph 5 b) of the Act:

The contractor shall demonstrate compliance with the technical qualification requirements by submitting a certificate of educational and professional qualifications according to the level of qualification requirement defined below.

Definition of the minimum level of qualification requirement appropriate to the type, range of complexity of the subject of the contract under Section 56, paragraph 5 c) of the Act:

The contractor meets the technical qualification requirement, if a construction manager with the following qualifications and experience is involved in the implementation of the subject of the public contract:

Authorized engineer or technician in the field of building construction, with a minimum of 5 years of experience in the field of building construction, including the employment or similar relationship of that person to the contractor - in the form of a statutory declaration. The tenderer shall also demonstrate a simple copy of a certificate granting authorization. The present authorization shall apply to the defined professional qualification requirement specified in Article 3 Professional qualification requirements. It is sufficient to submit a certificate granting authorization to the construction manager in order to meet the specified qualifications.

5. STATUTORY DECLARATION ABOUT ECONOMIC AND FINANCIAL CAPACITY

Pursuant to Section 50, paragraph 1 c) of the Act, the tenderer is obliged to insert a statutory declaration in its offer, evidencing that it is economically and financially qualified to fulfill the public procurement.

In Bílovec, on

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Ing. Kamil Mašík and MUDr. Dagmar Palasová