TENDER DOCUMENTATION FOR THE CONCLUSION OF A PURCHASE CONTRACT
(hereinafter referred to as „TD“)

for a public contract awarded

according to Act no. 134/2016 Coll., On the Award of Public Contracts,

as amended (hereinafter referred to as „AAPC“) with the title

Acquisition and implementation of an IS for the operation and maintenance of Czech Police Aviation Department helicopters
CONTENTS:

1. IDENTIFICATION OF THE CONTRACTING AUTHORITY
2. PUBLIC CONTRACT INFORMATION
3. ESTIMATED VALUE OF THE PUBLIC CONTRACT
4. QUALIFICATION
5. OFFER PRICE
6. EVALUATION OF OFFERS
7. GENERAL TERMS AND CONDITIONS AND PURCHASE CONTRACT DRAFT
8. DEADLINE AND METHOD OF SUBMITTING OFFERS
9. OPENING OF OFFERS
10. AWARD OF THE PUBLIC CONTRACT
11. ADDITIONAL INFORMATION ON THE TENDER PROCEDURE
12. ANNEX LIST
1. **IDENTIFICATION OF THE CONTRACTING AUTHORITY**

1.1 **Information on the Contracting Authority:**

Name of Contracting Authority: Czech Republic – Interior Ministry  
Address: Nad Stolou 936/3, 170 34 Prague 7  
Represented by: plk. Mgr. Pavel Osvald  
Director of the Directorate for Performance Support  
Services of the Police Presidium of the Czech Republic  
ID number: 00007064  
Tax ID number: CZ00007064  
Data box: gs9ai55  
Bank details: Czech National Bank  
Account number: 5504881/0710  
Postal address: Police Presidium Czech Republic  
Department of Logistic Administration  
Nadrazni 16, 150 05 Prague 5  
Contact person: Bc. Petr Hubacek  
Tel.: +420 974 884 551

2. **PUBLIC CONTRACT INFORMATION**

2.1. **Name of public contract, form and type of public contract and tender procedure**

Name of public contract: Acquisition and implementation of an IS for the operation and maintenance of Czech Police Aviation Department helicopters  
Kind of public contract: Public contract for supplies  
System number of public contract: PPR-18802/CJ-2020-990656  
Type of public contract: Above-threshold public contract  
Form of tender procedure: Open procedure  
The result of the tender procedure will be the conclusion of a purchase contract with one supplier.

2.2. **Subject of public contract**

**Brief description of the subject of the public contract:**  
The subject of the public contract is the acquisition and implementation of an information system for airworthiness management and maintenance of police aircraft. The contract includes administrative and user training of information system users at the end user's headquarters and technical support. The technical specification of the subject of the public contract is given in Annex No. 1 of the Tender Documentation.

2.3. **Classification of the subject of the public contract**

CPV code and name: 48131000-5 – Aviation ground support package

2.4. **Time and place of performance of the public contract**

Estimated duration of performance of the public contract: a period of three years from the effective date of the contract.  
Acquisition of IS including implementation: 8 weeks from the effective date of the contract.  
IS technical support: is a part of the IS delivery, which starts on the day of signing the partial acceptance protocol on the implementation of the IS by both parties for a period of 3 years.
IS administration and user training: within 14 days from signing the partial acceptance protocol on IS implementation.

Place of performance of the public contract: Czech Police Aviation Department, Vaclav Havel Airport, Hangar D, Prague 6 – Ruzyně.

3. **ESTIMATED VALUE OF THE PUBLIC CONTRACT**

Estimated value of the public contract is CZK 6,200,000.00 excl. VAT.

The estimated value of the public contract was determined in accordance with § 16 AAPC, as the amount of remuneration estimated by the Contracting Authority for the performance of the public contract expressed in money.

4. **QUALIFICATION**

The supplier is obliged to prove his qualification for the above-limit regime by the deadline set for the submission of offers. By fulfilment of qualification is understood:

a) Proof of basic qualification according to § 74 AAPC,

b) Proof of professional qualification according to § 77 par. 1, § 77 par. 2 letter a) AAPC,

c) Proof of technical qualification according to § 79 par. 2 letters b) and c) AAPC.

4.1. Basic qualification according to § 74 AAPC

**Basic qualification requirement according to § 74 par. 1 letter a) AAPC:**

The supplier has not been convicted of an offense set forth in Annex No. 3 to the Act or a similar offense under the law of the supplier's country of registered office in the last 5 years prior to the commencement of the tender procedure; smoothed convicts are not taken into account.

**Method of proving basic qualification according to § 75 par. 1 letter a) of the Act:**

Extract from the Criminal Register

**Basic qualification requirement according to § 74 par. 1 letter b) AAPC:**

The supplier does not have any tax arrears due in the tax records in the Czech Republic or in the country of its registered office.

**Method of proving basic qualification according to § 75 par. 1 letters b), c) AAPC:**

Confirmation from the relevant tax office.

Written affidavit in relation to excise duty.

**Basic qualification requirement according to § 74 par. 1 letter c) AAPC:**

The supplier does not have any arrears on insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office.

**Method of proving basic qualification according to § 75 par. 1 letter d) AAPC:**

Written affidavit.

**Basic qualification requirement according to § 74 par. 1 letter d) AAPC:**

The supplier does not have any arrears on insurance premiums or penalties for social security and contributions to the state employment policy in the Czech Republic or in the country of its registered office.
Method of proving basic qualification according to § 75 par. 1 letter e) AAPC:
Confirmation from the relevant district social security administration.

Basic qualification requirement according to § 74 par. 1 letter e) AAPC:
The supplier is not in liquidation, a bankruptcy decision has not been issued against him, compulsory administration has not been ordered under another legal regulation nor is he in a similar situation under the legal order of the supplier's country of registered office.

Method of proving basic qualification according to § 75 par. 1 letter f) AAPC:
An extract from the Commercial Register; or by submitting a written affidavit if not entered in the Commercial Register.

4.2. Professional qualification according to § 77 AAPC

Professional qualification requirement according to § 77 par. 1 AAPC:
The supplier shall prove the fulfilment of professional qualification in relation to the Czech Republic by submitting an extract from the Commercial Register or other similar record, if other legal regulations require entry in such records.

Professional qualification requirement according to § 77 par. 2 letter a) AAPC:
The supplier shall prove the fulfilment of professional qualification by submitting the authorization to conduct business to the extent corresponding to the subject of the public contract, if other legal regulations require such authorization, in particular a document proving the relevant trade license.

4.3. Technical qualification

Criteria for technical qualification according to § 79 par. 2, letter b) AAPC
To prove the fulfilment of technical qualification, the Contracting Authority requires submission of an overview of at least three (3) completed last contracts with the same or similar subject of performance in the minimum value of CZK 500,000.00 including VAT for each individual contract during the last three (3) years before the tender procedure, including specification of the customer, price and duration of the performance.

4.4. Other options for proving qualification
The supplier may prove basic qualification according to § 74 AAPC and professional qualification according to § 77 AAPC to the extent, in which the data in the extract from the list of qualified suppliers (hereinafter "LQS") prove compliance with the criteria of professional competence by submitting an extract from the LQS. With a certificate from the system of certified suppliers (hereinafter referred to as "SCS"), the supplier may prove qualification requirements only to the extent specified in the SCS certificate. As with an extract from the LQS or an SCS certificate, the supplier may prove his qualification with a certificate originating in another Member State in which the supplier has its registered office and which is similar to an extract from the LQS.

4.5. Proving qualification requirements via LQS and SCS
The supplier may prove basic qualification according to § 74 AAPC and professional qualification according to § 77 AAPC by means of an extract from the LQS to the extent that the data in the extract from the LQS prove the fulfilment of the professional qualification criteria.

The Contracting Authority will accept an extract from the LQS if the extract from the LQS is not older than 3 months as of the last day on which the basic competence or professional
competence is to be proved. The Contracting Authority does not have to accept an extract from the LQS, which indicates the commencement of proceedings pursuant to § 231 par. 4 AAPC.

As with an extract from the LQS, the supplier may prove qualification by a certificate issued by another Member State in which the supplier has its registered office and which is similar to an extract from the LQS.

A valid certificate issued within the approved SCS may prove qualification in the procurement procedure. The supplier is considered to be qualified to the extent stated in the certificate.

As with a certificate issued under an approved SCS, a supplier may prove qualification by a certificate issued by another Member State in which the supplier has its registered office and which is similar to a certificate issued under the system of certified suppliers.

4.6. Proving qualification obtained abroad

If the qualification was obtained abroad, it shall be proved by documents issued in accordance with the legal order of the country, in which it was obtained, to the extent required by the Contracting Authority.

In accordance with the provisions of § 86 par. 2 AAPC, the Contracting Authority does not allow replacement of the required documents with an affidavit. The supplier may always replace the required documents with a single European public procurement certificate.

4.7. Submitting documents

The supplier shall submit qualification documents in a plain copy. Originals or officially certified copies of documents will also be accepted. If the Contracting Authority requires the submission of a document and the supplier is unable, for reasons beyond his control, to submit the required document, he may submit a different equivalent document. The obligation to submit the document may be fulfilled by the supplier by a link to the relevant information provided in a public administration information system or in a similar system maintained in another Member State, which allows unrestricted remote access. Such a link must include an Internet address and details for logging in and retrieving the required information, if such details are necessary.

4.8. Submitting originals or certified copies before concluding the contract

Before concluding the contract, the Contracting Authority shall request the selected supplier to submit originals or certified copies of qualification documents, if they have not already been submitted during the tender procedure.

The supplier shall not be obliged to provide the Contracting Authority with documents certifying the facts contained in the single European Public Procurement Certificate if he informs the Contracting Authority that he has already submitted them to him in a previous tender procedure.

Given that the tender was submitted electronically, it is necessary for the supplier to convert the necessary documents from their paper form to electronic form, based on Act No. 300/2008 Coll., On Electronic Acts and Authorized Conversion of Documents, which means complete conversion of the document from the paper form into a document contained in the data message or data file and verification of the conformity of the content of these documents, including the attachment of a verification clause (Czech point).
4.9. Method of proving qualification

The supplier proves fulfilment of qualification by the documents stipulated by law and the documents required by the Contracting Authority in this part of the tender documentation.

If, after the submission of documents or a declaration of qualification, the tenderer's qualification changes during the procurement procedure, the tenderer is obliged to notify the Contracting Authority of this change within 5 working days and submit new documents or a qualification statement within 10 working days of notification of this change; the Contracting Authority may extend these deadlines or waive their omission. The obligation under the first sentence shall not arise for tenderers if the qualification is changed in such a way that:

a) the qualification conditions continue to be met,

(b) the criteria for reducing the number of tenderers or offers are not affected; and

(c) the tender evaluation criteria are not affected.

4.10. Joint participation of suppliers

In the case of joint participation of suppliers, according to the provisions of § 82 AAPC, each supplier separately demonstrates basic competence and professional competence according to § 77 par. 1 AAPC.

4.11. Age of documents

Documents proving basic competence according to § 74 AAPC and professional competence according to § 77 par. 1 AAPC must prove the fulfilment of the required eligibility criterion no later than 3 months before the date of commencement of the tender procedure.

5. OFFER PRICE

5.1. Requirement for the method of processing the offer price

The supplier shall determine the total offer price for the entire subject of the public contract expressed in CZK in the offer. In the event that the supplier states the offer price in a foreign currency, the Contracting Authority shall use the conversion according to the exchange rate set by the Czech National Bank on the day of opening the offers, i.e. 27th August 2020.

The total offer price shall include all costs necessary for the proper and timely implementation of the subject of the public contract.

The offer price must include all activities related to the proper implementation of the public contract and all costs incurred by the supplier in connection with the proper provision of the agreed performance, including all licence costs, transport costs, customs duties, packaging costs, delivery and other costs associated with performance of the contract, which the supplier, as an expert, knows or should know.

The offer price shall be stated in the Czech currency broken down into the price excluding VAT, the VAT rate in % and the price including VAT. The supplier shall fill in the table specified in Annex No. 4 of the Tender Documentation - Price Specification. The price shall be set as the highest permissible price and valid for the entire period of implementation of the public contract. Exceeding or changing the offer price is possible only if there are changes in value added tax rates during implementation. In such a case, the offer price will be adjusted according to the change in the rates of value added tax valid at the time of the occurrence of the taxable supply, in the amount corresponding to the change in the rate of value added tax.
6. **EVALUATION OF OFFERS**

6.1. Evaluation criteria
The Contracting Authority will evaluate the offers according to their economic advantage.

In accordance with the provisions of § 114, par. 2 AAPC, the Contracting Authority has set one evaluation criterion for the evaluation - the lowest offer price.

6.1.1. **Additional rules for the evaluation of offers**
In the event that offers from several suppliers will occupy the same place after determining the final order, the most advantageous tender will be determined by lot, which will be made by the Contracting Authority in the presence of the tenderers concerned and a notary.

7. **GENERAL TERMS AND CONDITIONS, PURCHASE CONTRACT DRAFT AND WARRANTY AND POST-WARRANTY SERVICE**

7.1. The general terms and conditions and payment conditions are specified in the binding text of the draft Purchase Contract, which is Annex No. 2 to this Tender Documentation. The supplier shall complete only its identification data and other required data, including the required attachments. Furthermore, the general terms and conditions are listed in Annex No. 3 of the Tender Documentation – General Terms and Conditions Purchase 01/18.

In the event that the supplier finds ambiguities in the draft Purchase Contract, it shall request an explanation of the tender documentation from the Contracting Authority in accordance with the provisions of § 98 AAPC.

If another person other than the person authorized to act on behalf of the supplier acts on behalf of the supplier, a power of attorney authorizing this person to act must be part of the draft Purchase Contract. This power of attorney must be submitted in the original or as an officially certified copy.

8. **DEADLINE AND METHOD OF SUBMITTING OFFERS**

8.1. The Contracting Authority draws attention to the fact that offers may be submitted in accordance with § 103 par. c) AAPC only electronically via the National Electronic Instrument (hereinafter referred to as "NEN") https://nen.nipez.cz/profil/MVCR.

8.2. Offers must be submitted no later than 27th August 2020, 09:00 a.m. Offers submission means submission via the NEN electronic tool. The supplier is responsible for timely delivery.

8.3. Detailed instructions on the requirements and conditions for submitting an offer by electronic means via the NEN electronic tool are available under the link: https://nen.nipez.cz in the "User Manuals" section.

8.4. You can find the system requirements for a PC for submitting offers and an electronic signature in the NEN application at https://nen.nipez.cz on the introductory page "Verifying the compatibility of my device".

8.5. The Contracting Authority requires that the offer is encrypted using the Contracting Authority’s public key (encryption certificate), which can be downloaded from the TD for this public contract. If encrypted with another certificate, the supplier's offer will be rejected.

8.6. The submitted offer must be prepared exclusively in the Czech language, including all attachments and documents. All foreign language documents and texts proving
qualification must be provided with a translation into the Czech language. Documents in the Slovak language and proof of education in Latin are submitted without translation.

8.7. If the offer is submitted by several suppliers together (joint tender), they shall also state in the offer the person, who will be authorized to represent these suppliers in contact with the Contracting Authority during the procurement procedure.

8.8. The content of the offer must comply with the requirements stipulated by law and must contain all documents proving qualification and other requirements of the Contracting Authority stated in this TD and the tender conditions.

8.9. The supplier is not entitled to condition the data specified in the offer, which are the subject of the offer evaluation with another condition. Conditionality or indication of several different values in the offer is a reason for excluding the supplier from the tender procedure. The Contracting Authority will proceed in a similar manner in the event that the data, which are the subject of offer evaluation are stated in a different value or form than the Contracting Authority requested.

8.10. A tenderer whose offer will not fully meet the tender conditions set out in the contract notice or in this TD will be excluded according to § 48 par. 2 AAPC.

8.11. The offer must include:

   a) Basic information about the supplier:
      • Company name,
      • Registered office, identification number, tax identification number,
      • Account number,
      • Statutory representatives of the supplier,
      • Representatives authorized to act on behalf of the supplier,
      • Telephone and email contact.

   b) Documents proving fulfilment of basic competence;

   c) Documents proving fulfilment of professional competence;

   d) Documents proving fulfilment of technical qualification;

   e) The supplier shall attach other documents required by the Contracting Authority in relation to this public contract via the electronic instrument NEN.

9. **OPENING OF OFFERS**

The *opening of offers in electronic form will take place* in accordance with the provisions of § 109 AAPC *without the presence of suppliers on 27th August 2020 from 09.00 a.m.*
10. AWARD OF THE PUBLIC CONTRACT

10.1. Before concluding the contract, the selected supplier is obliged to submit originals or certified copies of qualification documents according to par. 4.8. of the TD if they have not yet been made available to the Contracting Authority.

10.2. The Contracting Authority reserves the right

In the case of a selected supplier who is a legal entity, to submit as a condition for concluding the contract in the sense of § 122 par. 5 of the Act, before signature of the contract, the identification data of all persons who are its real owner and documents that the Contracting Authority cannot ascertain in accordance with the procedure according to § 122 par. 4 of the Act.

11. ADDITIONAL INFORMATION ON THE TENDER PROCEDURE

11.1. Offer variants
The Contracting Authority does not allow offer variants.

11.2. Subcontractors
The supplier is obliged to state in the offer which parts of the contract it intends to award to one or more subcontractors, including the identification data of these subcontractors.

11.3. Explanation of the tender documentation
In accordance with § 98 AAPC, the supplier is entitled to request an explanation of the tender documentation in writing from the Contracting Authority. The Contracting Authority shall publish, send or forward the explanation, including the exact wording of the request, without identifying the supplier requesting the explanation. The Contracting Authority is not obliged to provide an explanation if the request for explanation is not delivered on time, at least 3 working days before the expiry of the deadlines pursuant to § 98 par. 1 AAPC. This request must meet the requirements of § 211 par.3 AAPC.

11.4. Publication
By submitting a offer, the tenderers acknowledge and agree that the Contracting Authority, after concluding a contract with the selected supplier or after the tender is cancelled, publishes on the Contracting Authority's profile all documents required by the AAPC and internal procedural acts. This will include, among other things, the identification data of the supplier and information on offer prices.

11.5. Cancellation of the tender procedure
Cancellation of the tender procedure is possible under the conditions stipulated in § 127 AAPC. If the Contracting Authority cancels the procurement procedure, the suppliers do not have any claim against the Contracting Authority.

11.6. Signing the Purchase Contract with the selected supplier
Due to the fact that § 211 par. 3 of the Act stipulates that communication between the Contracting Authority and the supplier in the procurement procedure must take place electronically and that the procurement procedure under § 51 par. 1 of the Act is completed only by concluding the contract, the Purchase Contract must be concluded electronically.

Based on the previous paragraph, the Contracting Authority states that the signature of the Purchase Contract with the selected supplier will take place electronically. For this purpose, it is therefore necessary for the selected supplier to be able to electronically sign the Purchase
The electronic signature of the Purchase Contract will be made by the supplier with a recognized electronic signature and the **selected supplier must therefore obtain a recognized electronic signature**, which is issued by a so-called qualified provider of trust-building services. The Contracting Authority advises that according to § 6 of Act No. 297/2016 Coll., On Trust-Building Services for Electronic Transactions, as amended, a recognized electronic signature means a qualified electronic signature or a guaranteed electronic signature based on a qualified electronic signature certificate.

11.7. The Contracting Authority reserves the right to:

   a) amend, supplement or specify the conditions of this tender documentation during the period for the submission of offers;

   b) request additional information from the supplier during the procurement procedure.

All costs associated with the preparation of the offer and the participation of the supplier in the procurement procedure shall be borne by the supplier.

12. **ANNEX LIST**

Annex no. 1 – Technical Specification of the Subject Matter

Annex no. 2 – Purchase Contract Draft

Annex no. 3 – General Terms and Conditions Purchase 01/18

Annex no. 4 – Price Specification

In Prague, on 17th June 2020

plk. Mgr. Pavel Osvald
Representative of the Contracting Authority