**TENDER DOCUMENTATION**

**(Invitation to tender)**

for an above-limit public supply contract

|  |  |
| --- | --- |
| Name of public contract: | **Supply of software for the implementation of the Phytosanitary Register in Moldova**  **Supply of Software for the Implementation of Phytosanitary register in Moldova** |
| Type of tender: | **Open procedure pursuant to Article 56 of Act No. 134/2016 Coll., on public procurement (hereinafter referred to as "ZZVZ" or "the Act")** |

|  |  |
| --- | --- |
| Contracting authority: | **Czech Republic - Institute for Supervising and Testing in Agriculture** |
| On whose behalf: | Ing. Daniel Jurečka, Director |
| Registered office: | Hroznová 63/2, 603 00 Brno |
| Legal form: | Organisational unit of the state |
| TAX ID NUMBER: | 00020338 / CZ00020338 |
| Data box ID: | ugbaiq7 |
| Contact person: | JUDr. Eva Czerná, Public Procurement Department |
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| Procuring entity profile: | <https://zakazky.eagri.cz/profile_display_1071.html> |
| Direct link to the contract: | https://zakazky.eagri.cz/vz00020743  <https://zakazky.eagri.cz/contract_display_20743.html> |
| Reference number: | UKZUZ 112891/2025 |

(hereinafter referred to as the "***Contracting Authority***")

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# Introductory provisions:

The tender documentation has been prepared as a basis for the submission of tenders by the participants in the framework of the above-limit procedure pursuant to the provisions of Section 56 of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter referred to as the ***Act***), for an above-limit public service contract.

By submitting a tender in the tender procedure, the participant accepts fully and without reservation the terms and conditions contained in the tender documentation, including all annexes and any amendments to this tender documentation. The information given in the tender documentation defines the binding requirements of the contracting authority for the performance of the public contract. The tenderer must comply with these requirements when preparing its tender and submitting documents to demonstrate its qualifications.

In accordance with Government Resolution No 531/2017 on Responsible Public Procurement and the principle of socially responsible public procurement, the contractor with whom the contract will be concluded will be required to comply with all legal regulations of the Czech Republic, with an emphasis on legal employment, fair remuneration and compliance with occupational health and safety, and such contractor will also be required to ensure that its subcontractors operating in the Czech Republic comply with the above. In the contracts with such subcontractors, such contractor shall be obliged to ensure a comparable level of contractual terms and conditions, as determined by the contracting authority, to those of the contractor's contract with the contracting authority under this procurement.

Given the nature and purpose of the contract, the contracting authority has not identified any possibilities for further application of the principles of socially responsible contracting, environmentally responsible contracting or innovation within the meaning of the ZZVZ without violating the 3E principles (effectiveness, efficiency and economy) under Act No 320/2001 Coll., on financial control, as amended.

The complete tender documentation is available throughout the tender submission period on the profile of the contracting authority by means of unrestricted remote access at: <https://zakazky.eagri.cz/contract_display_20743.html>

Confidential information will be provided to the tenderer against signing of the Confidential Information Protection Agreement, a binding model of which is provided by the contracting authority in Annex 3 to this Tender documentation (hereinafter referred to as 'TDS').

The Confidential Information Protection Agreement submitted by the tenderer must fully correspond to the text of the binding model Confidential Information Protection Agreement published on the contracting authority's profile as Annex 3. The Confidentiality Agreement must be signed by a qualified electronic signature of a person authorised to represent the tenderer, and the document must be left 'unlocked' for further modifications to allow the subsequent attachment of a qualified electronic signature by the contracting authority.

# Subject of the tender:

* 1. Type of public contract: open procedure according to § 56 ZZVZ
  2. Type according to the subject of performance: public contract for delivery
  3. CPV codes of the subject of performance of the public contract:

NIPEZ code list items:

09 IT technologies and services, HW, SW

CPV code list items:

48463000 - 1 Statistical software package

48610000 - 7 Database systems

48612000 - 1 Database management systems

48810000 - 9 Information systems

* 1. Procurement mode: over-the-limit mode.
  2. The public procurement is part of the Czech Republic's foreign development cooperation project in Moldova entitled 'Strengthening of control and laboratory capacity in the field of plant health in the Republic of Moldova'. The aim of the project is to modernise the phytosanitary sector in line with EU requirements, one of the outputs of the project being the creation of a Phytosanitary Register in the Republic of Moldova.The development cooperation project is registered in the Republic of Moldova under the number 87211394646.
  3. The subject of the tender is the establishment and implementation of the Phytosanitary Register consisting in the creation of a comprehensive IT solution including the following modules:

- Phytosanitary Control System (PCS),

- Plant Reproductive Material Management System (PRMMS),

- Plant Health Surveillance System (PHSS),

- Phytosanitary Public Portal (PP),

- National Catalogue of Varieties (NCV),

(hereinafter referred to as the RSF system or the Phytoregister).

The subject of the tender is also the provision of annual support for the transferred Phytoregister.

* 1. The contracting authority requires a complete delivery from the preparatory cooperation to the installation of the software, its commissioning, trial operation and training of the operating staff on the correct handling and maintenance in two languages, namely English and Romanian. The delivery will include the preparation and delivery of technical documentation of the delivered SW for possible future modifications of the SW (source code and documentation) in English and Romanian. The subject of the tender is also the provision of annual operational support for the delivered system also in English and Romanian. The selected contractor shall provide, at its own expense, an interpreter in English and Romanian in case it does not speak either of the languages.
  2. The specific technical requirements for the subject matter of the supply are elaborated in Annex 5 of the SO - Technical Specification, and the subject matter of the contract is further defined by Annex 1 of the SO - Contract for Work and Annex 6 of the SO - Service Contract for the provision of annual operational support.
  3. The technical part of the public contract specification set out in Annex No. 5 to the Tender Documentation, the contractual terms and conditions set out in Annex No. 1 to the Tender Documentation, the terms and conditions of the Service Agreement set out in Annex No. 6 to the Tender Documentation, the determination of technical qualifications in Article 8.8 of the Tender Documentation, the determination of the method of evaluation of tenders in Article 22 of the Tender Documentation, and the preparation of Annex No. 4 to the Tender Documentation – total tender prices, was carried out by Ing. Vojtěch Řehák, with its registered office at Malátova 589/1, Svinov, 721 00 Ostrava, Company ID No.: 13962001, and further:
* National Food Safety Agency (Agenția Națională pentru Siguranța Alimentelor)
* Ministry of Agriculture and Food Industry (Ministerul Agriculturii și Industriei Alimentare)
* National Centre for Animal and Plant Health and Food Safety (I.P. "Centrul Național pentru Sănătatea Animaleor, Plantelor și Siguranța Alimentelor)

# Estimated value of the public contract:

The estimated value of the public contract is **CZK 12,644,627 excluding VAT or CZK 15,300,000 including VAT.** The estimated value consists of two parts:

1. the estimated value for the Phytoregister is CZK 11,818,181 excluding VAT or CZK 14,300,000 including VAT
2. the estimated value for the following operational support and servicing is 826.446 without VAT or 1.000.000 CZK including VAT.

The maximum allowable total bid price of the tenderer in the tender is set by the contracting authority at CZK 15,300,000 incl. VAT.

# Period of performance of the public contract:

The subject matter of the tender shall be implemented on the basis of the schedule detailed in Article IV. Annex No. 1 ZD - draft contract for work. The handover of the work will be followed by 12 months of service support according to the terms and conditions regulated in the ZD Annex No. 6 - Service Contract for the provision of annual service support.

# Place of performance:

The place of performance shall be:

* The cloud environment of the Contracting Authority specified in Chapter 7, Annex 5 of the ZD - Technical Specification with remote access capability,
* Republic of Moldova, National Food Safety Agency (Agenția Națională pentru Siguranța Alimentelor)

# Technical conditions according to the provisions of Article 89 of the Law, if justified by the subject of the public contract:

* 1. Where trade names of certain products or supplies or other designations related to a specific supplier appear in the tender documentation, this is a definition of the expected standard and the tenderer is entitled to propose another solution that is technically and qualitatively similar or better.
  2. Where technical specifications (standards) appear in the tender documentation, the tenderer shall be entitled to propose another solution meeting in an equivalent manner the requirements defined by such technical specifications (standards). This shall be demonstrated by the tenderer in its tender, in particular by the manufacturer's technical documentation or a test report issued by a recognised body. Recognised bodies means testing and calibration laboratories and certification and inspection bodies complying with the applicable European standards.

# Other requirements of the contracting authority for the performance of the contract

* 1. The Participant is obliged to have an insurance policy for liability for damage caused in the course of its business activities to third parties with a minimum amount of insurance benefits of CZK 5,000,000 (in words: five million Czech crowns). The Participant is obliged to ensure that such an insurance policy is effective for the entire duration of the Contract concluded with the winning Participant (hereinafter referred to as the "Contract"). The Bidder undertakes to submit, upon the request of the Contracting Authority, within seven calendar days of receipt of the Contracting Authority's request, the original or a certified copy of the insurance policy entered into by the Bidder or other satisfactory evidence that the insurance policies entered into by the Bidder are and shall remain in force and effect throughout the term of the Contract.

# Qualification Requirements :

* 1. In demonstrating compliance with the Qualifications, Participants shall comply with the Act and the requirements of the Contracting Authority set out below.

A Bidder who fails to demonstrate compliance with the qualifications required by the Procuring Entity may be excluded from the procurement process. The procuring entity shall be obliged to exclude the supplier selected to conclude the Contract for Work if the supplier does not meet the qualification conditions required by the procuring entity.

* 1. The contracting authority requires fulfilment of **the basic qualification** in accordance with the provisions of Section 74 of the Act.

Compliance with the basic qualification shall be demonstrated by the documents referred to in Section 75 of the Act.

* 1. The contracting authority requires fulfilment of **the professional competence** referred to in Section 77(1) and (2)(a) of the Act. Professional competence shall be demonstrated by the submission of:

8.3.1. **an extract from the Commercial Register** or other similar register, if another legal regulation requires entry in such a register. A foreign participant shall submit an extract from the Commercial Register or its equivalent according to the legal regulations in force in the country of its registered office, place of business or residence in its original language, accompanied by its translation into Czech. The obligation to attach a translation into the Czech language does not apply to documents in the Slovak language,

8.3.2. **authorization to conduct business** in the scope corresponding to the subject of the public contract. The Bidder conducting business under Act No. 455/1991 Coll., on Trade Licensing, as amended (hereinafter referred to as the "Trade Licensing Act"), shall submit an extract from the Trade Register pursuant to Section 10(3)(a) of the Trade Licensing Act certifying authorisation to conduct business for Production, trade and services not listed in Annexes 1-3 of the Trade Licensing Act. If the legislation in the country of the supplier's domicile does not require professional competence as referred to in the previous sentence, the supplier need not provide the documents referred to herein and shall make a declaration to that effect in the tender.

* 1. The documents may be replaced by an affidavit, a Single European Procurement Certificate pursuant to Section 87 of the Act or an Extract from the List of Qualified Suppliers pursuant to Section 226 of the Act or a certificate pursuant to Section 234 of the Act. Evidence of qualification (for the avoidance of doubt, the contracting authority states that it also applies to other members of the team) may be **replaced by** suppliers **in their tenders by means of an affidavit**. A template for this affidavit is provided by the procuring entity in the tender form attached as Annex 2 to this tender documentation.
  2. Bidders may also submit copies of the above documents when submitting their bids. In accordance with Section 122(3) of the Act, the contracting authority shall always request the selected supplier to submit copies of the qualification documents before the conclusion of the contract, unless they have already been submitted in the tendering procedure
  3. Documents proving basic eligibility pursuant to Section 74 of the Act and professional eligibility pursuant to Section 77(1) of the PPL must prove fulfilment of the required eligibility criteria no later than 3 months before the date of opening of the tendering procedure.
  4. If the legislation of the country of the supplier's establishment does not require similar professional competence as referred to in this Article, the supplier need not provide the proof required here and shall submit an affidavit to that effect.
  5. The contracting authority shall require compliance with **the technical qualifications** referred to in Article 79(2)(b), (c) and (d) of the Law.

8.8.1. **Method of demonstrating compliance with the technical qualification criterion under Section 79(2)(b) of the Act**

Compliance with the criterion of technical qualification pursuant to Section 79(2)(b) of the Act shall be demonstrated by:

* by submitting **at least one significant supply** provided in the last 3 years prior to the start of the tender procedure, the subject of which was the supply and implementation of an information system/service (or several systems) that:
  + had a web-based user interface accessible to end-users (e.g. public authorities or businesses),
  + used a database repository (e.g. PostgreSQL, Oracle, MS SQL, etc.),
  + has been in operation for at least 12 months,
  + included the provision of operational support (service contract, helpdesk),
  + at least part of the application was accessible to the professional public,
  + the delivery was carried out in accordance with the Act,
  + the processes in the application complied with the legislative requirements,
  + it was integrated with other state administration services (e.g. basic registers, filing service, etc.),
  + authentication and authorization within the delivery was solved through integration to the state provider of these services.

The financial volume of one major delivery was at least CZK 4,000,000 excluding VAT for the entire period of delivery,

* by submitting **at least one significant supply** provided in the last 3 years prior to the start of the tender procedure, the subject of which was the significant development and operation of an information system/service (or multiple systems) that:
  + had a web-based user interface accessible to end-users (e.g. public authorities or businesses),
  + made use of a database repository (e.g. PostgreSQL, Oracle, MS SQL, etc.),
  + has been in operation for at least 12 months,
  + included the provision of operational support (service contract, helpdesk).
  + Delivery implemented in accordance with the Act,
  + operated in two data centres in asset-passive mode or better,
  + the system was operated via an application server (e.g. Microsoft IIS),
  + the system passed independent security and penetration tests.

the financial volume of one significant delivery was at least CZK 1 000 000 excluding VAT for the entire period of delivery,

* by submitting **one major supply** provided in the last 3 years prior to the start of the tender procedure, the subject of which was the supply and implementation of an information system/service (or several systems) which:
  + has been performed for at least one year,
  + included the supply and implementation of an information system with a user interface allowing for language mutations (e.g. English + national language),
  + use integration services such as REST or SOAP for communication with external systems,
  + involved migrating data into the application from another source,
  + was implemented as a web application within a three-layer architecture,
  + it had the functionality to work with the map base and geolocation functions and their visualization in different thematizations,
  + it had the functionality for dynamic management of the structure of registered objects and their attributes and the possibility of their administration, including forms,
  + delivery according to the Law.

The financial volume of the significant delivery amounted to at least CZK 5,000,000 excluding VAT for the entire period of delivery.

The Supplier shall indicate only completed, i.e. successfully handed over deliveries (delivery accepted and handed over to production operation). The date of acceptance by the customer shall be decisive for the assessment of the decisive period of completion of the reference deliveries. An operation and major development delivery does not have to be completed; for the assessment of the financial volume of the delivery, the delivery made up to the start of the tendering procedure shall be sufficient.

If the reference supply submitted by the tenderer was part of a larger contract, the tenderer shall describe in the tender what part of this contract the tenderer claims to meet the above requirements of the contracting authority.

For the avoidance of doubt, the procuring entity states that a single reference contract cannot be used to demonstrate the fulfilment of multiple major contracts as required by the procuring entity above, unless explicitly stated otherwise.

Pursuant to Section 79(4) of the Act, the procuring entity allows the possibility to use services meeting the above mentioned requirements of the procuring entity, which have been provided by the participant, to demonstrate compliance with this qualification criterion:

(a) jointly with other suppliers, or

(b) as a subcontractor;

However, the documents submitted must clearly show the extent to which the tenderer has participated in the performance of these services and that this participation meets the above-mentioned requirements of the contracting authority.

Evidence to support the criterion: A list of relevant services which clearly shows that all the above requirements for the minimum level of the criterion are met. The list shall be prepared in accordance with the template provided by the contracting authority in Annex 2 to this tender documentation.

8.8.2. **Method of demonstrating compliance with the technical qualification criterion under Section 79(2)(c) and (d) of the Act**

The supplier shall submit:

* + a list of members of the implementation team who will participate in the performance of the public contract, regardless of whether they are employees or persons in another relationship with the supplier;
  + a certificate of education or professional qualifications of each member of the team who will participate in the performance of the public contract;
  + a professional curriculum vitae of the members of the implementation team, completed in Annex 2 - Model Tender Form.

Definition of the minimum level: The supplier shall have an implementation team consisting of at least the persons meeting the following requirements for the performance of the contract:

(a) **Project Manager**

This person will be responsible for the overall management of the delivery of the solution, coordination of the team, meeting milestones, communicating with the client and ensuring deliverables are on schedule.

**Minimum Requirements:**

* Completed university degree (Bachelor's degree or higher),
* Minimum 7 years of experience in IT systems delivery management (implementation and operations),
* participation in at least one of the major contracts listed above,
* managed projects with integrations to government systems,
* experience in at least 3 projects delivered for the state administration,
* holder of internationally recognised PRINCE2 Practitioner or equivalent certification and ITIL Foundation or equivalent certification and TOGAF Foundation or equivalent certification

b) **Analyst / System Designer**

This person will be responsible for understanding the client's requirements, analysing and designing the functional, process and data model of the system.

**Minimum Requirements:**

* Completed university degree (B.Sc. or higher),
* Minimum 5 years of experience in information systems analysis, participation in at least one of the major contracts listed above,
* Experience in designing system structure, process or data models,
* ability to communicate with users and translate requirements into technical specifications,
* Hold internationally recognised TOGAF Foundation or equivalent certification and ARCHIMATE Foundation or equivalent certification.

c) **Senior Developer**

This person will be responsible for the technical implementation of the system, development of functionalities and integration with surrounding systems

**Minimum Requirements:**

* Completion of a full secondary education (matriculation exam),
* at least 7 years of experience in the development or implementation of information systems,
* experience in designing or implementing web or enterprise applications,
* participation in at least one of the major contracts listed above,
* Possession of internationally recognized DevOps certification Microsoft Certified DevOps Engineer Expert or equivalent and database internationally recognized certification Microsoft Certified Fabric Analytics Engineer Associate or equivalent.

d) **Tester**

This person will be responsible for testing the system.

**Minimum Requirements:**

* Completion of full secondary education (high school diploma),
* Minimum 5 years of experience in information systems testing,
* experience in automated testing,
* Experience in managing the testing of complex application delivery including the development of test strategy and test plans,
* participation in at least one of the major contracts listed above,
* Hold an internationally recognised ISTQB certification at Advanced level, or equivalent

e) **Technical Specialist**

This person will be responsible for the technical implementation of the system within the server environment, deployment and configuration. He/she will also be responsible for the operation of the system.

**Minimum Requirements:**

* Completion of full secondary education (high school diploma),
* at least 5 years' experience in deploying and operating information systems,
* participation in at least one of the major contracts listed above,
* holder of internationally recognised ITIL Foundation certification or equivalent,

holder of an internationally recognized infrastructure certification, Microsoft Certified Azure Administrator Associate or equivalent, and a database certification, Microsoft Certified Azure Data Fundamentals or equivalent.

The persons by whom the supplier demonstrates compliance with the qualifications shall personally participate in the performance of this procurement. The above qualification deadlines shall be counted backwards from the date of launch of this procurement procedure.

Qualification may also be demonstrated by an appropriate document issued outside the Czech Republic. In the event of the impossibility of the participation of these persons for objective reasons in the performance of the contract, they must be replaced by persons at least equally qualified. The change of each person shall be subject to approval by the contracting authority.

The Participant shall demonstrate the professional qualifications of the members of the implementation team

The following shall be indicated for each project listed in the CV:

* Name of the project;
* the client (including a contact person with telephone number and email for verification);
* financial scope;
* description of the subject matter;
* activities carried out;
* position performed;
* duration of the project

CVs will include a summary of professional experience, indicating specific projects and activities undertaken in the team member's area of specialisation. CVs will be accompanied by plain copies of evidence of educational and professional qualifications, including relevant certificates.

The implementation team must be staffed to cover the roles listed in Article 8.8.2 of this tender dossier. The contracting authority recommends that the supplier's team should have a minimum of 5-7 members, whereby one person may fulfil more than one role if he/she demonstrates compliance with the qualification requirements.

In addition to the above minimum requirements, the Supplier may supplement the implementation team with additional persons who will be subordinate to one of the qualification roles listed in this Article and in Annex 2 of this tender documentation. These persons shall be subject to the same qualification requirements as the role under which they are assigned. Where two or more roles have the same content of activities, they shall be identified by the same name in the tender.

The contracting authority expressly requires that the persons named by the supplier in the tender also participate in the performance of the public contract in relation to the required roles or to the extent appropriate to the required experience and needs in the performance of the public contract. Changes to the members of the implementation team will only be possible with the prior agreement of the contracting authority.

Each member of the implementation team must be proficient in Czech and English at a communicative level with knowledge of professional terminology related to the subject of the public contract (written and spoken). The Supplier shall provide in Annex 2 of the tender form an affidavit that it will provide a Romanian interpreter at its own expense for the purpose of communication between the member of the implementation team and the Contracting Authority in Moldova.

A template of the list of members of the implementation team and a structured CV is provided by the Contracting Authority in Annex 2 to this Tender Document. The list of members of the implementation team will also be included in the relevant annex to the draft contract.

# Common qualification provisions:

* 1. Evidence of basic eligibility pursuant to Section 74 of the Act and professional eligibility pursuant to Section 77(1) of the Act must demonstrate compliance with the required eligibility criterion no later than 3 months prior to the date of initiation of the procurement procedure.
  2. Evidence of qualification shall be submitted by the tenderers in copies and may be replaced by an affidavit or a Single European Procurement Certificate in accordance with the provisions of Section 87 of the Act.
  3. During the tendering procedure, the contracting authority may request the participants to submit originals or certified copies of the qualification documents in accordance with the provisions of Section 45(1) of the Act.
  4. If the selected supplier is a foreign legal entity, the contracting authority shall request the selected supplier to submit an extract from a foreign register similar to the register of data on beneficial owners before signing the contract.
  5. The obligation to submit the document may be fulfilled by the tenderer by referring to the corresponding information held in the public administration information system or in a similar system held in another Member State which allows unrestricted remote access. Such a link shall include the Internet address and the details for logging in and retrieving the requested information, if such details are necessary.

# Proof of qualifications acquired abroad:

* 1. Where qualifications have been acquired abroad, they shall be proved by documents issued under the legal system of the country in which they were acquired, to the extent required by the contracting authority in these tender documents.

# Proof of qualification in the event of joint participation of suppliers:

* 1. In the case of joint participation of suppliers (submitting a joint tender), each of the suppliers is obliged to separately prove compliance with the basic competence pursuant to the provisions of Section 74 of the Act and professional competence pursuant to Section 77(1) of the Act. Proof of professional competence pursuant to Section 77(2)(a) of the Act and technical qualification pursuant to Section 79(2)(b) and (d) of the Act shall be demonstrated jointly by all such suppliers.
  2. If more than one supplier submits a tender jointly, the contracting authority shall require that these suppliers be jointly and severally liable to the contracting authority and to third parties in respect of any legal relationship arising in connection with the public contract, throughout the period of performance of the public contract and for the duration of any other obligations arising out of the public contract.

# Proof of compliance with the qualification through another person (in particular a subcontractor):

* 1. Pursuant to Section 83(1) of the Act, the Supplier may demonstrate economic qualification, technical qualification or professional competence, except for the criterion under Section 77(1) of the Act required by the Contracting Authority, through other persons. In such a case, the Supplier is obliged to submit to the Contracting Authority:

1. documents proving that the professional competence referred to in Section 77(1) of the Act is fulfilled by another person,
2. documents proving that the missing part of the qualification is fulfilled by another person,
3. evidence of fulfilment of the basic qualification pursuant to Section 74 of the Act by another person, and
4. a contract, or a confirmation of its existence signed by another person, containing an undertaking by the other person to provide the performance intended for the performance of the public contract or to provide the goods or rights which the supplier will be entitled to dispose of in the performance of the public contract, at least to the extent that the other person has demonstrated qualification on behalf of the supplier.

Pursuant to Section 83(2) of the Act, where the supplier demonstrates qualification through another person and submits documents referred to in Section 79(2)(a), (b) or (d) relating to such person, the contract or the confirmation of its existence referred to in paragraph 1(d) must imply an undertaking that the other person will perform the works or services to which the criterion of qualification being demonstrated relates.

# Proof of qualification by an extract from the list of qualified suppliers or an extract from the list of certified suppliers :

* 1. Contractors may submit an extract from the list of qualified contractors in accordance with the provisions of section 226 of the Act to demonstrate basic competence in accordance with the provisions of section 74 of the Act and professional competence in accordance with the provisions of section 77 of the Act.
  2. Suppliers may submit a certificate issued under the Certified Supplier System in accordance with Section 233 of the Act to demonstrate qualification or part thereof.

# Changes to the tenderer's qualifications:

* 1. If, after the submission of documents or statements of qualification, the tenderer's qualifications change during the procurement process, the tenderer shall notify the contracting authority of the change within 5 working days and submit new documents or statements of qualification within 10 working days of notification of the change. This obligation does not arise if the qualification is changed in such a way that the conditions of qualification are still fulfilled.

# Supplementation or clarification of suppliers' qualifications:

* 1. The procuring entity may require a tenderer to supplement or clarify its qualifications within the meaning of Section 46 of the Act.

# Processing of the tender price:

* 1. **Tender price:**

For the purpose of evaluation, the Bid Price shall mean the maximum total price for the supply of the entire Phytoregister specified in Annex 5 of the Bidding Document - Technical Specification and for the provision of subsequent operational support specified in the Service Contract, which forms Annex 6 of the Bidding Document. The individual prices as described below shall be entered by the Suppliers in Annex 4 to this Tender Document. The prices shall also be specified by the suppliers in Article V of the ZD Annex 1 - Draft Works Contract and in Article V of the ZD Annex 6 - Service Contract. The prices shall be identical. In the event of a conflict, the price set out in Annex 4 to the Contract shall prevail.

* 1. The Supplier may fill in only the cells (fields) underlined in yellow in Annex 4 of the tender documentation. The other cells shall be pre-filled by the contracting authority or automatically calculated.
  2. **The tender price shall be quoted in CZK excluding VAT, the amount of VAT and including VAT rounded to two decimal places.** The tender price shall include all costs incurred by the tenderer in connection with the performance of the public contract which, according to the tenderer's expertise, the tenderer should have known to be necessary for the proper and quality performance of the public contract. The total tender price, including VAT where applicable, must include all costs incurred by the supplier during the period specified for the entire execution of the subject of the public contract, including all taxes, including changes in the tax rate, including VAT, including any other charges, as well as risks associated with the effects of changes in the Czech currency exchange rates, general price developments and any other costs incurred by the tenderer/supplier. The supplier (participant) is obliged to study and comply with the customs regulations in the recipient country. The price is declared as a maximum price, which may be changed only under the conditions specified in the concluded contract and the PPA.
  3. Given that this tender mainly concerns the provision of supplies or services to a third country, the contracting authority assumes that this part of the performance will be exempt from VAT in accordance with the provisions of Sections 66 and 67 of Act No 235/2004 Coll., on value added tax. If the supplier (tenderer) quotes a tender price containing non-zero VAT, it must state in its tender the reason for doing so.
  4. **In accordance with the Agreement between the Government of the Czech Republic and the Government of the Republic of Moldova on Development Cooperation No. 35/2013 Coll. (hereinafter referred to as the "Agreement with the Republic of Moldova"), the supply provided within the framework of development cooperation is exempt from value added tax and all customs duties. This Agreement applies to suppliers established domestically or in the Republic of Moldova.**
  5. **Suppliers who are not established in the country and are not covered by the Agreement with the Republic of Moldova shall indicate in Annex 4 of the SO only for the purpose of evaluation the tender price including the statutory amount of VAT applicable in the territory of the Czech Republic on the date of submission of the tender. In accordance with Article 108(3) of Act No 235/2004 Coll., on value added tax, as amended, the contracting authority shall pay the statutory amount of VAT directly to the tax administrator. In the draft contract, the supplier shall indicate a VAT rate of CZK 0.**
  6. **The maximum permissible price for the provision of monthly flat-rate services within the framework of the annual operational support according to the Service Contract specified in Annex 6 of the ZD shall not exceed CZK 500,000 incl. VAT.**
  7. **The maximum allowable price for the provision of performance-based services under the annual operational support under the Service Contract specified in Annex 6 to the Service Contract shall not exceed CZK 500,000 incl. VAT.**
  8. **The maximum admissible bid price for the implementation is set by the contracting authority at CZK 14,300,000 incl. VAT using the above conditions. In case the bid of the participant contains a higher value, the participant will be excluded from the tender procedure for not meeting the tender conditions.**
  9. **Exceptionally low tender price:**

The contracting authority also informs the supplier that it will assess the level of the tender prices in relation to the subject of the public contract, i.e. it will assess whether the submitted tender does not contain an exceptionally low tender price in relation to the subject of the public contract. If the contracting authority concludes that the tenderer's tender contains an abnormally low tender price in relation to the subject-matter of the public contract, it shall request the tenderer to provide a written justification for those parts of the tender which are relevant to the level of the tender price.

* 1. The tenderer shall not be entitled to make the tender price subject to any other condition.

# Objective conditions under which the tender price may be exceeded

* 1. **Price changes due to changes in VAT:**

The Contracting Authority accepts price changes due to a legislative change in VAT.

# Explanation of the tender documentation:

* 1. Suppliers may request clarification of the tender documentation. A request for clarification of the tender documentation must be submitted to the contracting authority in accordance with the provisions of Section 98 of the Act. The request for clarification of the tender documentation must also be delivered via the electronic tool E-ZAK.
  2. The supplier's request for an explanation of the tender documentation must be delivered to the contracting authority no later than 8 working days before the expiry of the deadline for lodging objections pursuant to Section 242(5)(a) of the Act.

The clarification of the tender documentation will be published on the contracting authority's profile at [https://zakazky.eagri.cz/contract\_display\_20743.html.](https://zakazky.eagri.cz/contract_display_20743.html)

# Identification, content and method of submission of the tender:

* 1. The tenderer shall prepare its tender in accordance with the Model Tender Form attached as Annex 2 to these tender documents. The tenderer shall fill in the yellow shaded boxes in the form and follow the instructions given in the form. The Tender Form shall indicate the components of the tender required by the Contracting Authority.
  2. The tender shall include:
* Annex 1 to the SO, a draft contract, complete with the required (yellow underlined) information, in editable Word format
* Annex 2 of the SO Model Tender Form
* Annex 4 to the SO 'Total Tender Price'
* other documents and documents requested by the contracting authority:
* contract in case of joint participation of suppliers (see Article 11 of the tender documentation),
* a written undertaking by another person in the case of proof of part of the qualification by other persons
* a power of attorney if a person other than the person authorised under the commercial register acts for the supplier,
* an affidavit that the supplier will provide an interpreter in Romanian for communication with the contracting authority in Moldova,
* Certificate of liability insurance - may be submitted before the contract is signed.
  1. The tenderer is not entitled to make any changes or additions to the model contract, except for the information that its content implies an obligation to complete. The Contracting Authority recommends that no other documents or advertising material be included in the tender, except those documents provided for in the PPL or directly required by the Contracting Authority.
  2. The tender shall be drawn up in Czech, Slovak or English. The tender may be submitted in electronic form only. The contracting authority does not accept variants of the tender. A tenderer submitting a variant tender will be excluded from the tender procedure. Each supplier may submit only one tender. A supplier who has submitted a tender in a procurement procedure may not be the person through whom another supplier demonstrates qualification in the same procurement procedure.

# E-ZAK electronic tool:

* 1. All operations under this tendering procedure shall be carried out electronically via the electronic tool E-ZAK, unless otherwise specified by the contracting authority in the tender specifications or during the tendering procedure.
  2. All documents sent by means of the electronic tool E-ZAK shall be deemed to have been duly delivered at the moment of their delivery to the user account of the addressee of the document in the electronic tool E-ZAK. The delivery of a document shall not be affected by whether or not the document has been read by the addressee or whether or not the E-ZAK electronic tool has sent a notification to the addressee's contact email address that a new message has been delivered to the addressee's E-ZAK user account.
  3. The contracting authority draws the attention of the supplier to the fact that in order to make full use of all the possibilities of the electronic tool E-ZAK it is necessary to perform and complete the so-called supplier registration. Where the contracting authority has entered the supplier into the E-PAK electronic tool, it shall provide the supplier's contact details as those which it has obtained as publicly available or other appropriate contact details. It is the responsibility of each supplier to check his contact details and, if necessary, to modify or add other contact details before completing the registration in the electronic tool E-ZAK.
  4. It is always the supplier's responsibility to ensure that he is properly and timely acquainted with the documents sent by the contracting authority via the E-ZAK electronic tool and that the contact details provided by the supplier are correct.

# Deadline and method of submission of tenders:

* 1. The tender must be submitted in writing in electronic form only, via the contracting authority's electronic tool E-ZAK at <https://zakazky.eagri.cz/contract_display_20743.html>by the deadline for submission of tenders, i.e. **by 9.30 a.m. on 21 August 2025** at **the** latest**.**

# Method of evaluation of tenders:

* 1. Tenders will be evaluated on the basis of their economic merit. In accordance with Article 114(2) of Act No 134/2016 Coll., on public procurement (hereinafter referred to as the "PPA"), the economic advantage of the bids will be assessed on the basis of the best value for money.

Pursuant to Section 39(4) of the Public Procurement Act, the contracting authority reserves the right to first evaluate the tenders and subsequently assess compliance with the conditions of participation in the procurement procedure only for the tenderer whose tender was evaluated as the most economically advantageous.

For the purposes of evaluating tenders, the contracting authority has established the following evaluation criteria and their corresponding weightings:

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Weighting** | **Evaluation method** | |
| Tender price for implementation including VAT | 0,90 | according to the formula: (lowest tender price / evaluated tender price) × 100 | |
| Flat rate operational support for 12 months incl. VAT | 0,05 | according to the formula: (lowest tender price / evaluated tender price) × 100 | |
| Number of man-hours offered for on-demand services | 0,05 | according to the formula: (number of man-hours evaluated / highest number of man-hours) × 100 | |
|  |  |  |

1. (total) (bid) (price including VAT)

The overall score for each bidder will be calculated as a weighted average of the results according to the above criteria. The resulting values will be rounded to two decimal places.

* 1. **Tender price for implementation including VAT**

The most advantageous tender will be the one whose implementation price in CZK including VAT is the lowest among all tenders submitted by the tenderers. This tender shall be awarded 100 points in this sub-criterion. The other tenders will be scored according to the following formula:

lowest tender price

× 100

the evaluated tender price

The number of points obtained by each tenderer will then be weighted for this criterion. The resulting figure will be rounded to two decimal places.

* 1. **Flat-rate operational support for 12 months including VAT**

For the purposes of evaluation, the tender price shall be the price for 12 months' flat-rate operational support, including VAT, as set out in Annex 4 to the Tender dossier, under the tab entitled 'Service costs'.

The most advantageous tender shall be the tender whose price for the flat-rate operating support in CZK incl. VAT is the lowest of all tenders submitted by the tenderers. This tender will be awarded 100 points in this sub-criterion. The other tenders will be scored according to the following formula:

lowest tender price

× 100

the evaluated tender price

The number of points obtained by each tenderer will then be weighted for this criterion. The resulting figure will be rounded to two decimal places.

* 1. **Number of man-hours tendered**

For the purposes of evaluation, the number of man-hours offered is the figure given in Annex 4 to the SO, under the tab entitled 'Service costs'.

The most advantageous tender will be the tender with the highest number of man-hours offered for performance-related services among all tenders submitted by tenderers. Tenderers may offer a minimum of 300 man-hours and a maximum of 500 man-hours. A tenderer offering less than 300 man-hours or more than 500 man-hours will be excluded from the tender procedure. This tender shall be awarded 100 points in this sub-criterion. The other tenders will be scored according to the following formula:

number of man-hours evaluated

× 100

Highest number of man-hours offered

The number of points achieved by each participant will then be weighted by this criterion. The resulting figure will be rounded to two decimal places.

# Award period and security

The awarding authority does not set a time limit in accordance with Section 40 of the Act.

The awarding authority does not require the provision of a security pursuant to Section 41 of the Act.

# Conclusion of the Contract :

* 1. The contracting authority shall exclude the selected contractor if it is a Czech legal entity, unless it is possible to establish the details of its beneficial owner from the register of beneficial owners kept in accordance with Act No 37/2021 Coll., as amended, on the registration of beneficial owners.
  2. The contracting authority shall invite the selected supplier who is a foreign legal person by means of an invitation pursuant to Section 122(6) of the Act to submit an extract from a foreign register similar to the register of beneficial owners or, if there is no such register,

1. to communicate the identification data of all persons who are its beneficial owners, and
2. to produce documents showing the relationship of all the persons referred to in point (a) to the supplier; these documents shall include in particular
3. an extract from a foreign register similar to the public register,
4. a list of shareholders,
5. a decision of the statutory body on the payment of a share of the profits,
6. the memorandum of association, articles of association or articles of association.

The contracting authority shall exclude the selected supplier, which is a foreign legal entity, if it fails to submit the information or documents referred to in this provision of the T&C.

# Right of the contracting authority to cancel the procurement procedure:

* 1. The Participant acknowledges that the Contracting Authority may cancel the procurement procedure in accordance with the provisions of Section 127(2) of the Act. If the contracting authority does so, no claims shall arise in this respect for the participants.
  2. The Contracting Authority shall not be liable for any pecuniary or non-pecuniary damage to the Participant related to the cancellation of the tender procedure, even if the Contracting Authority has been advised of the possibility of such damage.

# Further terms and conditions of the tendering procedure:

* 1. In order to ensure the proper conduct of the procurement procedure, the contracting authority may require the tenderer to clarify the submitted data and documents within a reasonable period of time or to supplement additional or missing data and documents within the meaning of Section 46 of the Act.
  2. By submitting a tender, the tenderer grants the contracting authority its express consent to the publication of the terms of its tender to the extent and under the conditions resulting from the relevant legal regulations (in particular Act No. 106/1999 Coll., on free access to information, as amended).
  3. The contracting authority is entitled to process the data on contact persons in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, (General Data Protection Regulation - GDPR), and more specifically according to Article 6(c) of the Regulation, since the processing of the data is necessary for the fulfilment of a legal obligation arising from Act No. 134/2016 Coll., on public procurement, as amended.
  4. A bidder may submit only one bid. If a tenderer submits more than one tender individually or jointly with other tenderers, or has submitted a tender and is also the person through whom another tenderer in this procurement procedure demonstrates qualification, the contracting authority shall exclude that tenderer from the procurement procedure.
  5. The contracting authority shall not reimburse participants for costs incurred in participating in the procedure.
  6. The awarding authority reserves the right to amend, supplement or specify the terms of the contract during the period for submission of tenders.
  7. The awarding authority reserves the right to verify the information contained in the tenderer's tender with third parties and the tenderer shall provide it with all necessary assistance in this respect.
  8. The awarding authority does not accept variations of tenders.
  9. Tenders will not be returned to the tenderers.
  10. The awarding authority shall not grant any advance payment.
  11. The tenderer shall clearly indicate in the contract and in the tender those parts which it considers to be business secrets. The amount of the price for the performance provided and other facts fulfilling the definition of Section 504 of the Civil Code may never be considered as trade secrets.
  12. The contracting authority reserves the right to change the supplier in the course of the performance of the public contract within the meaning of Section 100(2) of the Act, by changing the supplier in such a way that the contractor is not obliged to change the contract. The Supplier replaced shall be the next ranked supplier after the successful supplier and shall comply with these tender conditions, if the parties decide to withdraw, terminate or otherwise terminate the contract signed on the basis of this tender procedure, irrespective of whether such withdrawal or termination is contested or challenged in court by the other party.
  13. In accordance with Section 242(5) of the Act, the Contracting Authority hereby provides that objections pursuant to paragraph 4 of the same provision may be lodged not later than 72 hours before the deadline for submission of tenders. In accordance with Section 242(5)(b) of the Act, the contracting authority has extended the deadline for the submission of tenders accordingly.
  14. **Declaration of no conflict of interest**

In accordance with Section 4b of Act No. 159/2006 Coll., on Conflicts of Interest, as amended (hereinafter referred to as the "Conflicts of Interest Act"), the Contracting Authority sets the following tender condition and requires each tenderer to demonstrate compliance with it:

A business company in which a public official referred to in Section 2(1)(c) of the Conflict of Interest Act (i.e. a member of the Government or the head of another central government body not headed by a member of the Government) or a person controlled by him/her owns a share representing at least 25% of the shareholder's interest in the business company may not participate in this tender procedure as a tenderer. If such a company participates in the tender procedure in question, acting as a tender participant, the contracting authority shall proceed to exclude such tender participant in accordance with the procedure set out in Section 48(2)(a) of the ZZVZ, i.e. on the grounds of non-compliance with the tender conditions.

In order to prove compliance with the above-mentioned tender condition, the tenderer shall submit an affidavit in its tender that it is not a company in which a public official referred to in Section 2(1)(c) of the Conflict of Interest Act (i.e. a member of the Government or the head of another central government body not headed by a member of the Government) or a person controlled by him/her owns a share representing at least 25% of the shareholder's participation in the company.

A specimen of the affidavit of absence of conflict of interest is included in Annex 2 of the tender documentation (Model tender form).

* 1. **Declaration of the absence of conditions for the prohibition of the award of a public contract pursuant to Article 5k of Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's activities destabilising the situation in Ukraine.**

Pursuant to Article 5k(1) of Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's activities destabilising the situation in Ukraine, the contracting authority imposes the following condition for the prohibition of the award of the contract and requires each tenderer to prove that it is not

1. a Russian national, natural or legal person or entity or body established in Russia;
2. a legal person, entity or body which is more than 50 % owned, directly or indirectly, by any of the entities referred to in point (a) of this paragraph of the tender documentation, the shares of these entities being aggregated; or
3. by a natural or legal person, entity or body acting on behalf of or at the direction of any of the entities referred to in point (a) or (b) of this paragraph, the tender documentation,

and the tenderer shall be responsible for ensuring that this prohibition extends to all its subcontractors where their performance represents more than 10 % of the value of the contract.

An affidavit stating that there is no condition for the award of the contract is included in Annex 2 to the tender documentation (Tender Form).

* 1. **Declaration of absence of conditions for awarding the contract due to (i) sanctions regimes imposed by the European Union on the basis of Council Regulation (EU) No. 269/2014 on restrictive measures in respect of activities undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and Council Regulation (EU) No. 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, as well as on the basis of Council Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, and (ii) Czech legislation, in particular Act No 69/2006 Coll, on the implementation of international sanctions, as amended, building on the EU regulations referred to in this and the preceding paragraph of the tender documentation.**

The Procuring Entity stipulates and requires each tenderer to demonstrate that it is not a person subject to (i) sanctions regimes imposed by the European Union on the basis of Council Regulation (EU) No. 269/2014 on restrictive measures in respect of activities undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and Council Regulation (EU) No. 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, as well as under Council Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, and (ii) Czech legislation, in particular Act No 69/2006 Coll, on the implementation of international sanctions, as amended , building on the EU regulations referred to in this and the preceding paragraph of the tender documentation, and the tenderer shall be responsible for ensuring that this prohibition applies to all its subcontractors.

An affidavit of non-existence of a condition for the prohibition of the award of the contract is included in Annex 2 of the tender documentation (Tender Form).

* 1. **Prohibition of award of contract**

Pursuant to Section 48a of the Public Procurement Act, the contracting authority shall not award a public contract to a tenderer if it is contrary to international sanctions pursuant to the law governing the implementation of international sanctions:

1. If the international sanction applies to

(a) a tenderer, the contracting authority may exclude the tenderer from participation in the procurement procedure, or

(b) the selected supplier, the contracting authority shall exclude the supplier from participation in the procurement procedure.

1. Where the international sanction applies to a subcontractor

(a) a tenderer, the contracting authority may require the subcontractor to be replaced, or

(b) the selected supplier, the contracting authority shall require the replacement of the subcontractor.

Following a request by the contracting authority under the preceding paragraph, the tenderer must replace the subcontractor no later than the end of a reasonable period of time specified by the contracting authority. If the subcontractor is not replaced, the tenderer shall be subject to the prohibition on the award of the contract.

# Site visit and contact person for the contracting authority

Not required.

# Annexes to the tender documentation

Annex 1 - Binding text of the draft contract

Annex 2 - Model tender form

Annex 3 - Binding Model Confidentiality Agreement

Annex 4 - Total tender price

Annex 5 - Technical Specification

Annex 6 - Service contract for the provision of annual operational support

**In Brno, 15 July 2025**

Ing. Daniel Jurečka

Director