

TENDER DOCUMENTATION

(hereinafter “TD”)

of an above-threshold public contract awarded in the negotiated procedure with publication pursuant to Article 60 et seq. of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter the “Act”)

“The supply and maintenance of coin-processing technology”

Contracting Authority:

CZECH NATIONAL BANK

Na Příkopě 28
115 03 Praha 1

Company ID number: 48136450

Tax ID Number: CZ48136450

Represented by:

Zdeněk Virius

and

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1. General provisions

The public contract follows on from the previous open procedure for the “Supply and maintenance of assemblies of coin-processing machines” public contract, whose Contract Award Notice was published on 9 January 2019 under form registration number F2019-000525 in the Public Procurement Bulletin and in the Official Journal of the EU under TED notification number: 2019/S 006-009206, and in the open procedure for the “Supply and maintenance of coin-processing technology” public contract, whose Contract Award Notice was published under form registration number F2020-031262 in the Public Procurement Bulletin on 7 September 2020 and in the Official Journal of the EU under TED notification number: 2020/S 175-422534, which was cancelled pursuant to Article 127(1) of the Act. During these open procedures, the Contracting Authority held preliminary market consultations with potential suppliers pursuant to Article 33 of the Act. The contents of these preliminary market consultations are listed in the Contracting Authority’s profile for the aforementioned cancelled procurement procedures (see https://ezak.cnb.cz/contract_display_585.html and https://ezak.cnb.cz/contract_display_713.html).

2. Definition of the subject of the public contract

The subject of this public contract is the supply and maintenance of coin-processing technology, which includes device with electromagnetic checking, device with optical checking, coin packaging line, and EBKV containers for collecting and storing loose coins at Czech National Bank branches. The total number of processed coins is around 436,000,000 annually, with CZK 1, 2 and 5 coins accounting for 52% and CZK 10, 20 and 50 coins accounting for 48%. The minimum technical and functional requirements are set out in Annex 1 to the TD.

3. Classification of the subject of the public contract

CPV

<u>Name</u>	<u>Number</u>
Coin processing machines	30123610-6

4. Requirement to provide a security

The Contracting Authority does not require a security.

5. Negotiated procedures with publication

5.1 **Suppliers shall submit requests to participate**, which prove their compliance with qualifications, **within the time limit specified by the Contracting Authority**. The request to participate must comply with the requirements set out in **Article 7 of the TD**.

5.2 After the **expiry of the time limit (deadline)** for submitting a request, the **Contracting Authority shall assess for each participant whether the participant is compliant with the Contracting Authority’s requirements for proving basic and professional competence laid down in Article 6 of the TD**. The Contracting Authority shall exclude participants which failed

to prove compliance with qualifications from participation in the procurement procedure. **Pursuant to Article 61(5) of the Act**, the Contracting Authority shall **invite** the non-excluded participants **to submit indicative tenders**.

- 5.3 Participants may **adjust the indicative tenders** throughout the negotiations with the Contracting Authority. The Contracting Authority shall negotiate the indicative tenders with the participants **in order to improve the indicative tenders to the benefit of the Contracting Authority**. However, the minimum conditions of the public contract, which the Contracting Authority stipulated in Annex 1 to the TD, shall be non-negotiable. The Contracting Authority reserves the right not to negotiate indicative tenders and to award the public contract based on an indicative tender by a participant whose tender is deemed to be the most economically advantageous on the basis of the assessment criteria set out in the invitation pursuant to Article 61(5) of the Act.
- 5.4 **The Contracting Authority may amend or supplement the tender specifications** during the procedure. The Contracting Authority must inform participants in writing about such amendment or supplement of the tender specifications and provide them with appropriate time to adjust their indicative tenders.
- 5.5 **The Contracting Authority** may negotiate with participants in writing, in person, or through a video conference call tool. The Contracting Authority shall document the contents of each personal negotiation by **making a sound recording or producing a transcript of the negotiation**, which shall contain a summary of the main elements of such communication, in particular the date of the negotiation, the list of attendees, the subject of the negotiation, the result of the negotiation, the wording of the agreements and arrangements, or if applicable, the date of the next negotiation and the proposed subject of the negotiation. Participants shall be notified of the manner and form of the negotiation about indicative tenders sufficiently in advance. A person who evidences the authorisation to act for the participant shall participate in the negotiation for the participant.
- 5.6 The Contracting Authority shall be obliged to notify participants of the end of negotiations or the manner in which it is determined. **Pursuant to Article 61(11) of the Act, the Contracting Authority shall subsequently invite participants to submit tenders for assessment.**

6. The Contracting Authority's qualification requirements

6.1 Basic competence

The supplier shall prove compliance with the conditions of basic competence pursuant to Article 74 of the Act by submitting the following:

- a) ***(IN RELATION TO THE COUNTRY OF ITS REGISTERED OFFICE)*** **an extract from the Criminal Register** [to prove basic competence pursuant to Article 74(1)(a) of the Act]. Where the supplier is a legal entity, it shall submit an extract from the Criminal Register for the supplier as a legal entity as well as for each member of the statutory body of such legal entity; where a member of the statutory body is a legal entity, the supplier shall submit an extract from the Criminal Register for such legal entity as well as for each member of the statutory body of such legal entity and for each statutory representative of such legal entity. Where the participant is a branch of a commercial establishment of a foreign legal entity, an extract from the Criminal Register for such legal entity and the head of its commercial establishment must be submitted. Where the participant is a branch of a commercial establishment of a Czech legal entity, it shall submit an extract from the Criminal Register

for such branch of a commercial establishment as a legal entity as well as for each member of the statutory body of such branch of a commercial establishment; where a member of the statutory body is a legal entity, it shall submit an extract from the Criminal Register for such legal entity as well as for each member of the statutory body of such legal entity and for each statutory representative in the branch of a commercial establishment and an extract from the Criminal Register for the head of the branch of a commercial establishment.

- b) **(IN RELATION TO THE CZECH REPUBLIC AND THE COUNTRY OF ITS REGISTERED OFFICE) a certificate from the relevant tax authority** [to prove basic competence pursuant to Article 74(1)(b) of the Act with the exception of excise duty],
- c) **(IN RELATION TO THE CZECH REPUBLIC AND THE COUNTRY OF ITS REGISTERED OFFICE) a certificate from the relevant district social security administration office** [to prove basic competence pursuant to Article 74(1)(d) of the Act],
- d) **(IN RELATION TO THE COUNTRY OF ITS REGISTERED OFFICE) an extract from the commercial register**, provided that the supplier is entered in the commercial register [to prove basic competence pursuant to Article 74(1)(e) of the Act],
- e) the supplier's **affidavit in writing**, proving compliance with basic competence in relation to Article 74(1)(b) and (c) of the Act, signed by a person authorised to act for the supplier. A specimen form of this statement can be found in **Annex 2 to the TD – Affidavit of the Supplier**.
- f) the supplier's **affidavit in writing**, proving compliance with basic competence in relation to Article 74(1)(e) of the Act in the event that the supplier is not entered in the commercial register, signed by the person authorised to act for the supplier. A specimen form of this statement can be found in **Annex 2 to the TD – Affidavit of the Supplier**.

The supplier may submit copies of documents proving compliance with qualifications in the request to participate. The supplier may also substitute the above documents with an affidavit pursuant to Article 86(2) of the Act in the request to participate and may use Annex 2 to the TD – Affidavit of the Supplier for this purpose. If the tender is submitted by a supplier who is a natural person, an affidavit for a natural person shall be submitted. If the tender is submitted by a supplier who is a legal entity, an affidavit for a legal entity shall be submitted.

However, in order to speed up the procurement procedure, the Contracting Authority recommends that suppliers submit certified copies of documents or originals to prove compliance of qualifications in their requests to participate. In this connection, the Contracting Authority **notifies** the supplier **that it shall require the selected supplier to submit originals or certified copies of the above qualification documents [items (a) through (f)] before the contract is concluded, where they have not already been submitted in the procurement procedure.**

The Contracting Authority shall exclude a participant which fails to submit the required information and documents of qualifications pursuant to Article 122(7) of the Act when invited to do so by the Contracting Authority.

6.2 Professional competence

The supplier shall prove compliance with professional competence in relation to the Czech Republic pursuant to Article 77 of the Act by submitting the following:

- a) **an extract from the commercial register** if the supplier is entered therein, or an extract from a similar register if another legal regulation requires an entry in such register [to prove professional competence pursuant to Article 77(1) of the Act],

The supplier may submit copies of documents proving compliance with qualifications in the request to participate. The supplier may also replace the above documents in the request to participate, together with an affidavit submitted pursuant to Article 86(2) of the Act, and may use Annex 2 to this TD – Affidavit of the Supplier – for this purpose. If the tender is submitted by a supplier who is a natural person, he or she shall submit an affidavit for a natural person. If the tender is submitted by a supplier which is a legal entity, it shall submit an affidavit for a legal entity.

However, in order to speed up the procurement procedure, the Contracting Authority recommends that suppliers submit certified copies of documents or originals attesting to compliance of qualifications in their requests to participate. In this connection, the Contracting Authority **notifies** the supplier **that it will require the selected supplier to submit originals or certified copies of the above documents of qualifications [item (a) of this article] before the contract is concluded, where they have not already been submitted in the procurement procedure.**

The Contracting Authority shall exclude a participant in the procurement procedure for failure to submit the required information and qualification documents pursuant to Article 122(7) of the Act when invited to do so by the Contracting Authority.

6.3 Age of documents proving qualifications

Documents proving basic competence pursuant to Article 74 of the Act and professional competence pursuant to Article 77(1) of the Act must prove compliance with the required qualification criterion not later than three months prior to the start of the procurement procedure.

6.4 Proving qualifications obtained abroad

Pursuant to Article 81 of the Act, where a qualification was obtained abroad, it shall be proved using documents issued under the law of the country in which it was obtained, to the extent requested by the Contracting Authority.

Pursuant to the provisions of Article 45(3) of the Act, if the Act or the Contracting Authority require the submission of a document under the law of the Czech Republic, the supplier may submit a similar document under the law of the country in which this document is issued; this document shall be submitted along with its translation into Czech. If the requested document is not issued under the applicable law, it may be substituted with an affidavit.

6.5 Qualifications in the event of joint participation of suppliers

Where suppliers participate jointly, each supplier shall prove its basic competence and professional competence pursuant to Article 77(1) separately.

6.6 Proving qualifications through other entities

Pursuant to Article 83 of the Act, the supplier may prove a certain part of technical qualifications or professional competence required by the Contracting Authority through other entities, with the exception of the criterion pursuant to Article 77(1) of the Act. In such a case, the supplier is obliged to submit the following to the Contracting Authority:

- a) documents proving compliance of the other entity with professional competence pursuant to Article 77(1) of the Act,
- b) documents proving the missing part of qualifications has been fulfilled by another entity,
- c) documents proving compliance of another person with basic competence pursuant to Article 74 of the Act, and
- d) a written undertaking by another entity to provide performance intended for the performance of a public contract or to provide items or rights which the supplier is authorised to use or hold when performing the public contract, at least to the extent to which another entity has proved qualifications on behalf of the supplier.

It is presumed that the requirement under (d) shall be deemed fulfilled if the content of the written undertaking by another entity contains a provision on joint and several liability of such entity for performing the public contract together with the supplier.

6.7 European Single Procurement Document

The supplier may also substitute the documents proving its qualifications in the request to participate with a **European Single Procurement Document** pursuant to Article 87 of the Act.

However, the Contracting Authority notifies the supplier that the submission of a European Single Procurement Document does not relieve the **selected supplier of the duty to submit originals or certified copies of the qualification documents before the contract is concluded** when invited to do so by the Contracting Authority pursuant to Articles 86(3) and 122(3)(a) of the Act, as the European Single Procurement Documents is used only as a preliminary document proving compliance with qualifications.

7. Requirements for the content, form and manner of submitting a request to participate

7.1 **The request to participate must contain:**

7.1.1 **The identification data of the supplier:**

- where a legal entity is concerned, the supplier's company name or name, legal form, identification number (if assigned),
- where a natural person is concerned, the company name or name and surname, place of business or place of permanent residence, identification number (if assigned),

- person(s) authorised to act and sign for the supplier,
- contact person,
- telephone, fax,
- e-mail,
- data box identifier (if assigned and accessible).

7.1.2 **Documents proving the supplier's compliance with qualifications pursuant to Article 6 of this TD**, or a completed and signed affidavit of the supplier (Annex 2 to this TD), or the European Single Procurement Document.

Affidavits shall be signed by a person authorised to act for the supplier. If signed by a representative on the basis of a power of attorney, this fact shall be expressly stated in the document and the request to participate shall include a copy of such power of attorney.

7.2 **The deadline for submitting a request to participate is 12 February 2021 at 10 a.m.** Submission of a request to participate shall mean submitting a request to participate with the Contracting Authority using the E-ZAK electronic tool specified by the Contracting Authority, available at: <https://ezak.cnb.cz/>. Detailed information on how to use the E-ZAK electronic tool (the user manual and the manual for the electronic signature applet software) is available at: <https://ezak.cnb.cz/>.

7.3 The supplier may submit only one request to participate in the procurement procedure.

7.4 The request to participate must be submitted in writing and in Czech or English.

8. The Contracting Authority's requirements for the content, form and manner of submitting an indicative tender and a tender

The requirements for the content, form and manner of submitting an indicative tender shall be laid down in the invitation to submit indicative tender pursuant to Article 61(5) of the Act. The requirements for the content form and manner of lodging a tender shall be specified in an invitation to tender pursuant to Article 61(11) of the Act.

9. Other provisions

9.1 Oral and written communication between the Contracting Authority and the supplier shall be conducted in Czech or English unless agreed otherwise.

9.2 The Contracting Authority and the supplier shall communicate using an electronic tool pursuant to Article 213 of the Act or a data box pursuant to Act No. 300/2008 Coll., on Electronic Acts and Authorised Conversion of Documents.

9.3 In order to enable communication with the contracting party by means of an electronic tool, the participant in the procurement procedure must be registered as a supplier in the E-ZAK electronic tool (<https://ezak.cnb.cz/>).

9.4 This Tender Documentation shall be produced in Czech and English. In case of any conflict or discrepancies between the two versions of the Tender Documentation, the Czech version of the Tender Documentation shall prevail.

9.5 The supplier may send any objections pursuant to Article 241 of the Act using a data box (ID: 8tgaiej) or using the E-ZAK electronic tool (<https://ezak.cnb.cz/>).

Annexes:

Annex 1 to the TD – Minimum functional technical requirements

Annex 2 to the TD – Affidavit of the Supplier (sample form)

Prague, 15 December 2020

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Executive Director, Administration
Department
signed electronically

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signed electronically