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***SUPPLY OF SEED DRILLS
FOR EXPERIMENTAL STATIONS
IN MOLDOVA – 3RD CALL***

Tender documentation for public contract

2026

TENDER DOCUMENTATION

to the above-threshold public contract

for supplies

Czech Development Agency

Nerudova 3, 118 50 Prague 1

announces,

in accordance with Act No. 151/2010 Coll., on Foreign Development Cooperation and Humanitarian Aid Abroad and on the amendment to related acts, and Government Resolution No. 481 of 8 July 2024, which approved the Foreign Development Cooperation Plan of the Czech Republic for 2025 with a financing outlook until 2027,

the above-threshold public contract for supplies entitled

"Supply of Seed Drills for Experimental Stations in Moldova – 3rd Call"

tendered in accordance with Act No. 134/2016 Coll., the Public Procurement Act, as amended ("PPA"), published in the Public Procurement Bulletin ("PPC").

Type of tender procedure - open procedure.

The deliveries will be carried out within the framework of the Czech Republic's foreign development cooperation ("FDC") in Moldova

Contracting authority:
Czech Republic - Czech Development Agency

Represented by: Ing. Michal Minchev, MBA,
Director

Registered office: Nerudova 3, 118 50 Prague 1
Business ID number: 75123924

Bank details: CNB Na Příkopě 28, Prague 1
account no: 0000-72929011/0710
("Contracting Authority" or "CzDA")

Organisation responsible for procurement activities:

enovation s.r.o.

Represented by: Mgr. David Kotris, Director
Registered office: Sokolovská 695/115b, 186 00
Prague 8, Karlín
Business ID number: 27909751

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1. INFORMATION ON THE CONTRACTING AUTHORITY AND OTHER PERSONS

1.1. Basic information about the Contracting Authority

Name: Czech Republic - Czech Development Agency
Legal form: organisational unit of the state
Registered office: Nerudova 3, 118 50, Prague 1
Business ID number: 75123924
Represented by: Ing. Michal Minchev, MBA, Director

1.2. Contact details

Pursuant to Section 43 of the PPA, the Contracting Authority is represented by a company (a company entrusted with the performance of certain contracting activities) in the performance of certain rights and obligations related to the tender procedure:

Name: enovation s.r.o.
Legal form: limited liability company
Registered office: Sokolovská 659/115b, 186 00 Prague 8, Karlín
Business ID number: 27909751
Contact person: Lukáš Moravec
Telephone: +420 770 188 473
E-mail address: lukas.moravec@enovation.cz

This person has drawn up part of this tender documentation ("TD").

1.3. Other persons different from the Contracting Authority:

Ing. Josef Makovský, Ph.D. (registered office: Na Vinici 132, 25069 Vodochody, Company ID No.: 75952866) participated in the preparation of the technical part of the specification of the subject of the public contract as stated in Article 3 of the TD and in Annex No. 2 to the TD. Furthermore, he participated in defining the technical qualification requirements in Article 4.3 of the TD and in determining the evaluation method of tenders in Article 12 of the TD.

2. INTRODUCTORY PROVISIONS

2.1. This tender documentation is prepared as a basis for the submission of tenders in accordance with the PPA.

The supplier¹ is obliged to familiarize itself fully with the tender documentation for this public contract.

Following this tender procedure, the Contracting Authority intends to conclude a contract based on the terms of this public contract tender procedure ("contract"). The draft contract is contained in Annex 4 of the TD. In the draft contract, the Contracting Authority is referred to as the client and the supplier as the contractor.

- 2.2. Each participant¹ may submit only one tender in this tender procedure, individually or jointly with other suppliers. A participant who has submitted a tender in the tender procedure individually or jointly with other suppliers may not be the person through whom another participant in the same tender procedure demonstrates qualification. If a participant submits more than one tender alone or jointly with other participants, or submits a tender and is also the person through whom another participant in the same tender procedure demonstrates qualification, the Contracting Authority shall exclude that participant and all tenders concerned shall be excluded from further consideration and evaluation.
- 2.3. Communication between the Contracting Authority and the participants in the tender procedure will be in writing, electronically in accordance with Section 211(3) of the PPA. In cases where the PPA allows it, oral communication may also be used, provided that its content is sufficiently documented, in particular by minutes, or sound recordings.
- 2.4. If the PPA or the Contracting Authority requires the submission of a document according to the laws of the Czech Republic, the participant may submit a similar document according to the laws of the state in which that document is issued. All foreign-language documents submitted in the tender must be submitted in the original version with a translation into Czech or English. If the Contracting Authority has doubts about the accuracy of the translation, it may request the submission of an officially certified translation of the document into Czech by an interpreter registered in the list of experts and interpreters. Documents in the Slovak language and documents on education in Latin language may be submitted without translation. The Contracting Authority reserves the right to require translations of other foreign-language documents from the tender. The Contracting Authority accepts the use of English for documents in the tender. The Contracting Authority also allows the use of a foreign language in a tender where the Contracting Authority has already used it.
- 2.5. If the required document is not issued under the applicable law, it may be replaced by an affidavit.
- 2.6. The obligation to provide a document may be fulfilled by the participant by reference to the corresponding information held in a public administration information system

¹ The term "participant" is used in the TD to refer to a supplier who submits a tender in the tender procedure.

or in a similar system held in another Member State which allows unrestricted remote access. Such a reference must contain a web address and details for logging in and finding the information requested.

- 2.7. The tender documentation must be read and interpreted in the light of any information issued in accordance with Articles 7 and 8 of the TD. Participants are fully responsible for sufficiently and carefully studying the tender documentation, including the specimen contract and its annexes and the clarifications to the tender documentation issued during the tender submission period.
- 2.8. The Contracting Authority does not hold an organised inspection of the place of performance in accordance with Section 97 of the PPA.
- 2.9. If the PPA or the Contracting Authority requires the submission of a document, the participant shall submit a copy of the document, unless the PPA stipulates otherwise. The Contracting Authority may, in accordance with Section 46(1) of the PPA, require the submission of the original or a certified copy of the original document.
- 2.10. The contract is not divided into parts.
- 2.11. The Contracting Authority - in view of the nature and purpose of the contract, in accordance with the principles of transparency, proportionality, equal treatment and non-discrimination and in accordance with the 3E principles in the management of public funds - will comply with the principle of socially responsible contracting, the principle of environmentally responsible contracting and the principle of innovation pursuant to Section 6(4) of the PPA when awarding this contract, for the following reasons:
 - Socially responsible procurement - people disadvantaged in the labour market can get jobs when performing public procurement; social enterprises can provide the performance; there is no increased risk of violation of working conditions and problematic relations in the supply chain, etc.

3. DEFINITION OF THE SUBJECT OF PERFORMANCE OF THE PUBLIC CONTRACT

3.1. Specification of the subject of the public contract

Public contract “Supply of Seed Drills for Experimental Stations in Moldova – 3rd Call” will be implemented within the framework of the project “**EU4Moldova – Sustainable Food Systems – Production**”, whose objective is to strengthen the capacities of Moldovan research institutions in sustainable and climate-resilient agriculture.

The subject of the contract is the supply of two seed drills for wide-row and narrow-row sowing. The seed drills will be located at the Visoca Research Station in Soroca District (northern Moldova) and at the Băcioi Research Station in the Chişinău Municipality (central Moldova). The technical specification is described in detail in Annex No. 2 to the TD – Specification of Supply.

3.2. Classification of the subject of performance of the public contract

The subject of performance according to the CPV code classification is as follows:

CPV code number	Name
16130000-5	Seed drills, planters and singulating machines

3.3. Estimated value of contract

The estimated value of the public contract is **CZK 5 358 100 excluding VAT**.

The maximum permissible total tender price of the participant in the tender is set by the Contracting Authority at **CZK 6 000 000 excluding VAT. The project is exempt from VAT.**

In the event that the participant's tender contains a higher value, the Contracting Authority will exclude the participant from the tender procedure due to failure to comply with the terms of reference.

3.4. Duration of performance of public contract

The public contract will be implemented on the basis of a contract concluded between the Contracting Authority and the selected tender participant. The draft contract is attached as Annex 4 to the TD.

For the performance of the public contract, the Contracting Authority sets the following conditions relating to the deadline for performance:

- Date of commencement of supply: immediately after the contract with the selected participant enters into force - assumed June 2026.
- Deadline for completion of delivery: no later than 45 days from the contract's effective date.

3.5. Place of performance of public contract

The main place of performance of the public contract is Moldova. The delivery of the subject of the contract will take place in the territory of Moldova, at the following locations:

- Vîsoca Research Station, Soroca District (northern Moldova) – *Seed drill for field trials with narrow-row crops.*
- Băcioi Research Station, Chişinău Municipality (central Moldova) – *Seed drill for small-plot field trials with wide-row crops.*

Contact details for the responsible persons will be provided to the selected supplier after the contract is signed.

4. QUALIFICATION REQUIREMENTS

Participants are obliged to prove that they meet the qualifications pursuant to Section 73(1), (2) and (3)(b) of the PPA. Alternatively, each affidavit submitted by a participant must be signed by the participant or the participant's statutory body or a person authorised to do so. Affidavits from other persons must be signed by an authorised person. In such a case, the authorisation must be included in the tender. The Contracting Authority may, in accordance with the procedure referred to in Article 46(1), require the submission of the original or a certified copy of the document if it has not been submitted by the supplier as part of the tender. The selected supplier will always be requested to submit originals or certified copies of its qualification documents, according to Section 122(3)(a) of the PPA, if the Contracting Authority does not have them already available.

Where reference is made to specific forms in this tender documentation, this shall be understood to mean the specimen forms set out in Annex 3 of the TD.

In accordance with the provision of Section 86(2) of the PPA, the Contracting Authority stipulates that it allows participants to substitute the submission of certain documents in the tender with an affidavit - see the following point 4.1. of the TD.

4.1. BASIC ELIGIBILITY - SECTION 74 OF THE PPA

An eligible participant is a participant who:

- a) has not been convicted of one of the criminal offences listed in Annex 3 to the PPA or a similar criminal offence under the law of the country of the participant's registered office in the country of its registered office within the last 5 years before the tender procedure was initiated; convictions that have been annulled shall not be taken into account.

If the supplier is a legal entity, this condition must be met by that legal entity and by each member of its statutory body. If a legal entity is a member of the supplier's statutory body, this condition must be met by **(i)** that legal entity, **(ii)** each member of the legal entity's statutory body and **(iii)** the person representing that legal entity in the supplier's statutory body. If a branch plant of a foreign legal entity participates in the tender procedure, this condition must be met by that legal entity and the head of the branch plant.

If a branch of a Czech legal entity participates in the tender procedure, this condition must be met by **(i)** that legal entity, **(ii)** each member of the legal entity's statutory body, **(iii)** the person representing that legal entity in the supplier's statutory body, and **(iv)** the head of the branch plant. **(Section 74(1)(a) of the PPA, Section 74(2) and (3) of the PPA).**

- b) does not have tax arrears due in the Czech Republic or recorded in the tax records in the country of its registered office **(Section 74(1)(b) of the PPA),**
- c) does not have arrears on insurance premiums or penalties for public health insurance payable in the Czech Republic or in the country of its registered office **(Section 74(1)(c) of the PPA),**
- d) has no arrears on insurance premiums or penalties for social security and state employment policy contributions payable in the Czech Republic or in the country of its registered office **(Section 74(1)(d) of the PPA),**
- e) is not in liquidation, has not been the subject of a bankruptcy order, has not been placed under receivership under another legal regulation and is not in a similar situation under the laws of the country in which the participant has its registered office **(Section 74(1)(e) of the PPA).**

The supplier shall demonstrate compliance with the basic eligibility conditions in relation to the Czech Republic by submitting:

- an extract from the Criminal Register in relation to point 4.1. a) of the TD,
- a certificate from the relevant tax office or an affidavit in relation to point 4.1. b) of the TD,
- a written affidavit in relation to excise duty in relation to point 4.1. b) of the tender documentation, declaration - Annex 3 of the TD may be used,
- a written affidavit in relation to point 4.1. c) of the tender documentation, declaration - Annex 3 of the TD may be used,
- confirmation from the relevant district social security administration or an affidavit in relation to point 4.1. d) of the TD,
- an extract from the Commercial Register, or by submitting a written affidavit in the event that it is not registered in the Commercial Register, in relation to point 4.1. e) of the TD - Annex 3 of the TD may be used.

Documents proving basic eligibility pursuant to Section 74 of the PPA must prove that the required eligibility criterion has been met no later than 3 months before the initiation of the tender procedure for this public contract.

4.2. PROFESSIONAL ELIGIBILITY

The Contracting Authority requires proof of compliance with the professional eligibility conditions pursuant to Section 77(1) and (2)(a) of the PPA.

4.2.1. Method of proof according to Section 77(1) of the PPA

Submission of a copy of an extract from the Commercial Register or other similar register if another legal regulation requires entry in such a register.

Foreign participants shall submit an extract from the Commercial Register or its equivalent according to the legal regulations in force in the country of their registered office, place of business or residence, in the original language with a translation into Czech. The obligation to attach a translation into Czech does not apply to documents specified in point 2.4. of this Tender Documentation..

If the legislation of the country of the supplier's registered office does not require a similar professional capacity as referred to in this paragraph, the supplier need not provide the proof required here and shall provide an affidavit to that effect.

4.2.2. Method of proof according to Section 77(2)(a) of the PPA

The Contracting Authority requires that the participant prove that it is authorised to conduct business to the extent corresponding to the subject of the public contract.

The participant shall prove compliance with this condition by submitting a copy of a valid business licence.

Participants conducting business on the basis of Act No. 455/1991 Coll., on Trade Licensing, as amended (the "Trade Licensing Act"), shall submit an extract from the Trade Register pursuant to Section 10(3)(a) of the Trade Licensing Act certifying the participant's authorisation to conduct business corresponding to the subject of this public contract.

It is necessary to prove possession of a trade licence for related field, for example:

- Intermediation of trade and services
- Wholesale and retail trade
- Manufacturing, trade, and services not classified elsewhere.

If the legislation of the country of the supplier's registered office does not require a similar professional eligibility as referred to in the paragraph above, the supplier need not provide the documents required here and shall make a declaration to that effect in its tender.

4.3. TECHNICAL QUALIFICATION - SECTION 79 OF THE PPA

4.3.1 The Contracting Authority requires proof of qualification requirements in accordance with Section 79(2)(b) of the PPA:

The supplier shall provide a **list of significant supplies** provided in the last 5 years prior to the initiation of this tender procedure and completed no later than the tender submission date, which involved the supply of a similar nature, i.e. the supply of seed drills.

This list must include a **minimum of two (2) successfully completed deliveries of seed drills, each of which was valued at a minimum of CZK 3 000 000 excluding VAT.** The supplier shall list only completed deliveries, i.e. those that have been successfully handed over.

If the reference delivery submitted by the participant was part of a larger contract, the participant's tender shall describe what part of that contract the participant claims meets the above requirements of the Contracting Authority.

The Contracting Authority reserves the right to verify the facts contained in the documented deliveries with their clients.

Method of Proof:

A duly completed form in accordance with Annex No. 3 of the TD "Forms" containing the information required by the Contracting Authority, including the price, subject of delivery, date of delivery and identification of the client. In the event that the submitted delivery was not involved in CZK, the Contracting Authority shall use the exchange rate of the Czech National Bank valid on the date of submission of the tender for conversion.

If the supplier proves the compliance with the technical qualification requirements by submitting a reference contract which it has performed jointly with another supplier or as a subcontractor, the supplier must have performed at least that part of the performance that corresponds to the requirements for the demonstrated qualification within the framework of the reported contract.

To avoid any doubt, the Contracting Authority requires that the supplier explicitly state whether or not the reference contract was jointly performed by several suppliers when proving compliance with this part of the technical qualification requirements.

The Contracting Authority reserves the right to verify the information given in the list of deliveries.

5. OTHER TERMS OF REFERENCE

- 5.1. The requirements below include the definition of the other terms of reference, including the legal requirements or the Contracting Authority's requirements for the submission of certain documents. All documents to be submitted shall be duly signed by the participant or the participant's statutory body or by a person duly authorised to do so; in such a case, the authorisation must be included in the supplier's tender. The Contracting Authority may, in accordance with Section 46(1) of the PPA, require the submission of the original or a certified copy of the document if it was not submitted by the supplier as part of its tender.
- 5.2. In accordance with Section 122(4) and (5) PPA, if the selected supplier is a Czech legal entity, the Contracting Authority shall ascertain the details of its beneficial owner in accordance with the law governing the registration of beneficial owners from the register of beneficial owners under the same law. If the selected supplier is a foreign legal entity, the Contracting Authority shall request that it submit an extract from a foreign register similar to the register of beneficial owners or, if there is no such register:
- a) that it disclose the identity of all persons who are its beneficial owners, and
 - b) that it submit documents establishing the relationship of all the persons referred to in point (a) to the supplier; these documents shall include, in particular
 1. an extract from a foreign register similar to the public register,
 2. the list of shareholders,
 3. the decision of the statutory body on the payment of a share in profit,
 4. the memorandum of association, articles of association or statutes.
- 5.3. The Contracting Authority shall exclude the selected supplier
- a) if it is a Czech legal entity which has a beneficial owner, if it was not possible, in accordance with paragraph 5.2, to ascertain the details of its beneficial owner from the register of beneficial owners; an entry made available in the register of beneficial owners after the notice of the supplier's exclusion has been sent shall not be taken into account,
 - b) if it is a foreign legal entity that has not submitted the data or documents referred to in paragraph 5.2.

6. TENDER SECURITY

Not required by the Contracting Authority.

7. CLARIFICATION OF THE TENDER DOCUMENTATION

- 7.1. In accordance with section 98 of PPA participants may request clarification of the tender documentation in writing. Written request shall be sent to the contact person specified in Section 1.2. of the TD. **Written request must be delivered**

to the Contracting Authority no later than 8 working days before the deadline of submission of tender. The Contracting Authority shall publish the clarification, including the exact wording of the request (without identifying the supplier), **no later than 3 working days from the date of receipt of the supplier's request.**

Additional information shall not be considered as amendments or supplements to the tender documentation within the meaning of Article 8 of the TD, unless expressly designated as such.

7.2. The Contracting Authority will always publish the clarification, including the exact wording of the request without identifying the supplier, in the same way as it published the tender documentation, i.e. on the Contracting Authority's profile in the NEN system.

7.3. The Contracting Authority may clarify the tender documentation without prior request, in accordance with Section 98(1) of the PPA.

8. CHANGES TO THE TENDER DOCUMENTATION

8.1. The Contracting Authority is entitled to supplement or amend the terms of reference contained in the tender documentation before the deadline for the submission of tenders. The amendment or supplement to the terms of reference will be published in the same way as the terms of reference that have been amended or supplemented.

8.2. If required by the nature of the supplement or amendment to the tender documentation, the Contracting Authority shall at the same time extend the deadline for the submission of tenders accordingly. In the event of such a modification or supplement to tender documentation that may broaden the range of potential participants in the procurement procedure, the Contracting Authority shall extend the deadline so that, from the date of dispatch of the modification or supplement to the tender documentation, it is at least equal to its original duration.

9. CONTENT AND SUBMISSION OF TENDERS AND REQUIREMENTS FOR THE PREPARATION OF TENDERS

9.1. **Tenders must be submitted in writing by the deadline for the submission of tenders in electronic form via the National Electronic Tool (NEN), available at: <https://nen.nipez.cz/en/>**

The participant must be a duly registered supplier. The Contracting Authority advises participants that registration is not immediate and is subject to the approval of the system administrator, who will accept or reject the registration if the registration request does not contain all the required information. The Contracting Authority therefore

recommends that all suppliers register well in advance of the submission of tenders.

Electronics tender must be encrypted with the **tender encryption certificate** provided. After logging in to the NEN, suppliers can find the certificate file in the details of the relevant tender procedure in the tender documentation section. In accordance with Section 28(2) of the PPA, a participant's tender encrypted with the wrong certificate shall be considered not submitted and shall not be taken into account during the tender procedure. More information about the supported certificates can be found in the manual **Principles of Working with Certificates in NEN** (the manual is available at: <https://podpora.nipez.cz/en/registrace/latest/>).

Tenders must be drawn up using acceptable file formats, i.e. Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, ZIP or PNG. **The Contracting Authority welcomes** the submission of tender documents in the format in which the participant created them, i.e. editable - in particular the draft contract and the delivery system, provided that this format is one of the acceptable formats specified in the previous sentence. Other documents and supporting evidence may also be submitted, e.g. in the form of a scan. Tenders must not contain corrections and overwriting or other irregularities that could mislead the Contracting Authority.

For detailed information on the NEN electronic tool, participants are referred to the documents available on the Internet at <https://nen.nipez.cz/en/>, in particular the subsections "Operating Rules" and "User Guides" under "Information for users". In addition, the Contracting Authority recommends the manual "Registration for Suppliers NEN": <https://podpora.nipez.cz/en/registrace/latest/>, which describes the registration of a new entity.

9.2. Participants shall submit their tender with the following content and breakdown:

- a) tender **cover sheet** in accordance with Annex No. 1 of the TD;
- b) **content of the tender**, indicating where the parts of the tender are located in the tender;
- c) **documentation required to prove compliance with the qualification requirements** and other terms of reference (including relevant documents (documents and data));
- d) **technical specifications of the supply** (complying with Annex No. 2 of the TD), indicating the items (at minimum the manufacturer and model name)

that meet the Contracting Authority's requirements set out in Annex No. 2 of the TD;

- **Product/catalog sheets of seed drills**, proving the fulfillment of requirements according to Annex No. 2 of the TD.
- e) **draft contract** in the form specified in Annex 4 of the TD, completed by the participant, only in the places marked (in **yellow**);
- f) **subcontracting system** in accordance with Annex 5 of the TD, or a declaration that the supplier does not intend to subcontract any part of the public contract to another person (subcontractor);
- g) **If the supplier (participant) quotes a tender price containing non-zero VAT, it shall state the reason for doing so. See point 13.6 below.**
- h) other documents or evidence as required by the supplier.
- 9.3. **The draft contract must be in accordance with the draft contract contained in Annex 4 of the TD.** The participant is entitled to add only the omitted information and required terms and conditions to the text of the draft contract in the places marked "**.....**"; in particular, the participant is obliged to add the values of the evaluation criteria according to Article 13 of the TD. Otherwise, the participant may be excluded from the tender procedure. **The participant is obliged to attach the individual annexes to the draft contract in accordance with the contract. If any parts of the tender are also attached to the contract, there is no need to provide duplicate evidence in the tender for the contract. The text of contract annexes 3 and 4 may not be amended in the tender.**
- 9.4. Tenders may not contain any changes or additions except those made in accordance with the instructions issued by the Contracting Authority and the necessary corrections made to errors made by the supplier. A participant may be excluded from participation in the tender procedure if any changes, additions or deletions are made to the contract terms and conditions or the tender documentation that have not been expressly authorised by the Contracting Authority. A participant may also be excluded from participation in the tender procedure if the tender documents are incomplete or incorrectly completed.
- 9.5. If a tender is not delivered to the Contracting Authority by the deadline or in the manner specified in the TD, it shall be considered not submitted and shall not be taken into account during the tender procedure.

10. DEADLINE FOR THE SUBMISSION OF TENDERS, OPENING OF TENDERS

10.1. Deadline for the submission of a tender

Tenders must be delivered to the Contracting Authority no later than by the deadline specified in the Contracting Authority's profile in the national electronic tool - <https://nen.nipez.cz> (and in the notice of the initiation of the tender procedure in the PPC - here the date may be published later than on the Contracting Authority's profile for technical reasons in the event that the tender submission deadline is extended).

10.2. Opening of tenders

The tenders will be opened after the deadline for the submission of tenders has expired, in a manner similar to that specified in Sections 108 and 109 of the PPA. As only the electronic submission of tenders is allowed, no tenders will be opened in the presence of the participants. At the opening of tenders, it will be checked that tenders were received within the time limit, that they are authentic, and that the data message containing the tender was not tampered with before opening.

11. ASSESSMENT OF COMPLIANCE WITH THE CONDITIONS IN THE TENDER PROCEDURE

11.1. The Contracting Authority shall appoint a committee to evaluate the tenders and assess compliance with the conditions of participation in the tender procedure.

11.2. The Contracting Authority will select the selected supplier from the participants in the tender procedure on the basis of:

- the evaluation of tenders;
- assessment of compliance with the conditions for participation in the tender procedure.

11.3. The Contracting Authority stipulates that it reserves the right, in accordance with Section 39(4) of the PPA, to first evaluate the tenders and then to assess compliance with the conditions for participation in the tender procedure by the participant whose tender was evaluated as the most economically advantageous.

11.4. The Contracting Authority may, in order to ensure the proper conduct of the tender procedure, require that the participant clarify the information or documents submitted or supplement additional or missing information or documents within a reasonable period of time. The Contracting Authority may make this request repeatedly and may also extend the deadline or waive failure to meet the deadline.

11.5. Tenders may not be amended after the deadline for the submission of tenders, unless otherwise specified in the PPA; however, tenders may be supplemented on

request, in accordance with the PPA and this TD, with data or documents that will not be evaluated according to the evaluation criteria. In such a case, additions to the information relating to proof of compliance with the participation conditions shall not be considered an amendment to the tender, and the facts relevant for the assessment of compliance with the participation conditions may occur after the deadline for the submission of tenders.

11.6. If the data or documents submitted by the tender participant

- do not comply with the terms of reference or are not substantiated by the participant by the set deadline,
- are not clarified or completed by the participant following a request made pursuant to Section 46 of the PPA, or
- do not correspond to reality and have had or may have had an impact on the assessment of participation or on the fulfilment of the evaluation criteria,

the Contracting Authority may exclude that participant from the tender procedure.

12. EVALUATION OF TENDERS

Tenders will be evaluated in a manner similar to that specified in Section 114 of the PPA according to their economic advantage using the criterion set out below:

Total tender price in CZK - weight of the criterion: 100 %.

12.1. Method of evaluation:

Within the evaluation criterion “**Total Tender Price in CZK**”, the Contracting Authority shall assess the total tender price in CZK stated by the tenderer in the cover sheet (Annex No. 1 to the Tender Documentation) and in the draft contract (Annex No. 4 to the Tender Documentation). These prices must be identical. If the prices differ, the tenderer shall be excluded due to ambiguity of the tender, unless it is possible to proceed in accordance with Article 13.3 of the TD.

The project is exempt from VAT; therefore, prices excluding VAT shall be used for evaluation.

The total tender price must be stated in CZK, as an absolute value with two decimal places. Prices expressed as a range or negative values are not acceptable. The supplier is not entitled to condition the terms they propose, which are subject to evaluation, with any additional condition. Conditioning, stating multiple different values, or providing values as a range for items subject to evaluation constitutes grounds for disqualification and exclusion of the participant from the procurement procedure. Similarly, the Contracting Authority will take the same approach if a value for an item subject to evaluation is stated in a unit or format other than that required by the Contracting Authority.

12.2. Selection of the most suitable tender:

The tender with the lowest total price in CZK shall be evaluated as the most advantageous. Other tenders will be ranked in ascending order according to their total tender prices in CZK. In the event of two or more tenders having the same lowest total price, the procurement procedure shall be cancelled.

Before sending the Notice of Award, the Contracting Authority shall assess the tender price of the selected supplier in terms of an abnormally low tender. The assessment shall be carried out in accordance with the provisions of Section 113 of the PPA.

13. REQUIREMENTS FOR SPECIFICATION OF THE TENDER PRICE

- 13.1. The tender shall state the total tender price in Czech crowns excluding VAT, accurate to 2 decimal places.
- 13.2. **The total tender price** excluding VAT will be stated in, in the tender **cover sheet** according to Annex No. 6 of the TD and the total tender price excluding VAT shall also be indicated by the participant in the **draft contract** (Annex No. 4 of the TD). The total tender price in CZK excluding VAT for the entire subject of the public contract will comprise the subject of the tender evaluation in accordance with Section 119 of the PPA.
- 13.3. The total price stated in the contract in CZK without VAT is decisive for the evaluation of the tender. If there is any conflict between the prices stated in the contract and the cover sheet, the participant will be excluded unless the Contracting Authority or a committee appointed by the Contracting Authority can request that the participant clarifies the tender accordingly pursuant to Section 46 of the PPA and the participant rectifies the conflict in a credible manner.
- 13.4. **The total tender price must include all the supplier's costs** during the period specified for the entire implementation of the subject of the public contract, including all taxes, changes in the tax rate, and all other charges, as well as risks associated with the effects of fluctuations in the Czech currency exchange rates, general price trends and all other costs of the participant/supplier. The supplier (participant) is obliged to study and comply with the customs regulations in the recipient country.
- 13.5. Given that this public contract mainly concerns the provision of supplies to a third country, the Contracting Authority assumes that this part of the performance will be exempt from VAT according to the provisions of Section 66 and Section 67 of Act No. 235/2004 Coll., on value added tax.

- 13.6. The supplier (participant) shall, for the purpose of calculating VAT and customs duties related to the performance of the subject of this public contract, assume a zero value of VAT and customs duties in Moldova, as the implementation of the subject of performance is exempt from these payments pursuant to Annex No. 6 of the TD.
- 13.7. By submitting a tender for this public contract, the supplier (participant) acknowledges that the price offered must include all the above costs for the implementation of the subject of the public contract. The supplier (participant) is obliged to include these costs in the price of its tender. The price is declared as the maximum permissible price, which may only be changed under the conditions specified in the concluded contract and the PPA.

14. OTHER REQUIREMENTS OF THE CONTRACTING AUTHORITY FOR THE PERFORMANCE OF THE PUBLIC CONTRACT

14.1. Contractor system

In a similar manner to that specified in Section 105(1)(a) and (b) of the PPA, the Contracting Authority requires that participant submit a list of subcontractors, if known to the participant, and to indicate which part of the performance of the public contract each of those subcontractors will perform, or whether that subcontractor will fulfil any part of the qualification requirements. The participant shall meet this requirement of the Contracting Authority in the form of an overview describing the subcontracting system and also indicating the part of the subject of the public contract to be performed by specific subcontractors (stating the type of activities). The supplier may use Annex 5 of the TD for this purpose. In the event that the supplier does not intend to subcontract a part of the contract to another entity (subcontractor), the supplier shall provide a written declaration indicating this in its tender.

15. CONTRACTING AUTHORITY'S DECISION ON THE SELECTION OF THE MOST SUITABLE TENDER AND NOTIFICATION OF THAT DECISION

In the event that more than one tender is evaluated, the Contracting Authority will select the participant whose tender is evaluated as the most economically advantageous according to the result of the tender evaluation (see Article 12 of this TD above). The supplier selected to conclude the contract must always comply with the conditions of participation in this tender procedure. Details of the selection of the supplier and the notification of that selection are set out in Sections 122 and 123 of the PPA.

16. CONCLUSION OF CONTRACT

The contract will be concluded in accordance with Sections 124 Section 125 of the PPA. The contract shall be concluded upon its signature by the authorised representatives of both parties.

17. OBJECTIONS AND SUPERVISION OF COMPLIANCE WITH THE LAW

The submission of objections, the manner used to handle them and the prohibition on the conclusion of the contract are governed by the provisions of Sections 241 to 247 of the PPA. The conditions and manner used to review the acts of the Contracting Authority by the supervisory authority, which is the Office for the Protection of Competition, are regulated by Sections 248 to 272 of the PPA.

18. PROTECTION OF PERSONAL DATA

All documents submitted by the Supplier must be drawn up in accordance with the legal provisions governing the protection of personal data, in particular 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 ("GDPR"), and Act No. 110/2019 Coll., on the processing of personal data. If the data subject's consent to the processing of personal data by the Contracting Authority is required, the supplier may provide the data subject's personal data to the Contracting Authority only if the data subject has given consent to the processing of their personal data in writing and in accordance with the legal regulations governing the protection of personal data. This consent must be provided to the Contracting Authority together with the personal data. The supplier may use the model consent form available on the CzDA website.

19. LIST OF ANNEXES TO THE TENDER DOCUMENTATION

- Annex 1 – Cover Sheet
- Annex 2 – Technical Specification of the Supply
- Annex 3 - Forms
- Annex 4 - Draft Contract
- Annex 5 - List of Subcontractors
- Annex 6 – Intergovernmental Agreement

Approved in Prague on:

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Ing. Michal Minčev, MBA
CzDA Director