

Manual on qualification for foreign suppliers

The project team of Central European Institute of Technology – CEITEC (www.ceitec.cz) provides this auxiliary instruction to the foreign tenderers who take part in tenders run by project partners, i.e. Masaryk University, Brno University of Technology, Mendel University in Brno, University of Veterinary and Pharmaceutical Sciences Brno, Institute of Physics of Materials, Academy of Science CZ and Veterinary Research Institute. The manual serves as description of qualification requirements which are prerequisite for the assessment and evaluation of tenders submitted in the procurement procedure and also as the outline for demonstration of fulfillment of qualifications. N.B: In any way, this document does not replace qualification requirement set up in particular tender documentation, neither the provisions of the Act on public procurement (Act No. 137/2006 Coll., on Public Procurement).

According to the Act No. 137/2006 Coll., on Public Procurement, as amended, for performance of the public procurement is qualified economic operator (bidder) which demonstrated the fulfillment of so-called:

- **basic qualifications prerequisites**
- **professional qualifications prerequisites**
- economic and financial qualifications prerequisites
- technical qualifications prerequisites

It means the tenderer shall be obligated to demonstration of the fulfillment of this qualification if he wants to shift his tender to the process of assessment and evaluation.

Demonstration the fulfillment of qualifications by foreign tenderer in general

The Act on Public Procurement provides that foreign tenderers:

- shall demonstrate the fulfillment of qualifications **in a manner under the legal order in force in the country of registered office, place of business or place of residence thereof**, invariably to the extent required by the Act and by the contracting authority
- in case **that particular evidence is not issued** under the legal order in force in the country of registered office, place of business or place of residence of a foreign tenderer, this one shall be obligated to demonstrate the fulfillment of such part of qualification **by solemn declaration**
- In case that **the obligation, the meeting of which is to be demonstrated in the framework of qualifications, is not established** in the country of registered office,

place of business or place of residence of a foreign tenderer, it shall **take solemn declaration** to this effect

Language of submitted documents

Documents which serve for demonstration the fulfillment of qualifications shall be submitted by a foreign tenderer in the original language with an officially authenticated translation into the Czech language attached (or other language if admitted by contracting authority in tender conditions)

Time Limits for Demonstration of Fulfilment of Qualifications

Generally, in open procedure, the tenderers shall demonstrate the fulfilment of qualifications within the time limit for the submission of tenders.

Authenticity and Age of Evidence

- the **shall submit a copy** (or an officially authenticated copy) of evidence demonstrating the fulfillment of qualifications mentioned below
- documents (evidence) demonstrating the fulfillment of basic qualifications requirements and the extract from the Commercial Register shall **not date more than 90 calendar days to the date of submission of the tender.**

Which documents are required and where can I get them?

The following part of this manual brings list of particular documents which are generally required by Czech Act on Public Procurement. As the economic, financial and technical qualifications prerequisites may be set differently (or even don't have to be set at all) in each tender, generally, only basic and professional qualifications prerequisites are regarded in the following part this manual regards.

As stated above, the foreign tenderer shall demonstrate the fulfillment of qualifications in a manner under the legal order in force in their domicile country. Therefore, to identify the equivalent certificates and attestations in the particular (domicile) country, the tenderers are advised to visit EU Commission eCERTIS webpages (<http://ec.europa.eu/markt/ecertis/searchDocument.do>) which give more detailed information on the qualification documents across the 28 Member States, one Candidate Country (Turkey) and the three EEA countries (Iceland, Liechtenstein and Norway).

I. Basic Qualifications Prerequisites

The tenderer shall be obligated to submit these evidences:

- 1) **an extract from the Penal (Criminal) Register** which particular demonstrates a criminal integrity of the tenderer (corresponding to § 53/1 a) and b) of the Act)
 - this conditions involves also the legal person itself, the statutory body or each member of statutory body or a member of the statutory body of a tenderer, and where a legal person acts as a statutory body or a member of the statutory body of a tenderer, this prerequisite shall be met by this legal person, by the statutory body or by each member of the statutory body of such a legal person

- this basic qualifications prerequisite shall be met by the tenderer ***both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof;***
- the fulfillment of this prerequisite in relation to Czech Republic can be obtained here:

Rejstřík trestů

Address: Soudní 1 14066 Praha 4 Czech Republic

<http://portal.justice.cz/justice2/Soud/soud.aspx?o=203&j=213&k=2027>

Phone: +420 244 006 111, Fax: + 420 244 006 260,

email: rejstrik@rejtr.justice.cz

request for an extract from the Penal (Criminal) Register of a natural person:

<http://eservice-fo.rejtr.justice.cz/zadostPDF/zadostOsVy.pdf>

request for an extract from the Penal (Criminal) Register of a legal person:

<http://portal.justice.cz/Justice2/Soud/soud.aspx?o=203&j=213&k=5761&d=322490>

Contact places called Czech POINT (municipal and city offices, post offices).

Addresses and office hours you can find here: <http://www.czechpoint.cz/>.

Abroad, the embassies of the Czech Republic.

For more details see the website of the Ministry of Foreign Affairs: <http://www.mzv.cz>.

The extract will be issued within 20 days for 100 CZK when applying in the Czech Republic (when applying abroad at the embassies of the Czech Republic, the fee is 200, - CZK). The submission of an application by email is not possible.

2) **a statement of relevant Tax Authority** (corresponding to § 53/1 f) of the Act)

- which demonstrates there is no outstanding tax arrears registered in tax records
- this basic qualifications prerequisite shall be met by the tenderer ***both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof***
- the fulfillment of this prerequisite in relation to Czech Republic can be obtained here:

Finanční úřad pro Prahu 1

Address: Štěpánská 28, 112 33 Praha 1

URL: <http://portal.justice.cz/justice2/Soud/soud.aspx?o=203&j=213&k=2027>

Phone: +420 224 041 111, Fax: + 420 224 043 198,

email: Vera.Mackova@fs.mfcr.cz or podatelna2001@fs.mfcr.cz

- Written application signed by competent person must be submitted with information to where/or whom the issued statement shall be send or given. In addition, the certificate of incorporation or other similar record (i.e. an extract from the Commercial Register) with a simple translation into Czech shall be

attached to the application. The statement will be issued within a maximum of 30 days for 100 CZK.

3) **a statement of relevant authority or institution for demonstrating of fulfillment of qualifications requirements** that there is no outstanding arrears in respect of payments and penalties of the social security insurance and contribution to the State employment policy (corresponding to § 53/1 h) of the Act)

- this basic qualifications prerequisite shall be met by the tenderer ***both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof***
- the fulfillment of this prerequisite in relation to Czech Republic can be obtained here:

Pražská správa sociálního zabezpečení, územní pracoviště pro Prahu 8

Address: Trojská 1997/13a, 182 00 Praha 8

URL: <http://www.cssz.cz/cz/kontakty/krajska-a-okresni-pracoviste/praha/uzemni-pracoviste-praha-8.htm>

Contact person: **Mrs Jitka Klozová**

Phone: +420 283 104 268, email: jitka.klozova@cssz.cz,

or **Mrs Blanka Tačnerová**,

Phone: + 420 283 104 543, email: blanka.tacnerova@cssz.cz.

Or Phone: +420 283 104 111, Fax: +420 283 104 262,

- You must submit a written application signed by competent person with information to where/or whom the issued statement shall be send or given. In addition, the certificate of incorporation or other similar record (i.e. an extract from the Commercial Register) with a simple translation into Czech shall be attached to the application. The statement will be issued for a fee of 100 CZK. The process will take about 1 week.

4) **a solemn declaration** for demonstrating of fulfillment of these qualifications requirements:

- the tenderer has not accomplished elements of unfair competition practices in the form of bribery under separate legal regulation in the preceding 3 years (§ 53/1 c) of the Act)
- the tenderer which is not or has not been subject to insolvency proceedings involving its assets, in which the declaration of bankruptcy has been issued or insolvency petition has not been rejected due to lack of assets on the part of the tenderer to cover the costs of insolvency proceedings, or the declaration of bankruptcy has not been set aside because of the tenderer's insufficient property or in respect of which the receivership has been imposed on under separate legal regulation in the preceding 3 years, (§ 53/1 d) of the Act)
- the tenderer which is not being wound up, (§ 53/1 e) of the Act)

- the tenderer demonstrates no outstanding tax arrears as regards the excise tax; *both in the Czech Republic and in the country of registered office, place of business or residence of a tenderer* (§ 53/1 f) of the Act)
- the tenderer has no outstanding arrears in respect of payments and penalties of public health insurance, *both in the Czech Republic and in the country of registered office, place of business or residence of a tenderer* (§ 53/1 g) of the Act)
- the tenderer has not been found guilty for grave professional misconduct in the preceding 3 years or has not been imposed a disciplinary punishment under separate legal regulations, where demonstration of professional qualifications under separate legal regulations is required pursuant to Section 54 Subsection d¹ of the Act; when the tenderer pursues such an activity through a person in authority or any other person liable, for the activity of an tenderer, this prerequisite shall be applicable to those persons, (§ 53/1 i) of the Act)
- the tenderer is not enrolled on the black list of tenderer´s banned to participate in the performance of public contracts, (§ 53/1 j) of the Act)
- the tenderer which has not been imposed a fine lawfully for allowing the performance of illegal work in last 3 years under separate legal regulations (§ 53/1 k) of the Act)

II. Professional Qualifications Prerequisites

Under the Section 54 of the Act and according the tender documentation, the tenderer shall prove the fulfillment of professional qualifications requirements by furnishing:

- 1) **an extract from the Commercial Register**
 - if the economic operator is enrolled thereon or an extract from any other analogous register, if it is enrolled thereon,
- 2) **evidence of possession of a license to pursue business activities (professional certification or trade certification)**
 - to the extent corresponding to the subject-matter of the public contract, particularly, evidence proving relevant trade authorisation or license

¹ Evidence attesting professional competence of the economic operator or any other person through which the economic operator assures professional competence, where it is indispensable for the performance of the public contract under separate legal regulations.