

Invitation to Tender and Tender Documentation

within the meaning section 53 and related of Act No 134/2016, on Public Procurement, as amended
(hereinafter the “Act”)

Public contract:

“Supply of Active Hydrogen Maser (H-maser)”

Below-the-threshold public contract for supply
Simplified below-the-threshold procedure

Contracting authority of the public contract:

CESNET, interest association of legal entities

Zikova 1903/4

160 00 Prague 6, Czech Republic

ID No: 63839172

registered in the Register of Associations kept by the Municipal Court in Prague, file no L 58848

Reference number: 1041/2020

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Annex 1	Business terms and conditions of the contracting authority - binding draft contract
Annex 2	Affirmation template - basic and professional qualification
Annex 3	Tender cover sheet template

Pursuant to Section 53 of the Act, the Contracting Authority invites the Contractors to submit tenders in this below-the-threshold public contract.

1. Basic information

1.1. Identification of the contracting authority

Name:	CESNET, interest association of legal entities
Registered office:	Zikova 1903/4, 160 00 Prague 6, Czech Republic
ID No:	63839172
Registration:	Register of Associations kept by the Municipal Court in Prague, file no L 58848
Contracting authority's profile:	https://zakazky.cesnet.cz/
Address of the public contract on the Contracting authority's profile:	https://zakazky.cesnet.cz/contract_display_264.html
Data Box ID:	gn35eaq

1.2. Acting on behalf of the contracting authority

The contracting authority's governing body is the contracting authority's board of directors. The person authorized to perform legal acts related to this public contract is

- Ing. Jan Gruntorád, CSc., Director of the Association, on the basis of written authorization by the Board of Directors or
- Ing. Helmut Sverenyák, Deputy Director of the Association, based on written authorization by the Board of Directors (in the absence of the Director of the Association), or
- person authorized by the Director of the Association (in the absence of the Director and Deputy Director of the Association).

1.3. Contact point for procurement procedure:

Legal department

Name	e-mail
Mgr. Vojtěch Široký	zakazky@cesnet.cz
Mgr. Martin Čuřík	zakazky@cesnet.cz

1.4. Electronic tendering tool, communication and delivery

- 1.4.1. All communications and actions relating to this public contract by both the contracting authority and the evaluation committee (e.g. providing explanations, amendments or additions to the tender documentation, the evaluation commission's request for explanation of tenders, notification of exclusion from the procurement procedure, notification of selection of the contractor / of the most suitable tender, etc.) shall be carried out through the contracting authority's electronic tendering tool E- ZAK (<http://zakazky.cesnet.cz/>, hereinafter the "E-ZAK System"). The contracting authority asks the suppliers to perform their communication (e.g. requests for explanation of the tender documentation, explanations of their tenders, etc.) through the E-ZAK system as well. For this purpose (including tender submission), registration of suppliers in the E-ZAK system is required. **The contracting authority points out that for outgoing communication (including tender submission) the E-ZAK system requires a qualified certificate for electronic signatures issued by one of the qualified trust service providers** (see <http://www.mvcr.cz/clanek/seznam-kvalifikovanych-poskytovateluu-sluzeb-vytvarejicich->

[duveru-a-poskytovanych-kvalifikovanych-sluzeb-vytvarejicich-duveru.aspx](#)). The E-ZAK system also accepts electronic signatures based on a qualified certificate issued by a foreign provider according to the list at <https://webgate.ec.europa.eu/tl-browser/#/>.

- 1.4.2. Detailed instructions for using the E-ZAK system can be found in the user's manual available at the Internet address https://zakazky.cesnet.cz/manual_2/ezak-manual-dodavatele-pdf, which also contains system requirements for PCs for submission and electronic signature in the E-ZAK system and contacts to the user support.
- 1.4.3. In accordance with Section 53(5) of the Act, the contracting authority reserves the possibility to publish a notification of exclusion of a tenderer and a notice of selection of a contractor on the contracting authority's profile (https://zakazky.cesnet.cz/contract_display_264.html). In such a case, the notifications shall be deemed to have been delivered to all tenderers at the time of their publication.
- 1.4.4. Except for the cases referred to in paragraph 1.4.2 above, the contracting authority also informs the suppliers, in order to avoid confusion and in accordance with general legal regulation, that the date of delivery of legal acts is
 - the day on which the contracting authority delivers a message to the supplier to its registered E-ZAK account (i.e. the moment when the tenderer is able to read the message in the E-ZAK system);
 - the day on which the supplier will deliver (hand over) the message to the contracting authority in the E-ZAK system (i.e. the moment when the contracting authority is able to read the message in the E-ZAK system).

With regard to abovementioned, and for the sake of substitutability, the contracting authority recommends that the suppliers have more contact persons (e-mails) listed in their registered account in the E-ZAK system.

1.5. Provision of tender documentation

Tender documentation shall be provided exclusively in electronic form by unrestricted remote access through the electronic tool referred to in paragraph. 1.4. - the E-ZAK system (see the address of the public contract on the Contracting authority's profile in paragraph 1.1.). The contracting authority does not require any payments for the provision of the tender documentation.

- 1.6. The terms "participant, contractor, supplier or tenderer" in this tender documentation generally apply to participants in the procurement procedure within the meaning of Section 47 of the Act. The mentioned terms have the same meaning for the purposes of this tender documentation, unless it is implied otherwise from the context. The terms usually have following meanings:
 - "supplier" - all suppliers, even those who do not submit a tender;
 - "tenderer" or "participant" – suppliers who submit a tender;
 - "contractor" – selected tenderer (the supplier whose tender is the most economically advantageous).

1.7. Socially and environmentally responsible procurement and innovation

Given the nature and purpose of this contract, the contracting authority concludes that it is not possible to set any specific conditions and requirements relating to the principles of socially responsible procurement, environmentally responsible procurement and innovation. For the individual areas mentioned, the contracting authority states:

a) In relation to the principles of socially responsible procurement:

With regard to the subject of performance and the target group of users of the subject of the public contract, the contracting authority requires that the equipment will be provided by a professionally founded and highly specialized supplier who has experience with similar supplies and is familiar with this highly technical area. The contracting authority has consistently considered setting specific social requirements, however, due to the need for a highly technically advanced solution and the importance of the tender result, the contracting authority did not find the possibility to use

requirements that accentuate social issues in any way (Promoting education, training and retraining; Decent working conditions; Promoting the participation of social enterprises in public procurement; Promoting the participation of small and medium-sized enterprises; Contribution to the local economy, community, etc.). On the other hand, the contracting authority does not in any way restrict entities that operate in the mentioned social areas and that meet the tender conditions in order to participate in the procurement procedure.

b) In relation to the principles of environmentally responsible procurement:

With regard to the highly specific and technically specialized subject of performance, the contracting authority considered other options to emphasize environmental issues (e.g. environmentally friendly solutions, circular public procurement, etc.), and in this case did not find options to identify specific environmental issues.

c) In relation to innovation:

In the opinion of the contracting authority, the required equipment itself and technical tender conditions themselves ensure that the contracting authority receives an innovative (nevertheless already proven in operation) solution at the highest technical level. Required equipment is intended especially for the research and possibly for educational purposes.

The contracting authority also adds that the support of innovation and education is one of its main activities and the public contract in question is part of this activity.

2. **Preliminary market consultations**

- 2.1. This tender documentation was prepared exclusively by the contracting authority; no information given in this tender documentation is the result of preliminary market consultations.

3. **Subject-matter of the public contract**

- 3.1. The subject-matter of this public contract is the acquisition of the Active Hydrogen Maser (H-Maser, hereinafter also as the "equipment") for research and development purposes.
- 3.2. Minimum technical requirements of the Contracting Authority for the equipment:
- 3.2.1. at least one 10 MHz output;
 - 3.2.2. at least one pulse per second (PPS) output;
 - 3.2.3. all outputs to be 50 Ohm impedance;
 - 3.2.4. frequency stability 1.5×10^{-13} or better¹ at 1 second averaging time;
 - 3.2.5. frequency stability 2×10^{-15} or better¹ at 10 000 seconds averaging time;
 - 3.2.6. phase noise -110 dBc/Hz or better¹ at 1Hz offset, -145 dBc/Hz or better¹ at 1 kHz offset (10 MHz output);
 - 3.2.7. magnetic sensitivity better¹ than 5×10^{-14} per Gauss;
 - 3.2.8. temperature sensitivity better¹ than 5×10^{-15} per degree Celsius.
- 3.3. The Contracting Authority also requires warranty of at least 24 months for the equipment.
- 3.4. Lifetime of the equipment should be at least 15 years.
- 3.5. Classification of the subject-matter of the public contract
- CPV code 31711422-7 - Microwave equipment
 - CPV code 31711300-6 - Electronic timekeeping system
 - CPV code 38300000-8 - Measuring instruments

¹ "better" means lower parameter value

3.6. Binding requirements of the contracting authority

The information and data contained in this tender documentation, including its annexes, define the contracting authority's binding requirements for performance of the public contract. The participant is obliged to fully and unconditionally respect these requirements when preparing its tender. The participant is not entitled to make changes to the contracting authority's requirements for performance of the public contract. Not accepting or changing the contracting authority's requirements set out in this tender documentation, including the draft (binding template) of the contract, may be considered a failure to meet the tender conditions, with the consequence of excluding the participant from further participation in the procurement procedure.

3.7. Handover and acceptance of the equipment

Detailed conditions of the handover and its acceptance are provided in Annex 1 to this tender documentation (binding draft contract), in Article 6.

3.8. Other conditions for performance

Other, especially business terms and conditions for performance are set out in Annex 1 to this tender documentation.

3.9. The contracting authority requires that in order to demonstrate its ability to provide the performance required by the contracting authority, the participant clearly states in its tender how it meets the (especially technical) requirements of the contracting authority specified in section 3.2. above, for example by providing comments to required technical parameters or by providing a datasheet for the offered equipment, which will clearly demonstrate compliance with the contracting authority's requirements.

3.10. **The contracting authority informs the participants that it is not legally possible to amend or change the tenders after the deadline for submission of tenders except in cases specified in Section 46(1) of the Act. This applies even to the eventual explanation of tenders within the process of assessing the conditions of participation in the procurement procedure, assessing extremely low tender price and evaluation of tenders, etc. by the contracting authority or evaluation committee. Therefore the contracting authority recommends to the contractors to utilize the possibility to submit a request to the contracting authority for an explanation of the tender documentation (see paragraph 1.4. of this tender documentation) in the event of any uncertainty.**

At the same time, the contracting authority informs the contractors that it is not authorized to negotiate with the tenderers about the submitted tenders.

4. Time and site of the performance of the public contract

4.1. The time and site of the performance of this public contract are specified in Annex 1 to this tender documentation.

5. Visit to the site of performance (Section 97 of the Act)

5.1. Due to the subject-matter and method of the performance, the visit to the site of performance is not relevant.

6. Conditions for qualification of participants

In this procurement procedure, the contracting authority requires each participant to prove:

- basic competence - paragraph 6.1. below
- professional competence - paragraph 6.2. below

6.1. Requirements for demonstrating basic competence

	Basic competence requirements are met by a contractor:	Method of demonstrating compliance with basic competence requirements:
a)	who has not been lawfully convicted of an	<i>Submission of affirmation on the compliance of</i>

	offense listed in Annex 3 to the Act or of a similar offense under the law of the country of the contractor's registered office in the last 5 years prior to the commencement of the procurement procedure; expunged convictions are disregarded;	<i>competence requirements by the participant according to the template that constitutes Annex 2 to this tender documentation.</i>
b)	who has no tax arrears due in the tax records in the Czech Republic and in the country of its registered office;	
c)	who has no outstanding arrears of premiums or statutory late payment interests for public health insurance in the Czech Republic and in the country of its registered office;	
d)	who has no outstanding arrears of premiums or statutory late payment interests for social security insurance and state employment policy contributions in the Czech Republic and in the country of its registered office;	
e)	<ul style="list-style-type: none"> - who is not in liquidation, - against whom no bankruptcy decision was issued, - against whom forced administration was not ordered pursuant to another legal regulation or against whom a similar measure was not taken under the law of the country of the contractor's registered office. 	

6.2. Requirements for demonstrating professional competence

6.2.1. The contractor demonstrates its professional competence by submission of an extract from the Commercial Register or other similar register, if another legal regulation requires registration in such register; (*note: the document referred to in this point must not be older than 3 months before the tender submission date*).

6.3. Possible methods of demonstrating competence

The participant can demonstrate its competence especially:

- by submission of documents listed above in sections 6.1. and 6.2. and/or
- by submission of an extract from the qualified contractors list (see section 6.4. below) and/or
- by submission of a certificate from an approved system of certified contractors (see section 6.5. below); and/or
- by European Single Procurement Document (see section 6.6. below)

6.4. Qualified contractors list

6.4.1. A contractor may demonstrate the relevant part of the competence by submission of an extract from the qualified contractors list (Section 226 et seq. of the Act). This extract substitutes the document(s) demonstrating:

- basic competence according to section 6.1. of this tender documentation and
- professional competence according to section 6.2. of this tender documentation to the extent to which the data in the submitted extract demonstrate compliance with the stipulated professional competence requirements.

6.5. System of certified contractors

6.5.1. A contractor may demonstrate all or the relevant part of the competence by submitting a certificate issued in an approved system of certified contractors (Section 233 et seq. of

the Act). The contractor is considered to be qualified to the extent indicated on the certificate.

6.6. European Single Procurement Document (Section 87 of the Act)

- 6.6.1. European Single Procurement Document means a written affirmation by the tenderer proving its qualification, including through another person, replacing documents issued by public administration authorities or third parties on a form made available in the e-Certis information system.
- 6.6.2. European Single Procurement Document demonstrates compliance with the requirements for participation in this procurement procedure.

6.7. Common provisions for qualification

- 6.7.1. The documents required in this section of the tender documentation can be submitted in a form of a simple copy; however, the contracting authority is entitled to require the submission of the original or of a certified copy of the document in accordance with the procedure provided under Section 53(4) of the Act. Prior to the conclusion of the contract, the contracting authority will always request the submission of **electronic originals or electronic certified copies** of qualification documents from the selected contractor, unless they have been submitted in the procurement procedure.
 - 6.7.2. If there is a change in the qualification of a participant, it is necessary to proceed according to Section 88 of the Act.
 - 6.7.3. If the qualification was obtained abroad, it shall be proved by documents issued under the law of the country in which it was obtained, to the extent required by the contracting authority.
 - 6.7.4. In the case of joint participation of contractors, the basic and professional competence referred to in paragraph 6.2.1. of this tender documentation shall be demonstrated independently by each contractor.
- #### 6.8. Consequence of failure to demonstrate qualification
- 6.8.1. If a participant fails to demonstrate its qualification in the full (required) scope, it may be excluded from participation in the procurement procedure in accordance with Section 48 of the Act.

7. **Business conditions and terms of payment**

- 7.1. The binding business conditions and terms of payment of the contracting authority are specified in Annex 1 to this tender documentation (binding draft contract).
- 7.2. The contracting authority requires application of DDP (Delivered Duty Paid) incoterms.

8. **Draft contract**

- 8.1. The participant is not obliged to include the draft contract for performance of the public contract in the tender, however, by submitting the tender, the participant agrees with the binding draft contract specified in Annex 1 to this tender documentation. The contract shall at least have the following annexes: the technical and price part of the participant's tender, and the conditions of the warranty.
- 8.2. Before conclusion of the contract with the selected contractor the contract shall be completed with appropriate information (identification and contact details of the contractor, etc.). The contractual/business terms and conditions must not be modified to the detriment of the contracting authority; such a change may be considered as non-compliance with the tender conditions, with the consequence of excluding the tenderer from the procurement procedure. The participant may not in any way exclude or limit the rights of the contracting authority stated in the business terms and conditions or in other parts of the tender documentation.

9. Method of tender price preparation

9.1. Basic requirements of the contracting authority

- 9.1.1. The tender price shall be stated in the tender as the total amount for the performance of the entire public contract to the required extent, including the warranty, all fees and duties and all costs related to the performance of the public contract (**DDP incoterms shall apply**), excluding VAT, taking into account all the contracting authority's requirements under this tender documentation, including annexes, and the tender of the tenderer.
- 9.1.2. The tender price can be stated either in CZK, EUR or USD. The price for the performance of this public contract shall be paid by the public authority in the currency stated in the tender.
- 9.1.3. The total tender price shall cover all the performance requested by the contracting authority in this tender documentation (especially in paragraphs 3.2. and 3.3.). Tenderers shall indicate in the tenders the price **in CZK/USD/EUR excluding VAT**.

9.2. Conditions for exceeding the tender price

It is not possible to exceed the total tender price for the performance of this public contract in the required extent.

10. Evaluation of the tenders and tender evaluation method

- 10.1. The tenders will be evaluated in terms of economic profitability for the contracting authority. The partial evaluation criteria are:

- 1) **Total tender price in CZK without VAT**
- 2) **Technical level of the offered equipment**
- 3) **Length of warranty**
- 4) **Utilization of the same type of equipment for calculation of TAI time scales**

10.1.1. **Total tender price in CZK without VAT**

Within this partial criterion each evaluated tender shall get number of points according to following formula:

$$\text{Number of points} = 1000 * (\text{MAX} - \text{EVAL}) / \text{MAX}$$

Meaning of abbreviations:

- MAX - Highest tender price of all tenders
- EVAL - Tender price being evaluated

For evaluation purposes, prices in EUR or USD will be converted to CZK using an official exchange rate stated by the Czech National Bank (<https://www.cnb.cz/cs/financni-trhy/devizovy-trh/kurzydevizoveho-trhu/kurzy-devizoveho-trhu/>) for the last day of the deadline for submission of tenders (see paragraph 12.1. below).

10.1.2. **Technical level of the offered equipment**

Within this partial criterion, the contracting authority will evaluate following technical parameters of the offered equipment beyond the minimum requirements set out in paragraph 3.2. of this tender documentation:

	Evaluated technical parameter	Max value	Offered value
1	Frequency stability at 1 second averaging time	1.5 E-13 (less is better)	
2	Phase noise at 1 Hz offset (10 MHz output)	-110 dBc/Hz (less is better)	

The tenderers are required to fill in the table above and include it to their tender.

Each evaluated tender shall get points according to thresholds in following tables:

Row No. 1 - ADEV	Number of points
$1.3 \text{ E-13} < \text{EVAL} \leq 1.5 \text{ E-13}$	5
$1.0 \text{ E-13} < \text{EVAL} \leq 1.3 \text{ E-13}$	10
$\text{EVAL} \leq 1.0 \text{ E-13}$	30

Row No. 2 - Noise	Number of points
$-115 < \text{EVAL} \leq -110$	5
$-130 < \text{EVAL} \leq -115$	10
$\text{EVAL} \leq -130$	30

Meaning of abbreviations:

- EVAL - Relevant value from the evaluated tender

10.1.3. Length of warranty

Within this partial criterion each evaluated tender shall get number of points according to the following table:

Warranty in months	Number of points
$24 \leq \text{EVAL} < 36$	5
$36 \leq \text{EVAL} < 48$	10
$48 \leq \text{EVAL}$	15

Meaning of abbreviations:

- EVAL - Relevant value (length of warranty) from the evaluated tender

Note: the length of warranty must be at least 24 months (see section 3.3. above)

10.1.4. Utilization of the same type of equipment for calculation of the TAI time scale

Within this partial criterion, the contracting authority will evaluate, whether the offered equipment type is currently used for calculating of TAI time scale.

Each tender shall get the number of points according to the following table:

Utilization for calculation of TAI time scale	Number of points
The offered equipment is not used for calculation of the TAI time scale	0
The offered equipment is used for calculation of the TAI time scale	20

Note: The list of models of active Hydrogen masers participating in TAI is published at <https://webtai.bipm.org/database/clock.html> under "Clock type code" value 41. Number of references - institutions, in which the offered equipment is currently used for calculating of TAI, does not matter, but the tenderer must prove that the offered equipment has been used for calculating of TAI for at least 6 months.

Tenderers are required to declare (and document) in their tender at least two institutions that operates offered equipment for calculation of the TAI time scale.

10.2. The tender which gets the highest total score (the sum of points for all partial criteria) will be selected as the best (the most economically advantageous for the contracting authority).

10.3. All results (each partial calculation) will be rounded to two decimal places.

11. Requirements and conditions for the preparation of tenders

11.1. Required particulars of tenders:

11.1.1. Each participant's tender shall include:

- a) data and documents demonstrating the qualification of the contractor;
- b) the required technical information (see Article 3 of this tender documentation);
- c) the data necessary to evaluate the tender, i.e. the total tender price (in accordance with section 9.1.3. of this tender documentation), technical parameters of the offered equipment (in accordance with section 10.1.2. of this tender documentation), offered warranty period and information and references on utilization of the same type of equipment for calculation of UTC and TAI time scales (in accordance with section 10.1.3. of this tender documentation);
- d) a list of subcontractors, if relevant, and information on which part of the contract each subcontractor will perform.

11.2. Suggested method of preparation of the tender:

- Cover sheet of the tender (prepared in accordance with the template provided in Annex 3 of this tender documentation)
- Table of Contents with page numbers
- Documents proving the qualification of the tenderer
- Technical and price part (including the evaluated criteria) - information about the technical parameters and business terms and conditions offered by the contractor
- Proof of authorization of a person to act on behalf of the participant (e.g. power of attorney), if the legal proceeding on behalf of the participant are carried out by a person other than the person authorized to act as the governing body of the participant or the holder of the procuration.

11.3. The tender can be submitted in Czech and/or English.

12. Deadline for submission of tenders and tender period.

12.1. The deadline for submission of tenders expires on 24. 5. 2021 at 11:00 AM. Tenders received after this deadline will not be made available to the contracting authority and shall be excluded from the tender procedure.

12.2. The contracting authority does not set a tender period (binding period of the tenders).

13. Method of submitting tenders

13.1. Tenders shall be submitted in writing in electronic form through the E-ZAK system (see paragraph 1.4.; hereinafter the "electronic tender").

13.2. The technical requirements and conditions of electronic submission of tenders are specified in the user manual for contractors (see paragraph 1.4. of this tender documentation).

13.3. The contracting authority does not confirm the submission of the electronic tender; the confirmation is a part of the E-ZAK system and each vendor has access to it in their user account.

13.4. The contracting authority notifies the contractors of the possibility to test the settings of the internet browser and the system from which the tenders will be sent, including a test of sending the electronic tender - for detailed information see https://zakazky.cesnet.cz/test_index.html.

13.5. A contractor may submit only one tender in the procurement procedure.

13.6. The contracting authority does not accept variants of the tender.

13.7. The contractor that submitted a tender in the procurement procedure must not at the same time be a person through which another contractor proved its qualification.

14. Opening of tenders

- 14.1. The opening of tenders is not public with regard to the electronic submission of tenders.

15. Obligations of the selected contractor

- 15.1. The selected contractor is obliged to provide the contracting authority with the necessary cooperation for the conclusion of the contract for performance of the public contract.
- 15.2. Within the provision of cooperation pursuant to paragraph 15.1., the selected contractor is obliged to submit the originals or certified copies of documents demonstrating the qualification of the contractor according to paragraphs 6.1. and 6.2.
- 15.3. In the event that the contracting authority fails to obtain information on the beneficial owner of the contractor pursuant to the Act on selected measures against legitimisation of proceeds of crime and financing of terrorism (hereinafter the "beneficial owner") from the register of beneficial owners pursuant to the Act on the Public Registers of Legal and Natural Persons and on the Register of Trusts (see Section 122(4) of the Act), the contracting authority shall also ask the selected contractor to submit an extract from the register similar to the register of beneficial owners or
- a) to disclose the identification data of all persons who are the beneficial owners pursuant to Act No 253/2008, on selected measures against legitimisation of proceeds of crime and financing of terrorism, as amended, and
 - b) to provide documents showing the relationship of all persons referred to in point (a) to the contractor; these documents are in particular:
 - extract from the Commercial Register or other similar register,
 - list of shareholders,
 - the decision of the governing body to pay the profit share,
 - memorandum and articles of association or formation charter.

16. Explanation, change or amendment of the tender documentation

- 16.1. Although this tender documentation defines the subject of the public contract in the details necessary for the preparation of the tender, suppliers may request an explanation of the tender specifications. The written request must be delivered to the contracting authority within the deadline according to § 98 par. 3 ZZVZ (7 working days before the end of the deadline for submission of tenders).
- 16.2. The Contracting Authority asks the suppliers to send requests for explanations of the tender documentation via the electronic tool E-ZAK. At the web address of this public contract (see section 1.1. of this tender documentation), after logging in to the supplier's user account, a section for submission of the request for explanation of tender documentation is available. Within the statutory period of 3 working days, the contracting authority will publish an explanation of the tender documentation, including the exact wording of the application (without identification of the applicant) on the contracting authority's profile (at the web address of this public contract stated in section 1.1.).
- 16.3. The Contracting Authority is entitled to publish on his profile under the conditions of Section 98 par. 1 of the Act an explanation of the tender documentation also on its own initiative. Pursuant to Section 99 of the Public Procurement Act, it may also publish a change or supplement to the tender documentation in this way.

17. Reservations and rights of the contracting authority

- 17.1. Based on the market research, the contracting authority **estimated the value** of this public contract at **CZK 5,000,000 excl. VAT**. The contracting authority reserves the right to:
- exclude from the procurement procedure the participants (tenderers) whose tender price is higher than the estimated price and/or

- cancel the procurement procedure if all tenders contain a tender price higher than the aforementioned estimated price of the public contract.

- 17.2. In the event that the data stated in the tender change by the time of conclusion of the contract with the selected participant, the relevant participant is obliged to inform the contracting authority about such a change in writing and without delay.
- 17.3. The contracting authority reserves the right to verify the information provided by the participant with third parties and the participant is obliged to provide all necessary cooperation in this respect.
- 17.4. The contracting authority informs the participants that other legal regulations outside the Act can apply to the procurement procedure, to the performance of the contract and to the follow-up inspection (further specified in Annex 1 to this tender documentation).
- 17.5. The contracting authority informs the participants that it has the right to cancel this procurement procedure according to section 127(2) of the Act. The contracting authority particularly points out the reason for cancelation, which allows the contracting authority to cancel the procurement procedure provided it has not obtained a subsidy which was to cover, either entirely or partly, the public contract.

18. Information on the processing of personal data

- 18.1. The contracting authority, as the controller of personal data, hereby informs the tenderers within the meaning of Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data ("GDPR") on processing of personal data for the purpose of implementing the tender procedure according to the Act.
- 18.2. The contracting authority may process personal data of suppliers and their subcontractors, members of statutory bodies and contact persons of suppliers and their subcontractors, persons through whom the supplier proves qualifications, members of the supplier's implementation team and real owners of the supplier. The contracting authority will process personal data only to the extent necessary for the implementation of the procurement procedure and only for the period stipulated by legal regulations, especially the Act. Data subjects are entitled to exercise their rights under Articles 13 to 22 of the GDPR in writing at the address of the contracting authority.
- 18.3. Detailed information on the processing of personal data by the contracting authority is contained on the contracting authority's website available at: <https://www.cesnet.cz/cesnet/personal-data-protection/?lang=en>

In Prague on (see electronic signature)

Ing. Jan Gruntorád, CSc.
Director
CESNET, interest association of legal entities
based on written mandate by the Board of Directors