

Explanation of the Tender Documentation

Public Contract:

Name: CESNET - Delivery of a complex QKD system
Type of public contract: over-the-threshold, for supplies
Type of procurement procedure: over-the-threshold open procedure
Reg. No. in Journal of PC (CZ): Z2022-027593
TED notice number: 2022/S 137-391280
Date of commencement: 14. 7. 2022
Address of the PC on the Contract Authority's profile: https://zakazky.cesnet.cz/contract_display_306.html

Contract Authority:

Official name: CESNET, interest association of legal entities
Post Address: Zikova 1903/4, 160 00 Prague 6
ID No.: 63839172

Dear suppliers,

on 5th August 2022, one of the suppliers raised the following query on the tender conditions of the above-mentioned Public Contract (request for clarification of the Tender Documentation).

In accordance with the provision of Section 98 of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as the "Act"), we hereby publish a reply to the query - an explanation of the Tender Documentation for the subject Public Contract.

No. of query	Query	Response
1.	<p>Dear Sirs,</p> <p>We would like to provide a response to this tender and we feel our technology provides distinct advantages.</p> <p>After reviewing the tender we see some issues with Annex 2 - Terms and Conditions</p> <p>We typically provide quotations which are subject to our standard terms and conditions of sale. We have concerns that when responding to the tender we would be bound to all of the terms and conditions listed in Annex 2 and also that we are not allowed to suggest changes to any of the terms and conditions in Annex 2. We have some issues in particular with the penalty clauses in Annex 2 and we feel that if the situation arises where we may</p>	<p>No, it is not possible to submit a tender with (partial or full) exclusion or modification of any commercial or other tender conditions of the Contracting Authority - see also Article 3.4 of the main document of the Tender Documentation. A tenderer who submits a tender with a reservation to the tender conditions or with modified tender conditions will be excluded from the procurement procedure.</p> <p>This practice is determined by the Act and the type of the procurement procedure - in an open procedure, participants must accept all the tender conditions and no negotiation on the tenders is possible.</p>

	<p>accept certain penalty clauses, this may result in the need to adjust our pricing.</p> <p>Can you please advise on the option to provide a response using xxx's standard conditions of sale?</p>	
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On 9th August 2022

Prepared by: Mgr. Vojtěch Široký