

# Manual on qualification for foreign suppliers

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. 134/2016 Coll., on Public Procurement).

According to the Act No. 134/2016 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 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.

## 1 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 (affidavit)
- 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 (affidavit) 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 translation (contracting authority has no obligation to require 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 bellow

- 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).

## **2 Basic Qualifications Prerequisites**

The tenderer shall be obligated to submit these evidences:

**a) an extract from the Penal (Criminal) Register which particular demonstrates a criminal integrity of the tenderer (corresponding to § 74/1 a) 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 in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
  - this basic qualifications prerequisite shall be met by the tenderer *in relation 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 (Criminal register)**

Address: Soudní 114066 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](mailto:rejstrik@rejtr.justice.cz)

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

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

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

<http://Uportal.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/.](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.

**b) a statement of relevant Tax Authority (corresponding to § 74/1 b) 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 041111, Fax: + 420 224 043 198,

[email: Vera.Mackova@fs.mfcr.cz](mailto:Vera.Mackova@fs.mfcr.cz) or [podatelna2001@fs.mfcr.cz](mailto: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.

**c) 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 social security contributions and contribution to the national employment policy (corresponding to § 74/1 d) 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/kontaktvlokrajaska-a-okresni-pracoviste/praha/uzemni-pracoviste-praha-8.htm>

Contact person: Mrs. Jitka Klozová

Phone: +420 283 104 268, email: [jitka.klozova@cssz.cz](mailto:jitka.klozova@cssz.cz) or Mrs Blanka Tačnerová.

Phone: + 420 283 104 543, email: [blanka.tacnerova@cssz.cz](mailto: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 ether 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.

**d) a solemn declaration (affidavit) for demonstrating of fulfillment of these qualifications requirements:**

- 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 (part of § 74/1 b) 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 (§ 74/1 c) of the Act)

**e) an extract from the Commercial Register**

- the tenderer which is not or has not been subject if its liquidation, has not been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or it is in a similar situation pursuant to the law of the country of its registered office (part of § 74/1 e) of the Act)

### **3 Professional Qualifications Prerequisites**

Under the Section 77 of the Act and according the tender documentation, the tenderer shall prove the fulfillment of professional qualifications requirements by furnishing:

**a) 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,

**b) 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 providing relevant trade authorisation, license, is a member of a professional self-governing chamber or another professional organisation provided that such membership is required for the performance of the public service contract under other legal regulations, has a professional capability, or has at its disposal a person through whom it acquires a professional capability, where a professional capability is required for the performance of a public contract under other legal regulations etc.