

# Papírák 2030

**Statutární město Liberec**  
announces

an above-threshold  
public contract for  
services awarded  
by competitive  
dialogue procedure

for the preparation  
of an architectural  
and urban  
planning study

**PAPER SQUARE  
IN LIBEREC**  
PAPÍROVÉ NÁMĚSTÍ  
V LIBERCI

tender  
documentation

## **THE STATUTORY CITY OF LIBEREC ANNOUNCES**

*In accordance with Act No. 134/2016 Sb. (Collection of Laws), on public procurement, as amended (the “**Public Procurement Act**”),*

*Act No. 183/2006 Sb., on zoning and planning and building regulations (Building Act), as amended (the “**Building Act**”),*

*Act No. 360/1992 Sb., on the practice of licensed architects and the practice of chartered construction engineers and technicians, as amended (the “**Professional Practice Act**”),*

*taking into account the competition rules of the Czech Chamber of Architects of 24 April 1993, as amended (“**Competition Rules**”),*

*and taking into account the provisions of Sections 1772 to 1779 of Act No. 89/2012 Sb., the Civil Code, as amended (the “**Civil Code**”),*

### **AN ABOVE-THRESHOLD PUBLIC CONTRACT FOR SERVICES AWARDED IN A COMPETITIVE DIALOGUE PROCEDURE FOR THE PREPARATION OF AN ARCHITECTURAL-URBAN STUDY**

**“PAPÍROVÉ NÁMĚSTÍ IN LIBEREC”**

**(PAPER SQUARE IN LIBEREC)**

(internal Public Contract number: AM 1/22)

**TENDER DOCUMENTATION**

*The Contracting Authority shall award the Public Contract by means of a competitive dialogue procedure with reference to Article 68 and Article 60(1)(b) of the Public Procurement Act, as part of the performance of the Public Contract is the proposed design.*

**TABLE OF CONTENTS**

1 DEFINITIONS ..... 3

2 THE CONTRACTING AUTHORITY, THE EVALUATION COMMITTEE, INVITED EXPERTS AND SUBSIDIARY BODIES ..... 7

3 SCOPE OF THE PUBLIC CONTRACT ..... 11

4 COURSE OF THE TENDER PROCEDURE..... 14

5 OPENING OF THE TENDER PROCEDURE ..... 15

6 QUALIFICATION PHASE - APPLICATION FOR PARTICIPATION ..... 21

7 INVITATION TO PARTICIPATE IN A COMPETITIVE DIALOGUE ..... 27

8 REDUCING THE NUMBER OF DESIGNS - APPROACH METHODOLOGY ..... 28

9 COMPETITIVE DIALOGUE – CONCEPT ..... 35

10 TENDER PHASE - BID AND PROPOSED DESIGN ..... 40

11 CONCLUSION OF THE CONTRACT ..... 43

12 REIMBURSEMENT OF EXPENSES RELATED TO PARTICIPATION IN THE TENDER PROCEDURE..... 44

13 COPYRIGHT ..... 45

14 SETTLEMENT OF DISPUTES ..... 46

15 PROCESS OF THE TENDER PROCEDURE ..... 47

16 OTHER CONDITIONS ..... 48

# 1 DEFINITIONS

<b>Copyright Act</b>	Act No. 121/2000 Sb. (Collection of Laws), on copyright, on rights related to copyright and on amendments to certain acts (Copyright Act), as amended
<b>Architectural study</b>	<p>so-called “building design” within the meaning of the standard architect's services for Service Phase 2 of the Architect's Service Standard issued by the Czech Chamber of Architects (ČKA) or, as the case may be, a foreign equivalent corresponding in nature to the building design within the meaning of the standard architect's services for Service Phase 2 of the Architect's Service Standard issued by the Czech Chamber of Architects (ČKA).</p> <p>The relevant part of the Architect's Service Standard of the Czech Chamber of Architects (ČKA) defining the standard architect's services for Service Phase 2 is set out in <b>PP.01.1</b> of the Tender Documentation.</p> <p>For the purposes of this Tender Documentation, an architectural study includes <b>an award-winning or prize-winning</b> competition entry from another regular architectural/architectural and urban or urban competition/design competition/ regular competitive dialogue procedure, the subject of which was to obtain a proposed architectural or urban design (regular in the Czech Republic = a competition/ competitive dialogue procedure, for which a Czech Chamber of Architects’ regularity clause has been issued; regular abroad = a competition or other type of procedure that has been organized in accordance with the regulations of the relevant chamber of architects).</p>
<b>ČKA</b>	Czech Chamber of Architects
<b>ČKAIT</b>	Czech Chamber of Chartered Engineers and Technicians Engaged in Construction
<b>Documentation</b>	documentation for the issuance of a decision on the location of a building or project documentation for the issuance of a building permit or documentation for the issuance of a joint permit or project documentation for the implementation of a construction project, always within the meaning of the Decree, or a foreign equivalent of any of the above
<b>Electronic tool/Contracting Authority Profile</b>	<a href="https://zakazky.liberec.cz/profile_display_2.html">https://zakazky.liberec.cz/profile_display_2.html</a>
<b>Concept</b>	a draft proposed design submitted by the participants who have been selected by the Contracting Authority (evaluation

	<p>committee) to submit it on the basis of reducing the number of designs.</p> <p>The Concept is an elaboration of the Competition Brief of the Contracting Authority (<b>PT.01</b>) by the participant. The requirements for its content and form are set out in section 9.3 of the Tender Documentation.</p>
<b>Approach Methodology</b>	<p>a proposal for the design of the basic topical areas of the Competition Brief accompanied by an example of the participant's reference contracts</p> <p>The Approach Methodology will be the basis for reducing the number of designs.</p> <p>A model of the Approach Methodology is attached to the Tender Documentation as Annex <b>PP.04</b>.</p>
<b>Bid</b>	<p>the participant's submission containing, inter alia, the Proposed Design and the participant's price offer</p>
<b>Proposed Design</b>	<p>final version of the design proposed by the participant to the Competition Brief of the Contracting Authority (<b>PT.01</b>)</p> <p>The Proposed Design will be based on the Concept and will respond to the recommendations for the Concept provided to the participant by the evaluation committee after the presentation of the Concept by the participant.</p> <p>The Proposed Design shall be submitted by the participants as part of their Bid.</p> <p>A template of the Proposed Design will be included in the invitation to submit a Bid.</p>
<b>Area Concerned</b>	<p>see <b>PT.02</b> of the Tender Documentation</p>
<b>Competitive Dialogue Secretary</b>	<p>see section 2.3 of the Tender Documentation</p>
<b>Contract</b>	<p>contract for the performance of the subject of the Public Contract, a draft of which is attached to the Tender Documentation as Annex <b>PP.12</b></p> <p>The final version of the draft Contract will be provided to the participants in the Competitive Dialogue together with the invitation to submit a Bid and will take into account the results of the discussions with the participants in the Competitive Dialogue.</p>
<b>Competitive Dialogue/Tender Procedure</b>	<p>award procedure pursuant to Section 68 of the Public Procurement Act within which this above-threshold Public Contract is awarded</p>

<b>Competition Brief</b>	Annex <b>PT.01</b> to the Tender Documentation
<b>Competition Rules</b>	Competition Rules of the Czech Chamber of Architects (ČKA) of 24 April 1993, as amended
<b>Architect's Service Standard</b>	<p>a document entitled "Architect's Service Standard and its Documentation for Designing Buildings" prepared by the Czech Chamber of Architects (ČKA)</p> <p>Architect's Service Standard of the Czech Chamber of Architects (ČKA) is available here: <a href="https://www.cka.cz/cs/cka/kontakty/pracovni-skupiny/ps-honorare/2017-standard-sluzeb-architekta">https://www.cka.cz/cs/cka/kontakty/pracovni-skupiny/ps-honorare/2017-standard-sluzeb-architekta</a></p>
<b>Terraces</b>	the defined part of the Area Concerned intended for the preparation of an architectural - landscape design within the scope of the Public Contract
<b>Planning study</b>	urban masterplan concept of the defined locality with the spatial arrangement of individual functional developable and non-developable areas and the design of public infrastructure
<b>Public Contract</b>	this public contract awarded under the competitive dialogue procedure entitled " <b>Papírové náměstí in Liberec</b> " (Paper Square in Liberec)
<b>Selected Contractor</b>	the participant whose Bid was evaluated in the Tender Procedure as the Bid most advantageous to the Contracting Authority and with whom the Contracting Authority has concluded or intends to conclude a Contract in the Tender Procedure (according to the context of the Tender Documentation)
<b>Decree</b>	Decree of the Ministry of Regional Development No. 499/2006 Sb. (Collection of Laws), on documentation of buildings, as amended
<b>Contracting Authority</b>	See section 2.1 of the Tender Documentation
<b>Tender Documentation</b>	tender documentation prepared for the purposes of the Tender Procedure for this Public Contract, including all annexes
<b>Professional Practice Act</b>	Act No. 360/1992 Sb. (Collection of Laws), on the practice of licensed architects and the practice of chartered construction engineers and technicians, as amended
<b>Public Procurement Act</b>	Act No. 134/2016 Sb. (Collection of Laws), on public procurement, as amended

**Application for  
Participation**

a document containing an affidavit of the participant, with which, upon completion, signing and submission to the Contracting Authority via the Contracting Authority Profile within the defined time limit, the participant shall prove that it meets the qualifications in the Tender Procedure

## 2 THE CONTRACTING AUTHORITY, THE EVALUATION COMMITTEE, INVITED EXPERTS AND SUBSIDIARY BODIES

### 2.1 IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name: statutární město Liberec (Statutory City of Liberec)  
Registered office: nám. Dr. E. Beneše 1/1, 460 59 Liberec I – Staré město  
ID No. (IČO)/VAT No. (DIČ): 002 62 978/ CZ00262978  
Represented by: Ing. Jaroslav Zámečník, CSc., Mayor

### 2.2 ORGANIZER OF THE COMPETITIVE DIALOGUE

Name: HAVEL & PARTNERS s.r.o., law office  
Registered office: Na Florenci 2116/15, Nové Město, 110 00 Praha 1  
ID No. (IČO)/VAT No. (DIČ): 264 54 807/ CZ26454807  
Represented by: Josef Hlavička, Managing Director

### 2.3 COMPETITIVE DIALOGUE SECRETARY

Competitive Dialogue Secretary: Mgr. Kamila Kulhánková  
Phone/ E-mail: +420 734 437 881/ [kamila.kulhankova@havelpartners.cz](mailto:kamila.kulhankova@havelpartners.cz)

Main point of contact for members of the Evaluation committee, invited experts and the participants.

### 2.4 GUARANTORS OF THE COMPETITION BRIEF

1. Ing. arch. Jiří Jandourek, architect, Head of the Office of City Architecture, Statutory City of Liberec, <http://www.kamliberec.cz/>
2. Ing. arch. Zuzana Koňasová, architect, Office of City Architecture, Statutory City of Liberec, <http://www.kamliberec.cz/>
3. Ing. Karla Kupilíková, Pěstuj prostor, z. s., architect, <https://pestujprostor.plzne.cz/>
4. Ing. arch. Radek Janoušek, Pěstuj prostor, z. s., architect, <https://pestujprostor.plzne.cz/>
5. Marek Sivák, MArch, Pěstuj prostor, z. s., architect, <https://pestujprostor.plzne.cz/>
6. Ing. arch. Tomáš Zdvihal, Platforma CBArchitektura, architect, <http://www.cbarchitektura.cz/>



## REVIEWERS

1. Ing. arch. Tomáš Zdvihal, Platforma CBArchitektura, architect, reviewer of the Concept and Proposed Design, <http://www.cbarchitektura.cz/>
2. Ing. arch. Mirek Vodák, Platforma CBArchitektura, architect, reviewer of the Concept and Proposed Design, <http://www.cbarchitektura.cz/>

## 2.5 EVALUATION COMMITTEE

### 2.5.1 Regular members of the committee – independent part

1. **Dipl.-Ing. Peter Gero** architect, urbanist
2. **Ing. arch. Lukáš Kohl** architect, co-owner of the development company Doma je Doma
3. **Ing. Štěpánka Šmídová** landscape architect, Czech Chamber of Architects (ČKA) authorization No. 03543
4. **Ing. arch. MgA. Osamu Okamura** architect  
Technical University of Liberec, Faculty of Arts and Architecture, Dean

### 2.5.2 Regular members of the committee – dependent part

1. **Ing. Jaroslav Zámečník Csc.** Statutory City of Liberec  
Mayor of the Statutory City of Liberec
2. **Marek Vávra** Statutory City of Liberec  
Member of the City Council and the Assembly of the City of Liberec
3. **Mgr. Jindřich Felcman, Ph.D.** Statutory City of Liberec  
Member of the Assembly of the City of Liberec

### 2.5.3 Alternates for regular members – independent part of the committee

1. **Ing. arch. Petr Štefek** architect, Czech Chamber of Architects (ČKA) authorization No. 03605
2. **Ing. arch. Miroslava Zdražilová Ph. D.** architect, Czech Chamber of Architects (ČKA) authorization No. 04884

### 2.5.4 Alternates for regular members – dependent part of the committee

1. **Ing. arch. Jiří Jandourek** Statutory City of Liberec  
architect, Head of the Office of City Architecture
2. **Adam Lenert** Liberec City Hall  
Head of Department of the Town Planning Authority

In the event that during the Tender Procedure any person who was nominated as a regular member of the dependent part of the evaluation committee ceases to hold his/her (public) office (the holding of this office being the reason for his/her appointment as a regular member of the dependent part of the evaluation committee), the Contracting Authority (taking into account the stage of the Tender Procedure) may decide to replace him/her with a person who will newly hold the given (public) office. In the event that there is no decision to replace the original regular member with a new person (according to the previous sentence), the outgoing regular member of the dependent part of the evaluation committee will be replaced by an alternate member of the dependent part of the evaluation committee until the end of the Tender Procedure.

#### 2.5.5 Invited experts

- |     |                                |   |
|-----|--------------------------------|---|
| 1.  | MgA. Olga Škořchová Bláhová    | Author of the cultural strategy with respect to the project of Liberec's candidacy for the European Capital of Culture 2028                         |
| 2.  | Ing. Vojtěch Janků             | Office of City Architecture of Liberec,<br>Transport specialist   |
| 3.  | MgA. Richard Loskot            | Technical University of Liberec, Faculty of Arts and Architecture<br>visual artist  |
| 4.  | Mgr. Tomáš Hoření Samec, Ph.D. | Institute of Sociology, Academy of Sciences of the Czech Republic<br>Sociologist, participatory housing   |
| 5.  | Mgr. Filip Šenk, Ph.D.         | Technical University of Liberec, Faculty of Arts and Architecture<br>Head of the Department of Theory and History of Fine Arts and Architecture     |
| 6.  | Tomáš Tesař                    | Liberec City Hall<br>Head of Press and Public Relations, District Brand   |
| 7.  | Ing. Lukáš Tittl               | The Prague Institute of Planning and Development<br>Transport specialist – senior   |
| 8.  | Mgr. Jaroslav Zeman, Ph.D.     | National Heritage Institute, regional expert office in Liberec<br>conservationist   |
| 9.  | MgA. Jakub Chuchlík            | architect, Czech Chamber of Architects (ČKA) authorization No. 04238<br>Member of the Competitions working group of the Czech Chamber of Architects |
| 10. | Ing. arch. Anna Vinklárková    | Sociologist, participatory housing  |

11. Ing. arch. Jiří Plašil

SAUL s.r.o., the preparer of the draft spatial plan of the  
City of Liberec

architect

During the Tender Procedure, the evaluation committee may request the Contracting Authority to invite additional experts.

Pursuant to Section 8(9) of the Competition Rules of the Czech Chamber of Architects, the evaluation committee may, if the nature of the participants' submissions so requires, with the prior consent of the Contracting Authority, invite experts to participate in its work, who shall continue to take part in those parts of the committee's deliberations to which they have been invited, but only in an advisory capacity.

### 3 SCOPE OF THE PUBLIC CONTRACT

#### 3.1 DEFINITION OF THE SCOPE OF THE TENDER PROCEDURE

- 3.1.1 The scope and purpose of the Tender Procedure is to obtain a **proposed town-planning and functional design of the area of the so-called Papírové náměstí (Paper Square)**, which is currently the inner outskirts of the statutory city of Liberec.

The output should be an overall vision of the development in the form of a “masterplan”, which, in addition to the town-planning and architectural principles, will present the principles helping ensure the planned use and regulation of urban and private development. It will then be used as the basis for a detailed Planning study of the Area Concerned (the Area Concerned is marked in document **PT.02**).

At the same time, the scope of the Public Contract is also the architectural and landscape design of the city Terraces. This will be further developed into a complete project documentation and subsequent implementation (the relevant area of the city Terraces is marked in document **PT.02**).

The Area Concerned has an area of 74,768 m<sup>2</sup>. The part of the Area Concerned dedicated for the city Terraces project has an area of 3,060 m<sup>2</sup>.

- 3.1.2 The Contracting Authority defines the scope of the Public Contract according to the following CPV codes:

71200000-0	Architectural and related services;
71410000-5	Urban planning services;
71000000-8	Architectural, construction, engineering and inspection services;
71222000-0	Architectural services for outdoor areas
71320000-7	Engineering design services;
71242000-6	Project and design preparation, estimation of costs.

#### 3.2 PURPOSE AND MISSION OF THE TENDER PROCEDURE, SCOPE OF THE PUBLIC CONTRACT

- 3.2.1 The purpose and mission of the Tender Procedure is to find and evaluate the most suitable solution to the scope of the Public Contract, which will meet the requirements of the Contracting Authority contained in this Tender Documentation and to **select the participant with whom a Contract will be concluded for the preparation of the Planning study of the Area Concerned and an architectural and landscape design area concerned of the city Terraces, which will be subsequently developed into a complete project documentation.**

- 3.2.2 **The scope of the Public Contract in relation to the Terraces, by analogy to the Architect's Service Standard of the Czech Chamber of Architects, is:**

FS 1 – Project preparation

FS 2 – Completion of the competition entry (Proposed Design) in the form of an architectural and landscape design

FS 3 – Project for building location

FS 4 – Project for building permit

FS 5 – Project for construction project implementation

FS 6 – Schedule of works and supplies

FS 7 – Architect’s supervision

**3.2.3 The scope of the Public Contract in relation to the Area Concerned of the Planning study is:**

1. Completion of surveys and analyses in relation to the Area Concerned
2. Preparation of the Planning study, which is to serve for the amendment of the spatial plan and will be an indispensable basis for future decisions in the area (the so-called registered Planning study).

**3.3 ESTIMATED VALUE OF THE PUBLIC CONTRACT**

3.3.1 The estimated value of the Public Contract is **CZK 6,100,000.00** excluding VAT and includes:

Estimated value of the Planning study in relation to the Area Concerned	CZK 600,000.00	determined by expert estimation
Estimated value of the design and project in relation to the city Terraces	CZK 3,900,000.00	determined by expert estimation
The amount of reimbursement of expenses to participants in the Competitive Dialogue	CZK 1,600,000.00	for more details see section 12 of the Tender Documentation

3.3.2 The Contracting Authority notes that the estimated value of the Planning study in relation to the Area Concerned and the estimated value of the design and the project in relation to the city Terraces (i.e., a total of CZK 4.5 million excluding VAT) also represents the maximum amount of funds available to the Contracting Authority for the implementation of the Public Contract, and thus the Contracting Authority will probably not be able to accept the offer of a participant with a higher bid price. The Contracting Authority asks participants to take note of this fact when considering their participation in the Tender Procedure.

**3.4 COMPETITION BRIEF**

3.4.1 The Contracting Authority's requirements for the scope of the Public Contract are set out in the Competition Brief, which is attached to the Tender Documentation as Annex **PT.01**.

3.4.2 All conditions of the Contracting Authority specified in the Competition Brief are set as recommendations and failure to comply with them will not be a reason to exclude the Approach Methodology/ Concept/Proposed Design from consideration and to exclude the participant from the Tender Procedure. The quality and comprehensiveness of the incorporation of these requirements into the Approach Methodology/ Concept/Proposed Design will be subject to the evaluation of these participants’ submissions by the evaluation committee.

3.4.3 The Contracting Authority and the evaluation committee expect that the primary effort of all participants will be to fulfil the Competition Brief as much as possible in the processing of their submissions. The Contracting Authority is also convinced that all requirements have been chosen appropriately, with due regard to the complexity of the Area Concerned and the city Terraces, the deliverability and sustainability of the overall project. However, with respect and deference to the work of the participants, the Contracting Authority and the evaluation

committee have decided that all information, requirements and instructions contained in the Competition Brief are recommended and any failure to comply with them will not be a reason for the exclusion of a participant from the Tender Procedure.

- 3.4.4 The dealing with aspects of the scope of the Public Contract not specified in the Competition Brief is left to the inventiveness of the participants.

### 3.5 **PRINCIPLES OF RESPONSIBLE PUBLIC PROCUREMENT**

- 3.5.1 The Contracting Authority intends to award this Public Contract in accordance with the principles of responsible public procurement.

- 3.5.2 A concrete manifestation of the principle of socially responsible procurement: The Contracting Authority has limited the scope of the conditions of participation in the Tender Procedure to the minimum necessary so that the scope of the Public Contract is in any case performed by a contractor possessing the appropriate qualifications. By not limiting participation in the Tender Procedure by qualification requirements beyond the minimum necessary, the Contracting Authority allows contractors to further develop their know-how in this area by participating in this Tender Procedure. At the same time, it supports the development of the local economy in this business area. By requesting a performance in this case that is linked to a public benefit objective, the Contracting Authority promotes architectural culture and, at the same time, by its model behavior sets an example for other contracting authorities to follow.

- 3.5.3 Concrete manifestations of the principle of environmentally responsible procurement: the Contracting Authority will take care to follow an environmentally responsible design method (proposed designs that are environment friendly) during the preparation of the design in relation to the city Terraces and during the preparation of other stages of the project. For this reason, the requirement for environmentally responsible design will be part of the draft Contract.

- 3.5.4 A concrete manifestation of the innovation principle: The Contracting Authority has not set any binding conditions in the Competition Brief; the requirements set out in the Competition Brief are a recommendation (see section 3.4 of the Tender Documentation), by which the Contracting Authority supports an innovative approach to the scope of the Public Contract.

## 4 COURSE OF THE TENDER PROCEDURE

### 4.1 PROCESS PRIOR TO THE COMMENCEMENT OF THE TENDER PROCEDURE

- 4.1.1 The Tender Documentation was discussed by the evaluation committee at its constitutive meeting on 11 January 2022 and subsequently approved by a vote by letter on 18 January 2022. Written confirmation of the approval is available from the Tender Procedure Organizer.
- 4.1.2 Czech Chamber of Architects (ČKA) issued a certificate of regularity for the Tender Procedure on 25 January 2022 by letter ref. No. 069-2022/DM/Ze.
- 4.1.3 The Tender Documentation was approved by the Contracting Authority on 1 February 2022.

### 4.2 SUMMARY OF THE TENDER PROCEDURE

<b>Opening of the Tender Procedure</b>	The Tender Procedure is commenced on the date of submission of the notice of opening of the tender procedure for publication in the Public Procurement Journal and in the Official Journal of the European Union, which is an invitation by the Contracting Authority to an unlimited number of contractors to submit an Application for Participation.
<b>Qualification phase - Application for Participation</b>	Parties interested in participation shall submit an Application for Participation to the Contracting Authority via the Contracting Authority Profile to demonstrate that they meet the qualifications in the Tender Procedure.
<b>Invitation to participation in the Competitive Dialogue</b>	The Contracting Authority will invite the participants who prove that they meet the qualifications in the Tender Procedure to submit their Approach Methodology by means of an invitation to participation in the competitive dialogue. The Contracting Authority will exclude other participants from participation in the Tender Procedure.
<b>Reducing the number of designs - Approach Methodology</b>	<p>Participants invited to take part in the competitive dialogue shall submit the Approach Methodology to the Contracting Authority via the Contracting Authority Profile.</p> <p>Based on the Approach Methodology, the number of designs will be reduced.</p> <p>The 4 participants whose Approach Methodology were selected as the most advantageous solution for the Contracting Authority on the basis of the evaluation will proceed to the next phase. The other participants will be excluded from participation in the Tender Procedure.</p>
<b>Competitive Dialogue – Concept</b>	<p>Selected participants (4 participants) will prepare and shall submit the Concept to the Contracting Authority via the Contracting Authority Profile.</p> <p>The Concept will be subsequently presented by the participants to the evaluation committee at the workshop. After the workshop, the evaluation committee will provide the participants with written</p>

	<p>recommendations for refinement of the Concept to achieve the form of the Proposed Design, in the framework of the invitation to prepare and submit a Bid.</p>
<p><b>Tender Phase - Bid and Proposed Design</b></p>	<p>Selected participants (4 participants) will prepare and shall submit the Bid to the Contracting Authority via the Contracting Authority Profile.</p> <p>The Bid shall include, inter alia, the Proposed Design based on the Concept and incorporating the recommendations of the evaluation committee on the participant's Concept.</p>
<p><b>Conclusion of the Contract</b></p>	<p>The Contract for the performance of the Public Contract will be signed with the participant whose Bid has been evaluated as the most advantageous.</p>



## 5 OPENING OF THE TENDER PROCEDURE

### 5.1 AVAILABILITY AND CONTENTS OF THE TENDER DOCUMENTATION

5.1.1 The Tender Documentation is available on the Contracting Authority Profile from the date of publication of the notice of opening of the Tender Procedure until the end of the Tender Procedure.

5.1.2 The Tender Documentation and its annexes are provided free of charge to the participants. By accepting the Tender Documentation and its annexes, the party interested in participation in the Tender Procedure undertakes to use these documents only for deciding on participation in the Tender Procedure and for the preparation of submissions in the Tender Procedure.

5.1.3 For the purpose of submitting the **Application for Participation**, the Contracting Authority provides the following documents which form an integral part of the Tender Documentation, in digital form:

PT.01 COMPETITION BRIEF

PT.02 AREA CONCERNED

PP.01 TEMPLATE – APPLICATION FOR PARTICIPATION

PP.01.1 RELEVANT PART OF THE ARCHITECT'S SERVICE STANDARD OF THE CZECH CHAMBER OF ARCHITECTS

PP.02 INSTRUCTIONS FOR ELECTRONIC SUBMISSION OF THE APPLICATION FOR PARTICIPATION

PP.03 DIAGRAM FOR SUBMITTING THE APPLICATION FOR PARTICIPATION

5.1.4 Participants who have demonstrated that they meet the qualifications in the Tender Procedure will be sent an invitation to participate in the competitive dialogue by the Contracting Authority, which will contain the following documents which form an integral part of the Tender Documentation, in digital form:

PP.04 TEMPLATE– APPROACH METHODOLOGY

PP.05 INSTRUCTIONS FOR ELECTRONIC SUBMISSION OF THE APPROACH METHODOLOGY

The Contracting Authority reserves the right to provide the participants concerned, together with the invitation to participate in the competitive dialogue, with other tender documents in addition to the list of documents referred to above.

5.1.5 Participants who have been selected for further participation in the Tender Procedure in the course of the reduction of the number of designs and have thus been sent an invitation to submit a Concept, the Contracting Authority shall provide, together with this invitation, additional tender documents **for the purpose of submitting the Concept**:

PT.03 MAPS

PT.03.1 CADASTRAL MAP

PT.03.2 DIGITAL TECHNICAL MAP OF THE CITY

PT.03.3 AERIAL PHOTOGRAPHS

PT.03.4 DIGITAL 3D MODEL

PT.03.5 GEODETIC SURVEY of the "TERRACES"

PT.04 MUNICIPAL PLAN/ SPATIAL PLAN

- PT.05 STRATEGIC DOCUMENTS OF THE CITY
  - PT.05.1 PUBLIC SPACES MANUAL
  - PT.05.2 DEVELOPMENT STRATEGY SML 2021+
  - PT.05.3 STRATEGY FOR THE DEVELOPMENT OF CULTURE IN THE CITY OF LIBEREC 2022-2029
  - PT.05.4 SUSTAINABLE URBAN MOBILITY PLAN LIBEREC - JABLONEC NAD NISOU 2021 - 2030
  - PT.05.5 SML PRINCIPLES FOR DEVELOPMENT IN THE CITY
  - PT.05.6 SML PRINCIPLES FOR COOPERATION WITH INVESTORS
- PT.06 HISTORICAL DOCUMENTS
- PT.07 LIMITS IN THE AREA
  - PT.07.1 URBAN CONSERVATION AREA
  - PT.07.2 GEOLOGY AND CIVIL DEFENSE SHELTER
  - PT.07.3 RETAINING WALLS OF THE CITY TERRACE
  - PT.07.4 FLOOD CONTROL MEASURES
  - PT.07.5 CONDITION OF STRUCTURES
- PT.08 PLANS IN THE AREA

- PP.06 TEMPLATE – LIST OF MEMBERS OF THE IMPLEMENTATION TEAM
- PP.07 TEMPLATE – NON-BINDING BID PRICE FOR THE PERFORMANCE OF THE SUBSEQUENT CONTRACT (PUBLIC CONTRACT)
- PP.08 TEMPLATE – DECLARATION OF TAX DOMICILE
- PP.09 TEMPLATE – CONTACT AND AUTHOR DOCUMENT
- PP.10 CONCEPT SUBMISSION DIAGRAM
- PP.11 INSTRUCTIONS FOR ELECTRONIC SUBMISSION OF THE CONCEPT
- PP.12 CONTRACT FOR THE PERFORMANCE OF THE PUBLIC CONTRACT

5.1.6 For the purpose of submitting the Concept, the Contracting Authority reserves the right to provide the participants concerned with other tender documents in addition to the list of documents set out above.

5.1.7 The list of documents for the preparation of the Proposed Design, including these documents, will be provided to the participants after the Competitive Dialogue together with the invitation to prepare the Bid.

**5.2 CLARIFICATION OF THE TENDER DOCUMENTATION (QUESTIONS) BEFORE SUBMITTING AN APPLICATION FOR PARTICIPATION**

5.2.1 The contractor is entitled to ask the Contracting Authority for a clarification of the Tender Documentation in Czech (Slovak is equal to Czech) or English.

5.2.2 The requests shall be submitted via the Contracting Authority Profile (or per e-mail at: [kamila.kulhankova@havelpartners.cz](mailto:kamila.kulhankova@havelpartners.cz)).

- 5.2.3 Clarifications of the Tender Documentation will be published in Czech and English on an ongoing basis by the Contracting Authority on the Contracting Authority Profile and the Contracting Authority recommends all contractors interested in participating in the Tender Procedure to follow these clarifications on the Contracting Authority Profile.
- 5.2.4 The Contracting Authority may modify the terms and conditions contained in this Tender Documentation before the deadline for individual submissions in accordance with Section 99 of the Public Procurement Act and may also provide clarification of the Tender Documentation without prior request from the contractor.

THE FOLLOWING RULES APPLY TO THE DEADLINES FOR CLARIFICATION OF THE TENDER DOCUMENTATION:

- 5.2.5 CLARIFICATION OF THE TENDER DOCUMENTATION BEFORE APPLYING FOR PARTICIPATION (i.e., if the inquirer's questions are related to the conditions of participation in the Tender Procedure or otherwise relate to the submission of the Application for Participation)

authorized inquirer	anyone interested in participating in the Tender Procedure
deadline for submitting a request	no later than: 24:00 CET on 22 February 2022 - provided that the deadline for submission of Applications for Participation remains unchanged – 7 March 2022 - in the event of any change to the deadline for submission of the Application for Participation, the deadline for submitting a request for clarification shall be always 8 business days before the deadline for submission of the Application for Participation
deadline for publication of answers by the Contracting Authority	no later than: 24:00 CET on 25 February 2022 - provided that the deadline for submission of Applications for Participation remains unchanged – 7 March 2022 - in the event of any change to the deadline for submission of the Application for Participation, the Contracting Authority is entitled to publish the last answers at least 5 business days before the deadline for the submission of the Application for Participation

- 5.2.6 CLARIFICATION OF THE FACTUAL PART OF THE TENDER DOCUMENTATION FOR THE PURPOSE OF SUBMITTING THE APPROACH METHODOLOGY:

authorized inquirer	Participant who has been invited to submit an Approach Methodology
deadline for submitting a request	no later than: 24:00 CET on 21 March 2022 - provided that the deadline for submission of the Approach Methodology remains unchanged – 1 April 2022 - in the event of any change to the deadline for submission of the Approach Methodology, the deadline for submitting a

	request for clarification shall be always 8 business days before the deadline for submission of the Approach Methodology
deadline for publication of answers by the Contracting Authority	no later than: 24:00 CET on 24 March 2022 - provided that the deadline for submission of the Approach Methodology remains unchanged – 1 April 2022 - in the event of any change to the deadline for submission of the Approach Methodology, the deadline for submitting a request for clarification shall be always 5 business days before the deadline for submission of the Approach Methodology

5.2.7 CLARIFICATION OF THE FACTUAL PART OF THE TENDER DOCUMENTATION FOR THE PURPOSE OF SUBMITTING THE CONCEPT:

authorized inquirer	Participant who has been invited to submit the Concept
deadline for submitting a request	no later than: 24:00 CET on 30 May 2022 - provided that the deadline for submission of the Concept remains unchanged – 10 June 2022 - in the event of any change to the deadline for submission of the Concept, the deadline for submitting a request for clarification shall be always 8 business days before the deadline for submission of the Concept
deadline for publication of answers by the Contracting Authority	no later than: 24:00 CET on 2 June 2022 - provided that the deadline for submission of the Concept remains unchanged – 10 June 2022 - in the event of any change to the deadline for submission of the Concept, the deadline for submitting a request for clarification shall be always 5 business days before the deadline for submission of the Concept

5.2.8 CLARIFICATION OF THE FACTUAL PART OF THE TENDER DOCUMENTATION FOR THE PURPOSE OF SUBMITTING THE BID:

authorized inquirer	Participant who has been invited to submit the Bid
deadline for submitting a request	no later than: 24:00 CET on 11 August 2022 - provided that the deadline for submission of the Bid remains unchanged – 24 August 2022

	<ul style="list-style-type: none"> <li>- in the event of any change to the deadline for submission of the Bid, the deadline for submitting a request for clarification shall be always 8 business days before the deadline for submission of the Bid</li> </ul>
<p>deadline for publication of answers by the Contracting Authority</p>	<p>no later than: 24:00 CET on 16 August 2022</p> <ul style="list-style-type: none"> <li>- provided that the deadline for submission of the Bid remains unchanged – 24 August 2022</li> <li>- in the event of any change to the deadline for submission of the Bid, the deadline for submitting a request for clarification shall be always 5 business days before the deadline for submission of the Bid</li> </ul>

## 6 QUALIFICATION PHASE - APPLICATION FOR PARTICIPATION

Parties interested in participation shall submit to the Contracting Authority, through the Contracting Authority Profile, an Application for Participation through which they demonstrate that they meet the qualifications for the Tender Procedure.

### 6.1 QUALIFICATION CONDITIONS

The conditions of qualification in the Tender Procedure are fulfilled by natural persons and legal entities or, as the case may be, their companies, who prove that they meet the following conditions:

#### 6.1.1 BASIC QUALIFICATION ACCORDING TO THE COMPETITION RULES

The conditions for participation in the Tender Procedure are fulfilled by natural persons and legal entities or, as the case may be, their companies, who prove that none of the authors or co-authors of the Approach Methodology, Concept or the Proposed Design (Bid) and their collaborators who will participate in the preparation of the Approach Methodology, Concept or the Proposed Design (Bid) and, in the case of legal entities, also none of the statutory bodies or members of such statutory bodies:

- a) has been directly involved in the preparation of the Tender Documentation, the Competition Brief or any part thereof, with the exception of persons who were preparing the maps or analytical documents;
- b) is a regular or alternate member of the evaluation committee or an invited expert or organizer of the Competitive Dialogue;
- c) is the spouse/registered partner, relative, relative in the first degree by affinity, permanent project partner, immediate supervisor or direct collaborator of the persons listed under items 1 and 2 above;
- d) None of the authors is a member of the Contracting Authority's self-governing bodies or an employee of the Contracting Authority's authorities or legal entities established by the Contracting Authority that participated in the negotiation and approval of the Tender Documentation, the Competition Brief and/or will participate in the negotiation and approval of the results of the Tender Procedure, the discussions concerning the conclusion of the Contract and approval of the conclusion of the Contract.

#### 6.1.2 BASIC QUALIFICATION ACCORDING TO THE PUBLIC PROCUREMENT ACT

The conditions for participation in the Tender Procedure shall be fulfilled by natural persons and legal entities or, as the case may be, their companies, who prove that they meet the basic qualification as defined in Section 74 of the Public Procurement Act.

Basic qualification requirements as defined in Section 74 of the Public Procurement Act are specified in more detail in Annex **PP.01** to the Tender Documentation.

#### 6.1.3 PROFESSIONAL QUALIFICATION ACCORDING TO THE PUBLIC PROCUREMENT ACT

The conditions for participation in the Tender Procedure shall be fulfilled by natural persons and legal entities or, as the case may be, their companies, who prove that:

- a) in relation to the Czech Republic, they meet professional qualification as defined in Section 77(1) of the Public Procurement Act, i.e., they are registered in the Companies Register or other similar registry if another law or regulation requires registration in such registry (this shall not apply to natural persons and their companies and to legal

entities having their registered office in a country where such registration is not required);

- b) pursuant to Section 77(2) of the Public Procurement Act, they have a proof of authorization to conduct business in the field of “design activities in construction” according to Act No. 455/1991 Sb. (Collection of Laws), on trade business (Trade Licensing Act), as amended (this shall not apply to persons who practice as freelance architects or freelance engineers under the Professional Practice Act and to natural persons and legal entities established in a country where such authorization is not required).

#### 6.1.4 TECHNICAL QUALIFICATION ACCORDING TO THE PUBLIC PROCUREMENT ACT

The conditions for participation in the Tender Procedure shall be fulfilled by natural persons and legal entities or, as the case may be, their companies, who prove that they meet the technical qualification to the extent of Section 79(2)(c) and (d) of the Public Procurement Act, i.e., if they submit a list of members of the implementation team, which clearly shows that they have **an implementation team consisting of one to two architects** (natural persons) who will participate in the preparation of the Approach Methodology, Concept and Proposed Design and, if the Participant is awarded the Contract, also in the performance of the Public Contract, and:

- A. **at least one of the architects must be an authorized person** within the meaning of Section 4(2)(a) or (c) of the Professional Practice Act or an authorized person within the meaning of Section 4(3) of the Professional Practice Act, or an authorized person under the law of the country of which he/she is a citizen or in which he/she is domiciled, i.e., **an authorization of the Czech Chamber of Architects with general scope and the numerical designation A.0 or an authorization of the Czech Chamber of Architects for the field of architecture and the numerical designation A.1 or an authorization of the Czech Chamber of Architects for the field of landscape architecture and the numerical designation A.3 or a foreign equivalent of the foregoing** is required (except where, under the law of the country in which the architect is domiciled or of which he/she is a citizen, no such document is issued);

and, at the same time

- B. **any of the architects forming the participant's implementation team has worked on or participated** in the following reference contracts in the period between 1 January 2000 and the opening of this Tender Procedure:
- 1) **at least 1 Architectural study or Public Space Documentation (e.g., squares, waterfronts, streets, marketplaces, sidewalks, parks, parking lots, and other spaces accessible to everyone without restriction, i.e., intended for general use, regardless of ownership of the space).**
  - 2) **at least 1 Planning study (it does not have to be a registered planning study/ land-use plan, i.e., a plan entered in the register of land-use planning activities).**

*NOTE: The definition of the term “Architectural study”, the definition of the term “Documentation” and the definition of the term “Planning study” are provided in the definitions in the introductory section of the Tender Documentation.*

Additional conditions for the above reference contracts:

- 1) If all of the above requirements (B.1 and B.2) are fulfilled by 1 architect (a natural person), the participant's implementation team for the purposes of demonstrating qualification may consist of only this 1 natural person.
- 2) If the participant's implementation team consists of more than 1 architect (but no more than 2 persons), then the requirements under A, B.1 and B.2 above may be demonstrated jointly by these persons, i.e., for example one architect demonstrates fulfillment of the requirement under A and B.1 and the other architect demonstrates fulfillment of the requirement under B.2.
- 3) It is not permitted for the reference contracts under B. to be demonstrated by one reference contract, i.e., the Participant must provide two separate reference orders for the purpose of demonstrating compliance with the conditions of participation in the Tender Procedure - one must fulfil the material requirements under B.1 and the other must fulfil the material requirements under B.2.
- 4) Architectural study or the Documentation referred to in B.1. must have been completed on 1 January 2000 (including this day) or at any time thereafter up to and including the opening of this Tender Procedure, i.e., the Contracting Authority will only accept, in relation to B.1, an Architectural study or Documentation which was submitted by the contractor to the contracting authority in its final version at any time between 1 January 2000 and the opening of this Tender Procedure. Older Architectural studies or Documentations which were completed and submitted by the contractor to the client before 1 January 2000 will not be accepted as reference contracts in relation to B.1.
- 5) With respect to the fact that Architectural study referred to in B.1 also means an award-winning or prize-winning competition entry from another regular architectural/architectural and urban or urban competition/design competition/ regular competitive dialogue procedure, the subject of which was to obtain a proposed architectural or urban design, if a Participant uses a competition entry to demonstrate that it meets the qualifications for the reference contract under B.1 above, only a competition entry that was submitted within the architectural/architectural and urban or urban competition/design competition/competitive dialogue procedure, the subject of which was to obtain a proposed architectural or urban design, to the organizer of the competition in the period from 1 January 2000 (including this day) to the time of the announcement of the Tender Procedure will be accepted. In the case of two-phase (or multi-phase) competitions, the deadline for the submission of the competition entry in the first phase of the competition is relevant; in the case of a competitive dialogue procedure, the deadline for the submission of the first concept design to address the competition specification is relevant.
- 6) The Planning study referred to in B.2 must have been completed on 1 January 2000 (including this day) or at any time thereafter up to and including the opening of this Tender Procedure, i.e., the Contracting Authority will only accept, in relation to B.2, a Planning study which was submitted by the contractor to the contracting authority in its final version at any time between 1 January 2000 and the opening of this Tender Procedure. Older Planning studies which were completed and submitted by the contractor to the client before 1 January 2000 will not be accepted as reference contracts in relation to B.2.



## 6.2 DEMONSTRATION OF COMPLIANCE WITH THE CONDITIONS FOR PARTICIPATION IN THE TENDER PROCEDURE

6.2.1 For the purpose of demonstrating the fulfilment of qualifications in the Tender Procedure, the submission of a signed affidavit which is attached to the Tender Documentation as Annex PP.01 will suffice.

6.2.2 If the Application for Participation is submitted jointly by more than one natural person, each of these persons must meet the conditions set out in section 6.1.1 – 6.1.2 of the Tender Documentation separately and make a declaration of compliance with these conditions (see Annex **PP.01** to the Tender Documentation); the fulfilment of the other conditions shall be demonstrated by these natural persons jointly.

6.2.3 If more than one legal entity jointly submits an Application for Participation as a participant, each of these entities must meet the conditions set out in section 6.1.1 – 6.1.3 of the Tender Documentation and make a declaration of compliance with these conditions (see Annex **PP.01** to the Tender Documentation); the fulfilment of the other conditions shall be demonstrated by these legal entities jointly.

*The Contracting Authority informs the participants that, according to the Public Procurement Act, the participants may prove the fulfilment of the qualification in the Tender Procedure directly by submitting the documents serving as evidence of qualification as plain copies or as the European Single Procurement Document (Section 87 of the Public Procurement Act). The Contracting Authority advises that prior to the conclusion of the Contract, it will require the Selected Contractor to submit originals or notarized copies of the documents serving as evidence of qualification if they have not already been submitted in the Tender Procedure (i.e., if the participant now makes use of the option to prove qualification by submitting an affidavit, then prior to the conclusion of the Contract the Selected Contractor must submit originals or notarized evidence documents to prove qualification).*

*To demonstrate basic and professional qualification, contractors may submit an extract from the list of qualified contractors in accordance with and under the conditions of Section 228 of the Public Procurement Act. As well as with an extract from the list of approved economic operators, the contractor may prove his/her qualifications by means of a certificate from another Member State in which he/she is domiciled, which is equivalent to an extract from the list of qualified contractors. To demonstrate qualification, contractors may submit a certificate issued under the list of systems of certified economic operators pursuant to Section 234 of the Public Procurement Act.*

*Documents serving as evidence of basic qualification and an extract from the Companies Register or other similar register must prove that the required qualification criterion has been met no later than 3 months before the date of opening of the Tender Procedure.*

*A foreign contractor shall demonstrate fulfillment of the qualification in accordance with Section 81 of the Public Procurement Act by means of documents issued according to the laws of the country in which the qualification has been achieved, to the extent required by the Contracting Authority. An extract from the Criminal Register in the Czech Republic is issued by the Criminal Register. Certificates for tax arrears of foreign suppliers in the Czech Republic is issued by the Tax Authority for Prague 1 and certificates for arrears of foreign suppliers in the Czech Republic on insurance premiums and penalties for social security and state employment policy contributions is issued by the Prague Social Security Administration.*

6.2.4 The participant is entitled to demonstrate compliance with the qualification according to section 6.1.4 of the Tender Documentation through another person (subcontractor). However, this other person must be involved in the preparation of the Approach Methodology, Concept and the Proposed Design and, if the Public Contract is awarded to this participant, such person

must also be involved in the actual performance of the Public Contract.

In such a case, the participant shall submit the following to the Contracting Authority pursuant to Section 83(1) of the Public Procurement Act:

- 1) documents proving that the professional qualification pursuant to Section 77(1) of the Public Procurement Act has been fulfilled by another person (by analogy, it is possible to use part **PP.01**; provided that the other person is not covered by the exemption in section 6.1.3(a) of the Tender Documentation),
- 2) documents proving the fulfilment of the missing part of the qualification through another person,
- 3) documents proving the fulfilment of the basic qualification according to Section 74 of the Public Procurement Act by another person (by analogy, it is possible to use part **PP.01** to demonstrate the fulfilment of the basic qualification of another person), and
- 4) a written commitment by another person to provide the services intended for the performance of the Public Contract or to provide the items or rights which the participant will be entitled to dispose of in the performance of the Public Contract, at least to the extent that the other person has demonstrated qualification on behalf of the participant. Pursuant to Section 83(2) of the Public Procurement Act, where the participant demonstrates qualification through another person and provides evidence according to Section 79(2)(b) of the Public Procurement Act relating to such person, the written commitment must include a commitment that the other person will perform the services to which the qualification criterion being demonstrated relates.

6.2.5 The Contracting Authority also notes that if a participant proves that it meets the qualifications under section 6.1.4 of the Tender Documentation **by means of a subcontractor, that subcontractor may not itself be a participant (may not itself submit an Application for Participation).**

### 6.3 SUBMITTING AN APPLICATION FOR PARTICIPATION

6.3.1 Participants interested in participating in the Tender Procedure shall submit an Application for Participation to the Contracting Authority, in which they shall demonstrate that they meet the qualifications for the Tender Procedure within the scope of sections 6.1.1 – 6.1.4 of the Tender Documentation.

6.3.2 The Application for Participation may be submitted in Czech or English only.

6.3.3 The Application for Participation shall be submitted by the participants in the form of a completed and signed Application for Participation form attached to the Tender Documentation as Annex **PP.01**. If a participant selects another document for the purpose of submitting an Application for Participation and demonstrating compliance with the Tender Procedure Qualifications within the scope of sections 6.1.1 - 6.1.4 of the Tender Documentation, this shall not be grounds for disqualification from participation in the Tender Procedure. However, the Contracting Authority recommends that participants use the template according to Annex **PP.01** to the Tender Documentation.

6.3.4 The Application for Participation shall be submitted by the participants electronically by the deadline for submission of the Application for Participation via the Contracting Authority Profile. The Contracting Authority will not accept the submission of an Application for Participation other than through the Contracting Authority Profile; if the participant's Application for Participation is submitted to the Contracting Authority by any other means, it will not be accepted for the Tender Procedure and will be treated as if it had not been submitted.

- 6.3.5 **The deadline for submission of the Application for Participation is: 3:00 PM CET on 7 March 2022.**
- 6.3.6 **The Contracting Authority advises participants that in order to submit an Application for Participation electronically, participants must be registered on the Contracting Authority Profile. The Contracting Authority notes that the registration process may take several business days. The Contracting Authority strongly recommends that participants complete the registration process on the Contracting Authority Profile as soon as possible.** At the same time, the Contracting Authority recommends that the participants not put off the submission of the Application for Participation till the very end of the time limit for submission of the Application for Participation (due to possible technical complications).
- 6.3.7 When submitting the Application for Participation in electronic form, the Contracting Authority recommends that you follow the procedure according to Annex **PP.02** to the Tender Documentation.
- 6.4 **CONSEQUENCES OF FAILURE TO MEET THE CONDITIONS FOR PARTICIPATION IN THE TENDER PROCEDURE, CLARIFICATION OF QUALIFICATIONS**
- 6.4.1 After the expiry of the time limit for the submission of Applications for Participation, the Tender Procedure organizer shall conduct an assessment of the fulfilment of the qualifications of each participant.
- 6.4.2 The Contracting Authority shall exclude from participation in the Tender Procedure a participant who fails to demonstrate compliance with the conditions of participation pursuant to sections 6.1.1 – 6.1.4 of the Tender Documentation.
- 6.4.3 The Competitive Dialogue Organizer is entitled to invite a participant who has submitted an Application for Participation to amend or clarify the information or documents submitted to demonstrate compliance with the qualification pursuant to sections 6.1.1 – 6.1.4 of the Tender Documentation. The participant will be given a reasonable period of time to clarify or amend the requested information or documents.
- 6.4.4 If the participant fails to clarify or amend the required information or documents submitted to demonstrate compliance with the conditions under sections 6.1.1 – 6.1.4 of the Tender Documentation within the set time limit or fails to do so in full, the Contracting Authority will exclude that participant from the Tender Procedure.

## **7 INVITATION TO PARTICIPATE IN A COMPETITIVE DIALOGUE**

### **7.1 INVITATION TO PARTICIPATE IN A COMPETITIVE DIALOGUE**

- 7.1.1 Participants who have demonstrated compliance with the qualification conditions in the Tender Procedure will be sent an invitation to participate in the competitive dialogue by the Contracting Authority through the Contracting Authority Profile.
- 7.1.2 On the basis of the invitation to participate in the competitive dialogue, the participants will submit to the Contracting Authority the so-called Approach Methodology.
- 7.1.3 The Contracting Authority reserves the right to conduct the Tender Procedure in several phases in order to reduce the number of designs, in accordance with Section 69(4) of the Public Procurement Act in conjunction with Section 112 of the Public Procurement Act. The reduction in the number of designs will be made on the basis of the evaluation of the information provided by the participants in the Approach Methodology.
- 7.1.4 **On the basis of the reduced number of designs, 4 participants will be selected and invited to submit a Concept.**
- 7.1.5 There will be no reduction in the number of designs if only 4 or fewer participants demonstrate compliance with the qualification conditions in the Tender Procedure. In such case, all such participants will be directly invited to submit the Concept – see section 9.1 of the Tender Documentation.

## **8 REDUCING THE NUMBER OF DESIGNS - APPROACH METHODOLOGY**

### **8.1 APPROACH METHODOLOGY**

8.1.1 The Approach Methodology is a document in which participants describe their proposed approach to addressing the following aspects of the Area Concerned:

1. Professional approach to urban and architectural design;
2. Professional approach to landscape design;
3. Professional approach to transportation design,

whereas in designing professional approaches, participants shall be guided by the Competition Brief (**PT. 01 of the Tender Documentation**) and take into account the Contracting Authority's preferences according to section 8.3.2 of the Tender Documentation.

8.1.2 In addition to the professional approaches, the Approach Methodology will include a depiction of the three reference contracts on these two reference contracts the participants will describe in the Approach Methodology how the principles they propose in the professional approaches in the Approach Methodology have been previously applied in their three reference contracts.

### **8.2 SUBMITTING THE APPROACH METHODOLOGY**

8.2.1 **The Approach Methodology shall be submitted by the participants in the form of a completed and signed Approach Methodology template, which is attached to the Tender Documentation as Annex PP.04.**

8.2.2 If the participant chooses a different document for the purpose of submitting the Approach Methodology, it is not a reason for disqualification from participation in the Tender Procedure, however, it must maintain the scope of the depiction of professional approaches (3 A4-format pages single-sided, Arial font, size 11) and reference contracts (each reference contract a maximum of 2 A4-format pages single-sided). **However, for the sake of comparability of the Approach Methodologies, the Contracting Authority strongly recommends that participants use the template attached to the Tender Documentation as Annex PP.04.**

8.2.3 Approach Methodologies shall be submitted in Czech or English; in the case of submission of the Approach Methodology in English, the participant shall also submit a translation of the Approach Methodology into Czech, indicating that the primary version of the Approach Methodology is the English version.

8.2.4 **The participants shall submit the Approach Methodology electronically by the deadline for the submission of the Approach Methodology via Contracting Authority Profile.** The Contracting Authority will not accept submission of the Approach Methodology by any means other than through the Contracting Authority Profile; if the Approach Methodology is submitted by the participant to the Contracting Authority in a different manner, the participant will be excluded from participation in the Tender Procedure.

8.2.5 **The deadline for submission of the Approach Methodology is: 1 April 2022 until 3:00 PM CET.**

8.2.6 When submitting the Approach Methodology in electronic form, the Contracting Authority recommends to proceed in accordance with Annex **PP.05** to the Tender Documentation.

### **8.3 REDUCING THE NUMBER OF DESIGNS**

8.3.1 When reducing the number of designs, the Contracting Authority or the evaluation committee

will evaluate the participant's professional approach to the urban and architectural design, the landscape design and transportation design as specified in the Approach Methodology and supported by a description of the participant's reference contracts under the criterion of **Quality of the Proposed Design**.

- 8.3.2 The evaluation criterion 'Quality of the Proposed Design' is divided into the following sub-criteria:

	SUB-CRITERION	PARAMETER EVALUATED	CONTRACTING AUTHORITY'S PREFERENCES
1.	<p><b>Quality of the proposed urban and architectural design</b></p>	<p>Professional approach to urban and architectural design described by the participant in the Approach Methodology</p> <p>Principles of urban and architectural design used by the Participant in the reference contracts</p>	<p>The participant will respond in the professional approach to the Competition Brief (<b>PT.01</b> of the Tender Documentation).</p> <p>This sub-criterion will be used to assess the quality and appropriateness of the proposed urban and architectural design.</p> <p>The quality and appropriateness of the proposed urban and architectural design shall mean the creation of functional, clear, safe and comprehensible spaces in which the permeability of the area, appropriate integration into the context, proportionality and appropriateness in relation to the site are improved, while allowing the space to be used for a variety of programming and variable uses.</p> <p>A design that appropriately develops the urban and architectural qualities of the whole Area Concerned, taking into account the future context of the social and cultural manifestations of the site, as well as a good understanding of the transport and technical context, will receive higher score. The appropriate choice and parameters of individual public space elements (quantity and size of paved areas, furnishings, landscaping, vegetation elements) in relation to the proposed character of the Area Concerned and the relevant area of the city Terraces will receive higher score.</p>
2.	<p><b>Quality of the proposed landscape design</b></p>	<p>Professional approach to landscape design described by the Participant in the Approach Methodology</p> <p>Principles of landscape design used by the Participant in the reference contracts</p>	<p>The participant will respond in the professional approach to the Competition Brief (<b>PT.01</b> of the Tender Documentation).</p> <p>This sub-criterion will be used to assess the quality and appropriateness of the proposed landscape design.</p> <p>The quality and appropriateness of the proposed landscape design shall mean the creation of functional, clear, safe and comprehensible spaces, appropriate integration into the context, proportionality and practicality in relation to the site. Integration into the context means the ability to assess well the unique character determined by the development of the Area Concerned and to respond appropriately to it. Appropriateness means the use of materials and elements (pavement, tree species composition, elements of established</p>

			<p>vegetation, stormwater management elements, etc.) in relation to the Competition Brief, the existing perceived environment, but especially in relation to the participant's future vision of the character of the Area Concerned.</p> <p>A proposed landscape design that creates adequate conditions for enhancing biodiversity and nature in the city in proportion to the site will receive higher score (including possible consideration of stormwater management).</p> <p>The appropriate choice and parameters of individual public space elements (quantity and size of paved areas, furnishings, landscaping, vegetation elements) in relation to the proposed character of the Area Concerned will receive higher score.</p>
3.	<p><b>Quality of the proposed transportation design</b></p>	<p>Professional approach to transportation design described by the Participant in the Approach Methodology</p> <p>Principles of transportation design used by the participant in the reference contracts</p>	<p>The Participant will respond in the professional approach to the Competition Brief (<b>PT.01</b> of the Tender Documentation).</p> <p>This sub-criterion will be used to assess the quality and appropriateness of the proposed transportation design.</p> <p>The quality and appropriateness of the proposed transportation design shall mean the design of a solution that responds to the environment, ensuring logical transport links and interconnections within the Area Concerned as well as its connection to the transport infrastructure in its surroundings, taking into account the estimated intensity, capacity and flow of traffic.</p> <p>Higher score will be given to the proposed transportation design that creates adequate conditions for traffic throughput through the Area Concerned and ensures traffic flow, not only within the Area Concerned, but also in response to the logical connection to the transportation design in the neighborhood adjacent to the Area Concerned.</p>



- 8.3.3 The Approach Methodology will be evaluated by the evaluation committee within each sub-criterion according to the preferences of the Contracting Authority (see section 8.3.2 of the Tender Documentation), including when comparing the professional approaches of the individual participants with each other.
- 8.3.4 The degree of fulfilment of the evaluation criterion, which cannot be expressed quantitatively, will be assessed for each Approach Methodology by the evaluation committee on the basis of the experience and expertise of its individual members. This method of evaluation is entirely at the discretion of the evaluation committee and by submitting the Approach Methodology, the participants agree to this procedure.
- 8.3.5 Each Approach Methodology will be assigned a score in each sub-criterion as follows:

<b>QUALITY OF THE PROPOSED URBAN AND ARCHITECTURAL DESIGN</b>	<b>GRADING</b>	<b>SCORE</b>
The prepared design is only marginally related to the scope and purpose of the Public Contract. The preferences of the Contracting Authority are fulfilled only to a small extent. The response does not convince the Contracting Authority of the suitability of the proposed design compared to the professional approaches of the other participants.	Less satisfactory	<b>10</b>
The prepared design is complete and sufficiently defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract, although to a lesser extent. In comparison with the professional approaches of the other participants, the Contracting Authority has assessed the professional approaches of the participants with a rating of very good or excellent as more appropriate in this sub-criterion.	Good	<b>20</b>
The prepared design is complete and very well defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract to a great extent. In comparison with the professional approaches of the other participants, the Contracting Authority is convinced of the Contractor's ability to deliver quality performance of the Public Contract.	Very good	<b>30</b>

<p>The prepared design is very comprehensive and excellently defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract to a great extent, even exceeding it by appropriate addition. Compared to the professional approaches of the other participants, the Contracting Authority places a high degree of confidence in the Contractor's ability to deliver quality performance of the Public Contract.</p>	<p>Excellent</p>	<p><b>40</b></p>
<p><b>QUALITY OF THE PROPOSED LANDSCAPE DESIGN</b></p>	<p><b>GRADING</b></p>	<p><b>SCORE</b></p>
<p>The prepared design is only marginally related to the scope and purpose of the Public Contract. The preferences of the Contracting Authority are fulfilled only to a small extent. The response does not convince the Contracting Authority of the suitability of the proposed design compared to the professional approaches of the other participants.</p>	<p>Less satisfactory</p>	<p><b>5</b></p>
<p>The prepared design is complete and sufficiently defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract, although to a lesser extent. In comparison with the professional approaches of the other participants, the Contracting Authority has assessed the professional approaches of the participants with a rating of very good or excellent as more appropriate in this sub-criterion.</p>	<p>Good</p>	<p><b>10</b></p>
<p>The prepared design is complete and very well defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract to a great extent. In comparison with the professional approaches of the other participants, the Contracting Authority is</p>	<p>Very good</p>	<p><b>20</b></p>

<p>convinced of the Contractor's ability to deliver quality performance of the Public Contract.</p>		
<p>The prepared design is very comprehensive and excellently defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract to a great extent, even exceeding it by appropriate addition. Compared to the professional approaches of the other Participants, the Contracting Authority places a high degree of confidence in the Contractor's ability to deliver quality performance of the Public Contract.</p>	<p>Excellent</p>	<p><b>30</b></p>
<p><b>QUALITY OF THE PROPOSED TRANSPORTATION DESIGN</b></p>	<p><b>GRADING</b></p>	<p><b>SCORE</b></p>
<p>The prepared design is only marginally related to the scope and purpose of the Public Contract. The preferences of the Contracting Authority are fulfilled only to a small extent. The response does not convince the Contracting Authority of the suitability of the proposed design compared to the professional approaches of the other participants.</p>	<p>Less satisfactory</p>	<p><b>5</b></p>
<p>The prepared design is complete and sufficiently defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract, although to a lesser extent. In comparison with the professional approaches of the other participants, the Contracting Authority has assessed the professional approaches of the participants with a rating of very good or excellent as more appropriate in this sub-criterion.</p>	<p>Good</p>	<p><b>10</b></p>
<p>The prepared design is complete and very well defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the</p>	<p>Very good</p>	<p><b>20</b></p>

<p>purpose of the Public Contract to a great extent. In comparison with the professional approaches of the other participants, the Contracting Authority is convinced of the Contractor's ability to deliver quality performance of the Public Contract.</p>		
<p>The prepared design is very comprehensive and excellently defended. It responds to the Contracting Authority's preferences and the Competition Brief and fulfils the purpose of the Public Contract to a great extent, even exceeding it by appropriate addition. Compared to the professional approaches of the other participants, the Contracting Authority places a high degree of confidence in the Contractor's ability to deliver quality performance of the Public Contract.</p>	<p>Excellent</p>	<p><b>30</b></p>

- 8.3.6 Within the evaluation of the Approach Methodology according to the scoring table above, each Approach Methodology can receive a maximum of 100 points (40 points for urban and architectural design + 30 points for landscape design + 30 points for transportation design).
- 8.3.7 The four participants who receive the highest score will be invited to produce a Concept. In the event of a tie for 4<sup>th</sup> place, the higher score awarded for the professional approach to urban and architectural design shall decide. Other participants will be excluded from participation in the Tender Procedure.

## 9 COMPETITIVE DIALOGUE – CONCEPT

### 9.1 INVITATION TO SUBMIT THE CONCEPT

9.1.1 The four participants who received the highest score in the process of reducing the number of designs will be sent an Invitation to submit a Concept by the Contracting Authority via the Contracting Authority Profile (unless the procedure according to section 7.1.5 of the Tender Documentation applies).

### 9.2 TOUR OF THE COMPETITION SITE, INTRODUCTORY WORKSHOP

9.2.1 Participants who have been sent an invitation to submit the Concept will be invited to a guided tour of the competition site and to an introductory workshop with the Contracting Authority, where the key part of the Competition Brief will be presented by the Contracting Authority. An alternative date for the guided tour of the competition site and the introductory workshop will not be set.

9.2.2 The purpose of the introductory workshop is also a joint discussion between the Contracting Authority, invited experts and members of the evaluation committee and the participants on the Competition Brief. On the basis of this discussion, the Contracting Authority reserves the right to amend the Competition Brief or the documents serving as a basis for the preparation of the Concept.

9.2.3 The Contracting Authority requires that at least 1 person attend the introductory workshop on behalf of each participant, through whom the participant has demonstrated compliance with the qualification conditions under section 6.1.4 of the Tender Documentation. A maximum of 5 people per participant can participate.

### 9.3 CONCEPT

9.3.1 The concept of urban and functional design of the area of Papírové náměstí (Paper Square) shall be prepared in A3 landscape format on no more than 20 pages.

9.3.2 Any tools can be used to express the Concept, such as drawings, sketches, charts, schematics, reference examples, tables, calculations and additional texts.

9.3.3 The Concept should be based on the individual topics to be solved, which are part of the Competition Brief, and should present:

- The overall vision for the development of the area, including wider interactions
- Concept of spatial structure
- Concept of functional use (housing, civic amenities, creative neighborhood)
- Concept of public spaces and landscape design
- Concept of architectural and landscape design of the city Terraces
- Concept of transport and technical infrastructure
- Basic balance, economic feasibility and phasing

9.3.4 **The Contracting Authority reserves the right to specify more detailed conditions for the preparation of the Concept in the invitation to submit the Concept.**

9.3.5 The Concepts shall be submitted in Czech or English; in the case of submission of the Concept in English, the Participant shall also submit a translation of the Concept into Czech, indicating that the primary version of the Approach Methodology is the English version.

9.3.6 **The Participants shall submit the Concept by the deadline for submission of the Concept electronically via Contracting Authority Profile.** The Contracting Authority will not accept the submission of the Concept by any means other than through the Contracting Authority Profile; if the Concept is submitted by the Participant to the Contracting Authority in a different manner, the Participant will be excluded from participation in the Tender Procedure.

9.3.7 **The deadline for submission of the Concept is: 3:00 PM CET on 10 June 2022.**

9.3.8 When submitting the Concept in electronic form, the Contracting Authority recommends to proceed in accordance with Annexes **PP.10** and **PP.11** to the Tender Documentation.

#### 9.4 **ADDITIONAL COMPONENTS OF THE CONCEPT**

9.4.1 The Participant shall make the following documents part of the Concept according to the completed and signed template:

PP.06 TEMPLATE – LIST OF MEMBERS OF THE IMPLEMENTATION TEAM

PP.07 TEMPLATE – NON-BINDING BID PRICE FOR THE PERFORMANCE OF THE SUBSEQUENT CONTRACT (PUBLIC CONTRACT)

PP.08 TEMPLATE – DECLARATION OF TAX DOMICILE

PP.09 TEMPLATE – CONTACT AND AUTHOR DOCUMENT, including licensing arrangements pursuant to section 13 of the Tender Documentation

9.4.2 In the event that the Participant fails to electronically submit the other components of the Concept to the Contracting Authority via Contracting Authority Profile within the time limit specified in section 9.3.6 of the Tender Documentation, the Participant may be invited by the Competitive Dialogue Organizer via Contracting Authority Profile to submit them additionally, for which the Participant will be granted a reasonable period of time. In the event that the deadline expires with no effect, the Participant will be excluded from participation in the Tender Procedure.

#### 9.5 **ADDITIONAL COMPONENTS OF THE CONCEPT – LIST OF MEMBERS OF THE IMPLEMENTATION TEAM (PP.06)**

9.5.1 Participants invited to submit the Concept will be required to submit an expanded list of implementation team members as part of the Concept (on top of section 6.1.4 of the Tender Documentation) and demonstrate in this list of members of the implementation team that also the following natural person was involved in the production of the Concept (and must continue to be involved in the preparation of the Proposed Design and, in the event that a Contract is concluded with the Participant, shall also be involved in the performance of the Public Contract):

**1) Landscape architect** – an authorized person within the meaning of Section 4(2)(c) of the Professional Practice Act or, as the case may be, an authorized person under the law of the country of which he/she is a citizen or in which he/she has his/her registered office in the field of landscape architecture, i.e., an authorization of the Czech Chamber of Architects for the field of landscape architecture and the numerical designation A.3 or a foreign equivalent of the foregoing is required (except where, under the law of the country in which the architect is domiciled, no such document is issued)

**In the event that any one of the persons through whom the participant has demonstrated compliance with the qualification pursuant to section 6.1.4 of the Tender Documentation meets the above requirement pursuant to section 9.5.1 of the Tender Documentation, this additional condition pursuant to section 9.5.1 of the Tender Documentation is no longer relevant for such Participant.**

**2) Designer of transportation structures** – authorization by the Czech Chamber of Chartered Engineers and Technicians Engaged in Construction for the field of transportation structures with the numerical designation ID00.

In the event that the Participant demonstrates compliance with the qualification requirement relating to the presence of a chartered engineer through foreign persons (an engineer from an EU Member State or another state within the meaning of Act No. 18/2004 Sb. (Collection of Laws), on the recognition of professional qualifications, as amended), the Contracting Authority similarly accepts a proof of qualification with evidence under the laws of the country in which the engineer is established (except where, under the law of the country in which the architect is domiciled, no such document is issued).

If such Participant is the Selected Contractor, it will be obliged to submit to the Contracting Authority, upon request, prior to the conclusion of the Contract with the Contracting Authority an application for registration of a person established or visiting in relation to the foreign chartered engineer filed with the Czech Chamber of Chartered Engineers and Technicians Engaged in Construction (For more details see, for example: <http://www.ckait.cz/content/uznavani-v-ramci-eu-0>). Before the commencement of activities within the performance of the Public Contract, in which a particular foreign engineer will participate, he/she is obliged to possess a certificate of the Czech Chamber of Chartered Engineers and Technicians Engaged in Construction proving the registration of an established or visiting person.

9.5.2 The participant shall demonstrate compliance with the additional condition in the Tender Procedure by completing and signing an affidavit which is attached to the Tender Documentation as Annex **PP.06**.

9.5.3 It is permissible for a participant to demonstrate compliance with the requirement of section 9.5.1 of the Tender Documentation through another person (subcontractor). The Contracting Authority also advises that if the person who is the landscape architect and/or designer of transportation structures is a subcontractor to any Participant, he/she cannot be a participant himself/herself.

9.5.4 The Contracting Authority will exclude from participation in the Tender Procedure a participant who fails to demonstrate compliance with the additional participation condition pursuant to section 9.5.1 of the Tender Documentation.

9.5.5 A participant's Concept that has been excluded for failure to demonstrate compliance with the additional condition of participation in the Tender Procedure pursuant to section 9.5.1 of the Tender Documentation will not be considered outside of the Tender Procedure either and cannot receive reimbursement for the expenses.

**9.6 WORKSHOP ON CONCEPTS - PRESENTATION OF THE CONCEPT BY THE PARTICIPANT**

9.6.1 After the submission of the Concepts, the reviewers will review the Concepts and the Competitive Dialogue Organizer will assess the fulfilment of the additional condition for participation in the Tender Procedure pursuant to section 9.5.1 of the Tender Documentation.

9.6.2 Concepts of the participants who have fulfilled the additional condition of participation in the Tender Procedure according to section 9.5.1 of the Tender Documentation will subsequently be forwarded to the evaluation committee for individual examination prior to the Concepts workshop.

9.6.3 All participants who have submitted the Concept to the Contracting Authority within the set time limit and have demonstrated compliance with the additional condition for participation

in the Tender Procedure according to section 9.5.1 of the Tender Documentation will be invited to present their Concept to the evaluation committee.

9.6.4 Detailed conditions for the presentation of Concepts will be specified in the invitation for submission of the Concept. However, the Contracting Authority stipulates that the presentation of the Concepts of each participant to the evaluation committee will be held separately; each participant will be given the same amount of time to present the Concept and to discuss the Concept with the Evaluation committee.

9.7 **EVALUATION AND RECOMMENDATIONS OF THE EVALUATION COMMITTEE ON THE CONCEPTS**

9.7.1 After the presentation of the Concepts, the Contracting Authority will provide the participants with a preliminary evaluation of their submitted Concept (in accordance with section 8.3.2 of the Tender Documentation) and a verbal recommendation of the evaluation committee to refine the Concepts.



## **10 TENDER PHASE - BID AND PROPOSED DESIGN**

### **10.1 INVITATION TO SUBMIT A BID**

10.1.1 The participants who have submitted the Concept to the Contracting Authority will be sent an invitation to submit a Bid.

10.1.2 As part of the Bid, the participant shall submit a Proposed Design that is based on the submitted Concept and takes into account the verbal recommendations of the evaluation committee to refine the Concept, or, as the case may be, a justification of the reasons why the participant did not take this recommendation of the evaluation committee into account in the Proposed Design.

10.1.3 Each participant is entitled to submit only one Bid.

A participant who submits more than one Bid will be excluded from participation in the Tender Procedure. No Bid so submitted by such participant will be assessed or evaluated, even outside the Tender Procedure, and it may not receive any financial compensation or reimbursement of expenses.

A participant who has himself/herself submitted a Bid in the Tender Procedure may not simultaneously submit another Bid together with another participant. In this situation, the Contracting Authority will exclude from participation in the Tender Procedure both the participant in relation to the separately submitted Bid and the contractor with whom the participant has teamed up to submit another Bid.

10.1.4 The Contracting Authority expects submission of the Bid, including the Proposed Design electronically via Contracting Authority Profile and partly (graphical part of the Proposed Design) in paper form (see also section 10.1.6 of the Tender Documentation below).

10.1.5 Proposed Designs shall be submitted in Czech or English; in the case of submission of a Proposed Design in English, the Participant shall also submit a translation of the Proposed Design into Czech, indicating that the primary version of the Proposed Design is the English version.

10.1.6 The Contracting Authority reserves the right to specify the recommended content of the Proposed Design, as well as its other components, in the invitation to submit a Proposed Design (Bid). The Contracting Authority expects submission of the graphical part of the Proposed Design on a maximum of 6 panels, while the graphical part of the Proposed Design shall be submitted in both paper and electronic form.

10.1.7 The Contracting Authority reserves the right to submit additional documents (annexes to the Tender Documentation) in the invitation to submit a Bid for the purpose of processing the Bid (including the Proposed Design).

### **10.2 ASSESSMENT OF THE BID**

10.2.1 After the expiry of the time limit for submission of the Bid, the Competitive Dialogue Organizer together with the reviewers shall carry out the assessment of the Bid and the review of the Proposed Design.

10.2.2 The reviewers of the Proposed Design will prepare a report on the review, which will be submitted to the evaluation committee and attached to the report on the Competitive Dialogue.

10.2.3 The assessed Bids will be made available to the evaluation committee for individual examination prior to the evaluation meeting of the evaluation committee.

10.3 **EVALUATION OF THE BID**

10.3.1 Participants' Bids will be evaluated according to the criterion of economic advantage of the Bids, according to the following evaluation criteria:

1.	<b>Quality of the Proposed Design</b>	weight 70%
2.	<b>Total bid price in CZK excluding VAT</b>	weight 30%

10.3.2 The subject of evaluation under the evaluation criterion of "Quality of the Proposed Design" is the proposed urban, architectural, landscape and transportation design according to the Participant's Proposed Design.

**The method of evaluation** in the Quality of the Proposed Design criterion will be the same as the one used for the reduction of the number of designs according to the Approach Methodology according to section 8.3 of the Tender Documentation.

The score thus obtained will be multiplied by the weight of the criterion (i.e., x 0.7) and then mathematically rounded to two decimal places.

10.3.3 The subject of evaluation under the evaluation criterion of "Total Bid Price in CZK excluding VAT" is the amount of the bid price offered by the participant in CZK excluding VAT for the performance of the Public Contract stated in the participant's Bid.

The total bid price in CZK excluding VAT must include any and all costs associated with the performance of the scope of the Public Contract which the participant knew or could have known to be necessary for the performance of the scope of this Public Contract.

The participant shall determine the total bid price in its Bid in accordance with the instructions set out in the invitation to submit a Bid. The terms and conditions for the processing of the participant's bid price and limitation, if any, on the amount of the participant's bid price will be included in the invitation to submit a Bid.

**Method of evaluation:** The Bid offering the lowest total bid price in CZK excluding VAT will be awarded 100 points. All other bids will be awarded a score according to the following formula:

$$\frac{\text{the amount of the lowest total bid price}}{\text{the amount of the evaluated total bid price}} \times 100$$

The score thus obtained will be multiplied by the weight of the criterion (i.e., x 0.3) and then mathematically rounded to two decimal places.

10.3.4 The overall evaluation of the Bids will be carried out by adding the numerical score of the Bids according to the individual criteria for each Bid, i.e., by adding the weighted score for the "Total Bid Price in CZK excluding VAT" criterion and the weighted score for the "Quality of the Proposed Design" criterion to determine the order of success of the participants. The Bid with the highest score will be evaluated as the most economically advantageous Bid; the other Bids will be ranked in descending order of their economic advantage (total weighted score).

10.3.5 If two or more Bids achieve the same score (number of points), the Bid with the better grading (i.e., higher weighted score) under the "Quality of the Proposed Design" criterion will be selected as the most economically advantageous.

#### **10.4 DECISION TO SELECT THE CONTRACTOR**

10.4.1 In selecting the most advantageous Bid, the Contracting Authority shall be bound by the result of the evaluation of the Bids in accordance with section 10.3.4 of the Tender Documentation.

10.4.2 The Contracting Authority may decide to re-evaluate Bids for reasons set out in the Public Procurement Act and Section 11(1) of the Competition Rules.

10.4.3 The Contracting Authority shall send a notification of the selection of the most advantageous Bid without undue delay after making the selection decision to all participants who have submitted Bids in the Tender Procedure. The notification of selection will include a report on the evaluation of the Bids and the result of the assessment of compliance with the conditions of participation of the Selected Contractor, including the information that would otherwise be included in the report on the conduct of the competition in accordance with the Competition Rules.

10.4.4 The result of the Tender Procedure will be published by the Contracting Authority after the announcement of the decision on the selection of the most advantageous Bid also in other ways - website of the Contracting Authority, website of the Czech Chamber of Architects.

10.4.5 The 15-day period for making the Proposed Designs available will begin on the date of publication of the announcement of the decision on the selection of the most advantageous Bid.

#### **10.5 TERMINATION OF THE TENDER PROCEDURE, CANCELLATION OF THE TENDER PROCEDURE**

10.5.1 The Tender Procedure will be terminated on the date when:

- a) all participants' time limit to file objections to the decision on selection of the most advantageous Bid according to Section 241 et seq. of the Public Procurement Act and Section 13 of the Competition Rules has expired, if no objections are raised;
- b) if objections are raised, the time limit for filing a petition for review of the Contracting Authority's actions with the Office for the Protection of Competition pursuant to Section 251(2) and (3) of the Public Procurement Act has expired, if no petition is filed;
- c) if a petition is filed pursuant to Section 251 of the Public Procurement Act, the decision to discontinue the administrative proceedings or to reject the petition has become final.

10.5.2 The Contracting Authority has the right to cancel the Tender Procedure before the final decision of the committee. In such a case, the Contracting Authority is obliged to pay to each of the participants who proves that they have developed or produced the Concept, compensation for the cancellation of the Tender Procedure in the amount of no more than CZK 150,000.00 if the Tender Procedure is cancelled before the invitation to submit Bids, or no more than CZK 400,000.00 if the Tender Procedure is cancelled in the phase after the invitation to submit Bids. The Participants shall demonstrate their work in progress by delivering their Concept/Proposed Design in electronic form (in the formats in which the participant produced them), via Contracting Authority Profile, within 15 days of the publication of the notice of cancellation of the Tender Procedure. The Contracting Authority will pay the compensation, based on the opinion of the evaluation committee on the degree of completion of the designs, within 60 days of the publication of the notice of cancellation of the Tender Procedure.

10.5.3 Public Exhibition of Proposed Designs

The public exhibition of the Proposed Designs will start approximately six months after the publication of the announcement of the decision on the selection of the most advantageous Bid, if the Contracting Authority so decides.

## 11 CONCLUSION OF THE CONTRACT

- 11.1.1 The Contracting Authority reserves the option, pursuant to Section 69(8) of the Public Procurement Act, to enter into negotiations with the Selected Contractor in order to confirm the participant's Bid and to clarify the terms and conditions of the Contract, provided that this does not result in a change to the basic parameters of the Bid or the Tender Terms and Conditions.
- 11.1.2 Prior to the conclusion of the Contract, the selected Contractor shall be obliged to submit all documents and information required by Section 122(3) of the Public Procurement Act at the Contracting Authority's request. In particular, the Selected Contractor will be obliged to submit originals or notarized copies of the documents serving as evidence of qualifications if they have not already been submitted in the Tender Procedure or if they are not otherwise available to the Contracting Authority.
- 11.1.3 For the Selected Contractor who is a Czech legal entity, the Contracting Authority will ascertain the information on its beneficial owner pursuant to Act No. 253/2008 Sb. (Collection of Laws), on certain measures against money laundering and financing of terrorism, as amended ("**beneficial owner**") from the register of data on beneficial owners or, for the Selected Contractor who is a foreign legal entity, the Contracting Authority will request information on the beneficial owner.
- 11.1.4 The Contracting Authority advises that it is bound by Section 211(3) of the Public Procurement Act laying down the obligation of written electronic communication between the Contracting Authority and the contractor applicable to all documents submitted, including documents submitted by the Selected Contractor under the request under Section 122(3) and (5) of the Public Procurement Act. In cases where the law (e.g., Section 122(3)(a) of the Public Procurement Act) or the Contracting Authority requires the Selected Contractor to submit original documents and these exist only in paper form, it is expected that they will be converted into electronic form in accordance with Section 22 of Act No. 300/2008 Sb. (Collection of Laws), on electronic transactions and authorized document conversion, as amended.
- 11.1.5 The commercial and payment terms and conditions of performance of the scope of the Public Contract are included in the working draft Contract which is attached to the Tender Documentation as Annex **PP.12**. The final and definitive version of the draft Contract will be provided to the participants together with the invitation to submit a Bid and will take into account the results of discussions with the participants during the actual Competitive Dialogue phase (competitive workshop).
- 11.1.6 If in the phase of submission of the Application for Participation the participant was covered by an exemption from the requirement to provide evidence of a business license for the field of "design activities in construction ", the Selected Contractor will be required to provide such evidence prior to the conclusion of the Contract, where applicable, on the basis of evidence of the existence of a contractual relationship between the Selected Contractor and a third party for the purposes of the performance of the Public Contract who has such a license.

## **12 REIMBURSEMENT OF EXPENSES RELATED TO PARTICIPATION IN THE TENDER PROCEDURE**

### **12.1 TOTAL AMOUNT FOR REIMBURSEMENT OF EXPENSES IN THE TENDER PROCEDURE**

The total amount for reimbursement of expenses in the Tender Procedure is set at CZK **1,600,000.00**.

### **12.2 REIMBURSEMENT OF EXPENSES RELATED TO THE SUBMISSION OF THE CONCEPT**

The Contracting Authority shall pay each participant who submitted a Concept in the Tender Procedure, which was subsequently assessed and evaluated by the evaluation committee, reimbursement of expenses in the amount of CZK **150,000.00**.

### **12.3 REIMBURSEMENT OF EXPENSES RELATED TO THE SUBMISSION OF THE PROPOSED DESIGN**

The Contracting Authority shall pay each participant who submitted a Proposed Design in the Tender Procedure, which was subsequently assessed and evaluated by the evaluation committee, reimbursement of expenses in the amount of CZK **250,000.00**.

### **12.4 TAX TREATMENT OF REIMBURSEMENTS OF EXPENSES DISTRIBUTED IN THE COMPETITIVE DIALOGUE**

12.4.1 Reimbursement of expenses to natural persons not carrying out business activities will be reduced, in accordance with Section 36(2)(i) of Act No. 586/1992 Sb. (Collection of Laws), the Income Tax Act, as amended, by income tax at the rate of 15%, which will be paid by the Contracting Authority to the tax authorities pursuant to Act No. 280/2009 Sb. (Collection of Laws), the Tax Code, as amended.

12.4.2 Reimbursements of expenses to legal entities and natural persons carrying out business activities will be paid, according to Act No. 586/1992 Sb. (Collection of Laws), the Income Tax Act, as amended, in full and taxed by the legal entity or person carrying out business activities within a regular tax return.

12.4.3 Reimbursement of expenses to participants not paying taxes in the Czech Republic will be paid in full. They will pay income tax in accordance with the laws in force and in effect in their place of tax domicile.

### **12.5 PAYMENT OF THE REIMBURSEMENT**

12.5.1 Reimbursement of expenses according to section 12.2 of the Tender Documentation will be paid to the participants no later than 30 days after the expiry of the time limit for filing objections to the Contracting Authority's decision on reduction of the number of designs, or within 20 days of the decision on such objection, if any.

12.5.2 Reimbursement of expenses according to section 12.3 of the Tender Documentation will be paid to the participants no later than 30 days after the expiry of the time limit for filing objections to the Contracting Authority's decision on selection of the most advantageous Bid, or within 20 days of the decision on such objection, if any.

## **13 COPYRIGHT**

### **13.1 ENSURING COPYRIGHT PROTECTION OF THE CONCEPT/PROPOSED DESIGN IN THE PARTICIPANT-AUTHOR RELATIONSHIP**

13.1.1 The participant shall demonstrate that copyright protection of the Concept/Proposed Design is ensured by attaching the following documents (as applicable) to the “Author and Contact” document (see template in **PP.09**):

- 1) a declaration that the participant is also the author in case the Concept/Proposed Design is submitted by a natural person who is both the participant and the author, or by a legal entity whose statutory body is the person who is the author of the Concept/Proposed Design;
- 2) a license agreement regulating the settlement of copyright between authors - natural persons submitting the Concept/Proposed Design together as a participant;
- 3) a license agreement regulating the settlement of copyright between legal entities submitting the Concept/Proposed Design together as a participant, if the author of the Concept/Proposed Design is a statutory body or an employee of the legal entity;
- 4) a license agreement a license agreement between the participant and the author if the author is a subcontractor of the participant.

13.1.2 If the license agreement regulates the settlement of copyright in such a way that its content covers more than one of the above-mentioned variants of the relationship between the authors and the participant, it is sufficient to provide evidence of such a comprehensive license agreement and it is not necessary to provide evidence of a separate license agreement for the variant so covered.

13.1.3 Proof of copyright protection will be required by the Contracting Authority both when submitting the Concept and when submitting the Proposed Design.

### **13.2 ENSURING COPYRIGHT PROTECTION OF THE CONCEPT/PROPOSED DESIGN IN THE PARTICIPANT-CONTRACTING AUTHORITY RELATIONSHIP**

13.2.1 The authors of the Concept/Proposed Design are holders of personal copyright within the meaning of Section 2 of the Copyright Act. Authors retain their copyrights, can publish their Concepts/Proposed Designs and can reuse them in another case.

13.2.2 By submitting a Concept/Proposed Design, the participants agree to reproduction and display of their Concept/Proposed Design free of charge as part of the promotion of the Tender Procedure and its results. The use of the Concepts/Proposed Designs or parts thereof for purposes other than those specified in this Tender Documentation is subject to the express permission by the authors. The authors of the Proposed Designs expressly agree to cooperate with the Contracting Authority in the preparation of the exhibition and the Tender Procedure catalogue.

## **14 SETTLEMENT OF DISPUTES**

### **14.1 OBJECTIONS**

- 14.1.1 Participants may file objections to the actions of the Contracting Authority in the Tender Procedure within 15 days from the date of receipt of the decision of the Contracting Authority to which they object.
- 14.1.2 Objections shall be submitted in writing by the participant through the Contracting Authority Profile and must state who is filing the objection, which action of the evaluation committee or of the Contracting Authority the objection is directed against, what is the alleged violation of the Tender Terms and Conditions and what the complainant is seeking.
- 14.1.3 The Contracting Authority will fully review the objections filed and, within 15 days of receipt of the objections, send a written decision to the complainant as to whether or not it accepts the objections, stating the reasons. If the Contracting Authority accepts the objections, it shall indicate in the decision how the remedy will be implemented and will notify all participants in the Tender Procedure of this fact.

### **14.2 PETITION FOR THE COMMENCEMENT OF PROCEEDINGS FOR REVIEW OF THE ACTS OF THE CONTRACTING AUTHORITY**

- 14.2.1 The petition must be served to both the Office for the Protection of Competition and the Contracting Authority within 10 days of receipt of the Contracting Authority's decision on the objections or within 25 days of the submission of the objections if the Contracting Authority has not decided on the objections.
- 14.2.2 The essentials of a petition for the commencement of proceedings for review of the acts of the Contracting Authority and further actions by the complainant shall be governed by the provisions of Section 249 et seq. of the Public Procurement Act.

### **14.3 PETITION FOR THE COMMENCEMENT OF ARBITRATION PROCEEDINGS TO THE PRESIDENT OF THE PROFESSIONAL COURT OF THE CZECH CHAMBER OF ARCHITECTS**

- 14.3.1 The petition must be delivered to the President of the Professional Court of the Czech Chamber of Architects no later than five business days after receipt of the Contracting Authority's decision on the objections. The dispute is then settled in accordance with the rules for arbitration set out in the Disciplinary and Conciliation Rules of the Czech Chamber of Architects.
- 14.3.2 The acceptance of a petition for arbitration is conditional upon the payment of the arbitration fee in accordance with Section 102 of the Disciplinary and Conciliation Rules of the Czech Chamber of Architects.
- 14.3.3 The subject of the arbitration proceedings shall not be the decisions of the evaluation committee concerning the reduction of the number of designs or the results of the evaluation of the participants' Bids and the decisions on the distribution of prizes and awards and the determination of their amount, unless these decisions were made in direct connection with a material breach of the conditions of the formal process of the evaluation committee, as set out in the Tender Documentation.
- 14.3.4 The arbitration award is final.

## **15 PROCESS OF THE TENDER PROCEDURE**

### **15.1 EXPECTED SCHEDULE OF THE TENDER PROCEDURE**

11 January 2022	Constitutive meeting of the evaluation committee
4 February 2022	Expected date of publication of the Tender Documentation on the Contracting Authority Profile
till 7 March 2022	Deadline for submission of Applications for Participation
till 11 March 2022	Process for assessing the qualifications of participants
till 14 March 2022	Invitation to participants to take part in the Competitive Dialogue - to submit the Approach Methodology
till 1 April 2022	Deadline for submission of the Approach Methodology
8 April 2022	Meeting of the evaluation committee - assessment/evaluation of the Approach Methodology - reduction of the number of designs
till 15 April 2022	Sending out the report on the reduction of the number of designs and the invitation to submit the Concept - selection of 4 participants
3 May 2022	Tour of the competition site and introductory workshop
till 10 June 2022	Deadline for submission of the Concept
17 June 2022	Meeting of the evaluation committee - presentation of the Concepts and their evaluation
till 30 June 2022	Sending out the invitation to submit a Bid
till 24 August 2022	Deadline for the submission of Bid
9 September 2022	Meeting of the evaluation committee – evaluation meeting to evaluate the Bid
September 2022	Approval of the Tender Procedure results by the Council of the Statutory City of Liberec
October 2022	Conclusion of the Contract

The above schedule for the Tender Procedure is indicative; in the event of unexpected progress of the Tender Procedure, the Contracting Authority reserves the right to change it while maintaining the time limit for processing individual submissions of the participants similarly according to the above schedule. Changes, if any, during the expected schedule of the Tender Procedure will be communicated by way of clarification of the Tender Documentation.



## **16 OTHER CONDITIONS**

### **16.1 LANGUAGE OF THE TENDER PROCEDURE**

16.1.1 The Tender Documentation is drawn up in Czech and English; some information referred to in section 5.1 of the Tender Documentation is available only in Czech. In the event of any inconsistencies between the Czech and English versions of the Tender Documentation or their annexes, which are published in both languages, the Czech version of the Tender Documentation or the annexes to the Tender Documentation shall prevail.

16.1.2 Any discussions between the participant and the Contracting Authority shall be conducted in Czech and the Contracting Authority will not provide any translation services to the participant. However, the Contracting Authority does not exclude the possibility of the presence of a translator, at the participant's expense, during the direct discussions between the Contracting Authority and the participant.

### **16.2 GOVERNING LAW**

16.2.1 The Tender Procedure will be conducted in accordance with Czech law.

### **16.3 RESERVATIONS OF THE CONTRACTING AUTHORITY**

16.3.1 The Contracting Authority draws attention to the fact that this Tender Documentation is a summary of its specific requirements, and the rights and obligations of the Contracting Authority and the contractor in connection with the Tender Procedure are further regulated in the relevant provisions of the Public Procurement Act.

16.3.2 By participating in the Tender Procedure, the Contractor accepts fully and without reservation the Tender Documentation, including all annexes and amendments, if any, to the Tender Documentation.

16.3.3 The Contracting Authority expects the contractor to carefully examine and follow all instructions, forms, terms and specifications contained in the Tender Documentation prior to participating in the Tender Procedure. The Contracting Authority cannot take into account any objection of the contractor to the Tender Documentation included in its submissions. Any reservation may constitute a failure to comply with the Tender Documentation and may result in exclusion of the participant from participation in the Tender Procedure (while maintaining the validity of the non-binding nature of the Competition Brief; see section 3.4.2 of the Tender Documentation). The Contracting Authority shall exclude the contractor from the Tender Procedure if the contractor provides false information in its submissions.

16.3.4 The contractor is entitled to submit in the Tender Procedure only 1 Application for Participation, 1 Approach Methodology, 1 Concept, and 1 Bid including 1 Proposed Design; variants are not allowed.

16.3.5 The submissions of the participants shall not contain corrections and rewritings and other irregularities that could mislead the Contracting Authority.

16.3.6 Written communication between the Contracting Authority and contractors must be made electronically.

16.3.7 All acts within this Tender Procedure, as well as any communication between the Contracting Authority and contractor (even on top of the required electronic submission of the Application for Participation / Approach Methodology / Concept and Bid) shall be conducted electronically,

preferably via Contracting Authority Profile.

- 16.3.8 All documents sent via Contracting Authority Profile shall be deemed to have been duly served on the date of their delivery to the recipient's user account in this electronic tool. The delivery of a document shall not be affected by whether or not the document has been read by the recipient, or whether or not the electronic tool has sent a notification to the recipient's contact email address stating that a new message has been delivered to their user account.
- 16.3.9 The participant shall be always responsible for ensuring that it is properly and timely acquainted with the documents sent by the Contracting Authority through the Contracting Authority Profile, as well as for the accuracy of the contact details provided for the participant.
- 16.3.10 By participating in the Tender Procedure, the Contracting Authority, the members of the evaluation committee and the invited experts confirm that they have read all the terms and conditions of the Tender Procedure and undertake to comply with and honor the Tender Terms and Conditions.

In Liberec

*The electronic signature of the Contracting Authority's representative is attached to the Czech version of the Tender Documentation*

**Ing. Jaroslav Zámečník, CSc.**

Mayor of the Statutory City of Liberec