I. Introductory provisions

This Order stipulates in more detail the award of public procurement contracts at CTU (hereinafter referred to also as “contract” or “public contract”) in accordance with Act No. 134/2016 Coll., on Public Procurement, as amended, (hereinafter referred to as the “Act”); where the phrase contract or public contract is used in this Order, this shall refer also to a small-scale public contract (hereinafter referred to as “SSPC”), unless the text indicates otherwise.

II. Powers of contracting authority

1) The following entities execute the powers of the contracting authority:

   a) An operating unit of CTU with a functional independence in awarding public contracts within the meaning of Section 17 Para 2 of the Act, that is

      i) each faculty,
      ii) each university institute,
      iii) any other/each constituent part of CTU,

      (hereinafter referred to as “operating units”) for contracts funded from their budgets, unless stipulated otherwise below.

   b) Only the Rector’s Office in the case of

      i) contracts for construction work whose expected value exceeds CZK 6m, excl. VAT, and contracts on supplies and services directly associated with them,
ii) contracts for **construction work** for which a **grant** from the public budgets\(^1\) shall be drawn (hereinafter referred to as a “grant”) and contracts on supplies and services directly associated with them,

iii) contracts funded from the accountancy office “**UNIVERSITY**”,

iv) contracts for supplies of electrical energy, natural gas and mobile telecommunication services (incl. data).

2) The expected value of contracts awarded independently by operating units shall be determined at the level of each unit (expected values across operating units will not be added together; this is without prejudice to the correct determination of the expected value of a contract within the operating unit)\(^2\).

3) Departments, sections, divisions and offices and other organizational entities regardless of their designation are not operating units of the contracting authority with a functional independence within the meaning of Section 17 Para 2 of the Act.

4) The following persons execute the powers of the contracting authority within operating units and are responsible for their execution

   a) in the case of contracts referred to in Para 1 letter b (iii) and (iv) and contracts of the Rector’s Office it is the Registrar, with the exception of signing contracts in the scope of the approved budget exceeding CZK 100m (excl. VAT), which is done by the Rector,

   b) in the case of contracts referred to in Para 1 letter b (i) and (ii) it is the Vice-Rector for Construction, with the exception of signing contracts on investment construction exceeding CZK 100m (excl. VAT), which is done by the Rector,

   c) in the case of contracts of other operating units, with the exception of contracts referred to in Para 1 letter b, it is the person in charge of the unit, i.e. the dean, the head of university institute or the head of any other constituent part of CTU, (hereinafter referred to as the **“authorized person”**); this is without prejudice to the fact that the authorized person shall ensure the performance of this power through subordinate employees or third parties (administrators, etc.), if this is permitted by the Act.

**III. Basic rules of public procurement procedure**

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\(^1\) “**Grants from the public budgets**” refer to free-of-charge performance provided directly or indirectly in accordance with specific legal regulations from the state budget, state financial assets, the National Fund, the state funds, from budgets of territorial self-governing units and the EU budget for a given purpose.

\(^2\) Section 17 Para 2 of the Act.
1) When awarding contracts that fall under public procurement, including the award of SSPC, the Act and other legal regulations (including binding EU legislation), basic principles stipulated in Section 8 of the Act, related legal regulations\(^3\), CTU internal regulations\(^4\) must be complied with.

2) Before launching a procurement procedure for SSPC, the authorized person will always determine the expected value of SSPC, established either in accordance with previous contracts purchased by the contracting authority in the past, by market research or by preliminary market consultations.

3) In the case of public contracts, both above-threshold and below-threshold contracts, the authorized person will determine the expected value in accordance with the Act. The authorized person must make sure that the right type of procurement procedure is selected when the expected value of the public contract is determined. The expected value of the contract must include the value of all lots of the public contract, which constitute one functional unit and are awarded in temporal connection. If there is any doubt, the more stringent type of procurement procedure shall be used.

4) If the subject matter of the contract is paid for from funds provided by a grant provider that has stipulated different rules for awarding of contracts than those set forth in this Order, always the more stringent rules shall be used for the public procurement procedure; this is without prejudice to the obligation to comply with the Act. In case there is any doubt about which rules are more stringent, the rules stipulated by the provider of the grant shall be used. In case any interpretation doubts arise concerning the rules stipulated by the provider and the Act, the analogy of law shall be used. The conditions of awarding a grant stipulated by the provider of the grant for the project must constitute the tender specifications and must be part of the tender documentation.

5) The tender documentation must include a draft contract, unless in the specific case it is advantageous to ask the supplier to provide a draft contract as part of the bid; if this is the case, the tender documentation must include specifications and requirements that the supplier must not deviate from in the draft contract.

6) CTU has a uniform contracting authority’s profile:

   the address of the contracting authority’s profile:
   https://www.egordion.cz/nabidkaGORDION/profilCVUT

   and a uniform electronic tool (Tenderarena),

   within the meaning of the Act, which all constituent parts are obligated to use.

   The use of the electronic tool is a preferred way of awarding SSPC, and also the electronic tool GEMIN can be used (https://www.gemin.cz/profil/ceske-vysoke-uceni-technicke-v-praze).

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\(^3\) Primarily Government Regulation No. 172/2016 Coll., on Determination of Thresholds and Amounts for the Purposes of the Act on Public Contracts, as amended.

\(^4\) Primarily Rector’s Order PR 02/2008, on Internal Control Activities at CTU, and the follow-up Registrar’s directive.
7) Authorized persons or employees deputed by them have the authorization to administer their procurement procedures; the electronic access will be provided by the CTU Computing and Information Centre following a request in writing by the operating units – following a procedure in accordance with a specific internal regulation of CTU.

8) The authorized person decides about the submitted objections in the course of public procurement for below-threshold and above-threshold contracts, unless the Rector reserves the right to do so themself.

9) The Rector decides about acts in the administrative procedures conducted before supervisory authorities.

IV. Public procurement procedure

1) Public contracts on construction work

a) Public contracts on construction work that will be implemented using a grant and associated contracts on supplies and services are awarded by the CTU Rector’s Office. The Department of Construction and Investment at the CTU Rector’s Office is responsible for the organization of the public procurement procedure for these public contracts. The future user of the subject matter of the contract is obligated to cooperate in the organization of the public procurement procedure following instructions of the Department of Construction and Investment at the CTU Rector’s Office.

b) Public contracts on construction work with the expected value exceeding CZK 6m, excl. VAT (i.e. including below-threshold and above-threshold contracts on construction work) and associated contracts on supplies and services are awarded by the CTU Rector’s Office. The Department of Construction and Investment at the CTU Rector’s Office is responsible for the organization of the public procurement procedure for these public contracts. The future user of the subject matter of the contract is obligated to cooperate in the organization of the public procurement procedure following instructions of the Department of Construction and Investment at the CTU Rector’s Office.

c) Public contracts on construction work and associated contracts on supplies and services that concern the CTU Service Facilities Administration, with the exception of contracts on construction work that will be implemented using a grant, are awarded by the director of the Service Facilities Administration, unless the Rector decides otherwise.

d) Other public contracts on construction work and associated contracts on supplies and services are awarded by operating units. In the case of these contracts, the contracting authority, or the authorized person decides on how the contract is awarded in line with the subject matter of the contract either as an “open” or “closed call”, and if this is not possible or efficient, for instance because there is no replacement of the required subject matter, or there are not enough competing suppliers of the required subject matter on the market, a

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5 Rector’s Order No. 1/2012 – Rules of Competencies and Responsibilities in the Management of CTU Information System (procedure in accordance with Article 5.4.5 – Authorization to Operate a Subsystem).
particular supplier may be invited; if this is the case, the contracting authority will provide a detailed justification of this procedure in the public contract documentation or the tender documentation.

2) **SSPC on supplies/services**

a) In the case of SSPC on supplies/services with the expected value **not exceeding CZK 500,000**, excl. VAT, the contracting authority is not obliged to proceed in accordance with this Order, provided they comply with the principles of transparency, proportionate manner, fair treatment and prohibition of discrimination; this is without prejudice to the obligation stipulated in Article VI Para 1, and other obligations stipulated in legal and other regulations and rules and internal regulations of CTU.

b) In the case of SSPC on supplies/services with the expected value **not exceeding CZK 2m**, the contracting authority or the authorized person decides on how the contract is awarded in line with the subject matter of the contract either as an “open” or “closed call”, and if this is not possible or efficient, for instance because there is no replacement of the required subject matter, or there are not enough competing suppliers of the required subject matter on the market, a particular supplier may be invited (a so-called “direct invitation”); if this is the case, the contracting authority will provide a detailed justification of this procedure in the public contract documentation.

c) The documentation, or the award criteria, must include all information necessary for the preparation and submission of bids.

3) In public procurement procedure for **SSPC**, the contracting authority can use:

a) a so-called “open call” – publication of the tender documentation on the contracting authority’s profile with the possibility for an indefinite pool of suppliers to submit a bid;

b) a so-called “closed call” – a provable invitation of at least 3 suppliers capable of supplying the subject matter of the contract; the authorized person will invite such group of bidders for whom it is highly probable that they will be capable of supplying the required subject matter; the tender documentation must be provided to all invited suppliers (e.g., by publishing it on the contracting authority’s profile);

c) a so-called “direct invitation” – in justifiable cases only, a direct invitation of a particular supplier, especially in case there is no replacement of the required subject matter, or there are not enough competing suppliers of the required subject matter on the market.

4) **Below-threshold and above-threshold** contracts on **supplies/services**

a) The contracting authority can authorize a third person to perform the activities of the contracting authority in the whole procurement procedure; the authorization must not be for acts for which the Act does not allow it.
b) It is always the contracting authority who decides about the outcome of the procurement procedure as well as the exclusion of suppliers; the contracting authority also concludes the contract with the selected supplier.

V.
Duty to publish

The authorized person shall ensure the compliance with duties to publish according to the Act. Among other things, the authorized person will make sure the contract on the subject matter of the public procurement will be published on the contracting authority’s profile, unless the contract is subject to exemption to such publication within the meaning of Section 219 Para 1 (d) of the Act. A contract generated by SSPC shall be published in the electronic tool that was used for its administration; this is without prejudice to its publication within the meaning of a specific legal regulation.

VI.
Common, temporary and final provisions

1) If SSPC with a value exceeding CZK 50,000, excl. VAT, or a public contract resulting from the negotiated procedure without publication was to be awarded to a supplier in which employees with an employment or other similar relationship to the given operating unit of CTU, or to CTU in the case of contracts referred to in Article II Para 1 (b) have a share, such award must be approved in writing by the Registrar; this does not apply to spin-off companies in which CTU holds an equity share.

2) This Order does not regulate the award of concessions on construction work or concessions on services, or small-scale concessions; the award of concessions, including small-scale concessions, is possible only following a prior approval by the Rector.

3) Rector’s Order No. 11/2018, as amended, is cancelled.

4) Individual contracting authorities within CTU can prepare own, more detailed regulations as a follow-up to this Order that will govern the public procurement procedure, primarily in the area of award of SSPC and in the area of powers and responsibilities of the individual employees of the contracting authority; however, such internal regulations must not be in conflict with this Order.

5) Public procurement procedures initiated before this Order enters into force shall be completed in accordance with the existing Order, unless the Act stipulates otherwise.

6) This Order enters into force on 1 October 2020.

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6 In conjunction with Section 4 Para 1 of Act No. 340/2015 Coll., on the Register of Contracts.

The changes implemented by Amendment No. 1 enter into force on 21 December 2020.