



## Dean's Directive on Public Procurement of Supplies, Services and Construction Work

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### Article I

#### Introductory Provisions

- 1.1 Czech Technical University, Faculty of Electrical Engineering (hereinafter referred to as "FEE") is obliged to proceed in accordance with legislation when acquiring supplies, services and construction work for its needs, in particular according to Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to as the "ZZVZ") and the Rector's Order No. 17/2020 on the Award of Public Contracts of CTU (hereinafter referred to as the "Order").
- 1.2 This directive is binding on the acquisition of supplies, services and construction work at FEE.
- 1.3 When procuring supplies, services or construction work, the principles of transparency, equal treatment, proportionality and non-discrimination must always be respected.
- 1.4 For the purposes of this directive:
  - "Authorized Employee of ONVZ"* means the employee of the Purchasing and Procurement Department responsible for the Procurement agenda;
  - "Head of Department"* means the Head of Department, the Head of the departments of the Dean's Office; Head of SVTI;
  - "Secretary"* means the FEE Secretary;
  - "User"* means the Department, Dean's Office Department, SVTI;
  - "Project Manager"* means an employee of the Department of Science and Research;
  - "Public contract"* means the acquisition of supplies, services or construction work for the needs of FEE (hereinafter also referred to as "Purchase").
- 1.5 All amounts referred to in this directive exclude VAT.

### Article II

#### Designated Persons

- 2.1 FEE will make purchases through the Heads of Departments and Authorized Employees of ONVZ.
- 2.2 Individual actions within the Public Procurement agenda may be performed directly by the Head of Department for Public Contracts with an estimated value of up to CZK 500,000.



### **Article III**

#### **Registration and Approval of Purchases**

- 3.1 Every request for a Purchase over CZK 2,000 must be registered in advance. The request must include:
- a) the object of the purchase (commodity, service or construction work);
  - b) a detailed specification of the commodity or service;
  - c) estimated value (excluding VAT);
  - d) the classification of the Purchase as a commodity;
  - e) the source of funding;
  - f) other conditions for the Purchase (e.g. requirements of the grant provider for the Purchase, compensation of the broken item, requirements for compatibility, unique technologies, Purchase from a foreign manufacturer, in the case of Purchase from the Structural Funds, information about the Public Procurement regime according to the Project Manager's communication etc.).
- 3.2 The Authorized Employee of ONVZ determines the Public Procurement regime and subsequently determines all of the steps necessary to carry out the Purchase in the appropriate way.
- 3.3 In case that the required goods are held by FEE at the faculty warehouse, the User will receive information from the Authorised Employee of ONVZ about the method of purchase "WAREHOUSE IT" or "WAREHOUSE TPO" and will pick up the goods from the warehouse on the basis of a request for issue, which is Annex No. 5 to this directive.

### **Article IV**

#### **Estimated Value of the Public Contract**

##### **One Public Contract**

- 4.1 The basic foundation for determining the Public Procurement regime is the estimated value of one Public Contract.
- 4.2 A single Public contract is generally as an individual case of acquisition of supplies, services or construction work for the needs of FEE, with the exception of special cases of Purchase according to Article 4.4 (partial Purchases) or Article 4.6 (regular annual Purchases) of this directive.
- 4.3 In the case of partial Purchases (Article 4.4 below) and Regular Annual Purchases (Article 4.6 below), one Procurement shall be the sum of the individual Partial Purchases or the Periodic Annual Purchases. In both of these specific cases, the estimated value of the Public Contract is determined by the User as the sum of the anticipated values of each sub-Purchase (in the case of partial Purchases) or as the total sum of the respective regular annual Purchases (in the case of regular annual Purchases).



### **Partial Purchases**

- 4.4 In the case of partial Purchases (division of the Public Contract into parts), a contract whose parts (partial deliveries) form a functional unit is also considered to be one Public Contract and FEE acquires such supplies, services or construction work in a time context. Therefore, if the subject of the Public Contract forms a functional (compact) unit, i.e. (i) the Purchases are materially and functionally related (i.e. similar goods or services or construction work with a similar purpose are demanded) and (ii) these Purchases are also related in terms of time (i.e. they are made at the same time or close to each other in time), these individual (partial) Purchases are considered as one Public Contract for the purpose of calculating its estimated value.
- 4.5 One Public Contract may be divided into parts (partial Purchases) and these Partial Purchases may be made separately if the partial Purchases are made under the public procurement regime that FEE would have to use for the Public Contract awarded in its entirety (this is as if the Division of the Public Contract into Partial Purchases had not taken place).

### **Regular Annual Purchases**

- 4.6 In the case of Purchases which have as their object regularly purchased or continuous supplies or services (regular annual Purchases), the estimated value of the Public contract shall be determined on the basis of the actual price paid for supplies or services of the same type during the previous 12 months and shall be adjusted for changes in quantities or prices that can be foreseen in the next 12 months.
- 4.7 The estimated value of regular annual Purchases shall be determined by the Department of Purchases and Public Procurement (hereinafter referred to as "ONVZ") always in advance for the following calendar year on the basis of information from Users.
- 4.8 Any data collection from Users will usually take place on 31 October.

### **Acquisition of Variable-priced Goods and Services During the Year**

- 4.9 The above rule on the determination of the estimated value of a Public contract of Supply and Service in the form of regular annual Purchases does not apply if their unit price is variable during the accounting period and these supplies and services are purchased according to the current needs of FEE. However, it is exclusively a matter of acquiring supplies and services, the need for which is incidental and which cannot be objectively predicted in advance. This exception may be used only in a limited range of cases and in limited financial value (e.g. tickets, air tickets, refreshments, office supplies) and always on condition that it is a purchase of supplies or services at a variable price during the accounting year.

## **Article V**

### **Types of Public Contract Regimes Depending on the Estimated Value of the Public Contract**

#### **5.1 Standard cases**

The Authorized Employee of ONVZ shall choose, according to the estimated value and specifics of the specific Public contract, one of the following types of procedures for the award of the Public contract (ranked from the least stringent to the strictest), with the exception of the special rules on Commodity Purchases according to Article 6.1, which are realized on the electronic marketplace or through the profile of the contracting authority at the Tenderarena:



- a) **Direct purchase.** It shall apply to supplies, services and construction work which, in view of their volume and estimated value, are not proportionate to purchase in a more stringent manner in view of the administration. The User shall assess whether the price is customary at the given time and place of performance. It is enough to address one supplier. It shall apply to Public Contracts with an estimated value of up to CZK 10,000 or to Public contract of construction work with an estimated value of up to CZK 200,000.
- **Public contract with an estimated value of up to CZK 2,000.** The purchase can be made by Direct Purchase paid in cash, faculty payment card or invoice. Other conditions for purchases up to CZK 2,000 are determined by the Head of Department. Depending on the nature of the Purchase (urgency), it must be preceded by a limited or individual promise (internal order).
  - **Public contract with an estimated value from CZK 2,001 to CZK 10,000.** Purchase is made by Direct Purchase through an order against a specific supplier. Depending on the nature of the Purchase (promptness), it must be preceded by a limited or individual promise (internal order).
  - **Public contract for construction work with an estimated value of up to CZK 200,000.** A purchase can be made by Direct Purchase through an order against a specific supplier. Depending on the nature of the Purchase (promptness), it must be preceded by a limited or individual promise (internal order).
- b) **Direct purchase with prior market research.** This is a stricter variant of Direct Purchase verifying the suitability of the price. The User will prompt at least three suppliers to submit a bid if the usual price quotations are not available at the usual place and time. In the case that, for objective reasons, the User cannot comply with the market research with the number of suppliers set out above, the User is obliged to justify this fact in a written record and save this record in the order in the AEDO system. The User shall use the Direct Purchase with Market Research template, which is Annex 2 to this directive. It applies to Public contracts for supply and service with an estimated **value of CZK 10,001 to CZK 500,000**, unless the provider of funds specifies stricter conditions (e.g. for Public contracts paid from the Structural Funds, **the upper limit is CZK 400,000**). It shall also apply to Public contracts for construction work **from CZK 200,001 to CZK 500,000**. The purchase can be made through an order to the selected supplier. This issued order over CZK 50,000 must be published in the Contract Register before the Purchase is made, in the case that no contract is closed for the purchase. In addition, an order over CZK 200,000 must be approved by the Secretary.
- c) **Closed call to a selected group of suppliers.** In this case, the Authorized Employee of ONVZ will invite at least 5 suppliers in writing to submit a bid in the case of a Public contract assigned via the GEMIN electronic marketplace, and in the case of a Public contract assigned through the contracting authority's profile in the Tenderarena, a written invitation to at least 3 suppliers will suffice. It applies to small-scale public contracts **from CZK 500,001 to CZK 2,000,000**. If the provider of funds determines a lower limit stricter, then this stricter lower limit applies (e.g. for Public contracts paid from the Structural Funds, the lower limit is **CZK 400,001**). The purchase must be made through a concluded contract.



- d) **So-called direct addressing.** Only in justified cases does the Authorized Employee of ONVZ directly address a specific supplier, especially if the demanded performance has no substitute on the market or there is insufficient competition from the suppliers of the requested performance. It applies in the case of small-scale Public contracts **from CZK 500,001 to CZK 2,000,000**. Where the provider of funds determines a stricter lower limit, the stricter lower limit shall apply (e.g. for Public contracts paid from the Structural Funds, the lower limit is **CZK 400,001**) The purchase must be made through a concluded contract.
  - e) **Open call.** The Authorized Employee of ONVZ publishes the tender documentation on the profile of the contracting authority with the possibility to submit a tender to an indefinite circle of suppliers. It applies in the case of small-scale Public contracts **from CZK 500,001 to CZK 2,000,000**. Where the provider of funds determines a stricter lower limit, the stricter lower limit shall apply (e.g. for Public contracts paid from the Structural Funds, the lower limit is CZK 400,001). It also applies in the case of Public contracts assigned **under the ZZVZ regime, i.e. over CZK 2,000,000, unless it is an exception under Sections 29 and 30 of the ZZVZ**. The purchase must be made through a concluded contract.
- 5.2 The User and the Authorized Employee of ONVZ must select the type of regime for a specific Public Contract according to the price limits set out in Article 5.1. above. In case of doubt as to which Public contract regime to choose, the Purchase must be made in a stricter regime.
- 5.3 For the purposes of determining the regime of a Public contract for supplies, services or construction work for the needs of FEE, there must be no purposeful (artificial) division of the Public contract in order to avoid the obligation to award a Public contract in a stricter regime, which is associated with a higher estimated value of the Public contract.
- 5.4 In the case of a Public contract where the estimated value excluding value added tax is **higher than CZK 500,000**, or if the provider of funds does not specify stricter conditions (e.g. in the case of Public contracts paid from the Structural Funds, the upper limit is **CZK 400,000**), the User is obliged to fill in Annex No. 3 to this directive entitled "Request for processing of a Public contract". The content is specific and retrospectively verifiable information and facts on the basis of which the estimated value of the Public contract was determined and, where appropriate, the justification for the selection of specific suppliers proposed to address. The technical specification of the required performance must also be included.
- 5.5 For purchases under paragraph 5.1. a) to e) it is necessary to create and have an order approved against a particular supplier according to the procedure for carrying out management control before the purchase or before signing the contract (see Bursar Directive No. 98/2013). The created order for the supplier is archived in el. form together with the order proposal and signature clause in the CTU central repository (CUL) and is available in the Electronic Circulation and Document Agenda subsystem (AEDO) and in the Financial Information System (iFIS). When a contract is signed for a Public Contract over CZK 50,000, the order is not published in the Register of Contracts, as in such a case the contract is always published. An order, the value of which is higher than CZK 200,000 without VAT, is approved and signed by the Secretary after signing by the Head of Department.
- 5.6 In the event of a request for a Public contract, service and construction work financed by the Structural Funds, the User shall always contact the Project Manager for the selection of the Public contract regime, regardless of the amount of the estimated value. The User registers the request,



including information about the Public contract regime according to the report of Project Manager.

## **5.7 Specific cases**

**Framework contract.** In some cases (in particular, for the purchase of electronic components or other frequently needed goods or services), FEE may conclude a framework contract on the basis of which it will be able to purchase from one supplier or multiple suppliers (if the framework contract is signed with more than one supplier) through individual orders.

The basic conditions of individual Purchases (type of goods and purpose of use, unit prices, delivery deadlines) will be determined by the framework contract. FEE may sign a framework contract after selecting one or more suppliers in any of the above types of Public contract regimes, again depending on the estimated value of the goods, services and construction work that the supplier (or suppliers) will be obliged to deliver to FEE for the duration of the framework contract and under the conditions agreed in the framework contract.

**Public construction work contracts.** Public construction work contracts with an estimated value of more than CZK 6,000,000 excluding VAT and directly related supplies and services or those public construction work contracts and directly related supplies and services for the implementation of which a subsidy from public budgets will be drawn according to Article II, par. 1 point. b) ii) Order, entered for CTU by the Rectorate. The organization of the placement of these Public contracts is carried out by OVIČ RČVUT. The future User of the subject of the contract is obliged to provide cooperation in the placement of the Public contract according to the instructions of the OVIČ RČVUT. The User is also obliged to process and submit to the OVIČ RČVUT "Request for processing of Public contract", which is Annex No. 3 to this directive.

**Public contracts falling within the exclusive competence of the Rectorate.** These are public contracts paid from the budget of the accounting centre "ŠKOLA", public contracts for the supply of electricity, natural gas and mobile telecommunications services (incl.data). Furthermore, these are public contracts according to VI. para. 1 of Order.

## **Article VI**

### **Purchase Selected Commodities for Centralized Procurement**

- 6.1 The commodities listed in Annex 4 to the directive will be purchased by ONVZ in the electronic marketplace mode or through the contracting authority's profile on the Tenderarena, regardless of their expected value.
- 6.2 The purchase of the above selected commodities is usually made once a month.
- 6.3 Exceptionally, taking into account the specifics of a particular Purchase or a situation where the need for a Purchase arises, the Authorized Employee of ONVZ may choose a milder type of regime according to Article 7.2.
- 6.4 The purchase of selected commodities according to Article 6.1 with an estimated value of more than CZK 2,000,000 must be made in the tender regime for Public contracts under the ZZVZ.



## **Article VII**

### **A Milder Type of Mode in Specific Cases**

- 7.1 Purchases of goods with variable unit price (see Article 4.9) (air tickets, tickets, food and beverages, office supplies), which FEE purchases repeatedly according to its current needs, which cannot be predicted in advance, can be purchased by Direct purchase or Direct purchase with market research.
- 7.2 In justified (and exceptional) cases which, taking into account objective reasons or circumstances, require the Purchase in a milder or faster regime than that which should be applied under this directive, the Authorised Employee of ONVZ may decide that the Purchase shall be made in a milder type of public contract regime. This decision must be documented and sufficiently justified by the User or the Authorized Employee of ONVZ. The Authorized Employee of the ONVZ makes decision:
- a) up to CZK 200,000 separately,
  - b) over CZK 200,000 with the prior written consent of the Secretary.
- 7.3 Specific examples or circumstances of specific Purchases may represent: emergency situations, uniqueness of the technical solution of the commodity demanded, which can only be supplied by a particular supplier.

## **Article VIII**

### **Common, Transitional and Final Provisions**

- 8.1 This directive does not apply to the placement of construction work concessions or service concessions, nor to small-scale concessions; placing concessions, including small-scale concessions, is possible only after prior approval by the Rector.
- 8.2 The following annexes form an integral part of this directive:
- Annex No. 1 - Simplified scheme of the Public contract regime
  - Annex No. 2 - Direct Purchase with market research
  - Annex No. 3 - Request for processing of a public contract
  - Annex No. 4 - Selected commodities for centralized procurement
  - Annex no. 5 - Picking list warehouse - Order form
  - Annex No. 6 - Selected requirements of the tax document
- 8.3 This directive repeals the Secretary's Instruction on making purchases at FEE dated 28 February 2017.
- 8.4 This directive shall enter into force on 1 January 2022.

In Prague on 13 December 2021

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