



Spolufinancováno
Evropskou unií

MŠMT
MINISTERSTVO ŠKOLSTVÍ,
MLÁDEŽE A TĚLOVÝCHOVY

“ERDF Quality_Enhancing the Quality of Education at JAMU”, project registration number: CZ.02.02.01/00/23_023/0008921 and “Development of Infrastructure and Facilities for Doctoral Study Programmes at JAMU”, project registration number: CZ.02.01.01/00/22_012/0007661, co-financed by the Jan Amos Komenský Operational Programme.

PROCUREMENT DOCUMENTS FOR A PUBLIC CONTRACT

“PERCUSSION INSTRUMENTS”

Awarded under a simplified below-the-threshold procedure
pursuant to Section 53 of Act No 134/2016 Sb., on public procurement (hereinafter referred to as the “Act”)

I. Identification and Other Details of the Contracting Authority

Name: Janáček Academy of Performing Arts
Registered Office: Beethovenova 650/2, 662 15 Brno
Legal Form: public higher education institution under Act No 111/1998 Sb., on higher education institutions and amending and supplementing other acts, as amended, not registered in public registers
ID No (IČO): 62156462
Tax ID No (DIČ): CZ62156462
Bank Details: 27-0493900217/0100
Contracting Authority Profile: <https://zakazky.jamu.cz>
(hereinafter referred to as the “Contracting Authority”)
Represented by: Ing. Dana Horníčková, Bursar

**The Contracting Authority sets out the procurement conditions for the public contract titled
“Percussion Instruments” [“Bicí nástroje”]
in these Procurement Documents, which include the invitation to tender and annexes, as follows:**

II. Detailed Specification of the Subject-Matter of the Contract

(1) The subject of the public contract for Part 1 is **Combined Percussion Instruments**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 1.

(2) The subject of the public contract for Part 2 is **Experimental Cymbals**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 2.

(3) The subject of the public contract for Part 3 is **Viennese Timpani**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 3.

(4) The subject of the public contract for Part 4 is **Bass and Tenor Drums**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment



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specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 4.

(5) The subject of the public contract for Part 5 is **Orchestral Percussion**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 5.

(6) The subject of the public contract for Part 6 is **Rudimental Snare Drums**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 6.

(7) The subject of the public contract for Part 7 is **Latin American Percussion**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 7.

(8) The subject of the public contract for Part 8 is **Brazilian Percussion**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 8.

(9) The subject of the public contract for Part 9 is **African Percussion**. Detailed specifications are provided in accordance with the Act and the technical requirements (equipment specification) in Annex 1 to the procurement documents – Technical Specification of Equipment and Price Calculation, Part 9.

III. Application of the Principle of Responsible Public Procurement

(1) The Contracting Authority intends to award the public contract in line with the principles of socially responsible public procurement. Socially responsible public procurement takes into account not only purely economic parameters, but also related impacts of the contract, particularly in the areas of employment and social and labour rights.

(2) Aspects of socially responsible public procurement have been incorporated into the commercial terms and conditions – binding contract wording for Parts 1 to 9.

(3) In view of the nature of the public contract, the Contracting Authority has not identified any other topics of responsible procurement that would be consistent with the defined subject and purpose of the public contract.

IV. Place of Performance and Site Inspection

(1) The place of performance is the Janáček Academy of Performing Arts, Komenského náměstí 609/6, 662 15 Brno.

(2) A site inspection is not required for the performance of the public contract or the preparation of a tender and therefore will not be held.



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V. Period of Performance

(1) The supplier is obliged to **complete the subject of the public contract no later than 30 September 2025**. The supplier is also entitled to fulfil it on any working day following the publication of the contract in the Register of Contracts of the Czech Republic, between 9:00 a.m. and 3:00 p.m.

VI. Commercial Terms and Conditions

(1) The commercial terms and conditions are defined in the binding wording of the purchase contracts, which form Annex 2 – Binding Wording of Contracts for Parts 1 to 9 – to these Procurement Documents.

(2) The commercial terms and conditions stipulated by the Contracting Authority for this procurement procedure are binding for the participant. This does not preclude the participant from requesting clarification of the Procurement Documents or lodging objections against the Procurement Documents.

(3) The Contracting Authority **does not require the draft contract to be submitted** as part of the tender.

VII. Requirements Concerning Variants of Tenders

(1) The supplier may submit only one tender. Variant tenders are not permitted.

VIII. Requirements for Preparing the Tender Price

(1) The tender price shall be the maximum permissible, fixed, and non-exceedable amount, and must include all costs incurred by the supplier in fulfilling the subject of the public contract as specified in the Procurement Documents, including costs related to transport, installation, and any other expenses connected to the execution of the subject of performance. It must also cover possible risks (particularly market fluctuations, inflation, exchange rate changes, etc.).

(2) The tender price means the **total price for the performance of the subject** of this public contract. The participant shall determine the tender price by pricing the subject of performance described in Annex 1 to these Procurement Documents, in Czech Koruna.

(3) The participant shall state the tender price in the Tender Form, which is Annex 3 to the Procurement Documents. The tender price shall be stated as the price excluding VAT, the VAT rate and amount, and the price including VAT. VAT shall be calculated at the statutory rate applicable on the date the tender is submitted.

(4) In Part 1, all items according to Annex 1 – Technical Specification of Equipment and Price Calculation – must be classified as non-investment items, i.e., up to a maximum of CZK 66,115.00 excluding VAT.

(5) A supplier who is not a VAT payer shall state the tender price as a final amount only; this amount will be the subject of evaluation, and if such a supplier is awarded the contract, only this amount will be paid, even if the supplier later becomes a VAT payer.



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(6) Participants from the EU and third countries must state the price inclusive of VAT, even if they themselves do not pay VAT, as they must take into account the applicable tax legislation in the Czech Republic.

IX. Requirements and Recommended Format for Tender Submission

- (1) The method and language for submitting tenders are specified in the invitation to tender.
- (2) The tender must include:
 - a. Identification details of the supplier pursuant to Section 28(1)(g) of the Act,
 - b. Documents demonstrating qualification,
 - c. Calculation of the tender price – (Annex 1 – Technical Specification of Equipment and Price Calculation), including technical specification and specification of the products to be delivered or used for the performance of the public contract,
 - d. In the case of a joint tender by multiple suppliers, a document signed by each of them detailing the allocation of responsibility for the performance of the public contract; the Contracting Authority requires that all suppliers submitting a joint tender bear joint and several liability,
 - e. Other documents required by law or by the Contracting Authority.
- (3) The Contracting Authority recommends that the tender be organised as follows, including the corresponding documents in the following order:
 - a. Tender Form (Annex 3 – Tender Form),
 - b. Documents proving qualification,
 - c. Calculation of the tender price (Annex 1 – Technical Specification of Equipment and Price Calculation), including technical specification and specification of the products to be delivered or used for the performance of the public contract,
 - d. Other documents.
- (4) The Contracting Authority does not reimburse the costs of participation in the procurement procedure and does not return submitted tenders.

X. Procurement Period

- (1) The procurement period shall be 90 days, commencing upon the expiry of the deadline for submission of tenders. During this period, participants may not withdraw from the procurement procedure.

XI. Other Requirements of the Contracting Authority Concerning the Performance of the Public Contract

- (1) The participant whose tender is selected as the most advantageous shall promptly submit to the Contracting Authority the required number of original counterparts of the contract, duly signed by the participant.



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(2) The selected contractor including its subcontractors must fulfil the condition that all its beneficial owners with a share exceeding at least 25% and employees who participated in the preparation of the offer for the above-mentioned public contract are not in a conflict of interest due to public function in accordance with Section 2(1)(c) of Act No 159/2006 Sb., on conflict of interest, as amended, or due to a conflict of interest of employees in terms of family, personal, or emotional ties, political or national affinity, economic reasons, financial or other direct or indirect personal interest with the client or its employees.

(3) The Contracting Authority notes that if it is not possible to determine the beneficial owner of a Czech legal entity in accordance with Section 122(5) of the Act, the Contracting Authority is obliged, pursuant to Section 122(8)(a) of the Act, to exclude the selected contractor.

(4) If the selected contractor is a foreign legal entity, the Contracting Authority shall, pursuant to Section 122(6), request the submission of an extract from a foreign register equivalent to the register of beneficial owners, or, where no such register exists:

- a. to provide identification details of all persons who are its beneficial owners, and
- b. to provide documents showing the relationship of all persons referred to in point (a) to the contractor; these documents are in particular:
 - extract from a foreign register equivalent to a public register,
 - list of shareholders,
 - decision of the governing body on the payment of the profit share;
 - memorandum of association, articles of association or formation charter.

(5) Under Council Regulation (EU) 2022/576 of 8 April 2022, amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (hereinafter referred to as the “EU Council Regulation”), it is prohibited to award or continue to perform public contracts:

- a. to any Russian nationals or natural/legal persons, entities or bodies established in Russia,
- b. to legal persons, entities or bodies that are more than 50% directly or indirectly owned by entities referred to in point (a), or
- c. to natural or legal persons, entities or bodies acting on behalf of or at the direction of entities referred to in points (a) or (b).

The same applies to any subcontractors, suppliers or entities participating in the performance of the public contract to an extent exceeding 10% of the contract value, who demonstrate qualification or jointly submit a tender with the participant. Compliance with the Council Regulation must be demonstrated by submitting a statutory declaration in the Tender Form, which form Annex 1 to the Procurement Documents.

(6) A participant who fails to submit the required statutory declaration as referred to in paragraphs 4 and 5 of this Article, or in respect of whom the Contracting Authority identifies non-compliance with these restrictive measures, shall be excluded from the procurement procedure.



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XII. Clarification of Procurement Conditions

(1) The supplier is entitled to request clarification of the procurement conditions from the Contracting Authority. The Contracting Authority prefers that requests for clarification of the Procurement Documents be submitted via the E-ZAK electronic procurement platform, available at <https://zakazky.jamu.cz/>. Requests must be submitted no later than three working days before the deadline specified in the following paragraph. Otherwise, the Contracting Authority reserves the right not to respond to the request for clarification.

(2) The Contracting Authority shall publish any clarification of the Procurement Documents at least four working days before the deadline for submission of tenders, via the E-ZAK electronic tool.

(3) The Contracting Authority may, in accordance with the Act, provide clarification of the procurement conditions to suppliers without a prior request. Such clarifications shall also be provided via the E-ZAK platform.

XIII. Cancellation of the Procurement Procedure

(1) The Contracting Authority is entitled to cancel the procurement procedure for reasons provided by law. A reason considered to be of particular significance under Section 127(2)(d) of the Act, for which it cannot reasonably be required to continue the procurement procedure, shall include, among other things, the finding that there are insufficient funds for the subject of performance, or a significant market shift resulting in the economic inefficiency of the required subject of performance.

(2) The Contracting Authority is also entitled to cancel the procurement procedure under Section 127(2)(e) of the Act if it does not receive funding from the Jan Amos Komenský Operational Programme, from which the public contract is to be co-financed.

(3) In the event of cancellation of the procurement procedure, the Contracting Authority shall promptly inform all participants who submitted a tender within the prescribed deadline, via the E-ZAK electronic platform.

XIV. Reservation of Notification on the Contracting Authority's Profile

(1) Pursuant to Section 53(5) of the Act, the Contracting Authority reserves the right to publish the notice of exclusion of a participant from the procurement procedure or the notice of selection of the supplier on the Contracting Authority's profile. In such case, the notification shall be deemed delivered to all participants at the time of its publication.

XV. Annexes to the Procurement Documents

- (1) The following annexes form an integral part of the Procurement Documents:
- Annex 1 – Technical Specification of Equipment and Price Calculation for Parts 1 to 9
 - Annex 2 – Binding Wording of the Contract (Commercial Terms and Conditions) for Parts 1 to 9
 - Annex 3 – Tender Form



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In Brno, dated as per the electronic signature

Ing. Josef Vinkler
Head of Technology and Investments Department