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The contract is a part of the project: “Increasing the Quality of Education at JAMU”, project registration number: CZ.02.2.69/0.0/0.0/16_015/0002245, which is being co-financed through the Operational Programme Research, Development and Education.

TENDER DOCUMENTATION – CALL FOR THE SUBMISSION OF A BID

for a small-scale public contract awarded outside of the procurement procedure under Act No. 134/2016 Coll., on Public Procurement, as amended

“External Evaluation of JAMU”



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1. Preamble

Janáčkova akademie múzických umění v Brně (Janáček Academy of Music and Performing Arts in Brno - JAMU), with registered address at Beethovenova 650/2, 662 15 Brno, identification number (IČ): 62156462 (hereinafter the “contracting authority” or “JAMU”), is the contracting authority for a small-scale public contract for supplies awarded through a procedure according to the JAMU internal guidelines no. 6/2016, on public contracts, outside of the procurement procedure according to Act No. 134/2016 Coll., on Public Procurement (hereinafter the “Act”).

The contracting authority alerts to the fact that despite the fact that this tender documentation refers to the provisions of the Act, this public contract is not being awarded through the procedure under the Act as stated above, and thus the contracting authority is acting according to the provisions of Art. 31 of the Act.

This public contract is being awarded by electronic means by way of the EZAK certified electronic tool available at <https://zakazky.jamu.cz>. All actions between the contracting authority and the contractor and communications pertaining to the procurement procedure are conducted by electronic means through the E-ZAK electronic tool, unless provided otherwise below. The English language version of this electronic tool is available by ticking the relevant option in the right-hand top corner or at <https://zakazky.jamu.cz/?lang=en>.

The contracting authority alerts the contractor to the fact that, for the full utilization of all of the features of the electronic tool, it is necessary to perform and complete a so-called contractor’s registration. Each contractor is obligated, prior to completing registration, to check its contact information and to modify or supplement it if necessary. The contractor is always liable for the accuracy of contact information as well as for the proper and timely receipt of electronic correspondence sent by the contracting authority through the electronic tool.

All of the terms and information pertaining to the electronic tool for the awarding of public contracts of Janáček Academy of Music and Performing Arts in Brno, including information on the use of electronic signature, are available at:

<https://zakazky.jamu.cz/manual.html?lang=cs>

The English language version of the manual is available at:

<https://zakazky.jamu.cz/manual.html?lang=en>

The following annexes are an integral part of the tender documentation:

- Annex No. 1 – Bid Cover Sheet
- Annex No. 2 – Template of Contractor’s Statutory Declaration on Proof of Qualification



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2. Contracting Authority’s Identification Information

Name: **Janáčkova akademie múzických umění v Brně (Janáček Academy of Music and Performing Arts in Brno - JAMU)**

Registered address: Beethovenova 650/2, 662 15 Brno

Legal form: legal entity, public university according to Act No. 111/1998 Coll., on Universities, not registered in public registries

Authorized person: prof. Mgr. Petr Oslzlý, Rector

Identification number (IČ): 62156462

Tax identification number (DIČ): CZ62156462

Contact person: Ing. Miroslav Šlégl, e-mail: slegl@jamu.cz

Contact person in technical matters:
Doc. Mgr. Richard Fajnor, e-mail: fajnor@jamu.cz

Address of contracting authority’s profile: <https://zakazky.jamu.cz/>

3. Classification of the Object of the Public Contract

According to the object (Art. 14 of the Act), this is a public contract for services.

According to the anticipated value (Art. 27 of the Act), this is a small-scope public contract.

Name	CPV
System quality assurance assessment and review services	72225000-8

4. Anticipated Value of the Public Contract

The anticipated value of the public contract is a total of **CZK 1 200 000 not including VAT**.

5. Definition of the Object of the Public Contract

The object of the public contract is the external evaluation of Janáčkova akademie múzických umění (Janáček Academy of Music and Performing Arts - JAMU). The main objective is the assessment of the educational and creative activity of JAMU and of activity relating thereto according to the standards and procedures for quality assurance in the building of the European university educational space – Standards and Guidelines for Quality Assurance in the European Higher Education Area, ENQA (hereinafter “ESG 2015”) or on their basis in view of the fundamental specifics and differences in education in the field of the arts, and the assessment of the set-up of the system for the quality of such activities at Janáček Academy of Music and Performing Arts in Brno.

The evaluation will be conducted within the time of performance as specified by the contracting authority on the basis of a self-evaluation report by JAMU and in the form of directed discussions by a five-member team of experts on site at the faculties. The output of the evaluation shall be evaluation reports assessing the educational and creative activity of JAMU and of activities relating thereto according to criteria for the evaluation of processes and the set-up thereof:



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- conformity of the aims of study programs with the school’s mission and strategic planning,
- set-up of educational and creative processes,
- individual student development,
- personnel arrangements for study programs,
- material and spatial provisions for study programs and support of student life,
- set-up of organizational and decision-making processes,
- systematic development of the third role of the university and functioning within the region.

The evaluation report shall also contain an assessment of the existing quality system for the educational and artistic activity of JAMU and its set-up. For the evaluation are available legal regulations, internal rules and regulations, annual reports on activity and on economic results, the Self-Assessment Report of JAMU, the Internal Evaluation Report of JAMU, the System of Internal Assurance and Evaluation of the Quality of Educational and Creative Activity of JAMU and other necessary internal documents published on the school’s web pages, see <http://dokumenty.jamu.cz/vyber.php?col=&adr=dokumenty%2fpublic%2fDocuments>.

6. Division of the Public Contract into Parts

The public contract will not be divided into parts.

7. Place and Anticipated Time of Performance

The place of performance is: JAMU (all its parts) and the resulting evaluation will be handed over to the JAMU Rectorate at Beethovenova 650/2, 662 15 Brno.

Start of performance: immediately after the signing of the agreement (the anticipated commencement is December 2018). The provider of the service is obligated to execute the required object of performance no later than by 30 September 2021.

8. Inspection of the Place of Performance

An inspection of the place of performance is not necessary for the performance of the public contract or for the compilation of the bid, and therefore shall not be conducted.

9. Requirements Regarding Contractors’ Qualification

The contracting authority requires for bidders to be authorized to do business within a scope corresponding to the object of the public contract, to be members of ENQA or to be registered in EQAR, not be in liquidation, not be subject to insolvency proceedings, and not be unreliable payers of VAT within the meaning of Art. 106a of Act No. 235/2004 Coll., on Value Added Tax.

The bidder shall prove the fulfillment of the requirements regarding qualification by submitting a statutory declaration, the content of which must show that it fulfills the qualification requirements (the bidder can use the statutory declaration template, see Annex No. 2).



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The contracting authority further requires for the bidder to have provided in a due and timely manner, within the past 5 years, at least one service consisting in the execution of the external evaluation of a European higher education arts school of a university type, or of a part thereof, that conducts educational and creative activity within study programs, of which most are in the field of education – arts. In order to prove such qualification requirement, the contracting authority requires the submission of a list of executed services with the inclusion of at least one reference sheet on the execution of external evaluation, which shall be issued by the relevant university at which the evaluation was conducted.

The contracting authority reserves the right, prior to entering into the agreement, to call upon the selected contractor to submit the originals or officially certified copies of documents proving the fulfillment of the qualification requirements, if it has not already submitted them in the original bid.

10. Requirements and Recommendations for the Compilation of the Bid

The bid must contain the following documents and parts which the contracting authority recommends be in the following order:

- Bid cover sheet,
- Documents proving fulfillment of the qualification requirements,
- Calculation of the bid price; the price shall include all related costs (e.g. travel costs of expert team, accommodations, material costs, etc.),
- **Draft of the agreement submitted by the contractor,**
- Any other information that the bidder may wish to include.

The contracting authority shall not compensate bidders' costs for the compilation of the bid and participation in the awarding of the public contract.

The contracting authority requires that, in the event of a documentary bid, the bidder also include as a part of its bid a CD with files that are not locked against changes and that contain a scan of the complete bid and the individual bid documents in a format that can be opened in any of the standard word processing or spreadsheet programs (e.g. MS Office, Open Office).

The contracting authority does not return the bids to the bidders.

11. Tender Period

Bidders are bound by their bids for a duration of 90 days; such period shall commence as of the date following after the elapse of the deadline for the submission of bids.

12. Bid Variants

The contracting authority precludes bid variants.

13. Requirements Regarding the Bid Price

The bid price is understood to mean the **total price for the performance of the object** of this public contract not including VAT. The bidder shall set a bid price by appraising the object of performance, which is described in Art. 5 of this tender documentation, in Czech crowns.



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The bid price shall be stated in the Bid Cover Sheet.

The bid price shall always be stated as a price not including VAT.

14. Form of the Bid

Bids can be submitted in writing in the following manners:

- a) **electronically** through the E-ZAK electronic tool, which is available at the address <https://zakazky.jamu.cz>, or
- b) **in documentary form** in duly closed envelopes marked with the **name of the public contract** and the words “Nabídka na veřejnou zakázku – NEOTEVÍRAT” (“Bid for Public Contract – DO NOT OPEN”) delivered to the registered address of the contracting authority prior to the end of the deadline for the submission of bids. The envelope must be marked with the address to which a notification of submission of a bid after the elapse of the deadline for the submission of bids can be sent.

A bid must be drawn up in the Czech, Slovak or English language, and documents on education may also be submitted in the Latin language.

Each bidder may submit only one bid.

The contracting authority requires that a bid submitted jointly by several contractors also contain a consortium agreement as an annex to the bid. Such agreement must contain the signatures of the authorized persons of all of the parties to the joint bid.

15. Deadline and Place for Submission of Bids

The bid must be submitted no later than **by 21 November 2018 by 10:00 a.m.**

Bids in electronic form shall be submitted through the contracting authority’s certified electronic tool available at <https://zakazky.jamu.cz>.

Bids in documentary form may be submitted by mail or in person on working days from 8:00 a.m. to 3:00 p.m. Bids shall be received by Ing. Miroslav Šlégel. A bid is submitted as of the moment of its delivery to the contracting authority.

Bids delivered to the contracting authority after the elapse of the set deadline shall not be opened. The contracting authority shall not return bids submitted late and shall leave them enclosed with the public contract documentation.

16. Evaluation Criteria and Manner of Evaluation of Bids

The contracting authority sets as the evaluation criterion for the awarding of the public contract the economic favorableness of the bid, which shall be evaluated according to the **lowest bid price**. The contracting authority shall decide on the selection of the most suitable bid of such bidder whose bid, according to the evaluation criterion of economic favorableness, contains the lowest bid price.



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Within the scope of the evaluation criterion, the contracting authority shall evaluate the total bid price in CZK not including VAT. The most suitable bid is the bid with the lowest total bid price in CZK not including VAT.

17. Terms and Conditions

As part of its bid, the contractor shall submit the draft of the agreement drawn up in line with the requirements defined by this tender documentation.

The contracting authority reserves the right to further negotiate on the content and draft of the agreement and to specify the final version of the agreement in line with the tender documentation and the selected contractor's bid.

In an appendix to the agreement the object of performance shall be specified both quantitatively and qualitatively in line with Art. 5 of this tender documentation.

The agreement shall include the below mentioned terms and conditions of the contracting authority:

- The price of the object of performance shall be set in Czech crowns and in line with the contractor's bid submitted in the procurement procedure whose results will serve as a basis for concluding the agreement.
- The contracting authority shall not provide the contractor with any advance payment for the object of performance. The price of the object of performance shall be paid after the object of performance is completed, or the contractor shall propose a schedule of partial invoicing corresponding to the gradual progress in the completion of the object of performance, with the contracting authority permitting the division of the price into a maximum of 6 amounts.
- Invoices shall be due and payable within thirty (30) days after the date when the invoice is delivered.
- All invoices issued by the contractor shall be stated in Czech crowns (CZK).
- The contracting authority may raise written objections to an invoice within ten (10) days after the date when the invoice is delivered; if any such objections are raised, the period for the payment of the price of a partial delivery/performance shall be interrupted. The contractor shall notify the contracting authority in writing of handling the objections within ten (10) days after the date it received these objections.
- The documents drawn up by the contractor must meet the conditions of the project “Increasing the Quality of Education at JAMU”, project registration number: CZ.02.2.69/0.0/0.0/16_015/0002245, which is being co-financed through the Operational Programme Research, Development and Education.
- The contractor undertakes to provide the relevant services with due professional care and to the required standard of quality, i.e. the evaluation shall not contain any defects in terms of meaning, terminology, stylistics or grammar.



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- The contracting authority shall have the right to withdraw from the agreement if the contractor is in default on the performance of the object of the public contract for more than thirty (30) days.
- Failure to observe the time-limit for the required performance shall result in the imposition of a contractual penalty equal to 0.1% of the total price for each day of the delay in handing over the work.
- The contractor shall grant to the contracting authority, free of charge, the exclusive authorization, which is unlimited in terms of territory, time, quantity or otherwise, to exercise the right to use the work (i.e. the evaluation report) in all ways (the “license”).
- The contracting authority may modify the work, combine it with different creations or elements or incorporate it into collected works. The contracting authority shall not be required to use the license and may, in full or in part, provide or assign the authorization contained in the license to a third party. The expiry of the licence shall not render void or otherwise affect any sublicenses previously granted by the licensee.

18. Clarification of the Tender Documentation

A bidder is entitled to request a clarification of the tender documentation from the contracting authority as regards the terms of the tender. A written request must be delivered to the contracting authority in writing no later than 4 working days prior to the elapse of the deadline for the submission of bids, by way of the E-ZAK electronic tool or in paper form to the contracting authority's address.

A request is considered to have been delivered if it has been sent to the contracting authority within the set period by way of the E-ZAK electronic tool or in documentary form to the contracting authority's address.

The contracting authority shall publish any clarification of the tender documentation and any related documents by way of the E-ZAK electronic tool no later than within 2 working days of the delivery of a request.

A clarification of the tender documentation shall also be provided by the contracting authority (without the identification of the inquirer) to all of the bidders by way of the E-ZAK electronic tool.

The contracting authority may also provide contractors with a clarification of the tender documentation even without their previous request. The contracting authority shall provide such by way of the E-ZAK electronic tool.

19. Annulment of the Selection Procedure

The contracting authority is entitled to annul the public contract at any time until the agreement has been entered into. If the contracting authority annuls the public contract, the bidders do not become entitled to any claim in regard to the contracting authority.

The contracting authority reserves the right to annul the selection procedure for the public contract primarily in cases where it does not have the necessary financial resources allocated, primarily in the event that it does not receive a grant from funds for the Operational Programme Research,



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The contracting authority shall inform all of the bidders who have submitted a timely bid within the deadline for the submission of bids of the annulment of the selection procedure in writing and without delay, through the E-ZAK electronic tool.

20. Further Information for Bidders

The contracting authority shall publish notifications of the late submission of a bid, decisions on the exclusion of a bidder, decisions on the selection of the most suitable bid, clarifications in regard to the tender terms of the public contract on its contracting authority profile only.

The contracting authority does not require a security deposit to be made.

The bidder is not entitled to compensation of costs associated with participation in the procurement procedure. Bids are not returned to bidders and remain with the contracting authority as a part of the documentation on the awarding of the public contract.

In the event of a change occurring in the information provided in the bid up until the time when the agreement is entered into with the selected contractor, the contractor is obligated to inform the contracting authority of such change in writing and without delay.

The bidders acknowledge that according to Art. 2 e) of Act No. 320/2001 Coll., on Financial Control, as amended, the selected bidder shall be a party obligated to cooperate in the execution of financial control. Such obligation shall also pertain to those parts of the bids, agreement and related documents that are subject to protection according to special legal regulations (e.g. as business secrets, classified information) provided that the requirements imposed by the legal regulations are fulfilled (e.g. Art. § 11 c) and d), Art. 12 (2) (f) of Act No. 552/1991 Coll., on State Control, as amended). The bidders acknowledge that the selected contractor will also be obligated to contractually subject its subcontractors to a similar obligation.

The bidder shall undertake in the agreement to enable all entities authorized to conduct controls in regard to the project from whose funds the supply is being paid to conduct inspections of documents relating to the performance of this contract, for the duration of time as required by the legal regulations of the Czech Republic for the archiving thereof (Act No. 563/1991 Coll., on Accounting, and Act No. 235/2004 Coll., on Value Added Tax) and to archive the documents relating to the performance of this contract for such duration of time.

21. Provision of the Tender Documentation

The tender documentation is provided free of charge, through full, unlimited and direct remote access from the publication of the call for the submission of bids on the contracting authority's profile at the address: <https://zakazky.jamu.cz>.



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22. Annexes to the Tender Documentation

The following annexes are an integral part of the tender documentation:

- Annex No. 1 – Bid Cover Sheet
- Annex No. 2 – Template of Contractor’s Statutory Declaration on Proof of Qualification

In Brno, on 25 September 2018

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Ing. Josef Vinkler
Head of Technical and Investment
Department