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Invitation to Tender

TRAINING OF ACADEMIC STAFF

It is an above-threshold public contract pursuant to the provisions of Section 25 of Act No. 134/2016 Coll., on Public Procurement (the “**Act**”) awarded in a Negotiated procedure without prior publication pursuant to the provisions of Section 63 of the Act.

Public contract is awarded pursuant to Rules of the Czech Recovery Plan.

LAWYA

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1. GENERAL INFORMATION

Public contract identification:	Training of Academic Staff
Public contract type:	Service
Public contract regime:	Above-threshold public contract
Procurement procedure type:	Negotiated procedure without prior publication
Contracting Authority:	Slezská univerzita v Opavě / Silesian University in Opava
Address of the CA:	Na Rybníčku 626/1, 746 01 Opava
ID No.:	47813059
Legal form of the CA:	331 – Funded organisation
Represented by:	doc. Mgr. Tomáš Gongol, Ph.D., rector
Address of the CA profile:	https://zakazky.slu.cz
Project identification:	Development of Competencies for a Sustainable Future at the Silesian University in Opava – Rozvoj kompetencí pro udržitelnou budoucnost na Slezské univerzitě v Opavě
Project number:	NPO_SU_MSMT-2122/2024-5

(“Public contract”, “Contracting Authority”, “Project”)

2. INFORMATION ON THE DEADLINE AND SUBMITTING OF THE TENDER

Commencement of the procurement procedure:	20. 9. 2024
Deadline for submitting tenders:	30. 9. 2024 10:00 AM
Additional information may be obtained from:	The contact person for the procurement procedure
Place for submission of tenders:	https://zakazky.slu.cz

3. CONTACT PERSON

Contractual representative of the Contracting Authority:	LAWYA tender, s.r.o.
Contact address:	Králova 298/4, Žabovřesky, 616 00 Brno

ID No.: 03584607
Contact person: Mgr. Lukáš Pruška, Mgr. Dominik Lukács
Phone: +420 602 102 574
E-mail: slu@lawya.cz

All communication between the Contracting Authority and the Supplier, including the submission of tender, will take place in electronic form via the E-ZAK electronic platform (**“electronic platform”**).

4. PERSONS OTHER THAN THE CONTRACTING AUTHORITY WHO HAVE PARTICIPATED IN THE PREPARATION OF THE PROCUREMENT DOCUMENTATION

- 4.1.1. The following persons other than the Contracting Authority participated in the preparation of the procurement documentation:
- a) The Contractual Representative of the Contracting Authority participated in the processing of the text section of the procurement documentation to the extent specified by the Contracting Authority. The Contractual Representative of the Contracting Authority drafted mainly the general section of the procurement documentation and in cooperation with the Contracting Authority, the requirements for qualification and general terms and conditions were prepared.
- 4.1.2. The subject matter of the public contract was determined exclusively by the Contracting Authority.

5. SUBJECT MATTER OF THE PUBLIC CONTRACT

5.1. SUBJECT MATTER OF THE PUBLIC CONTRACT

- 5.1.1. The aim of the procurement procedure is to conclude a contract between the Contracting Authority and the Supplier, the subject matter of which consists of the training of lecturers/academic staff for the purpose of conducting teaching in the newly prepared master's degree program "Innovative Entrepreneurship" and for the purpose of innovating existing study programs at the Silesian University in Opava.
- 5.1.2. Description of the newly prepared master's degree program "Innovative Entrepreneurship" and purpose of the training of Academic Staff:
- The new study program and the innovation of existing study programs must be aligned with the conditions of the grant application (Czech Recovery Plan - Národní plán obnovy, project "Development of Competencies for a Sustainable Future at the Silesian University in Opava - Rozvoj kompetencí pro udržitelnou budoucnost na Slezské univerzitě v Opavě") in such a way that they emphasize both the comprehensive personal development of students and their ability to work and learn in teams, work on project tasks, engage in self-study, etc.

- The following educational approaches will be utilized: learning by doing, experiential learning, exploratory learning, action learning, team learning, learning organization, team coaching, self-managed learning, learning as holistics, and others. This is a comprehensive set of methods for which intensive and high-quality training of academic staff is required, as these staff members will prepare accreditation materials for the newly introduced study program and the innovated courses, and subsequently, they will teach them.
- The study in the new study program will be conceived as preparation for a professional career focused on sustainable entrepreneurship, personal development, team collaboration, project management, and leadership. As part of their studies, students will actively participate in the establishment of real team-based business corporations (especially cooperatives under Act No. 90/2012 Coll., on Business Corporations – zákon č. 90/2012 Sb., o obchodních korporacích), which will allow them to manage a real business and gain practical experience in a real market environment and the challenges associated with sustainability.
- As part of the university's internationalization efforts, the contracting authority intends to utilize this study program within its activities in the STARS EU network of European universities, in which the Silesian University in Opava is involved. For this reason, training in English with international certification is required, which will enable integration into a network of educational institutions offering studies based on similar principles and using the aforementioned study methods (experience sharing, the possibility of studying at partner universities, student/academic staff exchanges).
- The above implies specific requirements for the training of academic staff who will use innovative methods in education within the new study program and revised courses. Selected academics must be trained in team coaching specifically designed for educational purposes and must also be capable of fostering the comprehensive personal development of students. The training of selected academics must focus not only on coaching but also on teaching or education aimed at areas of entrepreneurship, team, and project activities. Therefore, the subject of the public contract is not exclusively training in team management within companies or specific sectors such as IT or banking, nor is it training focused on the personal development of graduates without the knowledge or ability to work in a team. Academic staff must be able to lead the study program and courses in such a way that they emphasize and incorporate personal development, team collaboration, project management, and leadership.

5.1.3. The training of academic staff must meet the following requirements:

- the training methodology is adjusted to the needs of academic staff and enhances their ability to educate students.
- the training includes topics that will enable innovative teaching, including at least:
 - team leadership,
 - team learning,

- learning by doing,
 - experimental learning,
 - explanatory learning,
 - self-managed learning;
- the training includes practical exercises and demonstrations;
- the contracting authority requires at least four intensive sessions as part of the training, each lasting a minimum of four days; two of these sessions will take place outside the Czech Republic in another EU member state; the group to be trained will consist of 20-25 academic staff members; the training must be completed by the end of 2025;
- the contracting authority requires separate advanced training for group of 3 academics who already are experts in team work and field of students development. Advanced training will include four intensive sessions, each lasting a minimum of three days. Meeting will take place in EU or Great Britain;
- all foreign sessions must be organized in coordination with a higher education institution in the respective country, which employs innovative methods of student-centred learning and learning by doing, and is willing to participate in the group's training (e.g., excursions, sharing of experiences, etc.);
- the training is internationally certified;
- the training methodology is actively used in tertiary (university) education in at least five European countries;
- the training will be conducted in English, and the training materials will also be in English.

5.2. PLACE OF PERFORMANCE

- 5.2.1. The place of performance shall be proposed by the Supplier in the draft contract in accordance with Article 5.1. above.

5.3. TERM OF PERFORMANCE

- 5.3.1. The term of performance shall be proposed by the Supplier in the draft contract in accordance with Article 5.1. above.

<h2>6. CPV CLASSIFICATION AND THE ESTIMATED VALUE OF THE PUBLIC CONTRACT</h2>
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6.1. CPV

6.1.1. Main CPV code:

80000000-4 Education and training services

Secondary CPV codes:

80300000-7 Higher education services

80510000-2 Specialist training services

7. QUALIFICATION REQUIREMENTS

7.1. BASIC QUALIFICATION

- 7.1.1. Pursuant to Section 74 (1) of the Act, a Supplier shall not be deemed qualified should they:
- a) Have been finally convicted, in the country of its registered office, of an offence concerning the offence referred to in Annex 3 to the Act in the last 5 years prior to the commencement of the procurement procedure or a similar offence under the law of the Supplier's country of the registered office; any expunged convictions shall not be taken into account,
 - b) Have tax arrears due in the Czech Republic and so in the country of its registered office;
 - c) Have arrears in insurance premiums or penalties for public health insurance in the Czech Republic and so in the country of its registered office;
 - d) Have arrears in insurance premiums or penalties for social security and contribution to the national employment policy in the Czech Republic and so in the country of its registered office;
 - e) Be in bankruptcy, a bankruptcy decision has been issued against the Supplier, the Supplier has entered into compulsory administration pursuant to another legal regulation or is in a similar situation pursuant to the law of the Supplier's country of the registered office.
- 7.1.2. If the Supplier is a legal entity, the condition under Section 74 (1) (a) of the Act shall be complied with by this legal entity in addition to every member of its statutory body. Should a legal entity serve as a member of the Supplier's statutory body, the condition pursuant to Section 74 (1) (a) of the Act shall be complied with by:
- a) This legal entity;
 - b) Any member of the statutory body of this legal entity; and
 - c) Any persons representing this legal entity in the statutory body of the Supplier.
- 7.1.3. If a branch of a foreign legal entity's company participates in the procurement procedure, the condition pursuant to Section 74 (1) (a) of the Act shall be complied with by this legal entity and the branch manager; in the case of the Czech legal entity, the condition pursuant to Section 74 (1) (a) of the Act shall be complied with by the persons specified in Section 74 (2) of the Act and the branch manager.
- 7.1.4. The compliance with the terms and conditions of basic qualification in relation to the Czech Republic shall be ascertained by the Supplier in the tender by submitting:
- a) An extract from the Criminal Records Register in relation to Section 74 (1) (a) of the Act;
 - b) A certificate by the competent tax authority in relation to Section 74 (1) (b) of the Act;

- c) A written sworn statement concerning the consumption tax in relation to Section 74 (1) (b) of the Act;
 - d) A written sworn statement in relation to Section 74 (1) (c) of the Act;
 - e) A certificate by the competent district social security administration in relation to Section 74 (1) (d) of the Act;
 - f) An extract from the Commercial Register, or by submitting a written sworn statement in the event that the Supplier is not registered in the Commercial Register, in relation to Section 74 (1) (e) of the Act.
- 7.1.5. The compliance with the terms and conditions of basic qualification in relation to the country of Supplier's registered office shall be ascertained by the Supplier in the tender by submitting documents issued in accordance with the legal order of the country in which it was obtained, or, if such documents are not issued, by a sworn statement.
- 7.2. DEMONSTRATING THE COMPLIANCE WITH THE QUALIFICATION IN THE TENDER**
- 7.2.1. In accordance with the provisions of Section 45 (1) of the Act, the Supplier shall submit copies of the documents to demonstrate the compliance with the qualification.
- 7.2.2. Documents demonstrating basic qualification according to Section 74 of the Act shall demonstrate the compliance with the required qualification criterion no later than 3 months prior to the date of commencement of the procurement procedure.
- 7.2.3. In accordance with the provisions of Section 86 (2) of the Act, the Supplier in the tender **may not** replace the documents on the qualification with a written sworn statement (applies to documents that are issued as standard).
- 7.2.4. Template of the sworn statement in relation to those parts of the qualification where compliance is demonstrated by a sworn statement is included in the annex to the procurement documentation.

8. GENERAL AND PAYMENT TERMS

- 8.1.1. The participant shall submit their own draft contract, which must meet the requirements for the subject of the public procurement as specified in Article 5 of this invitation.
- 8.1.2. The contracting authority reserves the right to negotiate with the participant regarding the submitted draft contract, including all its parts.

9. OTHER REQUIREMENTS

9.1. CONFLICT OF INTEREST

- 9.1.1. The Supplier must meet the conditions of Section 4b of Act No. 159/2006 Coll., on Conflict of Interest, as amended, ("**CCI**"), i.e. that for a Supplier who is a commercial company, as well as for subcontractors who are commercial companies through which the participant in the procurement procedure demonstrates qualification, it applies that in none of them does a public official referred to in Section 2 (1) (c) of the CCI, or a person controlled by them, own a share representing at least 25% of the shareholder's participation in the commercial company.

10. GENERAL TENDER REQUIREMENTS

10.1. GENERAL TERMS

- 10.1.1. The Suppliers shall incorporate into the tender all requirements of the Contracting Authority arising from the tender terms and all facts arising from the Act.
- 10.1.2. The term tender shall mean the data or documents submitted by the Supplier in writing to the Contracting Authority on the basis of the tender terms (i.e. in particular the draft contract submitted by Supplier, including the documents required by law or the Contracting Authority in the tender terms and the qualification documents). The tender and any other documents and data will be submitted in Czech or English (documents in a language other than Czech or English will be supplemented by a translation into Czech; the obligation to attach a translation into Czech does not apply to documents demonstrating the qualification in Slovak and documents on education in Latin; The Contracting Authority may waive the obligation to provide a translation for other documents).
- 10.1.3. The Supplier may submit only one tender in a procurement procedure.
- 10.1.4. The Contracting Authority does not allow variants of tenders. Furthermore, the Contracting Authority shall not accept tenders containing paid performance beyond the scope of the performance required by this procurement documentation.
- 10.1.5. The Supplier is responsible for the time of submitting the tender.
- 10.1.6. In the Editable Annex of this procurement documentation the Supplier shall indicate a contact person in relation to the tender, including a telephone number and an e-mail address.

10.2. SUBMITTING THE TENDER AND ELECTRONIC COMMUNICATION

- 10.2.1. The Supplier's tender can only be submitted in writing in electronic form via electronic platform at <https://zakazky.slu.cz>.
- 10.2.2. The Supplier is obligated to follow the rules and instructions set by the operator of the electronic platform.
- 10.2.3. The Contracting Authority points out that the Supplier is responsible for submitting the tender within the term for submission of tenders. In this context, the Contracting Authority disclaims that the electronic platform (E-ZAK) may suffer a failure of functionality for which the Contracting Authority is not responsible.
- 10.2.4. The Contracting Authority also points out that the registration of the Supplier is necessary for the submission of a tender. The registration is not immediate and might take several days to complete.
- 10.2.5. In the case of electronic service, the moment of service is deemed to be the service of the electronic message to the addressee's disposition.

10.3. TENDER STRUCTURE

- 10.3.1. The Contracting Authority recommends that the Suppliers structure their tenders as follows:
 - a) Documents to demonstrate the compliance with the qualification;

- a) Draft contract,
- b) Editable Annex,
- c) Sworn statement in relation to Article 9.1. (Editable Annex),
- d) Information on beneficial owners of the Supplier in relation to Article 12.1.4.,
- b) Other relevant documents.

11. ALTERATION OR SUPPLEMENTATION OF THE PROCUREMENT DOCUMENTATION

- 11.1.1. The Contracting Authority may alterate or supplement the procurement documentation during the contract negotiation process in accordance with Section 67 (2) of the Act.
- 11.1.2. An alteration or supplementation of the procurement documentation shall be published or announced to Supplier by the same means as the award criterion that has been altered or supplemented.
- 11.1.3. Where the nature of the supplementation or alteration of the procurement documentation requires so, the contracting authority shall reasonably extend the deadline for submitting tenders.

12. ADDITIONAL INFORMATION AND RESERVATIONS

12.1. GENERAL

- 12.1.1. The Contracting Authority expects co-financing of the subject of the public contract from the Czech Recovery Plan, project Development of Competencies for a Sustainable Future at the Silesian University in Opava - Rozvoj kompetencí pro udržitelnou budoucnost na Slezské univerzitě v Opavě.
- 12.1.2. The Supplier is not entitled to reimbursement of costs associated with participation in the public contract. Tenders will not be returned to the Suppliers and will remain with the Contracting Authority as part of the contract award documentation.
- 12.1.3. In accordance with Section 39 (5) of the Act the Contracting Authority reserves the right to verify the information contained in the Supplier's tender with third parties. Contracting Authority is entitled to obtain information of documents independently.
- 12.1.4. The selected Supplier, if it is a foreign legal entity, shall be requested by The Contracting Authority to submit an extract from a foreign register similar to the register of beneficial owners or, if there is no such register:
 - a) To communicate the identification details of all persons who are the beneficial owners; and
 - b) To provide documents demonstrating that all persons referred to in point (a) have a relationship with the Supplier; these documents include in particular:
 - An extract from the Commercial Register or other similar records;
 - A list of shareholders;
 - The decision of the statutory body on the payment of the profit share;

- The Memorandum of Association or Articles of Association.

The contracting authority shall exclude the selected Supplier if it is a foreign legal person that has not provided the information or the documents referred to above.

12.2. INTERNATIONAL SANCTIONS

- 12.2.1. By submitting a tender, the Supplier declares that it does not fulfil the conditions of the prohibition of awarding a public contract within the meaning of Section 48a of the Act, i.e. that the Supplier, as well as its subcontractors, are not subject to international sanctions pursuant to the Act regulating the implementation of international sanctions.
- 12.2.2. By submitting a tender, the Supplier declares that, in the event of concluding a contract with the Contracting Authority, the payments provided by the Contracting Authority in connection with the implementation of the public procurement contract shall not be made available, directly or indirectly, not even in part, to or for the benefit of natural or legal persons, entities or bodies subjected to so-called individual financial sanctions according to the Council Regulation (EU) No. 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, Council Regulation (EU) No. 269/2014 of 17 March 2014 concerning restrictive measures in view of activities that undermine or threaten the territorial integrity, sovereignty and independence of Ukraine and Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, regardless of whether they are persons with direct or indirect links to a Supplier or a subcontractor of a Supplier.
- 12.2.3. By submitting a tender, the Supplier declares that the conditions set out in Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine Council Regulation (EU) No 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 are not fulfilled, i.e. that the Supplier is not:
- a) A Russian national, natural or legal person established in Russia,
 - b) A legal person, entity or body whose proprietary rights are directly or indirectly owned by more than 50 % by an entity referred to in point (a) of this paragraph; or
 - c) A natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph.

The above applies in the case of a joint tender for each of the connected suppliers, including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the public procurement Directives (according to the amount of the tender price in CZK excluding VAT).

12.3. PREVIOUS INVOLVEMENT OF THE SUPPLIER DURING PREPARATIONS FOR THE PROCUREMENT PROCEDURE, INFLUENCE ON THE OUTCOME OF THE PROCUREMENT PROCEDURE, RELATIONSHIP TO THE CONTRACTING AUTHORITY

- 12.3.1. By submitting a tender, the Supplier declares that neither they nor any employee or member of its statutory body, statutory authority or person otherwise close to it:

- a) Has not participated in the preparation or award of the public contract,
- b) Had influence or could affect the outcome of the procurement procedure,
- c) Is in an employment or similar relationship in relation to the Contracting Authority, either individually or in conjunction with another (sub)supplier.

If the above does not apply, the Supplier shall include a list of persons fulfilling any of the above conditions in the bid, with description of all relevant circumstances involved.

13. ANNEXES

13.1.1. The procurement documentation comprises the following annexes:

Annex no. 1: Editable Annex

In Brno, on 20th of September 2024

On behalf of Contracting Authority – Silesian University in Opava
LAWYA tender, s.r.o., Contractual representative of the Contracting Authority
Mgr. Anna Holycross