

# **Announcement on Tender Procedure**

## **Exercise of Marketing Rights - Czech National Teams in Ice Hockey**

**INVITER:**

**PRO - HOCKEY Cz., s.r.o.**

with registered office: Českomoravská 2420/15, Libeň, 190 00 Prague 9

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## **1. IDENTIFICATION DATA OF THE INVITER AND OTHER RELATED PERSONS**

### **1.1. Announcer**

<b>Name of the Inviter</b>	PRO – HOCKEY Cz., s.r.o.
<b>Registered office of the Inviter</b>	Českomoravská 2420/15, Libeň, 190 00 Prague 9
<b>Inviter's Company ID Number</b>	25062689
<b>Website of the Inviter</b>	<a href="http://www.ceskyhokej.cz">www.ceskyhokej.cz</a>

### **1.2. Representative of Inviter**

The representative of the Inviter in matters related to this tender procedure is NEWTON Business Development, a.s., with its registered office at Prague 1, Politických vězňů 912/10, Postal Code 11000, Company ID 27455947, e-mail: [david.prudek@newton.cz](mailto:david.prudek@newton.cz), data box identifier: vs4fd3u.

The Inviter's representative is entrusted with the performance of the Inviter's activities in this tender procedure and ensures communication on behalf of the Inviter in compliance with Clause 2.

## **2. COMMUNICATION BETWEEN THE INVITER AND CANDIDATES**

Communication between the Inviter and those interested in participating in the tender procedure (the "candidates") and in concluding the contract will take place electronically via e-mail address: [david.prudek@newton.cz](mailto:david.prudek@newton.cz) or via data boxes.

## **3. INFORMATION ON THE REQUESTED PERFORMANCE**

### **3.1. Subject of Inquiry**

The Inviter is a subsidiary of the Czech Ice Hockey Association (*in Czech: Český svaz ledního hokeje z.s.*), with its registered office at Českomoravská 2420/15, Libeň, 190 00 Prague 9, Company ID No.: 00536440 (hereinafter referred to as "**ČSLH**") and is entitled to dispose of ČSLH's marketing rights fully and unlimitedly based on the ČSLH decision of November 24<sup>th</sup>, 2005.

The subject matter of the intended contract, which is to be concluded on the basis of a tender, is the ***exercise of marketing rights specifically in connection with the national teams of the Czech Republic in ice hockey, for a period of at least four (4) game seasons***, starting on 1 July 2023.

The marketing rights available to the Inviter include:

- (a) Rights to the names and titles, i.e., the right to use the name and logo of a specific event and/or a specific entity, in particular for the advertisement/promotional purposes, including the right to make modifications and changes to that name/name and logo, and including any and all rights related thereto,
- (b) Rights to the documents and depictions of a personal nature, i.e., the right to make and/or use and/or make publicly available in any technical way documents and depictions of a personal nature, portraits, images, images, audio and other recordings and/or images transmitted for use in computer form relating to a natural person or his manifestations of a personal nature, including any and all rights related thereto, for the advertising/promotional purposes,
- (c) Media rights, i.e., the rights to make and broadcast television live broadcasts and/or TV recordings and/or TV summaries/edited versions and/or any other transmissions, recordings, and cuts, in any form or technology, from a specific event, including the right to interview a specific natural person and including all rights related thereto,
- (d) Advertising rights, i.e., rights to perform, place, secure, exploit and/or carry out advertisement/promotion in connection with a specific event or a specific entity, including all rights related thereto,
- (e) and any other rights whose performance is directed to the execution of the advertisement/promotion (e.g., management of specific domains).

For the purposes of the tender procedure and the intended contract to be concluded on its basis "advertisement/promotion" means in particular the promotion of the business name, logo, goods and/or services of the advertising/promotion partner of those interested in concluding the contract based on the tender procedure.

#### **4. COURSE AND NATURE OF THE TENDER PROCEDURE**

- 4.1.** The tender procedure is not subject to the regime of Act No. 134/2016 Coll., on Awarding of Public Contracts, as amended.
- 4.2.** The tender procedure shall commence with the publication of an announcement on the tender procedure on the website of the Inviter ([www.ceskyhokej.cz](http://www.ceskyhokej.cz)).
- 4.3.** Qualification Phase

The candidate shall become a tenderer in the tender procedure when he notifies the Inviter of his interest in participating in the tender procedure in writing. The candidate shall submit such a written notice of interest (request to participate) to the Inviter by **March 21<sup>st</sup>, 2022** at the latest together with evidence of fulfilment of the qualification criteria (see Clause 5 and 6 of this announcement).

#### **4.4. Negotiation Phase**

The negotiation phase (for more detail see Clause 8 and 9 of this announcement) will start at the end of the qualification phase, in which the Inviter will assess the fulfilment of the qualification criteria by each candidate for participation in the tender procedure. Candidates who have fulfilled the qualification criteria will be invited by the Inviter to submit their bid in tender for the conclusion of a contract based on which the Inviter's marketing rights will be assigned for the agreed fee (hereinafter referred to as the "**Invitation**"). The Invitation and the draft contract contained therein will contain a more detailed specification of the Inviter's requirements for the tenderers' bids and the method of their evaluation. The Inviter hereby informs the candidates that provision of a security, in the amount specified by the Inviter in Invitation, may be requested for the negotiation phase.

The Inviter reserves the right to negotiate with individual tenderers who submitted their bids based on the Invitation. In particular, the contractual and technical conditions of performance may be discussed during the negotiations. The Inviter reserves the right not to conclude a contract with any of the candidates on the basis of the negotiation phase.

### **5. QUALIFICATION PHASE - REQUEST TO PARTICIPATE**

- 5.1.** Candidates interested in participating in the tender procedure shall submit **their applications for participation in electronic form** to the e-mail address: [david.prudek@newton.cz](mailto:david.prudek@newton.cz) or via the data box: vs4fd3u. Requests to participate shall be made by the candidates within the time limit set for that purpose, i.e., no later than on **March 21<sup>st</sup>, 2022**.
- 5.2.** The tenderer is responsible for the timely, proper and complete submission of its request to participate.
- 5.3.** The request to participate, any subsequent bid or offer of the candidate and all other communication by the candidate/tenderer must be provided in **Czech or English** languages.

- 5.4.** The Inviter requires that the request to participate shall include the required information and documents (as specified hereinunder) and recommends to the candidates to use the following order of documents (in particular if they are part of a single file):
- a) title page of a request to participate with the candidate's identification details,
  - b) documents proving that qualifications have been met,
  - c) other documents which, according to this announcement, shall form part of the request to participate, or other documents which, in the opinion of the tenderer (candidate), are to form the content of the request to participate.

## **6. QUALIFICATION REQUIREMENTS OF THE INVITER**

- 6.1.** The Inviter determines the qualification requirements. A candidate shall be considered qualified for the participation in the tender procedure if it demonstrates compliance with the following requirements:
- a) basic competence (para. 6.2.),
  - b) professional competence para.6.3.),
  - c) economic qualifications (para. 6.4),
  - d) technical qualifications (para. 6.5) and
  - e) other qualifications (para. 6.6 of this announcement).

### **6.2. Basic competence**

<b>Qualified shall be a candidate who</b>		<b>Method of proving the fulfilment of basic competence (documents)</b>
a)	has not been convicted in the country of its registered office in the last five (5) years prior to the start of the tender procedure for a business-related offence (economic crimes, participation in an organised criminal group, crimes against property, crimes against the Czech Republic, a foreign state and an international organisation) or a similar offence under the law of the country of residence of the candidate; expunged convictions are not taken into account.	<p><i>Extract from the Criminal Register of a candidate himself if a candidate is a natural person;</i></p> <p style="text-align: center;"><i>or</i></p> <p><i>Extract from the Criminal Register of a legal entity and each member of its statutory body if the candidate is a legal entity.</i></p>

<b>Qualified shall be a candidate who</b>		<b>Method of proving the fulfilment of basic competence (documents)</b>
	<p>In the case of a legal entity, this condition must be met by the legal entity itself and at the same time by each member of its statutory body.</p> <p>If a member of the statutory body of the candidate is a legal entity, the condition must be met by the legal entity, each member of the statutory body of the legal entity and the person representing the legal entity in the statutory body of the candidate.</p>	
b)	has not current tax arrears recorded in the tax records in the Czech Republic or in the country of its registered office;	<p><i>Confirmation by the competent tax authority</i></p> <p><i>and</i></p> <p><i>An affidavit of the candidate in relation to excise (consumption) tax with respect to this qualification requirement.</i></p>
c)	has no outstanding balance on public health insurance premiums or penalties due in the Czech Republic or in the country of its registered office;	<i>An affidavit of the candidate with respect to this qualification requirement.</i>
d)	has no outstanding arrears with respect to social security premiums or penalties and contributions to the state employment policy in the Czech Republic or in the country of its registered office;	<i>Confirmation of the relevant district social security administration.</i>
e)	is not in liquidation, has not been subject to a bankruptcy order, has not been placed under another legal regulation or in a similar situation under the law of the candidate's country of residence.	<p><i>Extract from the Commercial Register,</i></p> <p><i>or</i></p> <p><i>An affidavit of the candidate in relation to the fulfilment of this requirement if the candidate is not registered in the Commercial Register.</i></p>
<p>Documents proving basic competence must prove the fulfilment of the required basic competence no later than three (3) months before the date of commencement of the tender procedure (i.e., must not be older than three (3) months at the time of the commencement of the tender procedure).</p>		

Qualified shall be a candidate who	Method of proving the fulfilment of basic competence (documents)
<p>The supplier may also demonstrate proof of basic competence by submitting an extract from the List of Qualified Contractors.</p> <p>If the candidate does not have the documents under this Clause at the time of submitting the request to participate at his disposal, he is entitled to prove the fulfilment of the above-mentioned qualification criteria in his request to participate by an affidavit. In such a case, the candidate is obliged to submit to the Inviter the documents referred to in points 6.2 (a) to (e), respectively an extract from the List of Qualified Contractors at the latest when submitting the tenderer's bid at the negotiation phase (if he has been qualified to participate in the negotiation phase).</p>	

### 6.3. Professional competence

Professional competence is met by the candidate who submits	Method of proving the fulfilment of professional competence (documents)
<p>a) an extract from the Commercial Register or other similar record proving the scope of the candidate's business license (trade licenses).</p>	<p><i>Extract from the Commercial Register, if the candidate is registered in the Commercial Register or an affidavit of the candidate who is not registered in the Commercial Register</i></p> <p><i>and</i></p> <p><i>extract from the Trade Register or extract from other similar records</i></p>
<p>An extract from the Commercial Register, an extract from the Trade Register or an extract from another similar register must prove compliance with the requirement for professional competence pursuant to par. 6.3 letter a) no later than three (3) months before the date of commencement of the tender procedure (i.e., it must not be older than three (3) months at the time of the commencement of the tender procedure).</p>	

### 6.4. Economic qualification

The economic qualification is met by a candidate who submits	Method of proving compliance with economic qualifications (documents)
<p>a) proof of revenues of at least CZK 50 million (excluding VAT) per year, cumulatively for the three immediately preceding accounting</p>	<p>The candidate shall prove its revenues <b>by submitting an annual report (if it</b></p>



<b>The economic qualification is met by a candidate who submits</b>	<b>Method of proving compliance with economic qualifications (documents)</b>
periods	<b>is being executed) or by the candidate's financial statements</b> for three immediately preceding financial years or by a similar document under the law of the candidate's country of residence.

### 6.5. Technical qualification

<b>The technical qualification is met by a candidate who:</b>	<b>Method of proving compliance with technical qualifications (documents)</b>
<p>a) (i) has performed similar business opportunities for an EU country's national team (in any sport) in the last ten (10) years prior to the commencement of the tender procedure for at least three (3) consecutive years; or</p> <p>(ii) has performed similar business opportunities at the national or regional level (in any sport) in the last ten (10) years prior to the commencement of the tender procedure in a minimum financial volume of CZK 20 million (excluding VAT) per year, for at least three (3) consecutive years.</p>	<p><i>The candidate shall submit a list of similar business opportunities in the last ten (10) years. The list shall indicate at least the following:</i></p> <ul style="list-style-type: none"> <li><i>a) name of the client,</i></li> <li><i>b) the subject of performance of the contract,</i></li> <li><i>c) the time and place of performance,</i></li> <li><i>d) the financial volume of the transaction,</i></li> <li><i>e) the customer's contact person, with whom it will be possible to verify the performance, including contact e-mail and telephone.</i></li> </ul> <p><i>An equivalent document to prove the above criterion is in particular a contract with the client and a conclusive proof of the proper performance of the candidate's obligations.</i></p>

### 6.6. Other qualifications

<b>Other qualifications criterion is met by a candidate who</b>	<b>Method of proving the fulfilment of other qualifications (documents)</b>

a)	<p>(i) is not and has not been a party to judicial or arbitration proceedings as a plaintiff or petitioner in a civil law case in which the Inviter or ČSLH is/was a party on the opposite side, if this condition is also met by persons connected with him; and at the same time</p> <p>(ii) provides the Inviter with a list of litigations to which he has been or is currently a party in the last five (5) years, in which the amount of performance exceeds CZK 500,000 (excluding VAT), or a declaration of absence of litigation.</p>	<p>A list of litigations in which the interested party has been or is currently a party in the last five (5) years, in which the amount of performance exceeds CZK 500,000 (excluding VAT), or a declaration of the absence of litigation.</p>
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A candidate shall be deemed to be interconnected with the other persons if at least one of the following relationships exists between or among them:

a) one enterprise has a majority of the shareholders' or members' voting rights in another enterprise;

(b) one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;

(c) one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;

(d) one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise

Entities which have any of the relationships referred to in points (a) to (d) with the candidate through one or more other entities shall also be considered as persons interconnected with the candidate.

## **7. COMMON PROVISIONS ON QUALIFICATION**

### **7.1. Authenticity and language of documents proving fulfilment of qualification criteria within the time limit for proof of qualification**

The candidate shall prove that the qualification has been met in all cases by means of documents submitted in simple copies (e.g., scanned form shall be sufficient).

In the case **of foreign-language documents**, the candidate shall attach a (simple) **translation** of documents into Czech or English. If the Inviter has doubts about the correctness of the

translation, he is entitled to request the submission of an officially certified translation of the document.

## **7.2. Proof of qualification obtained abroad**

If the qualification was obtained abroad, it is proved by documents issued under the law of the country in which it was obtained, to the extent required by the Inviter.

Confirmation for foreign candidates for the absence of arrears in the Czech Republic is issued in relation to

- tax arrears by the Tax Office for Prague 1,
- arrears of social security premiums and penalties and contributions to the state employment policy of by the Prague Social Security Administration.

## **7.3. Proof of part of the qualification through other persons**

The passing of part of the qualification through other persons is not permitted.

# **8. NEGOTIATION PHASE**

- 8.1.** The Inviter will invite the candidate who proves that he has fulfilled the qualification criteria (tenderer) to submit a bid/offer in the tender and may subsequently invite him to discuss it.
- 8.2.** The deadline for the submission of bids/offers will be set out in the Invitation.
- 8.3.** The Inviter may negotiate the bids/offers with the tenderers to clarify and supplement any conditions to suit the needs and requirements of the Inviter. The Inviter reserves the right to request any explanation, documents or information necessary for conducting the negotiations, and shall be entitled to communicate these requirements to the tenderers directly at the meeting or in writing outside the meeting.
- 8.4.** Subject to the Inviter's discretion, the individual meetings may also take place remotely, in the form of electronic communication. The Inviter may also conduct the negotiation in writing.
- 8.5.** In the case of personal meeting, the Inviter is entitled to discuss the tenderers separately or jointly, whatever the Inviter consider appropriate.
- 8.6.** The Inviter reserves the right to set for negotiations with tenderers any further terms and conditions or the manner of conducting negotiations.

- 8.7. Subsequently, the Inviter will assess whether the conditions for participation in the tender procedure were met by the tenderers (except for those already demonstrated in earlier phase of the tender procedure) and will evaluate the tenderers' bids/offers.

## **9. COMMERCIAL TERMS AND CONDITIONS**

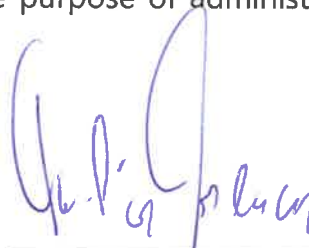
- 9.1. The Inviter shall set out the terms and conditions of the contract by providing the draft contract, which will form a part of the Invitation, and which will be binding on the tenderer in the tender procedure if not modified at the negotiation phase.
- 9.2. The tenderer is not entitled to make any changes or additions to the draft contract except for data that are explicitly marked for completion by the Inviter; this is without prejudice to the tenderer's ability to add their comments/suggestions for modifications in the negotiation phase.
- 9.3. The tenderer must make the draft contract part of his bid/tender with additions in the designated places, but the draft need not to be signed.

## **10. RESERVATIONS OF THE INVITER**

- 10.1. The costs associated with participation in the tender procedure shall be borne by each tenderer himself/herself.
- 10.2. The Inviter reserves the right to change or supplement the terms and conditions of the tender procedure.
- 10.3. The Inviter reserves the right to rescind the tender procedure at any time before the conclusion of the contract.
- 10.4. Submission of several bids/offers by a tenderer will not be accepted.
- 10.5. The Inviter reserves the right to exclude a tenderer who does not meet the conditions of the Invitation or does not provide cooperation to conclude a contract.
- 10.6. The Inviter may verify the credibility of the data and documents provided and may also obtain them himself, for example from third parties or from publicly available sources. The tenderer is obliged to provide Inviter with all necessary cooperation in this regard.

## **11. INFORMATION ON THE PROCESSING OF PERSONAL DATA**

- 11.1.** The Inviter in the position of a personal data controller hereby informs, within the meaning of Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as "**GDPR**"), the candidates and tenderers in the tender procedure on the processing of personal data for the purpose of carrying out the tender procedure.
- 11.2.** As part of the implementation of the tender procedure, the Inviter may process the personal data of candidates, members of statutory bodies, contact persons of candidates and members of the candidate's implementation team for legitimate business purposes, which are (i) assessment of the qualifications of individual candidates, (ii) communication with candidates or tenderers during the tender procedure and (ii) demonstrating the transparency of the carrying out the tender procedure.
- 11.3.** The Inviter will process personal data only to the extent necessary to fulfil the above stated purposes and only for the time necessary to fulfil the purpose.
- 11.4.** Data subjects are entitled to exercise their rights under Articles 13 to 22 of the GDPR in writing at the address of the Inviter's registered office. In the event of objections to data processing within the meaning of Article 21 (1) GDPR, data subjects acknowledge that the exercise of the right to object may affect the ability of the Inviter to assess the qualifications of the candidates or the effectiveness of further communication with the candidates in the tender procedure.
- 11.5.** The Inviter transmits personal data for processing to the representative of the Inviter as a personal data processor, for the purpose of administration of the tender procedure.



Martin Urban, Executive Officer

**PRO – HOCKEY Cz., s.r.o.**