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## Directive S2019-03

16 December 2019

# Directive regulating investment budget creation and public procurement procedure pursuant to Act No. 134/2016 Coll. on Public Procurement

## Article 1 Subject of Requisitions

As relates to the creation of a public procurement budget and schedule for the new calendar year, team leaders shall, on behalf of their group, prepare a list of the investment instrumentation they wish to requisition.<sup>1</sup> Requisitions shall be entered in the Investment Requisition Form, which comprises Appendix No. 1 of this Directive. The form must always include the technical specification, which itself comprises a separate appendix to the completed form.

In particular, the form must give the following information: instrument name, instrument functionality for summarization in relation to the thresholds stipulated in Act No. 134/2016 Coll. on Public Procurement, the price without VAT, the source of financing, and the location in which the instrument is to be installed (e.g. room no.). At the same time, it is necessary to describe any additional or induced expenditures related to the investment, i.e. building works, modifications to technologies, etc.

All operations must be carried out in compliance with Act No. 134/2016 Coll. on Public Procurement, as amended. The user's group is obligated, via an authorized person, to provide maximum cooperation in the execution of a public tender, particularly in preparing the technical specification in a format compatible with the tender documentation, and the authorized person shall sign the final version as confirmation of its accuracy. The technical specification must not state the brand name of the requisitioned instrument or contain any references to the instrument.<sup>2</sup>

## Article 2 Requisition Submission

Requisition forms with appended technical specification for the creation of an investment budget for the following year may be submitted to the office of the **Budget Administrator** (hereafter "the BA"), Building D, 1<sup>st</sup> floor, room 103/2, no later than January 20 of the year in question and, at the same time, electronically to [investments@uochb.cas.cz](mailto:investments@uochb.cas.cz). Questions may also be sent to this email address.

In the event of unforeseeable circumstances (e.g. an emergency or the award of a new project) arising after the requisition submission deadline, the authorized person must immediately contact the BA to discuss a suitable course of action.

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<sup>1</sup> Investment is defined as an expenditure for an instrument for a principle activity in the amount of 40 thousand CZK with VAT; for an economic activity in the amount of 40 thousand CZK without VAT.

<sup>2</sup> This does not apply to a unique instrument of which there is only one manufacturer in the world.

The budget is subject to approval by the director and the Board of the Institute and is also reviewed by the Supervisory Board.<sup>3</sup> All approved information is binding, and any changes, such as broadening or narrowing the technical or financial criteria, that would impact the plans of other teams by disrupting the public procurement schedule and the approval process heretofore should be avoided.

### **Article 3**

#### **Requisition Summarization and Budget Approval**

After January 20 of each year, the BA conducts a requisition summarization, which is then submitted to the IOCB Methodical Board for evaluation with particular focus on alignment with the research aims of the institute, duplicity, suitability for a broader scope of users, and economy.

Upon validation of the requisition form by the Methodical Board, the BA submits it to the director of the institute for authorization and then as a budget proposal to the Board of the Institute for authorization as well as to the Supervisory Board for review. The BA shall take these steps in immediate succession. If the individual bodies are not scheduled to convene a meeting, authorization and review shall take place in writing.

### **Article 4**

#### **Budget Execution**

Upon authorization of the budget, the BA defines the types of public contracts for individual groups of instruments based on their anticipated price.

Group 1: long-term assets tangible/intangible comprising individual items executed as small-scale public contracts in the following categories:

Category 1 – anticipated price below 250 thousand CZK without VAT for direct purchase at open market value;

Category 2 – anticipated price from 250 thousand CZK to 499.99 thousand CZK without VAT for purchase following evaluation of, typically, three competitive quotes from potential suppliers for instruments with the same parameters;

Category 3 – from 500 thousand CZK to 1.999 million CZK without VAT for solicitation of tenders from at least three potential suppliers via the profile of the contracting authority with a tender submission deadline of ten business days.

Group 2: long-term assets tangible/intangible subject to the below-threshold contract and above-threshold contract regimes:

- a) below-threshold contracts from a threshold of 2,000,000 CZK without VAT
- b) above-threshold contracts from a threshold of 5,494,664 CZK without VAT

Group 3: negotiated procedure without publication or negotiated procedure with publication – only in extraordinary and specific cases while maintaining compliance with legal requirements.

The BA submits the documentation for soliciting Group 1 tenders to the Material-Technical Support

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<sup>3</sup> For instruments costing more than 8 million CZK, the Asset Committee and the Council of the Czech Academy of Sciences continue the authorization process.

department for execution of the next phase of the process.

After consulting the documentation for soliciting Group 2 tenders with an external provider of public procurement services and authorization of the final version by the user, the BA submits the documentation to the legal department for final review and delivery to the director for signature. All participants in the process are obligated to immediately present any information they receive to the BA so that throughout the negotiations the BA is informed about related circumstances and has at its disposal all necessary documents, including the names of committee members and their substitutes.

The administrative process for below-threshold and above-threshold tenders, including signature of the contract of the selected supplier and subsequent publication pursuant to the law, is executed by the external service provider on the basis of the agreement entered into with said provider.

Following signature of the contract with the selected supplier, execution of the entire asset procurement process in accordance with the aforesaid points becomes the sole responsibility of the Material-Technical Support department. The department is responsible for the accuracy and completeness of the entire procurement process, in particular publication of the contract, delivery and installation of the instrument, fulfillment of all contract obligations, assessment of all costs relating to the procurement, legal obligations concerning the publication of information on the profile of the contracting authority, and subsequent document archiving. In so doing, the department shall respect all legislative and formal obligations as well as internal systematic procedures.

The BA shall provide oversight of adherence to the execution schedule until the procurement process is finalized and the asset becomes property of the institute.

## **Article 5**

### **Asset Implementation**

Following execution of the procurement, the investment officer notifies the Operating Assets department of the completion of the procurement process for a long-term tangible asset or long-term intangible asset and submits to the aforesaid department a breakdown, in unit prices, of all the costs relating to the procurement. The Operating Assets department implements the asset according to the Schedule of Depreciation and Appendix No. 1 of the income tax act and then enters it in the accounting records.

## **Article 6**

### **Other**

In the course of carrying out the operations set forth in this Directive, all participants may, if necessary, consult with the IOCB Legal office either alone or together with the BA.



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