

DECREE
of 14 June 2006

on Publication of Notifications for the Purposes of the Act on Public Contracts

Pursuant to § 159(4) of Act no. 137/2006 Coll., on Public Contracts (hereinafter referred to as “the Act”), the Ministry for Regional Development lays down:

§ 1

This Decree provides for:

- a) access to the published notifications,
- b) types of standard forms by means of which the notifications are published in the Information System on Public Contracts (hereinafter referred to as “the Information System”),
- c) manner of publication of the notifications related to bellow-the-threshold public contracts,
- d) manners of delivery of notifications to the operator of the subsystem of the Information System (hereinafter referred to as “the operator”),
- e) procedure to rectify defects in notifications,
- f) procedure to alter information in the published notifications,
- g) list of compulsory information to be published in the notifications, which are to be made known in the Information System,
- h) model standard form for the notice of setting aside of the award procedure or the design contest.

§ 2

All information in the notifications delivered pursuant to § 5, shall be published on the Internet address of the operator. The notifications published and the alterations thereof pursuant to § 7 shall be accessible for the general public free of charge for the period of time of not less than 5 years as from the date of publication thereof.

§ 3

- (1) The contracting body shall make use of the model standard form pursuant to § 4 to publish the notification in the information system.
- (2) The contracting body shall make use of the model standard form of the Notice of Setting Aside the Award Procedure or the Design Contest to publish the notice of setting aside of an award procedure or of a design contest.

§ 4

- (1) The contracting authority shall make use of the standard form of the Prior Information Notice provided for in the directly applicable regulation of the European Communities¹ to publish the prior information notice.
- (2) The contracting authority shall make use of the standard form of the Contract Notice provided for in the directly applicable regulation of the European Communities¹ to publish the notice of the initiation of an award procedure.
- (3) The contracting authority shall make use of the standard form of the Contract Award Notice provided for in the directly applicable regulation of the European Communities¹ to publish the notice of the result of an award procedure.
- (4) The sector contracting entity shall make use of the standard form of the Periodic Indicative Notice – Utilities provided for in the directly applicable regulation of the European Communities¹ to publish the periodic indicative notice.
- (5) The sector contracting entity shall make use of the standard form of the Contract Notice – Utilities provided for in the directly applicable regulation of the European Communities¹ to publish the notice of the initiation of an award procedure.
- (6) The sector contracting entity shall make use of the standard form of the Contract Award Notice – Utilities provided for in the directly applicable regulation of the European Communities¹ to publish the notice of the result of an award procedure.
- (7) The contracting body shall make use of the standard form of the Notice on Contracting Body Profile provided for in the directly applicable regulation of the European Communities¹ to publish the notice on the contracting body profile.
- (8) The contracting body shall make use of the standard form of the Simplified Contract Notice on a Dynamic Purchasing System provided for in the directly applicable regulation of the European Communities¹ to publish the simplified notice.
- (9) The contracting body shall make use of the standard form of the Design Contest Notice provided for in the directly applicable regulation of the European Communities¹ to publish the design contest notice.
- (10) The sector contracting entity shall make use of the standard form of the Notice of Results of a Design Contest provided for in the directly applicable regulation of the European Communities¹ to publish the notice of results of a design contest.

§ 5

- (1) The contracting body shall furnish the notifications to be published or requirements upon alterations of such notifications to the operator pursuant to § 7:
 - a) in paper form,
 - b) by fax, or
 - c) by electronic means
 1. signed with valid advanced electronic signature based on a qualified certificate², or
 2. by means of a remote access with direct filling in the notification in the information system; filling the notification in shall entail the information signed with valid advanced electronic signature.
- (2) The notification furnished to the operator in a manner pursuant paragraph (1)(a) or (b), which is not signed by an authorised person or by persons of the contracting body, shall not be published. The notification furnished to the operator in a manner pursuant

¹ Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the framework of public procurement pursuant to Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council.

² Act no. 227/2000 Coll., on Electronic Signature and on Amendments to Certain Other Acts (the Electronic Signature Act), as subsequently amended.

to paragraph (1)(c), which is not signed with valid advanced electronic signature based on a qualified certificate and made out to an authorized person or persons of the contracting body, shall not be published either.

§ 6

- (1) Unless the notification furnished to the operator contains essentials pursuant to § 5(2) and information pursuant to § 8, such a notification shall not be published.
- (2) The operator shall dispatch to the contracting body the notice of the fact that the notification shall not be published on account of defects pursuant to paragraph 1, due statement of reasons included, within 3 working days as from the day of the receipt of such a notification. The operator shall simultaneously invite the contracting body to rectify defects of the notification.

§ 7

- (1) Where the contracting body in compliance with § 147(8) requests an alteration of the published notification, it shall act by analogy pursuant to § 3 and § 4, and at the same time it shall refill in the relevant form and modify the information therein, which it requests to alter.
- (2) In the case of publication of an altered notification, the operator shall simultaneously arrange for the indication of information in such a notification and citation of invalidity thereof.

§ 8

The information, which shall be indicated in relevant forms are set out by regulations of the European Communities.³ The obligation of the contracting body to publish information where the obligation of publication thereof is imposed by law shall not be prejudiced thereby. The option not to publish certain information where it is laid down by law or by separate legal regulation shall not be prejudiced either.

§ 9

This Decree shall enter into effect on 1 July 2006.

Minister:

Mgr. Martínek, autograph

³ Annexes XIII, XV A, XV B, XVI to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport, as amended by Commission Directive 2005/51/EC of 7 September 2005 amending Annex XX to Directive 2004/17/EC and Annex VIII to Directive 2004/18/EC of the European Parliament and of the Council on Public Procurement.

Annexes VII A, VII B, VII C, VII D to Directive 2004/18/EC of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as amended by Commission Directive 2005/51/EC of 7 September 2005 amending Annex XX to Directive 2004/17/EC and Annex VIII to Directive 2004/18/EC of the European Parliament and of the Council on Public Procurement.