**COMPETITION TERMS AND CONDITIONS**

**public one-phase architectural design competition**

**"*Reconstruction and completion of the cinema and landscaping, Česká Kamenice*"**



In Česká Kamenice, on 1 March 2019

**The City of Česká Kamenice**

in accordance with Act no. 134/2016 Coll., On Public Procurement, as amended, in accordance with the Rules of Competition of the Czech Chamber of Architects of 24 April 1993, as amended, in accordance with Act no. 183/2006 Coll., On Spatial Planning and Building Code (the Building Act), as amended, in accordance with Act no. 360/1992 Coll., On Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians Active in Construction, as amended, taking into account the provisions of Sections 1772 to 1779 of Act no. 89/2012 Coll., the Civil Code

**hereby announces**

PUBLIC ARCHITECTURAL DESIGN COMPETITION

**"*Reconstruction and completion of the cinema and landscaping, Česká Kamenice*"**

and issues these

**competition terms and conditions**

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# **1 THE ANNOUNCER, JURY, INVITED EXPERTS AND BODIES ASSISTING TO THE JURY**

## ***1.1 THE ANNOUNCER***

**The City of Česká Kamenice**

Náměstí Míru 219

407 21 Česká Kamenice

IČ No.: 00 26 12 20

VAT number: CZ 00 26 12 20

Represented by Jan Papajanovský, Mayor

## ***1.2 COMPETITION ORGANIZER AND SECRETARY***

**Tomáš Veselý**

Tomkova 4, 150 00 Praha 5

420 273 136 957, +420 603 554 876

[info@arch-souteze.cz](mailto:info@arch-souteze.cz) .

## ***1.3 THE AUTHOR OF THE COMPETITION TERMS AND CONDITIONS***

**Tomáš Veselý**

Tomkova 4, 150 00 Praha 5

420 251 566 582, +420 603 554 876

[info@arch-souteze.cz](mailto:info@arch-souteze.cz) .

## ***1.4 THE JURY***

**The full members of the jury independent dependent**

Ondřej BenešJan Papajanovský - Mayor

Chairman of the Jury Deputy Chairman of the Jury

Matthias Horst Václav Doleček - Vice-Mayor

Jaroslava Zajícová Martin Konečný - Councilor

Jan Mach

**Substitute members** **independent dependent**

Jan Harciník Daniel Preisler, School Headmaster

Jakub Straka Martin Hruška - Assembly member

Tomáš Bartoň - Investment Officer

Jiří Šulc - Head of Department

Alena Sellner - npú

## ***1.5 INVITED EXPERTS***

**Specialists in** economics and budget Martin Hvězda

The jury may ask the announcer to invite other experts in the course of the competition.

## ***1.6 COMPETITION ENTRIES EXAMINER***

Tomáš Zdvihal - architect

# **2 SUBJECT OF THE COMPETITION AND COMPETITION DETAILS**

## ***2.1 SUBJECT OF THE COMPETITION***

The subject of the competition is the design of reconstruction and completion of the cinema building in Česká Kamenice. The proposed design will also include adjacent land, including roads, within the defined territory. The specifics of the design are left to the entrants' invention. The announcer requires that after the reconstruction the building is energy-efficient and complies with the Energy Management Act, as amended.

## ***2.2 COMPETITION ASSIGNMENT***

2.2.1 Obligatory requirements concerning the subject of the competition

The announcer requests that:

- Possible completion of the building was only within the internal solved territory

- At least the current number and size of apartments must be retained.

2.2.2 Additional requirements concerning the subject of the competition

The announcer requires an energy-efficient building according to the valid legislation, with an estimated cost of CZK 30 mil. without VAT for the building (buildings) and CZK 5 mil. without VAT for modifications of the public space in the solved territory. The estimated cost does not include the cost of the interior equipment, the technical equipment and the multi-functional hall sound system. The Building program - see Annex P03 of the Terms and Conditions. Failure to comply with the budget will not be a reason for exclusion from the competition, but it is one of the evaluation criteria. Construction costs higher than the assumed amount may lead to a split of the investment into separate stages.

2.2.3 Consequences of non-compliance with the announcer's requirements concerning the subject of the competition

Failure to comply with the requirements in section 2.1 will result in the exclusion from the competition. Failure to comply with the requirements in section 2.2 will not be a reason to exclude the entry from the assessment and to exclude the entrant from the competition. The entrant should justify the non-compliance. Complying with the competition requirements is however one of the assessment criteria that the jury will judge as part of the overall solution.

# **3 THE TYPE AND PURPOSE OF THE COMPETITION, SPECIFICATION OF THE SUBSEQUENT CONTRACT**

## ***3.1 TYPE OF COMPETITION***

3.1.1 According to the subject of the solution, the competition is declared architectural.

3.1.2 According to the number of entrants, the competition is declared open.

3.1.3 According to the number of phases announced, the competition is declared one-phase.

3.1.4 According to the intention of the solution, the competition is declared as a project.

## ***3.2 PURPOSE AND MISSION OF THE COMPETITION***

3.2.1 The purpose and mission of the competition is to find and evaluate the most appropriate solution of the subject of the competition that meets the requirements of the announcer contained in these competition terms and conditions and in the competition dossier and to select the entrants with whom the announcer will negotiate the award of a subsequent contract pursuant to section 3.3 of these terms and conditions, within the negotiated procedure without publication under Section 143 paragraph 2 and Section 65 of the Act (hereinafter referred to as "JŘBU").

3.2.2 Announcer

(a) will first invite the entrant, whose entry was evaluated as the best, to negotiate, and providing they agree on the conclusion of the contract, that shall terminate the negotiations;

(b) in case the proceedings referred to in (a) fail to lead to an agreement on the conclusion of the contract, the announcer shall invite the entrant whose entry was the second best and, if they agree to conclude the contract, that shall terminate the negotiations;

(c) in case the proceedings referred to in (b) fail to lead to an agreement on the conclusion of the contract, the announcer shall invite the entrant whose entry was the third best, to negotiate a contract, and shall terminate the JŘBU process after the negotiations with that entrant.

## ***3.3 SPECIFICATION OF THE SUBSEQUENT CONTRACT***

3.3.1 Based on the competition results, the announcer intends to conclude a contract for:

(a) completion of the design / study of the construction

(b) project for the location of the construction (territorial proceedings)

(c) building permit project (building permit)

(d) the construction execution project

(e) an inventory of works and supplies

(f) dossier of interior, fixed and mobile

(g) author on site supervision

Depending on the design, the project for the location of the building and the building permit project may be combined.

3.3.2 The expected value of the subsequent contract is not established. It will be based on the data submitted by the entrants in this competition. The subsequent contract cost may not exceed the usual cost and must include all costs.

# **4 COMPETITION ENTRANTS**

## ***4.1 CONDITIONS FOR COMPETITION ENTRY***

The conditions for entering the competition will be met by natural and legal persons, or their companies, who will prove that:

(a) they are nationals of the Czech Republic or of a Member State of the European Economic Area and the Swiss Confederation or have their registered office in the Czech Republic or in a Member States of the European Economic Area or the Swiss Confederation;

(b) none of the authors or co-authors of the competition entry or their co-workers mentioned   
in the list enclosed in the envelope entitled "AUTHOR" and, in the case of legal entities, none of the statutory bodies:

(b.1) did not directly participate in the preparation of the competition and in the announcement of the competition results;

(b.2) is not a full member or a substitute member of the jury, the jury secretary, the examiner of the competition entries or the invited expert of the competition;

(b.3) is not a spouse, direct relative, permanent project partner, immediate superior or direct co-worker of the persons referred to in points b.1 and b.2, if these are listed in the competition terms and conditions;

(b.4) is not a member of the self-governing bodies of the announcer or an employee of the announcer or legal entities established by the announcer that participated in the negotiation and approval of the competition terms and conditions, the competition details or will participate in the negotiation and approval of the results of the competition, the results of the award procedure following the competition and the results of the contract awarded in connection with the competition;

(c) they meet the basic qualification requirements according to Section 74 of the Public Procurement Act no. 134/2016, Coll.;

(d) they are entered in the Commercial Register or other registry (not applicable to natural persons and their companies and to legal persons resident in a country where such registries are not required);

(e) they have a business license for a project activity in the field of construction (does not apply to persons carrying out the activity of an architect as a free profession and to natural and legal persons established in a country where such authorization is not required);

(f) they are authorized persons under Act no. 360/1992 Coll., On Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians Active in Construction, as amended, or possibly they are authorized architects under the law of the state in which the person is a citizen or has the registered office.

## ***4.2 EVIDENCE PROVING COMPLIANCE WITH COMPETITION TERMS AND CONDITIONS***

4.2.1 The entrant shall prove compliance with the terms and conditions pursuant to par. 4.1 by an affidavit enclosed in an envelope marked "AUTHOR" (see par. 6.5 of herein).

(a) the conditions referred to in point (a), (b) and (c) by an affidavit;

(b) the condition referred to in point (d) by a simple copy of the record from the Commercial Register or other register, if kept;

(c) the condition referred to in point (e) by a simple copy of the record from the Trade register or other register;

(d) the condition referred to in point (f) by a simple copy of the authorization certificate.

4.2.2 When submitting a competition entry jointly as a group of more than one natural persons, each of these persons shall meet the conditions set forth in par. 4.1. (a), (b) and (c). Compliance with the other conditions is shown by these persons together.

4.2.3 When submitting a competition entry jointly as a group of more than one legal entities, each of these entities shall meet the conditions set forth in par. 4.1. (a), (b), (c) and (d). Compliance with the other conditions is shown by these entities together. Compliance with the basic eligibility conditions is demonstrated by the legal entities pursuant to the provisions of Section 74(2) of the Act.

4.2.4 The entrant shall be entitled to demonstrate the compliance with the conditions set out in par. 4.1 (e) through another person.

4.2.5 The person demonstrating the compliance with the condition set out in par. 4.1 (f) must be the author or co-author of the design.

4.2.6 A foreign entrant demonstrates compliance with the conditions set out in par. 4.1 (d), (e) and (f) to the extent appropriate to the law of the country in which the entrant has a registered office.

4.2.7 An entrant who will be invited, based on the results of the negotiated procedure without publication, to conclude the contract, shall present to the announcer original or officially certified copies of documents evidencing compliance with the terms and conditions referred to in par. 4.1.

## ***4.3 CONSEQUENCES OF NON-COMPLIANCE WITH COMPETITION CONDITIONS***

4.3.1 If the entrant fails to submit in the envelope "AUTHOR" the required documents proving the compliance with the conditions of entry in the competition under par. 4.2.1, the announcer shall promptly invite the entrant in writing to provide the required documents within 10 days. Till the end of this period, the announcer shall interrupt the evaluation session of the jury. In case the entrant fails to submit the requested documents by the end of the deadline, the jury will exclude his/her entry from the assessment and the announcer will exclude the entrant from the competition.

4.3.2 The announcer will exclude an entrant in case the announcer establishes that the entrant fails to meet the conditions for entry in the competition.

# **5 AVAILABILITY OF COMPETITION DOCUMENTATION, OTHER COMPETITION BACKGROUND DOCUMENTS, VISIT OF THE COMPETITION SITE AND EXPLANATION OF COMPETITION TERMS**

## ***5.1 AVAILABILITY OF COMPETITION DOCUMENTATION***

5.1.1 The competition terms and conditions and other competition documents are published on the profile of the announcer at *https: //zakazky.ceska-kamenice.cz\_* from the day the competition is announced until the end of the competition deadline.

5.1.2 Explanation of the competition terms and conditions concerning the subject of the competition will be published on the profile of the announcer with the text of the request (the query) without identification of the asking entrant, no later than 3 working days after the receipt of the request (query), the last date of publication is 18 April 2019. All explanations of the competition terms and conditions will be published by the end of the competition deadline and sent to all known entrants in the competition.

## ***5.2 COMPETITION BACKGROUND DOCUMENTS***

5.2.1 The announcer shall provide the entrants with the following documents in digital form in the following formats:

P01 Competition terms and conditions

P02 Drawings of the existing building and its surroundings - surveying details

P03 Technical description of the assignment, building program

P04 Digital model

P05 Photos for the drawings

P06 Arrangement of competition panels

P07 Photographs of the solved territory

P08 Sample of design work proposal

P09 Samples of the affidavits

5.2.2 The entrants undertake to use the materials only for their decision to participate in the competition and to prepare their competition entry.

## ***5.3 VISIT OF THE COMPETITION SITE***

The announcer will organize a guided visit of the competition site for the entrants. The date of the visit is **22 March 2019, at 10:00 on the site**. No questions regarding organizational issues of the competition and the subject of the competition will be answered during the site visit.

## ***5.4 EXPLANATION OF COMPETITION TERMS AND CONDITIONS (QUERIES)***

5.4.1 Entrants may submit requests for explanations of the terms and conditions only in writing to the email address of the competition secretary *ceskakamenice@arch-souteze.cz.*

5.4.2 Explanations of the terms and conditions will be published including the text (query) without the entrant's identification, together with the competition terms and background documentation.

# **6 COMPETITION ENTRY**

## ***6.1 FORMAL REQUIREMENTS ON THE COMPETITION ENTRY***

The competition entry shall include:

(a) 3 panels (A1) of 594×841 mm of lightweight material for exhibition purposes ("panels") containing the graphic details of the design (see 6.2), portrait orientation;

(b) 1 text part of the proposal, A4;

(c) a sealed envelope marked "CD" with the digital part of the design on a solid data carrier;

(e) a sealed opaque envelope marked "Author" (see section 6.5)

## ***6.2 GRAPHIC PART***

6.2.1 The following graphic representations with the recommended scale are required:

(a) situation 1:200 with the layout of the ground floor (connection to the surroundings)

(b) floor plans of the other floors in a scale of 1:200

(c) sections and views in a scale of 1:200 with a link to the surrounding area;

(d) a drawing into a photograph;

(e) visualization and other schemes or drawings are left at the discretion of the entrant.

6.2.2 Content of individual panels

Panel 1 will include the following graphical representations:

- situation 1:200, drawing into photo 1 by any technique, a brief abstract.

Panels 2 and 3 will include the following graphical representations:

- 1:200 floor plans with the title and square footage of the rooms; sections in a scale of 1:200, views 1:200 with links to the surrounding area, visualizations, diagrams, texts

The panels may be supplemented by other explanatory schemes or visualizations at the discretion of the entrant.

6.2.3 The announcer recommends to organize the competition panels according to the P06 - Arrangement of competition panels. The technique of processing the graphic part is left entirely at the discretion of the entrants.

The panels may contain additional representations containing a proposed solution beyond the above; their use, however, must not reduce the clarity of the expression of the design.

## ***6.3 TEXT PART***

6.3.1 The text part will contain:

(a) a title page;

(b) the list of parts of the competition entry designated by the serial number and the title of each part and the successive serial numbers (see paras. 6.6 (b) herein);

(c) a brief abstract of approximately 500 characters including spaces, for the purpose of presenting the entry;

(d) a textual representation of the proposed solution (cover report) of approximately 3600 characters.

6.3.2 The text part may also contain additional information and technical specifications of the proposal in the form of a text, sketches or diagrams specifying the principles of the solution and technical clarification of the design.

## ***6.4 ENVELOPE MARKED AS "CD - DIGITAL VERSION OF THE ENTRY"***

6.4.1 The entrant shall submit the contest in digital form on a solid data carrier CD-DVD/ROM or on a USB flash disk with the following contents in the following formats:

(a) the graphics part panels will be delivered in \*.pdf format in the resolution for publishing the competition entry on www or in the competition catalog,

(b) a textual representation of the entry in the format \*.doc or \*.docx,

(c) drawings in dwg format (situations, floor plans, sections). The drawings will be used for examination and for the work of an invited expert on building economics.

6.4.2 The entrant shall ensure that the files stored on the carrier and the data on the carrier itself do not indicate the name or other designation of the author and there is no breach of anonymity.

6.4.3 The entrant shall place the data carrier into the envelope marked "CD".

## ***6.5 ENVELOPE MARKED "AUTHOR"***

6.5.1 The envelope shall contain the following documents:

(a) details of the entrant - information about the author(s) and co-workers, i.e. their names, addresses, mutually agreed percentage of the award or reward, telephone or fax numbers, e-mail addresses;

(b) the name and address of the contact person for communication with the competition secretary, the bank account number on which the eventual award or reward will be delivered, the data box ID;

(c) the proposed future fee for a complete follow-on public contract, broken down by phases, according to point 3.3.1 herein;

(d) a signed copyright agreement in case the entrant is not the same as the author;

(e) an affidavit and a simple copy of the documents proving the compliance with the conditions for entry in the competition pursuant to par. 4.1 herein.

6.5.2 The envelope shall be sealed, intact and completely opaque.

## ***6.6 DESIGNATION OF THE ENTRY AND ITS PARTS***

6.6.1 All parts of the competition entry referred to in section 6 (6.1 - 6.7) herein (panels, text part folder, envelope marked "Author", solid data carrier) will be marked as follows:

(a) a 3×3 cm frame in the lower right corner, to which the secretary of the competition shall indicate the identification number of the entry;

(b) in the lower left corner, a 3×3 cm frame into which the entrant shall mark the sequence number of the part of the entry according to the list that is part of the text part;

c) marked in the lower central part as "Česká Kamenice".

## ***6.7 PACKAGING OF THE ENTRY***

All parts of the entry (panels, the text part folder, envelope marked "Author", envelope marked "CD") will be placed in a tight and sealed tamper-proof packaging with the inscription "DO NOT OPEN - COMPETITION - ČESKÁ KAMENICE - CINEMA RECONSTRUCTION"

## ***6.8 CONDITIONS OF ANONYMITY OF THE COMPETITION ENTRY***

6.8.1 Entries will be presented anonymously. No part of the competition entry (with the exceptions expressly stated herein) may contain the name and signature of the entrant or the password or any other graphic tag that could lead to the identification of the entrant and thus to anonymity breach.

6.8.2 Considering the necessity to observe the sender's anonymity, the sender's uniform address to be included in all postal submissions shall be:

Czech Chamber of Architects

Josefská 6

118 00 Prague 1 - Malá Strana.

6.8.3 In case the competition entry is sent by post or other mail service from the territory outside the Czech Republic, the entrant shall state the name and address of the professional association the entrant is registered with, under the law in force in the country of the entrant, or any other public organization that the entrant agrees on that.

6.8.4 The jury will exclude from the assessment any entry, where the examiner and the secretary during the examination of the competition entries or the jury in the evaluation of the competition entries, find violation of the conditions of anonymity. The announcer will exclude the entrant who submitted this entry from the competition.

## ***6.9 CONSEQUENCES OF NON-COMPLIANCE WITH COMPETITION ENTRIES REQUIREMENTS***

6.9.1 The jury shall disqualify any entries failing to contain any of the parts listed in par. 6.1.

6.9.2 The jury shall disqualify any entries that violate the anonymity. A violation of anonymity also means a failure to comply with the requirements for the envelope marked "Author" or "CD".

6.9.3 Entries disqualified by the jury for failure to comply with the competition requirements may be assessed outside the competition and may be awarded a special prize.

6.9.4 The announcer shall exclude from the competition all entrants, whose entries are disqualified by the jury.

# **7 EVALUATION CRITERIA**

## ***7.1 EVALUATION CRITERIA***

The criteria for the evaluation of competition entries are set (not in the order of significance) as follows:

(a) the overall urban, architectural, functional and design quality of the entry;

(b) the urban design solution in the context of the whole environment;

(c) compliance with the requirements of the competition assignment;

(d) the economy and financial soundness of the design and the solutions chosen;

(e) the quality of the overall competition entry processing.

# **8 PRIZES, REWARDS AND REFUNDS OF COMPETITION-RELATED COSTS**

## ***8.1 TOTAL AMOUNT FOR THE PRIZES, REWARDS AND REFUNDS OF COMPETITION-RELATED COSTS***

The total amount for prizes, rewards and competition-related refunds is set at

CZK 470,000 (in words: four hundred and seventy thousand Czech crowns).

## ***8.2 PRIZES***

8.2.1 The first prize is set at CZK 210,000 (in words: two hundred and ten thousand Czech crowns).

8.2.2 The second prize is set at CZK 140,000 (in words: one hundred and forty thousand Czech crowns).

8.2.3 The third prize is set at CZK 90,000 (in words: ninety thousand Czech crowns).

## ***8.3 REWARDS***

For entries that do not receive any of the prizes, but that presented remarkable partial ideas and solutions, the amount of rewards is CZK 30,000 (in words: thirty thousand Czech crowns).

## ***8.4 REFUNDS OF COMPETITION-RELATED COSTS***

The announcer will not pay any refunds of competition-related costs.

## ***8.5. CONDITIONS FOR POSSIBLE DECISIONS ON OTHER DIVISION OF PRIZES AND REWARDS, AND POSSIBLE NON-AWARDING OF SOME PRIZES AND REWARDS***

Under the conditions laid down in Sections 10(8) and 12(2) of the Competition Rules, the jury may, in exceptional cases, decide not to award some of the prizes or rewards and to retain or otherwise allocate the earmarked amounts. In special cases, the jury may decide to otherwise allocate the total amount earmarked for individual prizes. Such decision must be duly substantiated by the jury in the minutes of the competition along with the record   
of the voting of the full members of the jury.

## ***8.6 TAXATION OF PRIZES AND REWARDS NOT AWARDED IN THE COMPETITION***

8.6.1 The prizes and rewards awarded to natural persons in the competition and exceeding the amount of CZK 10,000, in accordance with Article 36 (2) (l) of Act no. 586/1992 Coll., On Income Tax, as amended, shall be reduced by income tax of 15%, and the announcer shall pay such amounts to the tax authority, according to Act no. 280/2009 Coll., The Tax Code, as amended.

8.6.2 The prizes and rewards awarded to legal entities in the competition, according to Act no. 586/1992 Coll., On Income Tax, as amended, shall be paid in full and taxed by the legal entity itself in the framework of a proper tax return.

## ***8.7 INCLUDING THE PRIZE IN THE COST OF A SUBSEQUENT CONTRACT***

The prize awarded will be included in the total fee in case the entrant and the announcer conclude a subsequent contract for the usual price.

# **9 THE COURSE OF THE COMPETITION**

## ***9.1 DISCUSSION OF COMPETITION CONDITIONS BEFORE THE COMPETITION ANNOUNCEMENT***

9.1.1 The competition terms and conditions were approved by the jury of the competition at its constituent meeting on **25 January 2019**. Written confirmation of consent is available with the announcer.

9.1.2 The competition terms and conditions were approved by the City Council of Česká Kamenice at its 2nd meeting on **4 February 2019** under Resolution No. 113/3/RM/2019.

9.1.3 The Czech Chamber of Architects issued a certificate of regularity to the terms and conditions, on **5 February 2019,** with the reference number Ref.: 123-2019/Fa/Ze.

## ***9.2 COMPETITION START***

9.2.1 The competition starts on **1 March 2019**. This is a starting date for the competition deadline.

9.2.2 The start of the competition was announced in the Public Procurement Notice Board *(http://www.vestnikverejnychzakazek.cz*), in the Official Journal of the EU, on ČKA's website *(www.cka.cz*) and on the website of the announcer *(www.ceska-kamenice.cz)*.

9.2.3 The Competition terms and conditions and the competition dossier is available on the announcer's profile *(https://zakazky.ceska-kamenice.cz\_)* as of the day of the announcement*.*

## ***9.3 EXPLANATION OF COMPETITION CONDITIONS***

9.3.1 Under the conditions set forth in para 5.4, entrants may request an explanation of the competition terms and subject by **April 15, 2019** .

9.3.2 The announcer will publish the responses within 3 business days of receiving a query.

## ***9.4 SUBMISSION OF COMPETITION ENTRIES***

9.4.1 Competition entries may be submitted on any working day of the week during the working hours of the announcer's registry (Mon and Wed 8:00-11:30, 12:00-17:00, Tue, Thurs and Fri 8:00-13:00 .

On the final day of the submission deadline, up to 13:00 at the announcer's registry at Náměstí Míru 219, Česká Kamenice.

9.4.2 Electronic submission will include all CD design documents and, in addition, a scan of documents from the "Author" envelope. Electronic submission will be made via the portal www.ezak.cz. The exact e-submission process is available along with the competition dossier on the announcer's profile. The announcer will ensure that only an authorized person, bound by confidentiality and not participating in the jury meetings, will have access to this system.

9.4.3 The deadline for submitting competition entries, i.e. the end of the competition deadline, is **Friday, 3 May 2019 at 13:00**, both for submissions to the registry and for electronic submissions.

9.4.4 The announcer shall disqualify any entrant submitting an entry after this deadline. In case of personal handover, the announcer has the right not to accept an entry submitted after the deadline under par. 9.4.2.

9.4.5 In the case of delivery of the competition entry by mail or other postal service, the sender shall, in his own interest, ensure that the entry is delivered to the above address  
in time, according to par. 9.4.2.

9.4.6 The person accepting the entries shall indicate the date and time of the takeover. In the case of a personal handover, the entrant shall receive a receipt acknowledging the date and time of the entry handover.

## ***9.5 VERIFYING COMPLIANCE WITH CONDITIONS OF COMPETITION ENTRY***

9.5.1 The verification of compliance with the conditions for entering the competition shall be carried out by the competition secretary and the examiner immediately after the end of the competition deadline.

9.5.2 The secretary shall draw up a report to be submitted to the jury.

## ***9.6 EXAMINATION OF ENTRIES***

9.6.1 The examination of competition entries shall be carried out by the secretary and the examiner immediately after the end of the competition deadline.

9.6.2 After unpacking the entries, the secretary shall mark the individual parts by the number under which the entry will be examined and evaluated.

9.6.3 The examiner and the secretary shall prepare a report from the examination of the entries, which shall be submitted to the jury and attached to the protocol on the course of the competition.

## ***9.7 EVALUATION SESSION***

The date of the evaluation of competition entries by the jury is provisionally set for 15 and 16 May 2019. The exact date of the evaluation session will be determined during the competition.

## ***9.8 PROTOCOL ON THE COURSE OF THE COMPETITION***

9.8.1. The secretary or other person appointed by the chairperson of the jury, shall draw up a protocol of all meetings of the jury, on the course of the competition, the accuracy of which shall be verified by all members of the jury and confirmed by the person drawing up the protocol.

9.8.2 The Protocol on the course of the competition contains in particular:

(a) minutes of all jury meetings, including records of voting;

(b) a report on the explanation of the competition dossier during the competition period;

(c) a report on the receipt of entries and their examination;

(d) recommendations to the announcer to exclude entrants from the competition;

(e) a list of all competition entries evaluated;

(f) the record of the evaluation of the competition entries, including the record of voting;

(g) a written evaluation of all entries;

(h) information on the opening of envelopes "Author" and the names of entrants assigned to entry numbers;

(i) the jury's opinion on the selection of the most appropriate entries, their ranking, prize distribution and rewards, including its justification and other jury recommendations;

(j) attendance record from individual jury meetings.

9.8.3 Different views of jury members may be recorded in the protocol on the course of the competition, if specifically requested by the jury members.

## ***9.9 DECISION ON THE SELECTION OF THE MOST APPROPRIATE ENTRY AND ITS NOTIFICATION***

9.9.1 The announcer is bound by the jury's opinion when choosing the most appropriate entry.

9.9.2 The announcer shall take a decision on the selection of the most appropriate entry within 90 days of the jury's opinion.

9.9.3 The announcer may decide to reassess the entries for the reasons set out in Section 148(7) of the Act and Section 11 (1) of the Competition Rules.

9.9.4 The announcer will distribute the decision on the selection of the most appropriate entry and the protocol on the course of the competition to all entrants, by e-mail to the address indicated by the entrant in the envelope "Author". In case the entrant does not specify an electronic address, the announcer will use another means of notification, for example: by registered mail or a data box (for entrants who state the data box details in the "Author" envelope) within 10 days from the selection of the most appropriate entry.

9.9.5 The announcer shall publish the outcome of the competition following the distribution of the decision, on the profile of the announcer and by other means used to publish the competition notice.

9.9.6 Availability of competition entries

As of the date of publication of the competition results and the protocols, the 15-day deadline for the opening of the competition entries begins. Competition entries will be made available at the announcer's office, on prior request, during opening hours.

## ***9.10 TERMINATION AND CANCELLATION OF THE COMPETITION***

9.10.1 The competition terminates on the day when:

(a) all entrants reach the end of the deadline for submitting objections against the selection of the entry, pursuant to Sections 241 - 244 of the Public Procurement Act and Section 13 of the Competition Rules, unless objections are raised;

(b) in case objections are raised, the time limit for submitting a petition for the examination of the acts of the announcer to the ÚOHZ expires, in accordance with Section 251(2) and (3) of the Act, unless the petition is filed;

(c) if a petition is filed pursuant to Section 251 of the Act, when the decision to terminate the administrative procedure or the rejection of the petition shall become legally effective.

9.10.2 The announcer has the right to cancel the competition until the jury has decided.

9.10.3 In the case of cancellation of the competition, the announcer notifies of the cancellation in the same places where the notice of competition was published. Part of the notice will be the justification and the deadline by which entrants who will request redress shall submit their elaborated requests to the announcer. Then a quorum jury will meet, assessing the degree of elaboration and agreeing on the manner and amount of compensation for each entrant. The decision of the jury in this case has the form of a recommendation to the announcer. The total amount of compensation shall not exceed the total sum of the prizes and rewards.

9.10.4 Within 30 days of the cancellation or termination of the competition, the announcer shall send the notice of the cancellation or the competition results for publication in the Public Procurement Notice Board and in the Official Journal of the EU.

## ***9.11 PAYMENT OF PRIZES, REWARDS AND POSSIBLE REFUNDSD OF COMPETITION-RELATED COSTS***

Prizes, rewards, and other payments will be paid no later than 50 days after the selection of the most appropriate entry. In the event that objections to the jury's decision are raised or a review procedure initiated before the Office for the Protection of Competition, or if an action is brought before the competent court, the 50-day time limit shall be interrupted. In such a case, the announcer has the right not to pay out the prize and rewards until the final decision on the given objection.

## ***9.12 PUBLIC EXHIBITION OF COMPETITION ENTRIES***

The public exhibition of competition entries will be launched in Česká Kamenice no later than three months after the announcement of the decision on the selection of the most suitable entry.

# **10 DISPUTE RESOLUTION**

## ***10.1 OBJECTIONS***

10.1.1 Entrants may raise objections to the announcer's actions during the design competition in accordance with Section 13 of the Public Procurement Act.

10.1.2 Any competition entrant may submit a reasoned objection to the formal procedure of the jury to the announcer, within 15 days of the delivery of notice on the decision of selection of the most appropriate entry.

10.1.3 Objections are filed by the entrant (the complainant) in writing and must state who is submitting them, which act of the jury or the announcer is challenged, what is the alleged breach of the competition conditions and what the complainant is seeking.

10.1.4 The announcer shall review the objections in full and, within 15 days of receipt of the objections, shall send the complainant a written reasoned decision on whether or not the objections are found justified. If the announcer finds the objections justified, the decision shall state the manner of rectification and the announcer shall notify this fact to all entrants in the competition. If the announcer does not find the objection justified, it shall inform the complainant in a written decision on the possibility of submitting an application for the opening of arbitration to the President of the Estates Court and a motion to initiate the procedure for reviewing the acts of the announcer with the Office for the Protection of Competition.

## ***10.2 MOTION TO INITIATE THE PROCEDURE FOR REVIEWING THE ACTS OF THE ANNOUNCER***

10.2.1 The motion must be delivered to the Office for the Protection of Competition and to the announcer within 10 days of receipt of the decision of the announcer on objections, or within 25 days of dispatch of the objections, unless the announcer has decided on the objections.

10.2.2 The formalities of the motion to initiate the procedure for reviewing the acts of the announcer and any further steps taken by the complainant, shall be governed by the provisions of Section 249 et seq. of the Act.

# **11 COPYRIGHT**

## ***11.1*** ***PROTECTING COPYRIGHT OF ENTRIES IN THE RELATION ENTRANT - AUTHOR***

The entrant demonstrates compliance with copyright protection for the entry by:

(a) a statement that the entrant is the author, in case the competition entry is submitted by a natural person who is the entrant as well as the author, or a legal person whose statutory body is the person who is the author of the entry;

(b) a license agreement regulating the settlement of copyrights between authors/natural persons submitting an entry jointly as one entrant;

(c) a license agreement regulating the settlement of copyrights among legal entities submitting a competition entry jointly as one entrant, in case the author of the entry is a statutory body or an employee of the legal person;

(d) a license agreement between the entrant and the author, in case the author is a sub-supplier of the entrant.

## ***11.2 PROTECTING COPYRIGHT OF ENTRIES IN THE RELATION ENTRANT - ANNOUNCER***

11.2.1 The authors of the competition entries shall retain their copyrights, may publish their competition entries and may use them again in another case.

11.2.2 With the submission of competition entries, the entrants agree to free reproduction and exhibition of entries as part of the promotion of the competition and its results.

11.2.3 Entries that receive a prize or a reward become the property of the announcer. The authors of these entries grant the announcer their consent to use their copyright works for the purposes of this competition. The use of entries for purposes other than those specified in these terms and conditions is subject to the explicit permission of the authors.

11.2.4 Entries that did not receive a prize or a reward will be returned to the authors upon request at the end of the exhibition.

# **12 OTHER PROVISIONS**

## ***12.1 COMPETITION LANGUAGE***

The competition is announced and will be held in Czech, Slovak and English. Thus, all parts of the competition entry must be drafted in one of these languages. In case of conflict, the decisive language is the Czech language.

## ***12.2 LEGAL ORDER***

The competition will be in accordance with the Czech legal order.

## ***12.3 CLAUSE ON ACCEPTING COMPETITION TERMS AND CONDITIONS***

12.3.1 By their participation in the competition, the announcer, the competition secretary, the examiner, the jury and the invited experts confirm that they have become familiar with all the conditions of the competition and undertake to observe and honor these competition terms and conditions as a contract.

12.3.2 By submitting competition entries, the entrants agree with the terms and conditions of the competition as a contract, and with the decisions of the jury made within this framework and in accordance with them.

Place, date and signature of the authorized representative of the announcer