

Regulations for Electronic Tenders PROEBIZ

TENDERBOX

This document defines the terminology which describes the users, environment and processes of the PROEBIZ TENDERBOX digital procurement system for the implementation of electronic tenders and serves as a publicly declared legal framework for its use.

I. Basic Terms

PROEBIZ TENDERBOX: a digital system which is used for the implementation of electronic tenders and whose architect and primary provider is PROEBIZ s. r. o.

Electronic tender (henceforth “tender”): a digital tendering process for the selection of supply partner. Tenders are carried out in a virtual auction hall. The primary types are as follows:

1. **ERMMA:** English Reverse Multi-item Multicriteria eAuction.
2. **NIPPON:** Japanese ticker eAuction.
3. **HOLLAND:** Dutch ticker eAuction.
4. **Rfx – Inquiry:** Electronic inquiries.

Virtual Auction Hall (henceforth the “hall” or in certain cases the “eAuction hall”): a shared virtual space located on the Internet which enables a comparison of submitted bids in real time.

Promoter: a legal or natural person who sets the terms and conditions and announces the tender. The promoter provides the participants with information on the content and terms and conditions of a given tender.

Participant: a legal or natural person who bids to fulfil the requirements of an announced tender.

Provider: a legal or natural person who provides the PROEBIZ TENDERBOX electronic system and ensures the provision of its services. The provider provides the contracting authority with the general knowledge of the system necessary for the preparation and implementation of tenders and provides general technical support to the participants in a given tender.

Administrator: a person nominated by the promoter, possibly from the provider, who acts on behalf of the promoter to prepare and implement a tender in the PROEBIZ TENDERBOX electronic system. The administrator provides technical support for the given tender.

Observer: a person nominated by the promoter who can view the course of the tender. The extent of the information made available is decided by the promoter.

Call for tender (henceforth “call” or in certain cases “invitation”): an electronic document containing all the information about the content, terms & conditions and timescale of a tender. The document is sent to the email

addresses of the participants or is available on the Internet. An integral part of the call is also all of the promoter's documents that are attached in the form of appendices.

Content of tender: information of the promoter addressed to the participant with a brief description of the required performance.

Terms and conditions: information of the promoter addressed to the participant listing the requirements necessary for participation in the tender.

Optional conditions: information of the promoter addressed to the participant regarding the requirements for submitting a tender. Usually there is an obligation to enter these values into the hall, and these values may be part of the evaluation. The criteria for evaluation of tenders are set by the promoter.

Rounds: predefined periods of time during which the participant performs the tasks specified by the promoter. The names of the rounds, description of operations to be performed in them and determination of the order of each round in a given tender are set by the promoter.

Reports: documents generated automatically by the PROEBIZ TENDERBOX electronic system which document the progress of the tender and all actions performed in the hall.

II. Administrator

The administrator prepares the tender in the hall of the promoter, processes the call and sends it to the email addresses of the participants or makes it available on the Internet. The Administrator is responsible for ensuring the compliance of the tender settings with the information provided in the call and for ensuring that it is carried out properly.

III. Participants

Participants are invited to participate in a tender by email.

For ERMMA, NIPPON or HOLLAND tenders, a call which includes an application form is sent to each participant. The participant fills in the application form, determines their access data (name and password) and submits the application to the promoter of the tender. Subsequently, the PROEBIZ TENDERBOX system sends the participant a unique key which the participant uses, along with the access data, to enter the hall. If the promoter allows access to the hall without a key, the key is not sent. The participant is responsible for the confidentiality of the access data.

For RFX – Inquiry tenders, participants are sent an informational email with a link for direct access to the hall. Participants do not have to log in. The participant is responsible for the confidentiality of the informational email.

IV. Primary Types of Tender

The aim of electronic tenders is to enable the submission of bids in a predefined environment of the PROEBIZ TENDERBOX electronic system using its features and according to the requirements of the promoter stated in the call for tender. Electronic tenders can be set up as buying tenders (bidding price decreasing) or selling tenders (bidding price increasing). Due to the prevalence of buying tenders, the information below applies to purchasing; for selling tenders, the procedures described here are in reverse. The environments of the primary types of tender related to competitive bidding and procedure in buying tenders can be characterised as follows:

ERMMA: The default setting for comparing the current bids of the participants is The Auction Round. However, the promoter may choose an alternative set-up. In the Auction Round, the participant may submit a new bid based on information about their competitors' best bids or its current ranking. The submission of bids by the participants and the extension of the Auction Round take place in accordance with pre-determined conditions. The tender ends with the expiry of the time set for changing bids in accordance with the conditions of the promoter.

NIPPON: The Auction Round is set up in the system for participants to accept automatically generated values. The promoter sets the starting price, and the system automatically and at regular intervals decreases this price by a predetermined amount and the participants have the opportunity to accept the generated price at each step. A participant who accepts the price will proceed to the next step, while the participation in the tender of a participant who doesn't accept the price will end. The tender ends at the end of an interval when no participant accepts the automatically generated price and the winning participant is the participant who accepted the price generated in the previous interval. The aforementioned procedure is for a buying tender, while in a selling tender the generated prices are automatically increased at regular intervals.

HOLLAND: The Auction Round is set up in the system for participants to accept automatically generated values. The promoter sets the starting price, and the system automatically and at regular intervals increases this price by a predetermined amount and the participants have the opportunity to accept the generated price at each step. The tender ends at the moment the current price is accepted by the first participant. This participant is then the winner. The aforementioned procedure is for a buying tender, while in a selling tender the generated prices are automatically decreased at regular intervals.

RFx – Inquiry: This is a one-off bid at a predetermined time (without extensions) and usually without displaying information about the best competing bids or rankings. Ending a round at a specified time allows for the rounds to be chained forming a cycle of rounds known as a cyclic request. The promoter may use the system features associated with displaying information about the best bid in the tender or the rankings if he so wishes. This type of tender can also be used as an environment for receiving information and documents without a bid being submitted, and only after the evaluation of these are selected participants invited to submit a bid in an ERMMA style auction round, or indeed in any other type of procedure deemed appropriate by the promoter. The promoter will specify the specific tender settings in the call. The tender ends with the expiry of the predetermined bidding period.

Other: The promoter may use another type of tender (e.g. AUCTION, BRAZIL, YANKEE) for the submission and comparison of bids, or may set up the tender differently from those above, but is obliged to properly describe these differences.

For all types of tenders, at the time the tender ends the hall closes automatically and the system stops all activities related to the receipt of bidders' bids. If he has justification, the administrator is entitled to terminate the tender manually.

V. Evaluation of Tenders

The decision on the selection of the most advantageous bid or bids, or a decision to abort the tender is the responsibility of the promoter.

VI. Validity and Effectiveness

These regulations for electronic tenders are valid and effective from 16.4.2021.