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D E C R E E

of 25 June 2012

laying down commercial terms and conditions for public works contracts

Pursuant to § 159(3) of Act no. 137/2006 Coll., on Public Contracts, as amended by Act no. 110/2007 Coll., Act no. 76/2008 Coll., Act no. 417/2009 Coll., Act no. 179/2010 Coll., Act no. 258/2011 Coll. and Act no. 55/2012 Coll., The Ministry of Regional Development, to implement § 46d (1) of the Act, lays down as follows:

§ 1

(1) This Decree lays down detailed requirements on the regulation of essential elements of commercial terms and conditions that the contracting entity is obligated to set forth in the tender documentation in respect of public works contracts.

(2) This Decree shall be applicable to public works contracts, the relevant documentation of which, drawn up to the extent set out by separate legal regulation¹ (hereinafter referred to as “the relevant documentation”), shall be produced by the contracting authority in details for the award of a work with the summary worksheet of public works, supplies and services with the statement of measurements (hereinafter referred to as “the statement of measurements).

(3) The contracting authority is entitled to lay down even additional commercial terms and conditions, which are not provided for by this Decree, but, invariably, proportionately to the subject-matter of the performance and conditions of this Decree. In such a case the contracting authority shall justify the commercial terms and conditions fixed with a view to its needs.

¹ Decree no. 230/2012 Coll., laying down particulars of the delimitation of the subject-matter of a public works contract and the scope of summary worksheet of public works, supplies and services with the statement of measurements

Such a justification shall be an element of the statement of reasons for a public contract pursuant to § 156 of the Act on Public Contracts.

§ 2

For the purposes of this Decree a contractor shall be understood as the economic operator after the conclusion of the contract to execute a public contract.

§ 3

Delimitation of Time Limits

(1) Commercial terms and conditions shall invariably indicate

- a) Period of time for handover and takeover of the building site,**
- b) Period of time for commencing building works,**
- c) Time limit for completion of building works,**
- d) Time limit for handover and acceptance the work,**
- e) Commencement of the course of a guarantee period.**

§ 4

Handover and Takeover

(1) Commercial terms and conditions include the arrangements in respect of supply and receipt of relevant documentation.

(2) Commercial terms and conditions shall set forth the manner for handover and acceptance of the work.

§ 5

Commercial terms and conditions shall lay down

- a) Conditions for the change of subcontractor by means of which the contractor has demonstrated its qualifications in the award procedure,**
- b) Manner how to secure proper performance,**
- c) Conditions for handover and takeover of the building site,**
- d) Manner how to arrange for the equipment of a building site and the time limit for dismantlement of the equipment of the building site and clearance of the building site following handover and acceptance of the work,**

- e) Principles of the inspection of works performed by the contractor, setup of the organization of inspection days and procedure in checking on the constructions to be covered by further progress of works,
- f) Length of the guarantee period.

§ 6

Effectiveness

This Decree shall enter into effect on 1 September 2012.

Minister:

Ing. Jankovský, autograph