

REGULATION
of 12 May 2016
on determining the scope of documents required for public works contracts
and inventories of works, supplies or services including statements of measurements

The Ministry of Regional Development lays down the following provisions to regulate the implementation of Section 92 (1) of Act No. 134/2016 Coll., on Public Procurement:

Section 1

Scope of regulation

This regulation determines the scope of the documents required for the award of a public works contract as well as the scope of an inventory of works, supplies and services accompanied with a statement of measurements.

Section 2

Scope of documents for the award of a public works contract

(1) The documents specified in Section 92 (1) a) of the Act on Public Procurement mean documents whose scope corresponds to

- a) the documents for the construction of works as specified in Annex No. 6 to the regulation on construction documentation,
- b) the project documentation for the construction of works as specified in Annexes Nos. 3, 5, 6 or 9 to the regulation on the scope and content of project documentation of transport infrastructure works, or
- c) the documents for demolition works as specified in Annex No. 8 to the regulation on construction documentation.

(2) The documents specified in subsection (1) (hereinafter referred to as 'works contract award documents') determine the structure with regard to its technical, economic and architectural details, defining unambiguously the subject-matter of the public contract as well as its mass, material, constructional and technical, technological, dispositional and operational properties, appearance and quality, and make it possible to draw up an inventory of works, supplies and services (hereinafter referred to as the 'inventory of works'), including a statement of measurements.

Section 3

Inventory of works

In direct relation to the works contract award documents, the inventory of works shall determine a detailed description of all expected works, supplies and services constituting the subject-matter of the public works contract.

Section 4

Structure of the inventory of works

- (1) The inventory of works shall be drafted in a structure specified in the works contract award documents

and shall be divided into structures, engineering structures, operational sets or other and incidental expenses.

(2) Each structure and each engineering structure shall be classified under the type and segment of the building industry in accordance with the classification of construction works and production published on the Public Procurement and Concessions Portal administered by the Ministry of Regional Development.

(3) Each structure, engineering structure or operating set, as defined in the works contract award documents, shall be accompanied with its own inventory of works or several partial inventories of works.

(4) The inventory of works shall contain items of all expected works, supplies or services necessary for the construction of a structure, engineering structure or operational set.

(5) The inventory of works within each structure, engineering structure or operational set may be segmented into building or functional parts, or, where applicable, into other similar parts, depending on the type and nature of the works, supplies and services.

(6) Where works are described in more inventories of works, the procurement documents shall also contain a list of all partial inventories of works.

Section 5

Items in the inventory of works

(1) An item in an inventory of works means a description of each individual piece of works, supply or service including the technical and qualitative requirements they need to meet in compliance with the works contract award documents.

(2) The items in the inventory of works shall be described in details unambiguously defining the content of the requested works, supplies or services and enabling to conduct a comparable estimation of such content.

(3) The items in the inventory of works specifying a supply of a material or a product the installation of which constitutes a separate item of works shall contain an unambiguous description of such material or product, including the technical parameters or properties of the requested material or product. Such specification in the item of the inventory of works may be made by reference to the relevant part of the works contract award documents.

(4) The items of the inventory of works describing incidental and other expenses shall contain an unambiguous description of the content of the relevant item; such description may also be made by reference to other parts of the procurement documents that specify the item concerned.

(5) When drafting the inventory of works in details defined in this Regulation, the entire inventory of works or some items thereof may use a reference to a price system, specified in Section 11, which shall contain all information necessary for the compilation of the inventory of works.

(6) The items recorded in one partial inventory of works may refer to only one price system specified in Section 11.

(7) The rules laid down in this Regulation shall not apply to such items of the inventory of works in respect of which the contracting authority proceeds pursuant to Section 92 (2) of the Act on Public Procurement.

Section 6

Content of an item in the inventory of works

An item in the inventory of works shall be included under a structure, an engineering structure, an operational set or other and incidental expenses and shall contain

- a) the serial number of the item,
- b) the identification of the price system specified in Section 11, where a price system has been used,
- c) the code of the item in accordance with the price system specified in Section 11, where a price system specified in Section 11 has been used,
- d) the description of the item unambiguously defining the type and quality of the works, supply or service, including, where appropriate, a reference to parts of the works contract award documents and other documents as well as technical and price conditions,

e) the unit of measure,

f) the quantity,

g) the statement of measurements with regard to the indicated quantity, with the exception of cases where a calculation is not necessary in order to determine the quantity of an item in the inventory of works.

Section 7

Statement of measurements

(1) In the statement of measurements, the contracting authority shall indicate the calculation used for determining the expected quantity of the item in the inventory of works as well as a reference to the respective graphic or textual part of the works contract award documents in order to enable an inspection of the total measurement, or it shall refer to the calculation of determining the quantity of the item in the inventory of works in the works contract award documents.

(2) A statement of measurements relating to more items in the inventory of works may be provided only once, while the measurement of the other items may be indicated by reference only.

Section 8

Definition of incidental and other expenses

(1) Incidental and other expenses mean expenses that are not included among the items in the inventory of works for structures, engineering structures and operational sets but are related to the construction.

(2) The description of an item in the list of incidental and other expenses shall be made in such detail so as to enable to determine the price of the works or activity concerned.

(3) Incidental and other expenses may be specified in one joint inventory of works.

Section 9

Incidental expenses

Incidental expenses may include, without limitations, requirements related to the construction, operation and liquidation of facilities on the construction site, difficult conditions connected with the location of the structure, or restrictions at the locality being built up, where such restrictions are requested by the contracting authority, or, where applicable, where they result from the works contract award documents.

Section 10

Other expenses

Other expenses may include, without limitations, the costs of the as-built documentation, the costs of the geodetic measurement of the completed structure, or advertising costs connected with the construction financed from European Union funds.

Section 11

Price system

(1) A price system means an organised set of information on construction and installation works, materials and products, containing a classification of items, a detailed description, the unit of measure and the method of measuring as well as other technical and price conditions to enable the calculation of the necessary costs and determination of a unit price.

(2) Where referring to a price system, the contracting authority shall make a reference, in the procurement documents, to the price system used and provide economic operators with the part of the price system specifying the description and conditions of use of the relevant items in the inventory of works by means of providing unlimited remote access to such part or by including it in the procurement documents.

Section 12

Inventory of works in electronic form

(1) Where an inventory of works in electronic form is used, it shall have such open format so as to enable the transmission of data and processing thereof by various software products designated for drafting a inventory of works and determining the tender price; at the same time, the format shall be a freely accessible format.

(2) The electronic form of the inventory of works shall be unified for the public contract concerned.

(3) The electronic form of the inventory of works shall enable to supplement a tender with information required in the procurement documents.

(4) Where an inventory of works in electronic form is used, the contracting authority shall include, in the procurement documents, instructions regarding the structure and format of data or means of their acquisition; this does not apply where the electronic inventory of works has a format whose documentation is available on the Public Procurement and Concessions Portal administered by the Ministry of Regional Development.

Section 13

Effect

This regulation comes into effect on 1 October 2016.

Minister:
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