

CITY OF OSTRAVA

announces

in accordance with Act No 134/2016, on public procurement, as amended (hereinafter the “Public Procurement Act”),

in accordance with the Competition Rules of the Czech Chamber of Architects of 24 April 1993, as amended (hereinafter the “Competition Rules”),

in accordance with Act No 183/2006, on spatial planning and the Building Code (the Building Act), as amended,

in accordance with Act No 360/1992, on the pursuit of the profession of authorized architects and on the pursuit of the profession of authorized engineers and technicians in construction, as amended (hereinafter the “Pursuit of Profession Act”),

taking into account the provisions of Sections 1772 to 1779 of Act No 89/2012, the Civil Code, as amended

COMPETITION FOR PROPOSAL OF THE DESIGN OF

OSTRAVA CONCERT HALL

and issues the following competition terms.

In Ostrava, 22 August 2018

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1 CONTRACTING AUTHORITY, JURY, INVITED EXPERTS AND AUXILIARY BODIES OF THE JURY

1.1 Contracting Authority

Name: City of Ostrava
Registered office / Address: Prokešovo náměstí 8, 729 30 Ostrava
ID No: 00845451
Tax ID No: CZ00845451
Data box ID: 5zubv7w

Authorized representative
of the Contracting Authority: Ing. Tomáš Macura, MBA, Mayor
Tel/fax: +420 599 442 291
Email: tmacura@ostrava.cz

1.2 Author of the Competition Terms

Name: Ing. arch. Jan Malík
Tel/fax: +420 599 443 323
Email: concert-hall-ostrava@ostrava.cz

1.3 Jury

The Contracting Authority appoints the following jury:

1.3.1 Regular members – dependent

Tomáš Macura, Mayor of Ostrava
Zbyněk Pražák, Deputy Mayor of Ostrava, responsible for culture
[Lukáš Jansa, Vice Mayor of the City District of Moravská Ostrava a Přívoz](#)

1.3.2 Regular members – independent

Krzysztof Ingarden, independent architect, Krakow
Rafi Segal, independent architect, Boston/Tel Aviv
Valerie Mulvin, independent architect, Dublin
Jakub Szczęsny, independent architect, Warsaw

1.3.3 Substitutes – dependent

[Zuzana Bajgarová, Deputy Mayor of Ostrava, responsible for investments](#)
Lukáš Semerák, member of the City District Assembly of Moravská Ostrava a Přívoz

1.3.4 Substitutes – independent

Adam Rujbr – independent architect, Prague
Tadeáš Goryczka – independent architect, Ostrava

1.4 Invited experts

Michal Zezula – director of the National Heritage Institute Ostrava

Martin Strakoš – art historian of the National Heritage Institute Ostrava

Jindřich Jansa – budget expert

Cyril Vltavský – head of the Department of Chief Architect and Building Code, Ostrava City Authority

Jan Žemla – director of Janáček Philharmonic Ostrava

Martin Vondrášek – acoustician

Jan Košulič – sound master, operations specialist

The jury may ask the Contracting Authority to invite other experts during the competition.

1.5 Competition Secretary

Name: Ing. arch. Filip Bačuvčík

Tel/fax: +420 599 443 497

Email: fbacuvcik@ostrava.cz

1.6 Reviewer of competition proposals

Name: Ing. arch. Hana Pačlová, Ph. D.

Tel/fax: +420 599 443 468

Email: hpaclova@ostrava.cz

1.7 Email address for inquiries concerning the competition

concert-hall-ostrava@ostrava.cz

2 SUBJECT-MATTER OF THE COMPETITION AND COMPETITION SPECIFICATION

2.1 Subject-matter of the competition

For many decades, the City of Ostrava has been striving to build a concert hall with perfect acoustics, top technical facilities and sufficiently large auditorium. The City aims to build a high-quality concert hall, whose technical parameters will be unparalleled in the Czech Republic. It is going to be built as part of the Ostrava House of Culture. For many years, the Ostrava House of Culture has struggled to become meaningfully involved in contemporary cultural life. Most of the cultural spaces are used for a purpose other than that which was originally intended. Historically, the “House of Culture of Vítkovice Ironworks and Engineering Works of Klement Gottwald” (today Ostrava House of Culture – DKMO), designed by architect Jaroslav Fragner, is an immovable cultural monument located at a major city avenue of 28. října connecting the City centre with City Districts of Mariánské Hory and Poruba. At the same time, it is surrounded by a large park – Milada Horáková Park, which is an important landscape element. The City believes that the the House of Culture plus the construction of a new concert hall, whose operation will require a complete renovation of the House of Culture, will bring about its revival and new use, which will ensure the preservation of its architectural values and new involvement in the city’s cultural life.

The competition therefore concerns the design of an architectural and urbanistic solution, which in conjunction with the cultural monument will allow the construction of a state-of-the-art concert hall and the overall revitalization of the House of Culture. With regard to the architectural design of the House of Culture and its monument protection, as well as the existence of a significant landscape element, which together do not allow for significant building alterations inside the House of Culture or unrestricted development of the lands in its vicinity, the City Authority expects a sensitive annex/extension to the House of Culture with acceptable volume. The aim of the Contracting Authority is the maximum possible use of the House of Culture for all the servicing functions and facilities connected with the operation of the concert hall, with the annex/extension being used for the servicing functions only to the necessary minimum. There is no need to keep the adjacent amphitheatre.

2.2 Competition specification

2.2.1 The Contracting Authority requests compliance with the following design parameters:

- a) The proposal must be in accordance with P.01 Building Programme, which forms part of the competition documents;
- b) The design proposal must be in line with P.13 Binding Opinion of the State Monument Authority;

2.2.2 The Contracting Authority requests that the competition proposals address the following:

- a) Urbanism around the existing building and the new hall;
- b) Proposal of a parking lot with 230–280 parking places (it will be designed on areas in accordance with P.01 Building Programme – underground parking is preferred);

2.2.3 The Contracting Authority recommends that participants take into account the following requirements:

- a) technical solutions in line with current trends, economic and eco-friendly approach;
- b) The maximum expected execution price of the competition design proposal is CZK 1.5 billion. excl. VAT (the estimated execution price excludes the parking lot);

2.2.4 The design of aspects not mentioned above is left to the invention of the participants.

2.3 Consequences of non-compliance with the Contracting Authority's requirements for the design of the subject-matter of the competition

If a competition participant fails to comply with the requirements of paragraph 2.2.1, the jury shall disqualify its proposal and the Contracting Authority shall exclude it from the competition. Proposals disqualified for failure to comply with the competition specifications can be evaluated outside the competition.

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

3.1 Type of competition

- 3.1.1 According to the subject-matter of the design, the competition is announced as combined (architectural and urbanistic).
- 3.1.2 According to the number of participants, the competition is announced as narrow.
- 3.1.3 According to the number of announced phases, the competition is announced as a two-phase competition.
- 3.1.4 According to the purpose, the competition is announced as a project competition.

3.2 Purpose and mission of the competition

- 3.2.1 The purpose and mission of the competition is to find the most appropriate design of the subject-matter of the competition, which will meet the requirements of the Contracting Authority contained in these competition terms and in the competition documents, and to select the participants with which the Contracting Authority may negotiate the award of the subsequent contract according to paragraph 3.3 of these competition terms in the negotiated procedure without publication (hereinafter the "NPWP") in accordance with Section 143(2) and Section 65 of the Public Procurement Act.
- 3.2.2 The Contracting Authority
 - a) shall first propose negotiations to the participant whose proposal placed first, and if it manages to negotiate the conclusion of an agreement, it shall terminate the negotiations;
 - b) if the negotiations under (a) do not result in successful conclusion of an agreement, it shall offer negotiations to the participant whose proposal placed second, and if they manage to negotiate the conclusion of an agreement, the Contracting Authority shall terminate the negotiations;
 - c) if also the negotiations under (b) do not result in successful conclusion of an agreement, it shall offer negotiations to the participant whose proposal placed third, and after the negotiations the Contracting Authority shall terminate the NPWP;
- 3.2.3 The Contracting Authority reserves the right to invite to the NPWP two, three or all participants if the same score is awarded twice or three times. In this case, the evaluation criterion in the NPWP will in particular be the price of the subsequent project documentation.

3.3 Specification of the subsequent contract

- 3.3.1 On the basis of the results of the competition, the Contracting Authority intends to award a contract for project documentation for the Ostrava Concert Hall in all the basic service phases (hereinafter the "SP") in drawing up the project documentation.

SP 1 – Contract preparation

SP 2 – Finalization of the building design (building study)

SP 3 – Project documentation for the decision on the siting of the building

SP 4 – Project documentation for building permit

SP 5 – Detail design

SP 6 – As-built project documentation

FS 7 – Author's supervision

as well as services and special professional activities related to the performance of the public contract such as procurement (engineering) activity, cooperation with the Contracting Authority in removing defects and unfinished work and putting the building into use.

Necessary surveys (geological, hydrogeological, dendrological, archaeological) shall be arranged by the Contracting Authority.

- 3.3.2 The contractor's bid price of the subsequent contract must not exceed CZK 150 million excl. VAT.
- 3.3.3 The fee for the execution of the subsequent contract within the scope of paragraph 3.3.1 of these competition terms will be determined according to the model table P.10 Model table with a proposed fee for the execution of the subsequent public contract.

4 COMPETITION PARTICIPANTS

4.1 Conditions of participation in the competition

4.1.1 Conditions for participation in the competition are met by natural and legal persons or their companies which:

- a) prove that none of the future authors or co-authors of the competition proposal and their co-workers specified in the request to participate in the competition and, in the case of legal persons, none of the governing bodies:
 - a.1) directly participated in the preparation of the competition specifications and the announcement of the competition;
 - a.2) is a full member or a substitute of the jury, the jury secretary, the reviewer of the competition proposals or an invited expert of the competition;
 - a.3) is a spouse, direct relative, permanent project partner, immediate superior or direct co-worker of the persons referred to in (1) and (2) if these persons are listed in the terms of competition;
 - a.4) is a member of the self-governing bodies of the Contracting Authority or an employee of the Contracting Authority's bodies or legal persons established by the Contracting Authority which participated in the negotiation and approval of the competition terms, the competition award, or participated in the consideration and approval of the results of the competition, the results of the award procedure following the competition and the results of the contract awarded following the competition;
- b) meet the basic qualifications pursuant to Section 74 of the Public Procurement Act;
- c) meet the professional competence pursuant to Section 77(1) of the Act by submitting an extract from the Commercial Register or other similar register, if such registration is required by other legislation;
- d) meet the professional competence pursuant to Section 77(2)(a) of the Act by submitting a business licence for project activities in 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 licence is not required);
- e) meet the professional competence pursuant to Section 77(2)(c) of the Act by submitting a certificate of professional competence issued by the Czech Chamber of Architects pursuant to the Practice of Profession Act (authorized architect for architecture or general authorized architect) or by authorized architects under the law of the State of which they are citizens or in which they are established (with regard to the performance of the subsequent public contract on the territory of the Czech Republic, compliance with point 4.5.2 will be required);
- f) they meet the technical qualification pursuant to Section 79(2)(b) of the Act by submitting data and information on important services provided – participants shall demonstrate that they have proposed and designed at least one realised acoustically designed concert venue for at least 400 persons not older than 15 years;
- g) they meet the technical qualification pursuant to Section 79(2)(b) and (c) of the Act by submitting data and information on the project team participating in the subsequent public contract and the important services provided by the members of the team – participants shall demonstrate that their team includes a designer who has designed acoustics of at least two realised concert venues, each for at least 1,000 persons, not older than ten years;

- 4.1.2 If the request to participate is submitted jointly by several contractors and for this purpose they submit a joint request (they intend to submit a joint proposal), each of the contractors is required to prove compliance with the condition set out in paragraph 4.1.1. (a) to (c). Compliance of these persons with the other conditions of participation is demonstrated jointly.
- 4.1.3 Participants are entitled to demonstrate compliance with the conditions specified in paragraph 4.1.1. (d) to (g) through another person.
- 4.1.4 The person demonstrating compliance with the condition in paragraph 4.1.1. (e) and (f) must be the author or co-author of the proposal.
- 4.1.5 A foreign participant demonstrates compliance with the conditions for participation in the competition to the extent appropriate to the law of the country in which it is established.

4.2 Invited participants

The Contracting Authority shall invite the following participants to submit a proposal in the competition:

- Steven Holl Architects + Architecture Acts;
- Konior Studio;
- Henning Larsen Architects.

whose compliance with the conditions for participation in the competition under paragraph 4.1. has been verified.

4.3 Requests to participate, their assessment and reduction of the number of participants

- 4.3.1 Requests to participate are to be delivered to: **Magistrát města Ostravy, Prokešovo nám. 8, 729 30 Ostrava, podatelna (určeno pro odbor ÚHA a SŘ)** by 21 September 2018 in a properly sealed envelope bearing the following title: "DO NOT OPEN – REQUEST TO PARTICIPATE – OSTRAVA CONCERT HALL".
- 4.3.2 Requests to participate shall contain:
- a) a statutory declaration proving compliance with the conditions in paragraph 4.1.1. (a) and (b);
 - b) a simple copy of an extract from the Commercial Register or other similar register, if the registration in such a register is required by other legislation;
 - c) a simple copy of an extract from the Trade Register or similar register, if such licence is required by other legislation;
 - d) a simple copy of the certificate of authorization issued by the relevant chamber;
 - e) portfolio of reference works.

- 4.3.3 The portfolio shall include a presentation of reference contracts corresponding to the requirements of paragraph 4.1.1. (f) and (g). The portfolio will be accompanied by a client's testimonial for at least one of the presented contracts.
- 4.3.4 It is recommended that the portfolio be prepared according to the model that forms P.12 Portfolio Model. One (1) copy of the portfolio will be delivered in printed form in a tightly bound folder in the recommended format A3 and one (1) copy of the portfolio will be delivered on a CD in the *.pdf format.
- 4.3.5 Participants may present reference work in the portfolio provided
- a) the author or co-author of the presented work will be the author or co-author of the competition proposal.
- 4.3.6 The jury will assess and evaluate the submitted portfolios according to the degree of compliance with the following criterion: the overall urbanistic–architectural quality of the reference works. The jury will enter its conclusions in the Request to Participate Evaluation Report and propose to the Contracting Authority three of the participants that have fulfilled the above criterion to the highest degree and that are to be invited to submit their proposals.
- 4.3.7 On the basis of the jury's opinion, the Contracting Authority shall make a decision to reduce the number of participants, invite the participants selected according to paragraph 4.3.6 and the participants according to paragraph 4.2 to submit their competition proposals, and shall send the remaining participants its decision on their exclusion. At the same time, it shall send everyone the Requests to Participate Evaluation Report.

4.4 Consequences of non-compliance with the conditions for participation in the competition

- 4.4.1 The Contracting Authority may require a participant to clarify the submitted data or documents within a reasonable period of time or to add additional or missing data or documents. The jury meeting, in which requests to participate in the competition are considered, shall be suspended.
- 4.4.2 The participant that fails to submit the required data or documents will be excluded from the competition.
- 4.4.3 The Contracting Authority shall exclude a participant whose statutory declaration and submitted documents it checks and finds out that the participant did not meet the conditions for participation in the competition.

4.5 Conditions for concluding an agreement for the execution of the subsequent contract

- 4.5.1 The participant that will be invited to conclude the agreement on the basis of the results of the negotiated procedure without prior publication shall submit original or officially certified copies of the documents proving the fulfilment of the conditions for participation in the competition in paragraph 4.1.
- 4.5.2 A participant that is not a citizen of or has no registered office in the Czech Republic shall, upon the conclusion of the agreement, prove that it is a person authorized to carry out selected activities in construction pursuant to Section 7(1)(b) and Section 30a of the Practice of Profession Act, or prove the connection with another person that has the right to carry out selected activities in construction in the Czech Republic.

5 COMPETITION TERMS, COMPETITION DOCUMENTS, THEIR AVAILABILITY AND EXPLANATION, VISIT TO COMPETITION SITE

5.1 Availability of competition terms and documents

Competition terms and competition documents are published on the Contracting Authority's profile from the date of publication of the competition notice form in the Public Contracts Journal.

5.2 Competition documents

5.2.1 The Contracting Authority provides applicants with the following documents in digital form:

- P.01 Building programme
- P.02 Cut-out from cadastral map
- P.03 Orthophotomap
- P.04 Photographic documentation
- P.05 Cut-out from land-use plan
- P.06 Drawing of existing technical infrastructure
- P.07 Geodetic survey
- P.08 Drawings of the existing Ostrava Culture House building
- P.09 Bill of Quantities
- P.10 Model table with a proposed fee for the execution of the subsequent public contract.
- P.11 3D model
- P.12 Portfolio model
- P.13 Binding opinion of the monument protection authority
- P.14 Simplified building-historical survey
- P.15 Black Cube – The Moravian-Silesian Scientific Library

5.2.2 Applicants undertake to use the documents only for the decision on participation in the competition and for drawing up a competition proposal.

5.3 Explanation of competition terms (questions)

5.3.1 Applicants can send requests for clarification of the competition terms only in writing to the email address concert-hall-ostrava@ostrava.cz (see 1.7 Email address for competition questions). The deadline for sending requests for clarification of competition terms is given in paragraph 9.4.1.

5.3.2 An explanation of the competition terms and documents, together with the text of the request (question) without the identification of the applicant, together with the competition terms and the competition documents, will be published on the profile of the Contracting Authority within the time limit specified in paragraph 9.4.2.

5.4 Visit to the competition site

The Contracting Authority shall organize a visit of the competition site for the applicants and competition participants, and provide a commentary. No questions regarding the organizational issues of the competition and the subject-matter of the competition may be asked and answered during the visit.

6 COMPETITION PROPOSAL

6.1 Requirements of the competition proposal – first phase

The competition proposal for the first phase of the competition will include:

- a) graphical part – 4 panels of lightweight material for exhibition purposes, B1 format (707 x 1000 mm) oriented vertically, the graphical representation of the proposal will be glued to / printed on the panel (hereinafter the “panel”, see paragraph 6.2);
- b) 3 copies of the accompanying report (A3) in identical counterparts (see paragraph 6.3);
- c) digital part on a solid data carrier in a sealed envelope (see paragraph 6.4);
- d) sealed envelope marked “Author – First phase” (see paragraph 6.5);
- e) sealed envelope marked “Contact address” (see paragraph 6.6).

6.2 Graphical part – first phase

6.2.1 The graphical part of the competition proposal will contain 4 panels.

6.2.2 PANEL 1 WILL INCLUDE:

- a) top-view isometric display of the final stage of the proposal at a recommended scale of 1:500;
- b) exterior view of the proposal in 4 drawings / perspectives (all 4 views at the discretion of the competitor) and a brief description of the proposal.

6.2.3 PANEL 2 WILL INCLUDE:

- a) The overall urbanistic plan with a description of the proposed design, at the recommended scale of 1:1000;
- b) urbanistic plan scheme;
- c) traffic design – can be part of the overall urbanistic plan (parking, roads, connection to the park);
- d) possible division of construction into phases;
- e) views of the facades at a recommended scale of 1:400 (the whole complex or just the annex; if only the annex is chosen, the scale can be freely decided by the participant);
- f) schematic sections at a recommended scale of 1:400 (the whole complex or just the annex; if only the annex is chosen, the scale can be freely decided by the participant);

6.2.4 PANELS 3 AND 4 WILL INCLUDE:

- a) Schematic floor plans at the recommended scale of 1:300 (mandatory floor plans of 1st above-ground floor, 2nd above-ground floor, 3rd above-ground floor, 1st underground floor);
- b) other charts, graphics, or descriptions at the discretion of the participants.

6.3 Text part – first phase

6.3.1 The text part will include:

- a) Title page;
- b) the list of parts of the competition proposal numbered in an ascending fashion, including the title of the part and the successive numbers (see paragraph 6.7(b) of

these competition terms);

- c) text of the proposal (accompanying report) of max. 6 A4 pages;
- d) balance of areas and numbers according to the competition document P.09 Bill of Quantities;
- e) proposed fee according to the competition document P.10 Model table with a proposed fee for the execution of the subsequent public contract – see 3.3.3;
- f) scale prints of graphic part panels (A3).

6.3.2 The text part may also contain additional information and technical design specifications in the form of text, sketches or schemes specifying the design principle and the technical specification of the proposal (max. 3 A3 pages).

6.3.3 It is recommended that the text part be bound into a single A3 folder. The recommended number of folders to be submitted is 3.

6.4 Digital version of the proposal – first phase

6.4.1 The participant shall submit the competition proposal in digital form on a solid data carrier (CD-ROM/DVD-ROM/flash drive, etc.) with the following contents:

- a) the graphical panels will be delivered in *.pdf format in the resolution for the publication of the competition proposal on website or in the competition catalogue;
- b) the text of the proposal in the *.doc or *.docx format;
- c) table of the balance of areas and numbers in *.xls or *.xlsx or *.doc or *.docx format;
- d) a proposal of the fee in *.xls or *.xlsx or *.doc or *.docx format.

6.4.2 The carrier will be labelled “OSTRAVA CONCERT HALL” and will be protected against damage.

6.4.3 The participant shall insert the carrier into an envelope marked “Author – First phase”.

6.5 Envelope marked “Author – First phase”

6.5.1 The envelope shall contain the following documents:

- a) Competition participant information – information about the author(s) of the proposal and collaborators, including their names, addresses, or, alternatively, telephone and fax numbers, and e-mail addresses;
- b) the name and address of the contact person for communication with the Competition Secretary, the number of one bank account to which the price or reimbursement of the competition costs may be sent, the data box ID;
- c) signed copyright license agreement, unless the participant is the same as the author (pursuant to Article 11.1);
- d) carrier with the digital part of the competition proposal.

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

6.6 Envelope marked “Contact address”

6.6.1 The envelope will include the name and address or data box ID of the person to which invitation to participate in the second round with additional data and documents will be sent if the proposal proceeds to the second phase of the competition.

6.6.2 The envelope will be sealed, intact and completely opaque.

6.7 Requirements for marking the design and its parts

- 6.7.1 All parts of the competition proposal referred to in Article 6 paragraphs 6.1–6.7 of these competition terms (panels, text part, envelope entitled “Author”, data carrier case, envelope entitled “Contact address”) will be marked as follows:
- In the lower right corner, place a 3×3cm box, in which the Competition Secretary will mark the proposal identification number;
 - in the lower left corner, place a 3×3cm box, in which the participant indicates the number of the proposal part according to the list, which is included in the text part;
 - in the lower part in the middle, include the words “OSTRAVA CONCERT HALL”.
- 6.7.2 Participants should consider these requirements for the marking of the proposal and its parts as a recommendation; however, if the participant chooses another form of marking, it must not jeopardize the anonymity of the competition and the clarity of the proposal.

6.8 Requirements for the cover of the proposal

In their own interest, the participants should put all parts of the proposal in a hard and sealed cover protecting the proposal against damage and mark it “DO NOT OPEN – COMPETITION PROPOSAL – OSTRAVA CONCERT HALL”. The cover requirements are recommended; however, the Contracting Authority is not responsible if proposals without proper marking on the cover are not delivered for review and evaluation and if the jury is unable to evaluate damaged proposals.

6.9 Requirements of the competition proposal – second phase

The competition proposal for the second phase of the competition will include:

- Graphical part – 4 to 6 panels containing graphical representation of the proposal (see paragraph 6.10);
- 3 copies of the accompanying report (A3) in identical counterparts (see paragraph 6.11);
- digital part on a solid data carrier in a sealed envelope (see paragraph 6.12);
- sealed envelope marked “Author – Second phase” (see paragraph 6.13);

6.10 Graphical part – second phase

- 6.10.1 The graphical part of the competition proposal will include drawings and diagrams, which will be specified in the invitation for participation in the second phase. The graphical part will be submitted on 4 to 6 panels. The graphical layout of the panels shall include in particular:
- Top-view isometric display of the proposal at a recommended scale of 1:400;
 - interior view of the proposal in 4 drawings / views, at the discretion of the participant, preferably the concert hall, entrance hall, and the chamber hall;
 - visualization of the annex;
 - demonstration of interior elements – at the discretion of the participant, e.g. seats of the concert hall, lighting, acoustic panels, etc.;
 - sections of the main hall structure;
 - design details, ideally at 1:50 scale;
 - floor plans with basic dimensions of the construction system at a recommended scale of 1:300;

- h) other charts, graphics, or descriptions at the discretion of the participants.

6.11 Text part – second phase

The content of the text part will be specified in the call for participation in the second phase.

6.12 Digital version of the proposal – second phase

6.12.1 The participant shall submit the competition proposal in digital form on a solid data carrier (CD-ROM/DVD-ROM/flash drive, etc.) with the following contents:

- a) the graphical panels will be delivered in *.pdf format in the resolution for the publication of the competition proposal on website or in the competition catalogue;
- b) the text of the proposal in the *.doc or *.docx format;
- c) table of the balance of areas and numbers in *.xls or *.xlsx or *.doc or *.docx format;
- d) a proposal of the fee in *.xls or *.xlsx or *.doc or *.docx format.

6.12.2 The carrier will be labelled “OSTRAVA CONCERT HALL” and will be protected against damage.

6.12.3 The participant shall insert the carrier into an envelope marked “Author – Second phase”.

6.13 Envelope marked “Author – Second phase”

6.13.1 The envelope shall contain the following documents:

- a) Competition participant information – information about the author(s) of the proposal and collaborators, including their names, addresses, or, alternatively, telephone and fax numbers, and e-mail addresses;
- b) the name and address of the contact person for communication with the Competition Secretary, the number of one bank account to which the price or reimbursement of the competition costs may be sent, the data box ID;
- c) the name and address of the Czech representative in the team;
- d) signed copyright license agreement, unless the participant is the same as the author (pursuant to Article 11.1);
- e) carrier with the digital part of the competition proposal.

The envelope will be sealed, intact and completely opaque.

6.14 Modification of competition proposals for the second phase of the competition

The requirements and recommendations for the modification of the competition proposals for the second phase of the competition will be specified in the invitation to participate in the second phase.

6.15 Conditions of anonymity of the competition proposal

6.15.1 Proposals will be evaluated and assessed anonymously. No part of the competition proposal (with the exceptions explicitly provided in these competition terms) may contain the name and signature of the participant or the password or any other graphical mark that could identify the participant and thus breach anonymity.

6.15.2 Considering the need to observe the sender's anonymity, the following sender's address will be included in all competition proposals sent by post:

**Česká komora architektů
Josefská 6
118 00 Praha 1 – Malá Strana**

6.15.3 If the competition proposal is sent by post or another public shipping service from outside the Czech Republic, the participant shall state the name and address of the professional association in which it is registered under the applicable law of the sender's State, or another public organisation which agrees to it, in order to preserve the sender's anonymity.

6.16 Consequences of non-compliance with the requirements for competition proposals

6.16.1 The jury will exclude the following proposals:

- a) proposals that do not comply with the requirements for content and modification of the proposal, unless they are to be considered as a recommendation under Article 6;
- b) proposals that violate the anonymity conditions; violation of anonymity requirements also includes non-compliance with the "Author" envelope requirements specified in paragraph 6.5.2 and the "Contact address" envelope in paragraph 6.6.2.

6.16.2 Participants whose proposals are disqualified by the jury will be excluded from the competition by the Contracting Authority.

7 CRITERIA FOR EVALUATION OF PROPOSALS

7.1 Criteria for reducing the number of proposals

The criteria according to which the competition proposals will be evaluated are determined (without any significance of their order) as follows:

- a) overall urbanistic-architectural quality of the design, integration into the structure of the site;
- b) architectural quality of the design;
- c) quality of the acoustic design;
- d) compliance with the specification;
- e) architectural and interior quality of the design of the main hall and chamber hall;
- f) economic adequacy of the proposal in terms of investment and operating costs.

On the basis of these criteria, the number of participants that will be invited to the second phase of the competition may be reduced. To ensure sufficient competition, at least three participants must be invited to participate in the second phase of the competition. After reducing the number of proposals, participants whose proposals were not selected for the second phase of the competition will be excluded.

7.2 Evaluation criteria for the second phase of the competition

For the evaluation of proposals in the second phase of the competition, criteria identical to the first phase will be applied, together with the evaluation of the modifications made to the competition proposal and the assessment of the ability to respond to new detailed conditions created on the basis of the results of the first phase.

8 PRIZES, REWARDS, AND REIMBURSEMENT OF COSTS ASSOCIATED WITH PARTICIPATION IN THE COMPETITION

8.1 Total amount of prizes and cost reimbursements in the competition

The total amount for prizes and cost reimbursements in the competition is set at a maximum of CZK 8,250,000 (in words: eight million two hundred and fifty thousand Czech *koruna*).

8.2 Prizes

8.2.1 The first prize is set at CZK 1,000,000 (in words: one million Czech *koruna*).

8.2.2 The second prize is set at CZK 750,000 (in words: seven hundred and fifty thousand Czech *koruna*).

8.2.3 The third prize is set at CZK 500,000 (in words: five hundred thousand Czech *koruna*).

8.3 Rewards

The Contracting Authority will not grant any rewards.

8.4 Reimbursement of costs associated with participation in the competition

8.4.1 All participants of the first phase of the competition who will submit a competition proposal and whose competition proposal is not disqualified from the competition by the Contracting Authority during the evaluation will be given CZK 500,000 (in words: five hundred thousand Czech *koruna*).

8.4.2 All participants of the second phase of the competition who will submit a competition proposal and whose competition proposal is not disqualified from the competition by the Contracting Authority during the evaluation will be given CZK 500,000 (in words: five hundred thousand Czech *koruna*).

8.5 Conditions for a possible decision on a different prize distribution, or the decision not to grant certain prizes

Under the conditions laid down in Section 10(8) and Section 12(2) of the Competition Rules, the jury may, in exceptional cases, decide not to award some of the prizes and not to grant the amounts allocated to them or grant them differently. In special cases, the jury may decide to allocate the total amount to individual prizes differently. This decision must be duly substantiated by the jury in the competition report, together with the record of the voting of the full members of the jury.

8.6 Requirements for the taxation of prizes distributed in the competition

8.6.1 In accordance with Article 36(2)(i) of Act No 586/1992, on income tax, as amended, the prizes awarded in the competition to natural persons and exceeding the amount of CZK 10,000 shall be reduced by 15% income tax, which shall be transferred by the Contracting Authority to the tax authorities pursuant to Act No 280/2009, the Tax Code, as amended.

8.6.2 The prizes awarded in the competition to legal persons will be paid in full pursuant to Act No 586/1992, on income tax, as amended, and taxed by the legal person itself in its tax return.

9 COURSE OF THE COMPETITION

9.1 Discussion of the competition terms prior to the announcement of the competition

- 9.1.1 The competition terms were approved by the jury at its constituent meeting by distance vote on 16 August 2018. Written confirmation of approval is available with the Contracting Authority.
- 9.1.2 The competition terms were approved by the Ostrava City Council on 21 August 2018.
- 9.1.3 The Czech Chamber of Architects issued its confirmation of regularity of the conditions on 16 August 2018 by letter No. 1916-2018/Šp/Ze

9.2 Start of the competition

- 9.2.1 The competition starts when the competition notice is sent for publication. On the next day, the time limit for submitting requests to participate begins.
- 9.2.2 The start of the competition is announced in the Public Contracts Journal (<http://www.isvzus.cz>) and in the Official Journal of the EU.
- 9.2.3 Request to participate shall be submitted in a sealed envelope marked in accordance with paragraph 4.3.1 at the address: **Magistrát města Ostravy, Prokešovo nám. 8, 729 30 Ostrava, podatelna (určeno pro odbor ÚHA a SR)** by 21 September 2018.
- 9.2.4 The Contracting Authority shall assess the requests to participate for compliance with the conditions for participation mentioned in paragraph 4.1.1 of these competition terms after the time limit for submitting requests to participate.
- 9.2.5 The jury shall assess requests for the quality of reference orders in the portfolios (see paragraphs 4.3.3 – 4.3.5) and propose to the Contracting Authority a reduction in the number of participants in the competition.
- 9.2.6 The Contracting Authority shall invite selected participants to submit proposals and inform participants who have been excluded by the expected date of 29 October 2018. When the invitation is sent, the time limit for submission of proposals begins.
- 9.2.7 The competition terms and competition documents are available on the Contracting Authority's profile at <https://verejnezakazky.ostrava.cz/detail/11973>

9.3 Visit to the competition site

Visit to the competition location will take place on 6 September 2018 and 7 September 2018 with the Contracting Authority's commentary. Interested parties shall meet each time at 1pm before the main entrance to the Ostrava House of Culture.

For the participants selected in the first phase of the competition, another tour will take place on 8 November 2018 at 1pm before the main entrance to the Ostrava House of Culture.

9.4 Explanation of the competition terms – first phase

- 9.4.1 Under the conditions specified in paragraph 5.3, participants may request an explanation of the competition terms until 1pm on 16 November 2018.
- 9.4.2 The Contracting Authority shall publish the explanation of the competition terms on the Contracting Authority's profile at least 50 days before the end of the time limit for the submission of proposals.

9.5 Submission of the competition proposals – first phase

- 9.5.1 Competition proposals may be submitted (in the office hours of the Contracting Authority's filing office) at: **Magistrát města Ostravy, Prokešovo nám. 8, 729 30 Ostrava, podatelna (určeno pro odbor ÚHA a SR)**. The proposals can also be sent by post or other public shipping service to the above address.
- 9.5.2 **The last possible date for the submission of a competition proposal, i.e. the deadline for the submission of proposals, is 1 February 2019 at 1pm.**
- 9.5.3 A proposal submitted after the deadline for submission of proposals is deemed not to have been submitted and shall be disregarded in the assessment and evaluation. In the case of personal submission, the Contracting Authority has the right not to take over a proposal submitted after the deadline for the submission of proposals.
- 9.5.4 If a proposal is sent by post or another public shipping service, the sender shall, in its own interest, ensure that the proposal is delivered to the above address within the time limit specified in paragraph 9.5.2.
- 9.5.5 The person taking over the proposals shall mark the date and time of the takeover on the proposal. In the case of a personal handover, the person shall provide the participant with a confirmation of the takeover of the proposal with details of the date and time of the takeover.

9.6 Proposal review

- 9.6.1 The proposals shall be reviewed by the Secretary and reviewer immediately after the end of the time limit for the submission of proposals.
- 9.6.2 After opening the proposals, the Secretary shall assign a number to the individual parts of the proposal under which they will be reviewed and evaluated. If so decided by the jury or the Contracting Authority, the proposal numbers may be changed, but not after the evaluation starts.
- 9.6.3 The reviewer and the Secretary shall prepare a report from the review of the proposals, which will be submitted to the jury and attached to the competition report.

9.7 Evaluation meeting of the jury

The date of the jury meeting for the evaluation of the competition proposals is tentatively scheduled for 11 –15 February 2019. The exact date of the evaluation meeting will be determined during the competition.

9.8 Invitation of selected participants to participate in the second phase of the competition

- 9.8.1 Following the jury's decision, the Contracting Authority shall invite the participants whose proposals were selected for the second phase of the competition to participate in the second phase.
- 9.8.2 The invitation is made by a person authorized by the Contracting Authority, who will open the envelopes marked "Contact address". The jurors, the Competition Secretary, the reviewer and the invited experts will not learn the names of the invited participants.

9.9 Course of the second phase of the competition

- 9.9.1 The course of the second phase will be specified and will be sent, together with the invitation and other documents, to the competitor advancing to the second phase.
- 9.9.2 The time limit for the submission of proposals for the second phase is expected to be at least 60 days.

9.10 Competition report

9.10.1 The Secretary or another person appointed by the chairman of the jury shall prepare the competition report from all jury meetings, which shall be verified by all the members of the jury by attaching their signatures, and confirmed by the recorder.

9.10.2 Competition report includes in particular:

- a) Minutes of all jury meetings, including the voting record;
- b) a report on the explanation of the competition documentation during the time limit for the submission of proposals;
- c) a report on the receipt of proposals and the review of proposals;
- d) a recommendation to the Contracting Authority to exclude participants from the competition;
- e) a list of all the competition proposals considered;
- f) a record of the evaluation of the competition proposals including the voting record;
- g) a written evaluation of all proposals;
- h) a decision of the jury on the selection of proposals for the second phase of the competition and, where relevant, specification of the terms for the second phase of the competition;
- i) information on the opening of envelopes marked "Author" and names of participants assigned to proposal numbers;
- j) the jury's opinion on the selection of the most suitable proposals, determining their ranking, granting of prizes, including justification and other jury recommendations;
- k) attendance sheets from individual jury meetings.

9.10.3 Various views of jury members may be recorded in the competition report, if specifically requested by the members.

9.11 Decision to select a proposal and its notification

9.11.1 The Contracting Authority is bound by the jury's opinion when selecting a proposal.

9.11.2 The Contracting Authority shall make the decision on the selection of a proposal within 90 days after the jury has presented its opinion.

9.11.3 The Contracting Authority may decide to re-evaluate the proposals for reasons set forth in Section 148(7) of the Public Procurement Act and Section 11(1) of the Competition Rules.

9.11.4 The Contracting Authority shall announce the outcome of the competition and the selection of the proposal on the Contracting Authority's profile within ten days after the decision to select the most suitable proposal. The announcement shall be accompanied by the competition report.

9.11.5 The Contracting Authority shall publish the outcome of the competition after delivering the decision on the selection of the most suitable proposal by the other means by which it published the competition notice.

9.12 Making available of competition proposals

On the date of publication of the competition results and the reports, a 15-day time limit for the making available of the competition proposals commences.

9.13 End of competition, termination of competition

9.13.1 The competition ends:

- a) upon the lapse of the time limit for the submission of objections against the selection of a proposal pursuant to Section 241–244 of the Public Procurement Act and Section 13 of the Competition Rules, if no objections are submitted;
- b) if objections are submitted, upon the time limit for the submission of a proposal for a review of the Contracting Authority's conduct with the Office for the Protection of Competition pursuant to Section 251(2) and (3) of the Public Procurement Act, if such a proposal is not submitted;
- c) if the proposal pursuant to Section 251 of the Public Procurement Act is submitted, upon the decision on the discontinuation of the administrative procedure or the dismissal of the proposal becoming final.

9.13.2 The Contracting Authority has the right to terminate the competition. If the competition is terminated, the Contracting Authority is obliged to pay compensation to each of the participants that proves that it has elaborated or prepared a competition proposal in the maximum amount of CZK 500,000.

9.14 Payment of prizes, reimbursement of costs associated with participation in the competition

Prizes and other payments will be paid within 50 days after the end of the competition.

9.15 Public exhibition of competition proposals

The public exhibition of competition proposals will start no later than three months after the end of the competition.

10 RESOLUTION OF CONFLICTS

10.1 Objections

- 10.1.1 Participants may object to the Contracting Authority's conduct in the competition for proposals in accordance with Part Thirteen of the Public Procurement Act.
- 10.1.2 Each participant may, within 15 days after the delivery of the notice of the decision on the selection of the most suitable proposal, submit to the Contracting Authority a reasoned objection against the formal conduct of the jury.
- 10.1.3 The objections are submitted by a participant (the "complainant") in writing; it must state who is submitting them, against what conduct of the jury or the Contracting Authority, why it believes the competition terms have been breached and what the complainant is seeking.
- 10.1.4 The Contracting Authority shall examine the objections in full and, within 15 days of receipt of the objections, shall send the complainant a written decision on whether or not the objections are satisfied, stating the reasons. If the Contracting Authority grants the objections, it shall state in its decision the method of remedy and notify this to all the competition participants. If the Contracting Authority does not grant the objections, it shall inform the complainant in a written decision about the possibility of submitting an arbitration request with the President of the Court of Czech Chamber of Architects and a request to initiate a review of the Contracting Authority's conduct with the Office for the Protection of Competition.

10.2 Request to initiate a review of the Contracting Authority's conduct

- 10.2.1 The request must be delivered to the Office for the Protection of Competition and to the Contracting Authority within 10 days after the delivery of the decision of the Contracting Authority on objections, or within 25 days after the sending of the objections if the Contracting Authority has not decided on the objections.
- 10.2.2 The mandatory elements of the request for review of the Contracting Authority's conduct and the further steps to be taken by the complainant are governed by Section 249 et seq. of the Public Procurement Act.

11 COPYRIGHT

11.1 Ensuring copyright protection of the proposal in the relationship between the participant and the author

The participant shall demonstrate that copyright protection of the proposal is ensured by:

- a) a declaration that the participant is at the same time the author, if the competition proposal is submitted by a natural person who is also a participant and the author, or by a legal person where the person who is the author of the proposal is the governing body of such a legal person;
- b) a licence agreement governing the settlement of copyrights between authors – natural persons submitting a proposal jointly as a participant;
- c) a licence agreement governing the settlement of copyrights between legal persons submitting a proposal jointly as a participant if the author of the proposal is a governing body or employee of the legal person;
- d) a licence agreement between the participant and the author if the author is the subcontractor of the participant.

11.2 Ensuring copyright protection of the proposal in the relationship between the participant and the Contracting Authority

11.2.1 The authors of the competition proposals shall retain their copyrights, they may publish their competition proposals and may reuse them in other cases.

11.2.2 By submitting the competition proposals, the participants agree with the free reproduction and the presentation of their competition proposals as part of the promotion of the competition and its results.

11.2.3 The winning proposals become the property of the Contracting Authority. The authors of these proposals grant the Contracting Authority the consent to use their copyrighted works for the purposes of this competition. The use of the work proposals or parts thereof for purposes other than those specified in these competition terms is subject to the explicit permission of the authors.

12 OTHER CONDITIONS

12.1 Language of the competition

The competition is announced and will be conducted in Czech and English. All parts of the competition proposal must therefore be prepared in English or bilingually in both Czech and English. In the event of a conflict, the English version prevails.

12.2 Applicable law

The competition will be conducted in accordance with the Czech law.

12.3 Acceptance of competition terms

12.3.1 By participating in the competition, the Contracting Authority, the Competition Secretary, the reviewer, the jury and the invited experts confirm that they have become familiar with all the conditions of the competition and undertake to observe and honour them as a contract.

12.3.2 By submitting the competition proposals, the participants agree to all the competition terms as a contract and to the decisions of the jury made on the basis of and in accordance with these conditions.

Place, date and signature of the authorized representative of the Contracting Authority