

Measure of the Dean of the Faculty of Informatics of Masaryk University No. 1/2023**CONCLUSION AND REGISTRATION OF CONTRACTS AT THE FACULTY OF
INFORMATICS**

(as amended with effect from 1 January 2023)

Pursuant to Section 28(1) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Additions to Other Acts, as amended (hereinafter referred to as the "Higher Education Act"), and in connection with the Organizational Regulations of the Faculty of Informatics and Masaryk University Directive No. 6/2017 Registration of Contracts and Publication of Contracts, I issue the following measure:

Article 1**Subject of modification**

- (1) This measure regulates the procedures for controlling, concluding and registering contracts concluded by the Faculty of Informatics (hereinafter referred to as FI) on behalf of Masaryk University. The procedure according to this measure also applies to all documents which supplement, amend, replace or cancel an already concluded contract (contract amendments, termination agreement, termination notice, ...).
- (2) This measure does not apply to contracts involving employment relationships.
- (3) This measure is without prejudice to obligations under other regulations, in particular those governing financial control and public procurement.

Article 2**Definition of terms**

- (1) For the purposes of this Directive:
 - a) A contract (sometimes also an agreement or contract) is a bilateral or multilateral legal act consisting of mutual and substantively identical expressions of will of the contracting parties aimed at the creation, modification or termination of rights and obligations which the law associates with such expressions of will. For the purposes of accounting and tax records, a contract must always be in writing.
 - b) A written contract is one in which the content of the contract is recorded in writing. It is preferable to conclude contracts within a single document (deed, -edocument) bearing the signatures of the contracting parties.
 - c) A contract concluded electronically means a contract submitted for conclusion via the electronic filing system in the MU Information System Office and electronically signed by the FI Dean or another authorised person in accordance with the FI Signature Regulations.
 - d) A contract concluded in the form of a purchase order means concluding a contract in a simpler form - the so-called purchase order generated from EIS Magion. The provisions of this measure apply to orders with a price/value exceeding CZK 50,000 excluding VAT.

- e) The proposer of a contract (hereinafter referred to as the "proposer") is an FI employee authorised by virtue of his/her employment or temporary assignment to propose the conclusion of a contract between FI and the contractual partner(s).
- f) Economic Information System (hereinafter referred to as "EIS") means the Magion information system.
- g) The Internal Register of Contracts (hereinafter referred to as the "IRS") is a web-based application of the MU Information System Office.
- h) The Register of Contracts (hereinafter referred to as the "RS") means the public administration information system administered by the Ministry of the Interior of the Czech Republic, which serves for the mandatory publication of contracts under Act No.340/2015 Coll., the Act on Special Conditions of Effectiveness of Certain Contracts, Publication of Such Contracts and on the Register of Contracts, as amended.
- i) Metadata means data describing the contractual relationship - identification of the partner contractual party, subject of the contract, price without VAT, price with VAT.

Article 3

Competence and responsibility in the contracting process

- (1) The agenda of control, registration and publication of contracts is entrusted by the FI Organisational Regulations to the FI Dean's Secretariat. The FI Dean's Secretariat ensures the entry of contracts into the IRS and RS and at the same time records and archives the original contracts.
- (2) The submitter is responsible for:
 - a) the content of the draft contract - the proposer is required to have sufficient information to enter into a contractual relationship, including the scope and terms of performance of the subject matter of the contract, mutual obligations and requirements for any consideration,
 - b) identification of those contractual details which should not be disclosed if the contract is published (e.g. business secrets), including the reason why they should not be disclosed,
 - c) ensuring adequate financial control in accordance with the FI Dean's Instruction on Financial Control,
 - d) for communication with the other party.
- (3) The submitter is first obliged to submit the draft contract to the responsible staff of the FI Dean's Secretariat (secretary, lawyer) for checking the substantive and formal correctness of the contract in sufficient time before the planned/requested date of signing - the contract in an editable format including all information necessary for the conclusion and subsequent publication of the contract shall be sent to smlouvy@fi.muni.cz.
- (4) Once the substantive and formal correctness of the draft contract has been checked, the final version of the textual content of the contract modified for publication, i.e. the plain text of the contract without personal information, signatures, etc., in an open and machine-readable format including metadata, is uploaded to the IRS.
- (5) Due to the obligation to publish contracts with a price/value of at least CZK 50,000 excluding VAT in the RS, it is recommended that the text of the contract agreed by the contracting parties be handed over either in paper form or in PDF format first to the other contracting party for signature to ensure that the text of the contract cannot be modified undesirably. It is

recommended that the text of the contract, as agreed by the parties, be transmitted to the other party or to the submitter for signature via the IRS.

- (6) Prior to the conclusion of the contract, it is necessary to carry out a financial control in accordance with the FI Dean's instruction on financial control.
- (7) In general, the dean of the FI or the secretary of the FI is exclusively authorised to sign the contract within the scope of the FI Organisational Regulations. In the absence of the Dean, representation is determined by the Measure of the Dean Statutory Representatives in the absence of the Dean.
- (8) Electronic form of approval and conclusion of contracts is preferred.

Article 4

Registration and publication of contracts

- (1) A contract with a price/value of performance exceeding CZK 50,000 excluding VAT becomes effective only after publication in the RS in accordance with Act No. 340/2015 Coll., the Act on Special Conditions of Effectiveness of Certain Contracts, Publication of Such Contracts and on the Register of Contracts. Amendments to contracts are also subject to publication.
- (2) If the contract is not published within three months of its conclusion, it will be annulled from the outset (which has the same consequences as if it were absolutely null and void).
- (3) Publication of the contract is ensured by the responsible staff of the FI Dean's Secretariat immediately after its signing by the last contracting party. The promoter is responsible for ensuring that the contract is not executed before it is published.
- (4) An electronic image of the concluded contract (except for contracts containing trade secrets) must be uploaded to the IRS.
- (5) The concluded contract must be immediately forwarded to the FI Economic Department, which will ensure its entry into the electronic contract register in the EIS, or the project contract must be forwarded to the FI Research Support, Projects and Cooperation with Industrial Partners Department, which will ensure its registration in the Project Registration Information System in INET.

Article 5

Presentation of contracts for signature to the Rector or Bursar of Masaryk University

- (1) A contract for which the person authorised to sign is the Rector of MU or the Bursar of MU is submitted by the submitter well in advance of the planned/requested date of signing in an editable format, including all information necessary for the conclusion and subsequent publication of the contract via smlouvy@fi.muni.cz, for checking the substantive and formal correctness of the contract by the responsible staff of the FI Dean's Secretariat (secretary, lawyer).
- (2) Once the substantive and formal correctness of the draft contract has been checked, the final version of the textual content of the contract modified for publication, i.e. the plain text of the contract without personal information, signatures, etc., in an open and machine-readable format including metadata, is uploaded to the IRS.

- (3) The IRS file is then forwarded to the RMU Legal Department along with other documents (in the case of physical signatures, copies of the contract signed by the other party, proof of financial audit) to secure signatures on the RMU side and publish the contract.
- (4) After the contract has been published and handed back to the FI Dean's Secretariat, it is immediately forwarded to the FI Economic Department, which ensures its entry into the electronic contract register in the EIS, or the project contract must be handed over to the FI Research Support, Projects and Cooperation with Industrial Partners Department, which ensures its registration in the Project Registration Information System in INET.

Article 6

Conclusion of contracts by means of purchase orders

- (1) The provisions of this measure also apply to contracts concluded in the form of an order with a price/value exceeding CZK 50,000 excluding VAT.
- (2) A contract concluded in the form of a purchase order means the conclusion of a contract in the form of an order from the customer and its acceptance by the supplier, or an offer from the supplier and a subsequent order from the customer.
- (3) Before concluding a contract in the form of a purchase order (i.e. before the purchase order is handed over to the supplier with the signature of the person authorised on behalf of the FI), it is necessary to carry out a financial control in accordance with the FI Dean's instruction on financial control.
- (4) The procedure for concluding a contract in the form of an order and its acceptance:
 - a) On the basis of the submitter's request, the person responsible for issuing orders with a price/value exceeding CZK 50,000 excluding VAT shall issue an order in the EIS and send it to the other party for acceptance. The order must contain the following text: *'We request acceptance of this order (the client excludes acceptance with deviation) and its subsequent sending to the email: ekon@fi.muni.cz within 3 working days at the latest, otherwise the order will be invalid. The supplier agrees to publish the contract resulting from this order in the register of contracts (according to Act 340/2015 Coll.).'*
 - b) Acceptance can be done by a simple email communication. Electronic signature of the email is not required on the part of the supplier.
 - c) The person in charge of issuing orders with a price/value exceeding CZK 50,000 excluding VAT shall publish the order with acceptance in the RS.
- (5) The procedure for concluding a contract in the form of an offer and order:
 - a) In the event that the supplier issues an offer on the basis of the submitter's request, including, if applicable, the delivery and guarantee conditions, which he signs, the person authorised to issue orders with a price/value exceeding CZK 50,000 excluding VAT shall issue an order in the EIS referring to this offer. He/she shall add the following text to the order: *'We accept the tender No ... of ... without any possibility of deviation. The supplier agrees to publish the contract resulting from this order in the register of contracts (pursuant to Act 340/2015 Coll.).'*
 - b) The person authorised to issue orders with a price/value exceeding CZK 50,000 excluding VAT shall publish the order including the offer in the RS.

Article 7

Final provisions

- (1) Any exceptions to the procedures outlined in this measure must be discussed and approved by the FI Secretary.
- (2) As of the effective date of this measure, Dean's Measure No. 8/2021 Conclusion and Registration of Contracts at the Faculty of Informatics, as in effect on 1 July 2021, is repealed.
- (3) I entrust the interpretation of the individual provisions of this measure to the FI Secretary.
- (4) Compliance with this measure is monitored by the FI's lawyer.
- (5) This measure shall enter into force on the date of its publication.
- (6) This measure shall enter into force on 1 January 2023.

*Jiri Zlatuska
Dean FI
signed electronically*