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Palacký University
Olomouc

PROCUREMENT DOCUMENTATION

**public supply contract awarded in the above-threshold regime in
open procedure in accordance with provisions of Section 56 of Act
No. 134/2016 Coll., Public Procurement Act, as amended**

„FoS/UPOL – MALDI Sprayer II“

This public contract is related to the implementation of the project "Support of doctoral study programmes at Palacký University in Olomouc", reg. no. CZ.02.01.01/00/22_012/0006440, within the Jan Amos Komenský Operational Programme.

Identification data of the contracting authority:

Palacký University Olomouc

Legal Address: Křížkovského 511/8, CZ-771 47 Olomouc, Czech Republic

Identification No.: 61989592

Tax Identification No.: CZ61989592

Bank: Komerční banka, a.s.

Bank Account No.: 19-1096330227/0100

Rector: prof. MUDr. Martin Procházka, Ph.D.

Legal Form: public university (according to the Act No. 111/1998 Coll.)

Contact person for public contract matters: Mgr. Petra Vopálková
tel.: +420 585 631 118, e-mail: petra.vopalkova@upol.cz

Hereinafter referred to as the "Contracting Authority"

Type of procurement procedure: open procedure

Contracting Authority profile: <https://zakazky.upol.cz>

Reference to the Contracting Authority public contract:
<https://zakazky.upol.cz/vz00005291>

Procurement documentation is published in full on Contracting Authority profile.

This procurement documentation (hereinafter referred to as the "Documentation") is prepared in accordance with the provisions of Section 28 (1) b) of Act No. 134/2016 Coll., Public Procurement Act, as amended (hereinafter referred to as the "Act") and is a set of terms of reference in the details necessary for submitting tender, except for the forms pursuant to Section 212 of the Act. The rights, obligations or conditions of the Contracting Authority and Economic Operators, respectively of the Suppliers (hereinafter referred to as the "Economic Operator" or "Economic Operators" or "Supplier" or "Suppliers" for the purposes of this Documentation) in a procurement procedure not specifically mentioned in this Documentation, are governed in particular by this Act and its implementing regulations. This Documentation is prepared in English.

This public contract is awarded electronically using a certified electronic tool pursuant to Section 213 of the Act available at <https://zakazky.upol.cz>.

All acts, including the submission of required documents, shall be carried out electronically and all communication between the Contracting Authority and the Supplier within the meaning of Section 211 of the Act shall be carried out electronically through the electronic tool.

Contracting Authority points out, that for full use of the electronic tool E-ZAK, it is necessary to fill out and **complete registration** in this electronic tool. For timely and proper familiarization with the documents sent by Contracting Authority via the electronic tool E-ZAK, as well as for proper and correct filling in of the contact information of the Economic Operator, Economic Operator is fully responsible. All documents sent via the electronic tool E-ZAK are considered delivered on the day when they are delivered to the user account of the documents addressee.

Conditions and information related to the electronic tool E-ZAK are available in user's manual at <https://zakazky.upol.cz>. Contracting Authority recommends familiarizing with contents of the manual and also checking software setting of Economic Operators computer prior to submitting a tender.

Answers related to user controls of the electronic platform E-ZAK can also be provided by the Contracting Authority Contact person for public contract matters (Mgr. Petra Vopálková, e-mail: petra.vopalkova@upol.cz).

1. Classification of the subject of the public contract

Classification of the subject of the public supply contract:

Title	CPV code
Analytical instruments	38432000-2
Laboratory, optical and precision equipments (excl. glasses)	38000000-5

2. Definition of the subject of the public contract

2.1. Subject of the public supply contract

The subject of the public contract is delivery of one piece of MALDI Sprayer for the application of MALDI-Imaging plate preparation matrix with a dispenser that must allow rapid and accurate application of MALDI-Imaging plate preparation matrix and in-situ application of trypsin. In addition to the delivery itself, the subject of the public contract is also the installation, training of the operator and provision of warranty service. The detailed technical specification is set out below in Article 2(2.2) of this Documentation.

All necessary equipment must be included in the delivery to allow full installation of the required device, without additional requirements and costs by the Contracting Authority, in order to achieve all the parameters required by the Contracting Authority in this Documentation.

The device shall comply with all the requirements resulting from the technical and safety standards valid in the Czech Republic for this type of device. Part of the delivery is also the delivery of the complete documentation for the device.

The Contracting Authority requires that all the equipment must be completely new, unused, non-refurbished.

Economic Operator is obliged to respect the technical parameters set in this Documentation, if he fails to do so, he will be excluded from the award procedure of the public contract, pursuant to Section 48 (2) a) of the Act. Economic Operator is obliged to prove the guaranteed technical parameters for the fulfilment of the Contracting Authority's requirements specified in this Documentation (Economic Operator shall present a detailed technical specification of the offered device and the precise (specific) designation of the offered equipment).

If this Documentation, including all its annexes, contains requirements or references to trade names, names or surnames, specific designations of products and services that are considered to be characteristic of a particular entrepreneur or its organizational unit, patents for inventions, utility models, industrial designs, trademarks or appellations of origin, the Contracting Authority shall allow the use of other equivalent solutions.

2.2. Technical specification of the subject of the public contract

The system must include all components listed below and must fulfil the following minimal requirements set by the Contracting Authority:

- Spray speed min. 10 µL/min - 0,5 mL/min
- Minimum available spray area 81 x 124mm
- Application speed > 1350 mm/min
- Crystal size < 10 µm
- Controllable matrix homogeneity
- Matrix capability CHCA/DHB/9-aa/nanoparticle

2.3. Warranty and service

Economic Operator shall provide warranty of the offered goods for a period of 24 months. Economic Operator will also guarantee the promptness of the service intervention over the course of the warranty period (within 10 working days at the latest after the report of a defect, by a visit of a service technician). Over the course of the warranty period, the individual defects must be removed within 15 working days at the latest after the start of their removal, unless persons authorized in technical matters of the contracting parties agree otherwise in a written form.

Economic Operator also undertakes to perform free full service of the delivered equipment for the entire warranty period (free warranty service of delivered goods). The costs of performing a full warranty service of the delivered goods form part of the Economic Operator's tender price.

2.4. Conditions concerning the user support

The tender price must include basic operator training for the delivered device in the following scope:

Operator training for delivered goods in the minimal scope of 1 working day – 8 hours, for at least 3 persons of the Contracting Authority. Professionally qualified service technicians or application specialists will conduct initial operator training, which will include:

- switching on/off the equipment including accessories
- routine check of the operating parameters of the equipment
- basic fault detection methodologies

All training shall take place at the place of the device installation, unless agreed otherwise in writing by the persons authorized by the contracting parties to act in technical matters.

All the costs related to the training as mentioned above (including the stay of service technicians, application specialists or specialists of the economic operators of the accessories), are paid by the Economic Operator.

2.5. Delivery term

The term of realization of the public contract is conditioned by a due completion of the procurement procedure and the signature of the relevant purchase contract.

Delivery time is up to 56 calendar days from the effective day of the purchase contract.

2.6. Place of delivery

Palacký University Olomouc, Faculty of Science, Laboratory of Growth Regulators, building 47, Šlechtitelů 241/27, 783 71 Olomouc, Czech Republic.

2.7. Responsible procurement

The Contracting Authority awards this public contract in accordance with the principles of socially responsible public procurement. In addition to the emphasis on purely economic parameters, socially responsible public procurement also takes into account the related

impacts of the contract, especially in the areas of employment, social and labor rights and the environment.

Aspects of socially responsible public procurement are taken into account in commercial and other contractual terms and conditions.

3. Parts of the public contract

The public contract is not divided into the parts, as the subject of the public contract forms a compact unit, where it is not technically possible to divide the public contract. Due to the nature of the matter and to ensure full functionality and compatibility, it is therefore not possible to divide the public contract into parts. It is a highly sophisticated unit, where it is not possible to separate individual components.

4. Estimated value of the public contract

The estimated value of the public contract amounts to **40.455,00 EUR without VAT**.

5. Requirements for a uniform method of processing the tender price

The tender price will be a complete and unbeatable, submitted by the Economic Operator on the basis of this Documentation. **Tender price will be stated in EUR without VAT.**

Price for the public contract subject is a total and unbeatable, shall be set in accordance with the tender, will be valid throughout the whole procurement proceedings and will include any and all costs of the Economic Operator related to subject of the public contract.

5.1. Documentation proving the tender price

Economic Operator will declare his tender price by following:

- presenting the total tender price in draft of purchase contract (Annex 3 of this Documentation),
- presenting the total tender price in the cover sheet of the tender (Annex 1 of this Documentation).

In the event of different tender prices on the cover sheet of the tender and tender price in the purchase contract draft, the tender price set in the purchase contract draft will be considered valid and correct.

5.2 Exceeding the tender price

The tender price is set as the maximum price. Price change is possible only in justified cases under the Act.

6. Commercial terms and conditions

Contracting Authority present binding terms and conditions pursuant to Section 28 (1) b) and Section 36 (2) of the Act.

Economic Operator is obliged to submit, as an integral part of his tender, draft of purchase contract. Economic Operators draft of purchase contract must respect the binding terms and conditions as defined per Annex 3 of this Documentation.

Economic Operator will only fill in the missing data in the purchase contract draft, highlighted and marked with a comment **(to be completed by Economic Operator)**. Economic Operator is not allowed to change any part of the purchase contract draft. In the event when Economic Operator changes other provisions of the purchase contract draft in any way, it will be considered by the Contracting Authority as a breach of the public procurement conditions, resulting in exclusion of Economic Operator from further participation in the procurement procedure.

In accordance with the above mentioned requirements, Economic Operator shall designate the purchase contract as a draft and insert it signed by a person authorized to act on behalf of or for Economic Operator into the tender.

7. Qualification of Economic Operator

7.1 Proof of qualification

Economic Operator must proof the qualification specified in Section 73 et seq. of the Act. Economic Operator must demonstrate the fulfillment of the qualification requirements in the manner and scope according to this Documentation.

Qualification requirements for the performance of this public contract will be met by Economic Operator, who will provide in his tender evidence of fulfillment of following:

- a) basic qualification pursuant to Section 74 of the Act,**
- b) professional qualification pursuant to Section 77 (1) of the Act.**

7.2 The authenticity and age of evidence of qualification

7.2.1 Authenticity of the documents

Economic Operator shall provide below mentioned qualification documentation in copies. Economic Operator can replace required documentation by a written affidavit or by European Single Procurement Document under Section 86 (2) of the Act. During the procurement procedure pursuant to Section 45 (1) of the Act, the Contracting authority may request the submission of originals or certified copies of Economic Operators qualification documents.

If the Law or the Contracting Authority requires the submission of a document under the legal system of the Czech Republic, the Economic Operator may submit a similar document under the legal system of the state in which the document is issued. A document that is drawn up in a language other than the language designated by the Contracting Authority in this Documentation as the language in which tenders are submitted shall be submitted with a translation into the language designated by the Contracting Authority. If the Contracting Authority has doubts about the accuracy of the translation, it may request the submission of a certified translation of the document by an interpreter registered in the list of experts and interpreters. The document in the Czech or Slovak language and the proof of education in the Latin language shall be submitted without translation. If the required document is not issued under the relevant legal regulations, it may be replaced by a written affidavit.

7.2.2 Age of documents

The documents demonstrating basic qualification under Section 74 of the Act shall demonstrate the fulfilment of the required qualification criterion not later than three months before the date of the commencement of the procurement procedure.

7.3. Proving of qualification obtained abroad

Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting Authority.

7.4. Basic qualification

7.4.1. Scope of basic qualification

Pursuant to Section 74 (1) of the Act Economic Operator shall be qualified if it:

- a) was not convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has not outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has not outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has not outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is not in liquidation, has not been declared insolvent, in respect of whom the receivership has not been imposed under another legal regulation or it is not in a similar situation pursuant to the law of the country of its registered office.

If the Economic Operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in Section 74 (1) a) of the Act.

Where a legal person is a member of the governing body of the Economic Operator, the condition specified in in Section 74 (1) a) of the Act shall be met by

- a) this legal person,
- b) every member of the governing body of this legal person, and
- c) the person representing this legal person in the governing body of the Economic Operator.

If a participant in the procurement procedure is a branch of a business of

- a) a foreign legal person, the condition specified in Section 74 (1) a) of the Act shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in Section 74 (1) a) of the Act shall be met by the persons referred to in subsection (2) as well as the head of the branch.

7.4.2. Proof of basic qualification

The Economic Operator shall prove that fulfils the basic qualification requirements in relation to the Czech Republic pursuant to Section 74 (1) a) – e) of the Act by submitting:

- a) an entry in the Criminal Records in respect of Section 74 (1) a) of the Act,
- b) a confirmation from a relevant tax office in respect of Section 74 (1) b) of the Act,
- c) a written affidavit regarding excise duty in respect of Section 74 (1) b) of the Act,
- d) a written affidavit in relation to payments and penalties of public health insurance in respect of Section 74 (1) c) of the Act,
- e) a confirmation from a relevant territorial social security administration in respect of Section 74 (1) d) of the Act,
- f) a copy of an entry in the Commercial Register, or a written affidavit in the event that the Economic Operator is not incorporated in the Commercial Register, in respect of Section 74 (1) e) of the Act.

If Economic Operator is a person with a seat abroad, fulfillment of the conditions of the basic qualification according to letter a) as per above, is required only in relation to the country of its residence.

7.5. Professional qualification

Pursuant to Section 77 of the Act the Economic Operator shall prove its professional qualification in relation to the Czech Republic by submitting **an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.**

The Economic Operator is not obliged to submit the documents if legal regulations in the country of its registered office do not require such professional qualification.

7.6. Common provisions governing qualification

7.6.1 Qualification in the case of joint participation of Economic Operators

In the case of joint participation of Economic Operators, the basic and professional qualifications pursuant to Section 77 (1) of the Act shall be proved by each Economic Operator separately.

7.6.2 Proving qualification by extract from List of Approved Economic Operators

Economic Operator can prove his qualification according to Section 228 of the Act by extract from the List of Approved Economic Operators. Such extract shall replace the document attesting to:

- a) the professional qualification pursuant to Section 77 of the Act to the extent to which the data contained in the extract prove the fulfilment of the professional qualification criteria, and
- b) the basic qualification pursuant to Section 74 of the Act.

The Contracting Authority shall accept an extract from the List of Approved Economic Operators provided that on the last day on which the basic qualification or professional qualification is to be proved, the extract is not older than three months.

In the same manner as using an extract from the List of Approved Economic Operators, the Economic Operator may prove its qualification by submitting a certificate issued in another

Member State of the European Union, in which the Economic Operator has its registered office, and which is an equivalent of the extract from the List of Approved Economic Operators.

7.6.3 Proving qualification by a certificate

Economic Operator can prove his qualification according to Section 234 of the Act by certificate issued within an approved System of Certified Economic Operators.

Should Economic Operator submit such certificate containing necessities according to Section 239 of the Act, and data in certificate are valid at least on the last day for proving qualification, then this certificate proves Economic Operators qualification to the extent of its content.

In the same manner as using a certificate, the economic operator may prove its qualification by submitting a certificate issued in another Member State of the European Union, in which the Economic Operator has its registered office, and which is an equivalent to the certificate issued within a System of Certified Economic Operators.

7.7. Changes in qualification of a participant

If the qualification of a participant changes after the submission of documents or affirmation regarding qualification, the participant is obliged to announce such change to the Contracting Authority within five working days and to submit new documents or affirmation of qualification within 10 working days from the announcement of such change; the Contracting Authority may extend these time limits or excuse their default.

7.8. Qualification documents (e-Certis)

In order for qualification to be proved, the Contracting Authority shall require primarily documents registered in the system that helps identify the certificates requested as a proof of qualification (e-Certis).

8. Further conditions for the conclusion of a contract and requirements for the person of the Economic Operator

8.1 The Contracting Authority shall send the selected Economic Operator an invitation pursuant to Section 122(3)(a) of the Act to submit the documents on its qualification required by the Contracting Authority and not available to it, including the documents pursuant to Section 83(1) of the Act; the documents on the basic qualification must prove the fulfilment of the required qualification criterion no later than 3 months prior to the date of opening of the procurement procedure.

8.2 Requirements resulting from Act No. 159/2006 Coll.:

Pursuant to Section 4b of Act No. 159/2006 Coll., on Conflict of Interest, as amended, the Contracting Authority is prohibited from awarding a public contract to a supplier that is a company in which a public official referred to in Section 2(1)(c) of this Act or a

person controlled by him owns a share representing at least 25% of the shareholder's participation in the company.

For this reason, the Contracting Authority requires the Economic Operator to declare on oath that it is not a supplier to whom the above prohibition would apply. The Economic Operator shall therefore submit an affidavit in its tender, see Annex 2 to this Documentation.

8.3 Requirements arising from EU Council Regulation 2022/576:

Pursuant to Article 5k of Council Regulation (EU) No. 2022/576 of 08.04.2022 amending Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's activities destabilizing the situation in Ukraine, the Contracting Authority is prohibited from awarding a public contract to a supplier that is from Russia, is more than 50% owned by an entity from Russia, acts on behalf of or at the direction of an entity from Russia, or has subcontractors from Russia.

For this reason, the Contracting Authority requires the Economic Operator to declare on oath that it is not a supplier to whom the above prohibition would apply. The Economic Operator shall therefore submit an affidavit in its tender, see Annex 2 to this Documentation.

8.4 Requirements in relation to the SITUATION WITH REGARD TO SANCTIONS ADOPTED BY THE EU AGAINST RUSSIA AND BELORUS (e.g. Council Regulation 269/2014 or 208/2014 or 765/2006):

The Contracting Authority shall require the Economic Operator to declare on oath that neither it, nor the supplier with whom it may be submitting a joint tender, nor any of its subcontractors, is a person, entity or body listed on the EU sanctions list in the Annexes to these Regulations. The supplier shall therefore provide in its tender an affidavit, see Annex 2 to this Documentation.

9. Availability of Documentation, Explanation of Documentation and Amendment or Supplement of the Documentation

The Contracting Authority provides this Documentation, including all annexes, by publishing it on the profile of the Contracting Authority via the electronic tool E-ZAK: <https://zakazky.upol.cz>.

Under Section 98 (1) of the Act, the Contracting Authority may explain this Documentation, if such an explanation is published on the profile of the Contracting Authority at least 5 working days before the closing date for the submission of tenders.

If the explanation of the Documentation pursuant to Section 98 (3) of the Act is requested by Economic Operator, the Contracting Authority shall publish the explanation on the profile of the Contracting Authority including the accurate wording of the request without identifying the respective Economic Operator. The written request must be submitted electronically in written in the Czech, English or Slovak language and must be delivered to the Contracting Authority in accordance with the Act at least 8 working days before the closing date for the submission of tenders. The Contracting Authority shall provide Economic Operator with written explanation within the statutory time limit, via electronic tool E-ZAK. Explanation of

the Documentation (without identification of the questioner) shall be provided by Contracting Authority to all other Economic Operators via electronic tool E-ZAK.

The Contracting Authority may amend or supplement the procurement conditions contained in the Documentation in accordance with Section 99 (1) of the Act before the expiry of the time limit for the submission of tenders. An amend or supplementation of the Documentation shall be published or announced to Economic Operators by the same means as the procurement condition that has been amended or supplemented, through the profile of the Contracting Authority.

The Contracting Authority will send an explanation, amendment or supplementation of the Documentation via the contact person for public contract matters.

10. Evaluation of tenders

The tenders of the public contract will be evaluated on the basis of their economic advantageousness.

The economic advantageousness of tenders will be evaluated on the basis of **the lowest tender price**.

The evaluation of tenders will be performed according to the absolute amount of the total tender price in EUR without VAT for the entire subject of the public contract. Tenders will be ranked in order from lowest to highest tender price. The lowest tender price in EUR without VAT will be evaluated the best.

11. Submission of tenders

11.1. Closing date for submission of tenders

Closing date for submission of tenders is **31. 07. 2024 at 09:00 a.m.**

Tenders are submitted in electronic form through an electronic tool E-ZAK, as specified by the Contracting Authority, available at <https://zakazky.upol.cz/vz00005291>.

11.2 Opening of the tenders

Opening of the tender in electronic form means making its contents available to the Contracting Authority.

Electronic tenders shall be opened by the Contracting Authority after the deadline for the submission of tenders.

When opening electronic tenders, the Contracting Authority shall check that the tender has been received within the time limit and that it has not been tampered with before opening.

Since tenders are submitted exclusively in electronic form via the electronic tool E-ZAK at the address of the public contract, envelopes containing tenders submitted in paper form will not be opened.

11.3. Variants of tenders

The Contracting Authority does not allow variants of tenders.

11.4. Joint participation of Economic Operators

Pursuant to Section 103 (1) f) of the Act Contracting Authority requires, that in case of joint participation of Economic Operators, responsibility for fulfilling the tender will be shared equally amongst all of them.

If several Economic Operators submit a joint tender, they shall state in the joint tender which of the participants in the joint tender is authorized to act in the procurement procedure.

12. Content and form of the tender

12.1 Content of the tender

The submitted tender will have the following structure:

- The tender cover sheet containing Economic Operator's identification data and tender price (Annex No. 1 of this Documentation),
- Documents proving the fulfilment of the qualification,
- A draft of purchase contract signed by a person authorized to act on behalf or for Economic Operator, processed according to the binding conditions given in this Documentation (Annex No. 3 of this Documentation),
- The guaranteed technical parameters in order to prove the fulfilment of the Contracting Authority's requirements specified in this Documentation and the precise (specific) designation of the offered goods,
- Calculation of the tender price,
- A written affidavit of the Economic Operator (Annex No. 2 of this Documentation).

12.2 Form of the tender

Economic Operator may submit only one tender.

If Economic Operator submits more than one tender individually or together with other Economic Operators, the Contracting authority shall, pursuant to Section 107 (5) of the Act, exclude this Economic Operator from further participation in the procurement proceedings.

The tender will be submitted in written form, electronically, in Czech, Slovak or English language.

13. Communication between the Contracting Authority and Economic Operator

In the communication between the Contracting Authority and Economic Operator, the confidentiality of the tenders and the completeness of the data contained therein must not be compromised.



Contracting Authority must not be allowed access to the content of tenders before the closing date set for their submission.

14. Procurement conditions

No persons other than the Contracting Authority were involved in the preparation of the Documentation under Section 36 (4) of the Act.

This Documentation does not contain information that are result from a preliminary market consultation within the meaning of Section 33 of the Act.

15. Other conditions

15.1. Rights of the Contracting Authority

The Contracting Authority reserves the right:

- to cancel the procurement proceeding in accordance with the Act,
- to verify the data submitted in the tenders.

The Contracting Authority, as the administrator of personal data, hereby informs the participants of the procurement procedure about the processing of personal data for the purpose of the procurement procedure in accordance with the Act, within the meaning of Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as "GDPR"). The Contracting Authority may process personal data of suppliers and their subcontractors (from among natural persons doing business), members of statutory bodies and contact persons of suppliers and their subcontractors, persons through whom the supplier proves qualification, members of the supplier's implementation team and beneficial owners of the supplier within the framework of the procurement procedure. The Contracting Authority will process personal data only to the extent necessary for the implementation of the procurement procedure and only for the period of time provided for by the legal regulations, in particular the Act. Data subjects are entitled to exercise their rights under Articles 13 to 22 GDPR in writing at the address of the Contracting Authority registered office.

Suppliers shall not be entitled to reimbursement of costs associated with participation in the procurement procedure.

15.2. The Annexes

The following Annexes form an integral part of this Documentation:

Annex 1: Tender Cover Sheet

Annex 2: Written affidavit of the Economic Operator

Annex 3: Commercial terms and conditions

In Olomouc on

26. 06. 2024

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