

Tender documentation

in accordance with Section 36 of Act no. 134/2016 Sb., on Public Procurement Act, as amended

Title of the public tender:

Hysteresigraph for magnetically hard and soft materials, including measuring coils



simplified below-the-threshold tender procedure on the public supply contract

1. Contracting Authority information

Contracting Authority:

Name:	University of West Bohemia in Pilsen
Registered office:	Univerzitní 2732/8, 301 00 Pilsen
Represented by:	doc. Dr. RNDr. Miroslav Holeček, rector
Company number/Tax identification number:	497 77 513/CZ49777513
Legal form:	public university

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Information on the Project wherefrom the subject-matter of the public contract is funded:

Title of the Project:	<i>ERDF II Project of the University of West Bohemia in Pilsen</i>
Project number:	<i>CZ.02.2.67/0.0/0.0/18_057/0013247</i>



2. Preamble

This public contract is awarded by the Contracting Authority (hereinafter referred to as the "Contracting Authority") on the basis of Act No. 134/2016 Sb., Public Procurement Act (hereinafter also referred to as the "PPA"), as amended.

According to its anticipated value, the public contract is a below-the-threshold public contract in accordance with the provisions of Section 26 of the Public Procurement Act and a public supply contract pursuant to Section 14 (1) of the Public Procurement Act.

If the term "tenderer" is used in the content of this tender documentation, this term also applies to situations in which the PPA uses the term "contractor".

In accordance with Section 5 PPA, the Contractor means a person who offers the provision of supplies, services or construction works or more of such persons together. A branch of a plant is also considered to be the Contractor; in such a case, the registered office is considered to be the seat of the branch of the plant.

The tender documentation is provided in accordance with Section 96 (1) of PPA through unlimited and direct remote access in full on the profile of the Contracting Authority: <https://zakazky.zcu.cz> (hereinafter only the profile of the Contracting Authority) as of the date of commencement of the tender procedure

The information and data provided in this tender documentation and its annexes define the binding requirements of the Contracting Authority for the processing of the tender and the performance of the public contract. The tenderer is obliged to respect these requirements during the processing of its tender and to accept them in its tender. Failure to accept the requirements of the Contracting Authority stated in this tender documentation and its annexes will be considered as non-fulfilment of the tender conditions and may be a reason for exclusion of the tenderer from further participation in the tender procedure.

The annexes to the tender documentation are an integral part thereof. The tender documentation is prepared in the Czech language.

All communication between the Contracting Authority and the Contractor shall take place in accordance with Section 211 of PPA electronically, with the Contracting Authority recommending the use of the electronic tool E-ZAK or the electronic data mailbox, unless otherwise specified. Documents sent via the E-ZAK electronic tool are considered as duly delivered on the day of their delivery to the recipient's user account in the E-ZAK electronic tool. The delivery of a document is not affected by the fact whether the document was read by its addressee or whether the E-ZAK electronic tool sent a notification to the addressee to the contact e-mail address that a new message was delivered to the addressee's user account in the E-ZAK electronic tool.

The Contractor is entitled to request an explanation of the tender documentation from the Contracting Authority in accordance with Section 98 of PPA. In such a case, the Contractor shall deliver a request for explanation of the tender documentation to the Contracting Authority electronically in accordance with Section 211 of PPA no later than 7 working days before the expiry of the specified deadline for submission of tenders. The Contracting Authority shall publish an explanation of the tender documentation on its profile of the Contracting Authority in accordance with Section 54 (5) of PPA, no later than 4 working days before the deadline for submission of tenders.

The Contracting Authority reserves the right to change the tender conditions.

If the Contracting Authority exceptionally refers directly or indirectly in the tender documentation to certain suppliers or products, patents for inventions, utility models, industrial designs, trademarks or designations of origin, then in accordance with Section 89 PPA the Contracting Authority expressly allows the use of other, qualitatively and technically similar solutions.

In accordance with Section 53 (5) of PPA, the Contracting Authority reserves the right to publish a notice of selection on its profile, as well as a notice of exclusion of a tenderer or a notice of cancellation of the tender. In such a case, the notices shall be deemed to have been delivered to all tenderers at the time of their publication.



3. Subject-matter of the public contract

The subject-matter of the public contract is the delivery of 1 piece Hysteresigraph for magnetically hard and soft materials, including measuring coils (hereinafter also referred to as "Device" or "subject-matter of performance") according to the specification specified in Annex No. 1 to the Purchase Contract (hereinafter referred to as the "Contract"), including the fulfilment of related performances.

The Device in question, including all its components, must be new and fully functional and must meet the technical requirements of the Contracting Authority set out in Annex No. 1 to the Contract. In the event that a tenderer offers a Device that fails to meet the technical requirements, it will be excluded from the tender procedure on the basis of non-compliance with the tender conditions set by the Contracting Authority in the tender documentation.

The subject-matter of performance shall include:

- a) transport of the Device to the place of performance, including its unloading, handling and installation to the place specified by the Contracting Authority;
- b) putting the Device into full operation at the place of performance;
- c) delivery of a technical description of the Device in English or Czech, both in electronic and paper form;
- d) sending technical and safety requirements for the location of the Device and installation in Czech or English in electronic form to the e-mail specified in Article 6.6. of the Contract, within 14 days of the entry into force of the Contract;
- e) user manual in Czech language
- f) basic operator training (especially full use, safety, X-ray, CT) at the place of performance on the supplied Device for 3 people in the total range of at least 24 hours

3.1. Classification of the subject-matter of the public contract according to CPV

Description:	CPV:
Laboratory, optical and precision devices and facilities	38000000-5

3.2.

3.2. Estimated value of the public contract

The total estimated value of the public contract is CZK 3 137 276 (in words: three million one hundred and thirty-seven thousand two hundred and seventy-six Czech crowns).

The estimated value of the public contract is the maximum value and cannot be exceeded. The Contracting Authority does not have more funds. In the event that the tenderer offers a higher tender price than the estimated value of the public contract, it will be excluded from the tender procedure due to non-compliance with the tender conditions.

The estimated value of the public contract is determined by the Contracting Authority on the basis of data and information on contracts of the same or similar subject-matter of performance.



3.3. Term of performance of the public contract

Commencement of performance: immediately after the entry into force of the Contract

Date of delivery: no later than 6 months from the effective date of the Contract

3.4. Place of performance of the public contract

Place of performance of the public contract: UWB in Pilsen, building of the Faculty of Electrical Engineering - Regional Innovation Center for Electrical Engineering, Univerzitní 26, Plzeň, room No. EC-454.

Due to the nature of the public contract, the site will not be inspected before tenders are submitted.



4. Qualifications of Contractors

4.1. General principles

4.1.1. Demonstration of fulfilment of competence and qualification

Contractors are obliged to prove the qualification required below by the Contracting Authority, namely:

- Basic competence within the scope of Article 4.2. of this tender documentation,
- professional competence within the scope of Article 4.3. this tender documentation,
- technical qualification within the scope of Article 4.4. of this tender documentation

4.1.2. Documents demonstrating the fulfilment of competence and qualifications

In accordance with Section 53 (4) of PPA, the Contractor shall submit the qualification documents in copies and may replace them with a declaration of honour or a single European public procurement certificate (e-Certis system) according to Section 87 of PPA. The Contracting Authority reserves the right to request the submission of originals or officially certified copies of the qualification documents during the procurement procedure in case of discrepancies or ambiguities.

Documents proving basic competence according to Section 74 and professional competence according to Section 77 (1) of PPA must prove the fulfilment of the required eligibility criterion no later than 3 (three) months before the date of submission of the tender

Documents proving the fulfilment of competence and qualification shall be submitted by the Contractor exclusively in the Czech language (even in the case of a foreign Contractor), unless expressly stated otherwise in the tender documentation. For all the documents that are prepared in a language other than Czech, it is always necessary to translate them into Czech. This obligation shall not apply to documents in the Slovak language.

If the Contractor is represented by a representative on the basis of a power of attorney, a power of attorney must be submitted in the tender stating the scope of the power of attorney.

If the PPA or the Contracting Authority requires the submission of a document in accordance with the law of the Czech Republic, the Contractor may submit a similar document in accordance with the law of the state in which the document is issued; this document is submitted with a translation into the Czech language. If the Contracting Authority has doubts about the correctness of the translation, it reserves the right to request the submission of an officially certified translation into the Czech language by an interpreter registered in the list of experts and interpreters. If the required document is not issued in accordance with the relevant legal system, it may be replaced by a declaration of honour.

Prior to concluding the Contract, the Contracting Authority is obliged pursuant to Section 86 (3) and Section 122 PPA to request from the selected Contractor the submission of original documents of qualification, if they have not already been submitted by the Contractor in the tender procedure. **The original of a document means a document bearing the electronic signature of the authority concerned or a document resulting from the conversion of a document in paper form into an electronic form.**

4.1.3. Demonstration of compliance with an extract from the list of qualified contractors

Within the demonstration of basic competence and professional competence subject to the conditions specified in Section 226 et seq. PPA, the Contractor is entitled to submit to the Contracting Authority an extract from the list of qualified contractors. The Contractor is obliged to prove the competence, which goes beyond the information set out in the extract from the list of qualified contractors, in the manner specified in the qualification part of this tender documentation. The extract from the list of qualified contractors **may not be older than 3 (three) months as of the last day on which the basic competence or professional competence is to be proved.**



As well as the extract from the list of qualified contractors, the Contractor may prove its qualification by a certificate originating in another Member State in which the Contractor is established and which is similar to an extract from the list of qualified contractors.

4.1.4. Demonstration of qualification by a certificate

Within the demonstration of fulfilment of the qualification (competence), the Contractor is, under the conditions specified in Section 233 et seq. of PPA, entitled to submit to the Contracting Authority a valid certificate issued within the approved system of certified contractors, which, within the scope of the data specified in this certificate, replaces the proof of fulfilment of the relevant part of the qualification according to the tender conditions below. The Contractor is obliged to document the qualification required by the Contracting Authority, which goes beyond the information indicated in the certificate, by the relevant documents or in the manner specified in the qualification part of this tender documentation.

The Contracting Authority reserves the right to request the submission of documents pursuant to Section 74 (1) (b) to (d) of PPA.

As with the certificate, the Contractor can prove the qualification (competence) by a certificate which comes from another Member State in which the Contractor is established and which is similar to a certificate issued under the system of certified contractors under the Section 87 of PPA.

4.1.5. Other ways of proving qualifications

The Contractor may prove a certain part of the technical qualification through other persons. In such a case, the Contractor is obliged to submit to the Contracting Authority in accordance with the provisions of Section 83 of PPA the following:

- a) documents proving the fulfilment of professional competence pursuant to Section 77 (1) of PPA, i.e. submission of an extract from the Commercial Register, by another person,
- b) documents proving the fulfilment of the missing part of the qualification through another person
- c) documents on the fulfilment of basic competence pursuant to Section 74 of PPA by another person and
- d) written commitment of another person to provide a performance intended for the performance of a public contract or to provide things or rights that the Contractor will be entitled to dispose of within the performance of a public contract, at least to the extent that the other person has proved qualification as a contractor.

Contractors and other persons demonstrate their qualifications together.

In the case of joint participation of contractors, each contractor proves the basic competence and professional competence according to Section 77 (1) of PPA separately.

4.2. Basic competence

4.2.1. Contractor is not eligible if

- a) it has been convicted of an offence concerning the offence referred to in Annex 3 to PPA or a similar offence under the law of the Contractor's country of residence in the last 5 years prior to the commencement of the procurement procedure, this shall not apply to the expunged convictions;
- b) it has tax due arrears recorded in the tax records in the Czech Republic or in the country of its registered office;
- c) it has arrears on insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office,
- d) it has arrears on insurance premiums or penalties for social security and contributions to the state employment policy in the Czech Republic or in the country of its registered office,
- e) it is in liquidation, against whom a bankruptcy decision has been issued, against whom compulsory administration has been ordered pursuant to another legal regulation or in a similar situation pursuant to the legal system of the Contractor's country of residence



4.2.2. If the Contractor is a legal entity, the condition under Article 4.2.1. letter a) of this tender documentation must be fulfilled by this legal entity and at the same time by each member of the governing body. If a member of the Contractor's governing body is a legal entity, the condition pursuant to Article 4.2.1. (a) of this tender documentation must be met by:

- a) this legal entity,
- b) each member of the governing body of that legal entity, and
- c) the person representing this legal entity in the governing body of the Contractor.

4.2.3. If the tender procedure is participated by a branch of the plant

- a) of a foreign legal entity, the condition under Article 4.2.1. (a) of this tender documentation shall be fulfilled by this legal entity and the head of the plant branch,
- b) of a Czech legal entity, the condition under Article 4.2.1. (a) of this tender documentation shall be fulfilled by the persons listed in Article 4.2.2. of this tender documentation and the head of the plant branch.

4.2.4. Demonstration of basic competence

The Contractor shall prove the fulfilment of the conditions of basic eligibility in relation to the Czech Republic by submitting:

- a) an extract from the Criminal Records in relation to Article 4.2.1. (a) of this tender documentation,
- b) confirmation of the competent tax office in relation to Article 4.2.1. (b) of this tender documentation,
- c) a written declaration of honour regarding excise duty in relation to Article 4.2.1. (b) of this tender documentation,
- d) a written declaration of honour in relation to Article 4.2.1. (c) of this tender documentation,
- e) confirmation of the competent district social security office in relation to Article 4.2.1. (d) of this tender documentation,
- f) an extract from the Commercial Register, or by submitting a written declaration of honour in the event that it is not entered in the Commercial Register, in relation to Article 4.2.1. (e) of this tender documentation.

The Contractor shall prove the fulfilment of the basic qualification by submitting copies of the documents specified in Article 4.2.4. of the tender documentation, which may be replaced by a declaration of honour for point 4.2.1. of tender documentation or a single European public procurement certificate. A template of the declaration of honour is Annex No. 1 to this tender documentation. If the Contractor submits a declaration of honour, it must be signed by the tenderer or a person authorized to act on behalf of the Contractor.

4.3. Professional competence

According to Section 77 (1) of PPA, the Contractor shall prove its professional competence in relation to the Czech Republic by submitting an extract from the Commercial Register or other similar records, if another legal regulation requires entry in such records.

In the event that the Contractor is not registered in the Commercial Register or in other similar records in accordance with Section 77 (1) of PPA, it shall submit a business licence in accordance with Section 77 (2)(a) of PPA to the extent of the subject-matter corresponding to this procurement procedure, if other legal regulations require such business licence

The Contractor shall prove the fulfilment of professional competence by submitting a copy of the document mentioned above or it may use the declaration of honour, which forms the Annex No. 1 of the tender documentation, to prove professional competence. The declaration of honour must be dated and signed by the Contractor or a person authorized to act on behalf of the Contractor.

4.4. Technical qualification

Technical qualification according to Section 79 (2) (k) of PPA is fulfilled by the Contractor who submits:



- description of the product to be delivered - the Contractor shall submit a technical description of the Device to be delivered (e.g. in the form of datasheets, catalogues, etc.), and these submitted documents must always contain such a description of the technical specification of the Device, which will clearly indicate the facts confirming the compliance to all the requirements listed in Annex No. 1 to the Contract. These documents will be submitted in Czech or English.

5. Conditions

5.1. Terms and Conditions

Terms and conditions that are not explicitly stated in the text of the tender documentation are set out in the binding draft Contract, which is part of this tender documentation as its Annex No. 3. The tenderer is not entitled to make any adjustments or modifications to the draft Contract with the exception of adding the relevant parameters, the completion of which this tender documentation or the Contract presupposes (the data to be completed by the tenderer are marked [TO BE COMPLETED BY THE CONTRACTOR]).

The Contracting Authority recommends that the draft Contract be submitted by the tenderer in PDF/A format, as well as signed by the tenderer's governing body or a person authorized to act on behalf of or for the tenderer, by electronic signature issued by a certification authority. If an agent acts on behalf of the tenderer on the basis of a power of attorney, a power of attorney must be submitted in the tender indicating the scope of the power of attorney.

5.2. Payment and invoicing conditions

Payment and invoicing conditions are specified generally in this part of the tender documentation and further in detail in the binding draft Contract, which is an annex to this tender documentation.

The Contracting Authority shall not provide any advance payments to the selected Contractor.

Payments shall be made exclusively in Czech crowns (CZK). All the price information shall also be given in Czech crowns (CZK).

The price shall not be changed in connection with the value of the exchange rate of the Czech crown against foreign currencies or other factors affecting the exchange rate and currency stability, with the exception of a possible change in tax regulations relating to VAT.

5.3. Method of processing the offer price

The foreign tenderer shall state the offer price in CZK without value added tax.

The tenderer from the Czech Republic shall state the offer price in CZK without VAT

The offer price shall be set as a fixed amount and its calculation shall be stated as a single amount, not with a monetary margin. At the same time, the offer price may not be determined by a percentage or other ratio or calculation to the amount of other amounts.

The tenderer shall add the data on the offer price to the relevant article of the draft Contract.

5.4. Use of subcontractor

The tenderer is obliged to state in the tender which parts of the public contract it intends to perform through subcontractors and to state the identification data of each subcontractor. The subcontractor is not entitled to entrust the implementation of the part of the public contract designated thereto to another entity, to which the tenderer is obliged to oblige the subcontractor within the framework of their contractual relationship.

The tenderer shall state the data in question in the "List of Subcontractors", the template of which forms Annex No. 2 to this tender documentation. This document must be dated and signed by the tenderer or a person authorized to act on behalf of or for the tenderer. If the agent acts on behalf of



the tenderer on the basis of a power of attorney, a power of attorney must be submitted in the tender stating the scope of the power of attorney.

The tenderer shall submit this document only if it intends to subcontract any part of the public contract.

5.5. Other conditions of the tender procedure

5.5.1. The Contracting Authority does not grant the tenderers the right to reimbursement of costs associated with participation in the tender procedure, even in the event of cancellation of the tender procedure in accordance with the provisions of the Public Procurement Act. At the same time, the Contracting Authority shall not demand reimbursement of costs for the implementation of this tender procedure on the tenderers, either in the form of reimbursement of actual costs incurred or in the form of fees for participation of tenderers in this tender procedure.

5.5.2. The Contracting Authority does not allow variants of the tenders.

5.5.3. In the case of a selected Contractor, if it is a legal entity, the Contracting Authority is obliged, in accordance with Section 122 (4) of PPA, to identify the beneficiary owner from the records on beneficiary owners. Pursuant to Section 122 (5) of the Public Procurement Act, if the information on the beneficial owner cannot be ascertained from the above-mentioned records, the Contracting Authority shall request the selected Contractor to submit an extract from any records similar to the records on beneficial owners or:

- a) to notify the identification data of all persons who are its beneficial owners, and
- b) to submit documents from which the relationship of all persons according to letter (a) to the Contractor; these documents are in particular
 1. extract from the Commercial Register or other similar records
 2. list of shareholders,
 3. the decision of the governing body on the payment of the profit share,
 4. Memorandum of association, deed of incorporation, or articles of association.

5.5.4. The Contracting Authority warns that the Contract for the performance of this public contract will be published by the Contracting Authority in the register of contracts in accordance with Act no. No. 340/2015 Sb., on special conditions of effectiveness of certain contracts, publication of these contracts and on the register of contracts, as amended, including all its annexes, i.e. in the form which may contain any data fulfilling the parameters of trade secrets or confidential information in accordance with Section 218 of PPA, if the selected Contractor fails to notify, no later than in the tender, the data to the Contracting Authority, or parts of the Contract (or annexes), the publication of which is excluded by a special legal regulation together with a reference to a specific provision of such legal regulation and specific reasons for prohibiting the publication of these parts. Properly and reasonably marked parts of the Contract shall not be published by the Contracting Authority, or they will be made illegible before publication by the Contracting Authority (beyond the framework of personal data).

6. Method of processing the tender of the tenderer

The tenderer's tender must be submitted electronically, and only through the electronic tool E-ZAK. The Contracting Authority will not take into account tenders submitted in paper form.

DETAILED INFORMATION REGARDING THE ELECTRONIC TOOL E-ZAK, INCLUDING INFORMATION ON THE USE OF THE ELECTRONIC SIGNATURE, IS AVAILABLE AT [HTTPS://ZAKAZKY.ZCU.CZ/](https://zakazky.zcu.cz/).

The tender shall be prepared in the Czech language. All communication with the Contracting Authority shall take place exclusively in the Czech language and in accordance with Section 211 of PPA electronically, with the Contracting Authority recommending the use of the electronic tool E-ZAK or the electronic data mail box, unless otherwise specified.



For the sake of clarity of the tender, the Contracting Authority recommends that the tender submitted by the tenderer be processed in the structure set out below and in accordance with the requirements below:

Serial no.	Document	Annex no.
1.	Documents proving the fulfilment of basic competence (Documents or declaration of honour according to article 4.2 of this tender documentation)	Documents according to Article 4.2 or Annex no. 1 (template)
2.	Documents proving the fulfilment of professional competence (Documents or declaration of honour according to article 4.3 of this tender documentation)	Documents according to Article 4.3 or Annex no. 1 (template)
3.	Documents proving the fulfilment of the technical qualification (Documents or declaration of honour according to article 4.4 of this tender documentation)	-
4.	List of subcontractors <i>(the tenderer submits this document only if it intends to entrust certain parts of the performance to a subcontractor; see Article 5.4 of this tender documentation)</i>	Annex no. 2 (template)
5.	Purchase contract incl. Annex no. 1	Annex no. 3 (binding template)
6.	Other documents, if necessary, in particular documents authorizing you to act on behalf of or for the tenderer or another person	

The Contracting Authority recommends that the documents contained in the tender be properly legible, without cuts or transcripts, which could mislead the Contracting Authority.

At the same time, the Contracting Authority warns that the maximum possible size of one file inserted into the electronic tool E-ZAK is 50 MB.

6.1. Deadline for submission of tenders

The deadline for submission of tenders begins on the day following the day of the commencement of the tender procedure **and terminates on 7. 1. 2021 at 10:00**

The opening of tenders will take place in accordance with Section 109 of PPA.



6.2. Tender time limit

Pursuant to Section 40 of PPA, the tender time limit means the period during which the tenderers may not withdraw from the tender procedure. The beginning of the tender time limit is the end of the deadline for submission of tenders. During this period, the Contracting Authority will send a notice of selection of the Contractor.

The tender time limit is set by the Contracting Authority in the length of **3 months**.

6.3. Tender variants

The Contracting Authority does not allow variants of tenders.

6.4. Security deposit

The Contracting Authority does not stipulate a requirement for the provision of security deposit by the tenderer pursuant to Section 41 of PPA.

7. Evaluation of tenders

7.1. Tender evaluation, rules for tender evaluation

In accordance with Section 39(4) of PPA, the Contracting Authority stipulates that the evaluation of tenders will be carried out before the assessment of the fulfilment of the conditions for participation in the tender procedure.

The submitted tenders will be evaluated in accordance with Section 114 (2) of PPA according to their economic advantage, which is the lowest tender price for this tender procedure.

The tenders of the tenderers will be sorted according to the amount of their tender price stated in CZK without VAT, with the most advantageous tender being the tender of the tenderer with the lowest value of the price. Then the tender of the tenderer with the lowest tender price will be assessed. In the event that it will fail to meet the conditions for participation in the tender procedure, the tender of the tenderer who will be second will be assessed and, if necessary, the same procedure will be followed for tenders in the order in which they ended after the evaluation.

7.2. Reserved rights of the Contracting Authority

The Contracting Authority reserves the right to determine the order of these tenders by lot in the case of identical tender prices, the drawing of which will take place with the participation of the tenderers who have submitted identical price tenders. These tenderers will be notified in writing by the Contracting Authority of the draw date at least 3 working days in advance.

8. Annexes

- 1) Declaration of honour to prove basic and professional competence
- 2) List of subcontractors
- 3) Purchase contract including Annex No. 1

In Pilsen on

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University of West Bohemia in Pilsen
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EVROPSKÁ UNIE
Evropské strukturální a investiční fondy
Operační program Výzkum, vývoj a vzdělávání



MINISTERSTVO ŠKOLSTVÍ,
MLÁDEŽE A TĚLOVÝCHOVY