

Award of a small-scale public contract outside the tender procedure (hereinafter referred to as "Restricted Procedure") within the meaning of Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to as "PPA") under the title:

High-temperature substrate holders for thin-film deposition for UWB (PhD_Infra_ZCU_KA_02-06)

Invitation to Tender, i.e. Tender Documentation

(hereinafter referred to as "TD")

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1. Contracting Authority

University of West Bohemia (hereinafter referred to as "UWB" or "Contracting Authority")

registered address: Univerzitní 8, 301 00 Plzeň

Registration No.: 49777513 Tax ID: CZ49777513

represented by: Ing. Petr Beneš, Bursar

data box: zqfj9hj

Contact details of the Contracting Authority for the purposes of the restricted procedure

Contact person for the restricted procedure:

Jiří Čapek e-mail: jcapek@kfy.zcu.cz

Link to the public contract on the Contracting Authority's profile:

https://zakazky.zcu.cz/contract_display_6652.html

the public contract is financed by the project: project name **MŠMT, PhD Infra ZČU**

project reg. No.: **CZ.02.01.01/00/22_012/0005200**

2. Tender documentation (TD)

2.1. The tender documentation consists solely of the following text of the TD, including annexes. TD including of attachments is published and can be downloaded from the client's profile, link according to Article 1 of this TD.

3. Subject of the public contract

3.1. The subject of the contract is the supply of three high-temperature substrate holders with heating up to 850 °C, rotation and radio frequency bias for the preparation of thin-film materials using magnetron plasma sources.

3.2. The Contracting Authority points out that the brief description of the subject of the public contract provided in this article is not complete and exhaustive. A full and detailed description of the subject-matter of the performance is given in particular in the binding draft contract, which forms Annex 2 to this TD (hereinafter referred to as the "Binding Draft Contract").

4. Estimated value of the contract and limitation of the tender price

4.1. The estimated value and maximum total value of the public contract is: **1 598 658 CZK** excl. VAT.

4.2. The tender price in CZK excluding VAT must not exceed the maximum total value according to Article 4.1 of this TD.

5. Deadline for submission of tenders

5.1. The deadline for the submission of tenders is 10:00 a.m. date: 31. 5. 2024.

5.2. The opening of tenders shall not be public.



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6. Technical conditions

The technical conditions of the subject of performance are set out in the Binding Draft Contract, especially Annex No. 1 to it (see Annex No. 3 to this TD - Technical Conditions).

7. Place and time of performance

The place and time of contract performance are set out in the Binding Draft Contract.

8. Site tour

Given the nature of the subject of the public contract, the site visit will not take place.

9. Tender period

The tenderer shall be bound by its tender (i.e. may not withdraw from the tender) for the entire tender period, which is 1 month. The start of the tender period is the end of the deadline for the submission of tenders. The tender period shall also end on the date of conclusion of the contract for the performance of the public contract or on the date of cancellation of the tendering procedure. The submission of a tender shall give rise to pre-contractual liability within the meaning of Section 1729 of the Civil Code. If the selected contractor fails to provide the necessary cooperation to conclude the contract in accordance with its tender submitted in the tendering procedure, the Contracting Authority shall be entitled to compensation for damages within the meaning of Article 1729(2) of the Civil Code.

10. Method of submitting a tender

- 10.1. The tender may be submitted by the deadline for submission of tenders in electronic form via the profile of the Contracting Authority or the electronic tool (portal) E-ZAK - the relevant link according to Article 1 of this TD, after prior registration, or in paper form (see Article 10.3 et seq. of this TD).
- 10.2. Submission of tenders in electronic form is contingent upon registration of the Supplier in the electronic tool E-ZAK at <https://zakazky.zcu.cz/registrace.html>, or via FEN at <https://fen.cz/#/registrace>. In case of any uncertainties or problems with registration or submission of the tender, the Contracting Authority recommends contacting E-ZAK support (podpora@ezak.cz, tel.: +420 538 702 719).
- 10.3. A tender in paper form may be submitted in a duly sealed envelope in person or by post to the registered offices of the Contracting Authority: the University of West Bohemia, Univerzitní 8 (mailroom - on weekdays from 8:00 a.m. to 2:00 p.m.), 301 00 Plzeň. The Contracting Authority recommends that all sheets of the tender be firmly bound or stapled together so that they are sufficiently secure against removal from the tender and be numbered in ascending order.
- 10.4. In the case of submission of a tender in paper form, the Contracting Authority recommends that the envelope be marked with the name of the public contract and the text "DO NOT OPEN - SSPC" and the Supplier's identification data (at least its business name/last name, registration number). The tender shall include a data carrier (CD/DVD, flash drive or memory card) containing the tender in electronic form (see also Article 11.6 of this TD).

11. Requirements for uniformity in the preparation of the tender

- 11.1. The tender shall be submitted in writing in the form and manner specified in Article 10 of this TD.



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- 11.2.** The tender shall identify the person who represents the Supplier in the tender procedure or is authorized to submit the tender (hereinafter referred to as the "authorized person"). The tender shall include a document indicating the right of the authorized person to act on behalf of the tenderer.
- 11.3.** Where more than one Supplier submits a joint tender, they shall indicate in the joint tender which of the parties to the joint tender is authorized to act in the tendering procedure. The dispatch and delivery of the document to that Supplier shall be deemed to be the dispatch and delivery of the document to each participant in the joint tender.
- 11.4.** Variations of the tender are not allowed.
- 11.5.** The Tenderer shall submit a tender including all required documents specified in the contents of the tender, which is part of the tender cover sheet (template in Annex 1 to this TD).
- 11.6.** The tender shall include a completed Binding Draft Contract in a format compatible with MS Word (doc, docx).
- 11.7.** The tender will not contain any changes or corrections that could mislead the Contracting Authority.
- 11.8.** The Contracting Authority recommends that the tender be divided into separate parts, arranged consecutively in the tender and marked in accordance with the following instructions:

The tender shall include:

1. the tender cover sheet
2. completed Binding Draft Contract including annexes
3. documents proving basic and professional competence and qualifications - affidavit
4. a data carrier (not applicable to a tender submitted electronically via the Contracting Authority's profile) with the complete tender (including documents according to Article 11.6. of this TD)
5. a list of subcontractors or a declaration that the performance will be carried out without subcontracts (annex to the contract)

12. Method of evaluating tenders

The evaluation criterion is the economic viability of the tender, which will be evaluated according to the lowest tender price, i.e., the total tender price in CZK excluding VAT. A lower tender price is considered to be more advantageous. In the event the total tender prices of several suppliers are identical ('identical tenders'), the ranking of the identical tenders shall be decided by drawing lots in the presence of representatives of the suppliers concerned. The tender of the winning Supplier shall be considered the more advantageous of the identical tenders. The drawing of lots will take place only if it is necessary in view of the expected course of the tendering procedure, i.e., in particular if there is a tie between tenders which would be the most advantageous tenders after the evaluation.

The tender price will be processed in CZK, EUR or USD without VAT and rounded to a maximum of two decimal places.

For evaluation purposes, tender prices in EUR/\$ are converted to prices in CZK using the CZK/EUR/, CZK/\$ exchange rate announced by the CNB on the previous day before the final date for submitting bids.



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If the supplier does not specify a currency in the tender price, it is considered that his tender price is in CZK.

The contracting authority will decide on the selection of the supplier whose offer was evaluated as the most economically advantageous offer.

13. Method of preparing the tender price

13.1. The tender price will be set for the given performance as the maximum acceptable price, including all costs, risks, profits and other exchange rate or financial effects throughout the period of performance of the public contract in accordance with the terms and conditions set out in the tender documentation and, in particular, the terms and conditions of the Binding Draft Contract.

13.2. The total tender price in CZK excluding VAT will be indicated in the tender cover sheet (template in Annex 1 to this TD).

For the purposes of the tender procedure, the contracting authority requests processing of the tender price as a total and the maximum allowable price for the fulfillment of the subject of the order. The price must include all costs of realization of the subject of performance of the contract, including delivery to the place of performance.

14. Qualification

The contracting authority requires proof of qualification in the scope and form set out below.

Basic competence, professional competence and technical qualification shall be demonstrated by the Supplier in the form of an affidavit from the Supplier (a template for the affidavit is provided in Annex 1 to this TD).

The contracting authority reserves the right to require the tenderer to submit an original or an officially certified copy of a document proving compliance with the basic and professional competence or technical qualification pursuant to Articles 14.1 to 14.4 of this TD.

Qualification can also be proven in a similar way as in the procurement procedure, i.e. within the meaning of Sections 87, 228 and 234 of the Public Procurement Act.

14.1. Basic eligibility

Basic eligibility is met by a supplier who is not ineligible within the meaning of Section 74 of the PPA.

14.2. Professional eligibility

Professional eligibility is met by a supplier who holds a license for the subject-matter of the contract: *Production, trade and services not specified in Annexes 1 to 3 of the Trade Licensing Act.*

14.3. Economic qualification

Not required by the Contracting Authority.

14.4. Technical qualification

14.4.1. Technical qualification is met by a supplier who has provided at least 3 reference performances of a similar nature, each with a value of at least 500 000 CZK excl. VAT in the past 3 years before the commencement of the tendering procedure; the



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Contracting Authority considers a performance of a similar nature to be the delivery of a similar substrate holder.

14.4.2. The tenderer shall prove the fulfilment of the qualification in the scope of Article 14.4.1. in the form of an affidavit from the tenderer (a template of the affidavit is included in Annex 1 to this TD).

14.4.3. The Supplier is not allowed to prove compliance with the technical qualification through a subcontractor.

15. Subcontractors

The Contracting Authority does not require any information on subcontractors.

16. Terms and conditions, payment terms and other requirements of the contracting authority

16.1. Terms and conditions, payment terms and other conditions and requirements of the Contracting Authority in terms of the manner and procedure of performance are set out in the Binding Draft Contract.

16.2. The Supplier may add to and change only the **yellow** highlighted parts of the Binding Draft Contract.

16.3. In the case of use of the templates and examples listed in Annex 1 to this TD, the Supplier shall complete all required data according to the requirements specified in this TD and the specific Annex, especially the **yellow** highlighted parts.

17. Cooperation of the selected Supplier

17.1. The Contracting Authority requires the selected Supplier to provide the necessary assistance to conclude a contract for the performance of the public contract in the scope further specified in this article of the contract within five (5) working days of receipt of the Contracting Authority's invitation.

17.2. The Contracting Authority draws your attention to the fact that the contract for the performance of this public contract will be published by the Contracting Authority in the Register of Contracts (see Article IX of the Binding Draft Contract), including all its annexes, i.e., in a form also containing any data fulfilling the parameters of trade secrets or confidential information within the meaning of Section 218 of the PPA, unless the selected Supplier discloses to the Contracting Authority at the time of submitting the tender at the latest such data, or parts of the Binding Draft Contract (annexes) the publication of which is excluded by a special legal regulation and specific reasons for the prohibition of publication of such parts. The duly and reasonably identified parts of the contract will not be published or will be redacted by the Contracting Authority before publication. The Contracting Authority shall, before publication of the contract, redact personal data in accordance with the methodological guidance on the application of the Law on the Register of Contracts issued by the Ministry of the Interior (see <https://www.mvcr.cz/soubor/metodicky-navod-k-aplikaci-zakona-o-registru-smluv-jez-slouzi-k-zakladni-orientaci-v-problematice-a-prinasi-zakladni-odpovedi-na-casto-kladene-dotazy.aspx>).



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- 17.3.** For the purpose of publishing the contract in the Register of Contracts (see Section 5 of Act No. 340/2015 Coll.), the Contracting Authority requires the selected Supplier to submit a completed Binding Draft Contract in electronic form, including all attachments, in a format compatible with docx or xls (xlsx) or in textual PDF (i.e. not as a scanned image). In case the selected contractor requires the data in the published contract or its annexes to be redacted within the meaning of the preceding paragraph of the T&C (beyond personal data), it shall submit the contract or its annexes in electronic form according to the preceding sentence, with the appropriate data redacted.
- 17.4.** The selected Supplier will be invited to provide cooperation once the Contracting Authority has decided on its selection.

18. Other requirements of the Contracting Authority for the performance of the public contract

- 18.1.** No further requirements.

19. Other information related to the tendering procedure

- 19.1.** The Contracting Authority reserves the right to cancel the tendering procedure without providing a reason and the right to amend and supplement the terms and conditions.
- 19.2.** All communication between the Contracting Authority and the Supplier in the tender procedure shall be in writing and in the Czech language.
- 19.3.** In the event of a conflict between the text of this TD and the text of the Binding Draft Contract, the Binding Draft Contract shall prevail.
- 19.4.** The tenderer is not entitled to compensation for costs incurred in connection with the preparation and submission of the tender, nor is it entitled to compensation for damages pursuant to Section 1729(2) of the Civil Code in the event of cancellation of the tender.
- 19.5.** The Contracting Authority reserves the right to proceed with the evaluation of the tender in accordance with PPA Section 113.

20. Request for clarification of the Tender Conditions

- 20.1.** The Supplier is entitled to request an explanation of the Tender Conditions (TD). The request in written form (paper or electronic) must be delivered to the contact person of the administrator listed in Article 1 of this TD no later than 3 business days before the deadline for submission of tenders.

21. Providing explanations of tender conditions

- 21.1.** The Contracting Authority shall provide an explanation of the Tender Conditions (TD), or other related documents, no later than two (2) business days after receipt of the Supplier's request. An explanation of the Tender Conditions, including the exact wording of the supplier's request, will be sent by the Contracting Authority at the same time to all suppliers who requested the provision of the TD or to whom the TD was provided..
- 21.2.** The Contracting Authority shall publish an explanation of the tender conditions on its profile in the electronic tool E-ZAK at the address: mentioned above for the relevant contract in the item "Explanation of tender documentation".



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21.3. The Contracting Authority may provide suppliers with an explanation of the Tender Conditions without prior request. The provision of explanations of the specifications by telephone is not permitted.

Annexes

Annex 1 – Template documents for the submission of a tender in MS Excel format

(Cover Sheet, Eligibility, Technical Qualification)

Annex 2 – Binding Draft Contract

Annex 3 - Technical conditions

In Pilsen, date: see email signature

The University of West Bohemia

Ing. Petr Beneš

Bursar

signed electronically



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