

Specification of an above-threshold public procurement procedure using the below-the-threshold procedure in conformance to Section 56 of Act 134/2016 Coll., Public Procurement Act (hereinafter referred to as “PPA”) under the name of:

“Photoemission System for Investigation the Surface Electronic Structure of Quantum Materials at the Atomic Level”

Procurement Documents (hereinafter referred to as “PD”)

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1. Contracting authority

University of West Bohemia (hereinafter referred to as “UWB” or “Contracting authority”)

with registered seat at: Univerzitní 8, 301 00 Pilsen

Company reg. no.: 49777513 VAT ID: CZ49777513

acting through: prof. RNDr. Miroslav Lávička, Ph.D., Rector

databox: zqfj9hj

Profile of Contracting authority: <https://zakazky.zcu.cz>

Contracting authority's contacts for the purpose of the procurement procedure

Contact person in matters pertaining to the procurement procedure:

Ing. Ivana Fischer, phone: +420 377 631 203

Link to the public contract at the Contracting authority's profile:

https://zakazky.zcu.cz/contract_display_6787.html

Information on the project which provides funding of the subject of the public contract:

| | |
|------------------------------------|---|
| Project title | Operational Programme Jan Amos , project QM4ST - Quantum materials for application in sustainable technologies |
| Project registration number | CZ.02.01.01/00/22_008/0004572 |

2. Procurement documentation and its provision

- 2.1. The tender documentation solely include this text of PD, including the Annexes.
- 2.2. PD, including the Annexes, has been published and is available to download, see the link at Article 1 of this PD.

3. Subject of public procurement

- 3.1 The subject of this public procurement is the supply of a photoelectron system based on the principle of momentum microscopy for the study of surfaces of quantum materials at ultra-high vacuum (UHV) at the basic pressure of $\leq 3.0 \times 10^{-10}$ mbar. The apparatus is designed for experimental research of the effects of photoemission geometries and of dichronic studies examining the effects of light polarisation during the experiment. The system must have a spatial resolution ≤ 38 nm and energy resolution ≤ 30 meV. Prior to installation, a vibration study must be conducted in the laboratories to provide proper insulation from vibration; the system must be equipped with corresponding dampers. The supply of the apparatus includes its transportation, installation, and operator training.

3.2 Subject classification as per CPV:

38433000-9 Spectrometers

31600000-2 Electrical equipment and apparatus

31700000-3 Electronic, electromechanical and electrotechnical supplies

38000000-5 Laboratory, optical and precision equipment (excl. glass components)

39230000-3 Special-purpose products

- 3.3 The purpose of the realisation of this public procurement is the supply of a new photoelectron system based on the principle of momentum microscopy for the study of surfaces of quantum materials at ultra-high vacuum, as specified in the Subject of public procurement, and in Annex 1 to the contract.

- 3.4 The contracting authority expressly states that the brief description of the subject of this public procurement as per this article is not full and/or exhaustive. The full and exhaustive description of the subject of performance is provided especially in the Purchase Contract proposal, which represents Annex 2 to this PD



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(hereinafter referred to as "Binding contract proposal") and its Annex 1, which represents Annex 3 to this PD.

4. Assumed value of PP and limitation of the tender price

- 4.1. The assumed value and, concurrently, the maximum price of this public procurement is: **CZK 30 950 000 less VAT.**
- 4.2. The tender price in CZK less VAT must not exceed the maximum total price as per Article 4.1 of this PD.

5. Time Limit for Submission of Tenders

The time limit for submission of tenders is hereby stated to **be 10:00 a.m. on 09 July 2024.**

The opening of the tenders presented electronically is not public. Within two (2) business days from the expiry of the time limit for submission of tenders, the Contracting Authority shall publish, at its profile as per Article 1 of this PD, a report on the opening of the tenders (without identification of individual participants in the procurement procedure).

6. Technical Specifications

Technical specifications on the subject of performance are indicated in the contract proposal and essentially in its Annex 1.

7. Place of Performance

The place of performance is Vědeckotechnický park Plzeň (Science and Technology Park Pilsen - VTP), building G, Teslova 9a, Plzeň.

8. Inspection of the Place of Performance

An inspection of the place of performance shall be conducted on **17 June 2024 at 10:00 hours**. The participants shall convene in front of building G in the VTP at address Teslova 9a, Plzeň.

9. Time of Performance and Warranty

- 9.1. The time of performance is indicated in the Binding contract proposal.
- 9.2. The Contracting Authority requires a warranty period of no less than **12 months** (refer to the Binding contract proposal for details).

10. Award Period

The award period, stipulated as per Section 40 PPA is set at 3 (three) months.

11. Security

The Contracting Authority does not require the provision of a security.

12. Tender Submission Procedure

- 12.1. A tender may be submitted within the tender submission time limit electronically using the E-ZAK electronic tool (portal) at the link given at Annex 1 to this PD, once the user has registered at the electronic tool.
- 12.2. The condition to the submission of tenders is the registration of the economic operator at the E-ZAK electronic tool at the address <https://zakazky.zcu.cz/registrace.html>. In case of any unclear issues or problems with registration, the contracting authority recommends to contact E-ZAK support (podpora@ezak.cz, phone: +420 538 702 719).

13. Requirements for Unified Method of Drawing up a Tender

- 13.1. Tenders from the participants of the procurement procedure may only be submitted in writing electronically, solely via the E-ZAK electronic tool. Any tenders submitted in paper form shall be disregarded by the Contracting Authority.



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Detailed information on the E-ZAK electronic tool, including information on using the electronic signature, is available at: <https://zakazky.zcu.cz/>. Procurement Documents as a whole are published at the Contracting Authority's profile: <https://zakazky.zcu.cz/>.

Tenders shall be prepared in the Czech language and signed by the person appointed to act as a representative of or for a participant, or by another person using the power of attorney. In such case, the power of attorney shall be attached to the tender.

Any and all communication with the Contracting Authority shall be conducted exclusively in the Czech language and, pursuant to Section 211 PPA, only electronically in writing, using the E-ZAK electronic tool, unless specified otherwise below. Any documents prepared in any language different from Czech shall be translated into Czech. This obligation shall not affect documents prepared in the Slovak language.

Should several economic operators submit a joint tender, they shall specify in the joint tender which of the participants in the joint tender is entitled to act in the procurement procedure. The sending and delivery of documents to that economic operator shall be deemed as the sending and delivery of documents to each of the participants in the joint tender.

13.2. No variants of a tender shall be admitted.

13.3. A participant in the procurement procedure shall submit a tender, including all of the required documents specified in the tender content, which is part of the tender cover sheet (see the template in Annex 1 to this PD).

13.4. A part of the tender shall be a filled-out Binding contract proposal, made out in a MS Word-compatible format (doc, docx), including Annex 1 to the Binding contract proposal (Annex 3 to PD) and Annex 2 to the Binding contract proposal.

13.5. The tender shall not contain any rewritten text or corrections which might mislead the contracting authority.

13.6. The contracting authority recommends that the tender be divided into individual parts in series and marked consistently with the instructions given below:

The tender shall contain:

1. Tender cover sheet,
2. A filled-out Binding contract proposal, made out in a MS Word-compatible format including Annex 1 to the Binding contract proposal (Annex 3 to PD) and Annex 2 (participant's tender).
3. Documents attesting to qualification

13.7. The contracting authority requires that the economic operator, in its tender (within the cover sheet - Annex 1 to this PD) state whether or not it falls to the category of "micro, small and medium-sized enterprises" given in the Commission Recommendation 2003/361/EC see <http://eur-lex.europa.eu/legal-content/CS/TXT/?uri=URISERV:n26026>.

14. Evaluation Method

The evaluation criterion shall be the economic advantageousness of the tender; the advantageousness shall be evaluated by the lowest tender price, i.e., the overall tender price in CZK less VAT. A lower tender price shall be considered more advantageous. In the event of equality of the overall tender price submitted by several economic operators (hereinafter referred to as "equal tenders"), the rank of tenders shall be decided upon by drawing lots in the presence of representatives of such economic operators. The tender from such drawn economic operator shall be considered as the most economically advantageous. The drawing of lots shall only be conducted if necessary in consideration of the assumed course of the procurement procedure, i.e., especially in the event of equality in tenders which have been found the most economically advantageous after due course of evaluation, or in the event of equality of tenders from economic operators who would be considered the selected economic operator as per Section 125 PPA (after the exclusion of the selected economic operator).

15. Method of processing the evaluation criteria in the tender

15.1. The tender price shall be set for the entire period of performance as the highest permissible price, with the inclusion of any costs, risk, profit, and other foreign exchange rate and other financial influence for the entire period of performance of the public procurement in observance of the conditions set forth in the procurement documents and, especially, in the Binding contract proposal.



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- 15.2.** The tender price in CZK less VAT shall be shown in the tender cover sheet (see the template in Annex 1 to this PD) and in the Binding contract proposal (Article III of the Binding contract proposal).
- 15.3.** As per the stipulations of Article 113 (2) PPA, the contracting authority shall not specify the method of designation of the abnormally low tender price or any price it shall consider to be an abnormally low tender price.

16. Qualifications

In the tender, the economic operator shall demonstrate its fulfilment of qualifications, i.e., basic qualification (as defined by Article 16.2 of this PD), economic qualification (as defined by Article 16.3 of this PD), and technical qualification (as defined by Article 16.4 of this PD), **by presenting an Affirmation as per Annex 1 to this PD.**

Prior to signing the contract, the selected economic operator shall submit documents as required by Section 75 PPA, as well as any other qualification documents in simple copies, unless specified otherwise by the contracting authority (see the following paragraph).

Pursuant to Section 46 (1) PPA, the contracting authority hereby reserves the right, under the purpose of proper and efficient process of the procurement procedure, to invite an economic operator or the selected economic operator to present selected qualification documents also in the form of an electronic original or an officially verified copy (or a copy in the electronic form after authorised conversion at the Czech point network from the original or from a verified copy of the document in printed form, pursuant to Article 122 PPA.

Documents attesting to the fulfilment of qualifications shall be presented, pursuant to Section 45 PPA, in the Czech or Slovak language or in any other language provided a translation into Czech is attached.

Qualifications may also be proven as per Sections 87, 228, and 234, PPA.

16.1. Basic Qualification

The selected economic operator shall demonstrate fulfilment of basic qualification as per Section 74 PPA, using the method as per Section 75 PPA (a template of affirmation as per Section 75 (1) (c, d, or f) PPA is provided in Annex 1 to this PD).

Documents attesting to the economic operator's basic qualifications as per Section 74 PPA shall confirm the fulfilment of the given qualification criteria no later than three (3) months prior to the day of commencement of the procurement procedure.

Should PPA or the contracting authority require the submission of a document under specifications given by Czech law, the contracting authority may present a similar document issued under the specifications given by the law of another country; any such document shall be submitted with its translation into the Czech language. Should the contracting authority doubt the correctness of the translation, it hereby reserves the right to require the submission of an official translation into the Czech language by a translator registered in the chart of sworn translators. Should the required document not be issued under the corresponding law, it may be replaced by an affirmation.

16.2. Professional Qualification

The contracting authority requires proof of fulfilment of professional qualification as per Section 77 (1) PPA.

- 16.2.1.** In order to prove its fulfilment of professional qualification as per Section 77 (1) PPA, a participant shall present: a copy of an entry in the Commercial Register or other similar records if another legislation requires an entry in such similar records.

16.3. Economic Qualification

Not required by the contracting authority.

16.4. Technical qualification

Technical qualification as per Section 79 (2) (b) and (k) PPA shall be fulfilled by economic operators who present:

In order to prove its fulfilment of qualification as per Section 79 (2) (b) PPA, a participant in the procurement procedure shall present:



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- a) a list of no less than three (3) major supplies realised by the participant within the past three (3) years prior to the commencement of the procurement procedure where the subject of performance was the supply of a photoemission system for the study of surface electron structures; the contracting authority hereby specifies the minimum finance limit of such realised supplies to be no less than CZK 18 million less VAT for each individual supply.

In order to prove its fulfilment of qualification as per Section 79 (2) (k) PPA, a participant in the procurement procedure shall present:

- b) Specification of the supplied goods – tender of the selected participant (Annex 2 to the contract)

17. Subcontractors

The contracting authority does not require any information on subcontractors as per Section 105 PPA.

18. Terms and Conditions, Payment Terms, and Other Requirements by the Contracting Authority

- 18.1. The terms and conditions, payment terms as well as other terms and requirements made by the contracting authority as to the procedure and progress of realisation of the subject of performance are stipulated by the Binding contract proposal.
- 18.2. In the event of using the templates and models included in Annex 1 to this PD, the economic operator shall fill out all the required information as per the requirements of this PD and its specific annex, especially the parts highlighted in yellow.

19. Cooperation by the Selected Economic Operator

- 19.1. The contracting authority furthermore requires that the selected economic operator offer cooperation towards the awarding of the contract pursuant to Section 124 PPA as follows: the contract with the economic operator shall be signed after an invitation placed by the contracting authority. The selected economic operator hereby undertakes to sign the contract and return it to the contracting authority within the time limit of two (2) business days after reception of the invitation by the contracting authority and the final draft of the contract.
- 19.2. The contracting authority hereby informs that the contract on the fulfilment of this public procurement shall be published by the contracting authority in the contract registry (see Article 11.2 of the Binding contract proposal) including all its annexes, i.e. in the form which also contains information meeting the parameters of business secrets or confidential information as per Section 218 PPA, unless the selected economic operator has informed the contracting authority no later than in the tender, on which information or parts of the Binding contract proposal (or its annexes) is exempt from publication by specific legislation, with reference to such legislation and specific reasons that prohibit the publication of such parts. Any duly and reasonably indicated parts of the contract shall not be published or they shall be rendered illegible by the contracting authority prior to publication. Prior to publication, the contracting authority shall render any personal data illegible, pursuant to the Methodology instruction on the application of the Contract Registry Act (see <https://www.dia.gov.cz/egovernment/registr-smluv/metodicke-dokumenty/>).
- 19.3. Under the purpose of publication of the contract in the Contract Registry (pursuant to Section 5, Act 340/2015 Coll.), the contracting authority requires that the selected economic operator submit a filled-out Binding contract proposal with any annexes, in the electronic form as docx or xls (xlsx) files, as well as any annexes that do not contain any personal information (to be inserted by the economic operator) as PDF files with a text layer (i.e., not a simple scanned document). Should the selected economic operator require that the published contract or its annexes contain information rendered illegible as per the article above of the PD (outside the scope of personal information), it shall present the contract and/or its annexes in the electronic form as per the clause above also with such information rendered illegible.
- 19.4. The selected economic operator shall be invited to provide cooperation once the contracting authority has decided on the selection of the economic operator.



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20. Cooperation by the Selected Economic Operator – Qualification etc.

- 20.1. The contracting authority furthermore requires that the selected economic operator provide cooperation required for the conclusion of the contract for public procurement in the extent set forth below in this PD; the time limit shall be no longer than two (2) weeks from the delivery of the invitation from the contracting authority.
- 20.2. Upon invitation by the contracting authority, the selected economic operator has the obligation to demonstrate the fulfilment of qualification in the extent given by the PD and in the method given by PPA; pursuant to Section 122 (3) and (4) PPA, the contracting authority hereby reserves the right to require that the selected economic operator submit the originals or verified copies of qualification documents unless they have not been submitted during the procurement procedure.
- 20.3. In the event of using the templates and models included in Annex 1 to this PD, the economic operator (or selected economic operator) shall fill out all the required information as per the requirements of this PD and its specific annex, especially the parts highlighted in **yellow**.
- 20.4. The contracting authority furthermore demands that the selected economic operator submit documents required as per Section 104 (1) (a) PPA (see Article 21 of this PD) unless they have been submitted during the procurement procedure.

21. Other requirements by the contracting authority to the performance of the public procurement

- 21.1. Pursuant to the stipulations of Section 104 (1) (a) PPA, the contracting authority requires that the selected economic operator, no later than by the time limit for cooperation (see Article 20.1 of this PD), submit to the contracting authority its affirmation (on the non-existence of conflict of interest and international sanctions) as per Annex 4 to this PD.

22. Reserved changes in obligation as per Section 100 PPA

None specified.

23. Other Information on the Procurement Procedure

- 23.1. The economic operator has the right to require, in writing, explanation to the procurement documents and/or tender conditions within the time limits as per Section 98 (3) PPA and Section 242 (5) (a) PPA. Any request for explanation shall be delivered no later than eight (8) business days prior to the expiry of the time limit for filing objections against the tender conditions as per Article 23.7 of these PD. The request shall be delivered to the contracting authority in writing via the E-ZAK electronic tool using the method as per Article 12(3)(1) of this PD, or to the contracting authority's databox. Should the request for explanation fail to be delivered within the given time limit and using the methods given above, the contracting authority shall not have the obligation to offer such explanation.
- 23.2. Any explanation of the procurement documentation and/or award criteria shall be published at the contracting authority's profile at the link indicated as per Article 1 of this PD. The contracting authority recommends ongoing monitoring of those sites.
- 23.3. Pursuant to Section 211 PPA, any and all communication between the contracting authority and the economic operator/s shall be conducted electronically in writing and in the Czech language.
- 23.4. Should the contracting authority require, as per this PD, the submission of an original document or its officially verified copy (especially pertaining to invitations under Section 122 (3) or (3) PPA and invitation under Section 46 PPA), the documents shall be presented in the electronic form, bearing a valid certified electronic signature of the person entitled to represent the issuer of said document (without any compromise of the electronic signature), or in the electronic form generated by authorised conversion from the original (the "Czech point" network) or from a verified copy of the printed document.
- 23.5. In the case of discrepancy between the wording of this procurement documentation and the Binding contract proposal, the Binding contract proposal prevails.
- 23.6. The participants shall not be entitled to compensation of costs incurred by the preparation and submission of tenders, unless otherwise specified by PPA.



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23.7. Pursuant to Section 242 (5) PPA, any objections against the tender conditions shall be delivered to the contracting authority no later than 72 hours prior to the expiry of the time limit for submission of tenders as per Article 5.1 of these PD.

23.8. The contracting authority hereby reserves the right to cancel the procurement procedure pursuant to Section 127 (2) (e) PPA should it fail to receive funds from the subsidy provider in the assumed amount.

Annexes

Annex 1– Document templates for submission of tenders in the MS Excel format (Cover sheet, Affirmation – qualifications)

Annex 2 – Binding contract proposal

Annex 3 – Technical specification (Annex 1 to the Binding contract proposal)

Annex 4 – Affirmation by the economic operator on the non-existence of an interdiction to accept contracts for reasons of international sanctions, and on the non-existence of a conflict of interest.

Given in Pilsen, see the date in the electronic signature.

University of West Bohemia

prof. RNDr. Miroslav Lávička, Ph.D.

Rector



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