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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:

ERDF KVALITA ZČU - UK 02 - Turnitin software license for UWB

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. Martina Větrovská, Bursar

data box: zqfj9hj

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

Contact person for the restricted procedure:

Mgr. Štěpán Mátl, e-mail: smatl@rek.zcu.cz

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

https://zakazky.zcu.cz/contract_display_7224.html

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

Project title:	ERDF KVALITA ZČU
Project registration number:	CZ.02.02.01/00/23_023/0008982

2. Tender documentation (TD)

2.1. The tender documentation consists solely of the following text of the TD, including annexes.

3. Subject of the public contract

3.1. The subject of the public contract is Turnitin software license.

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 document called technical and commercial conditions, which forms Annex 2 to this TD (hereinafter referred to as the "Conditions of 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: 31 500 EUR (4 years) excl. VAT.

4.2. The tender price in EUR 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: March 7, 2025.

5.2. The opening of tenders shall not be public.

6. Technical conditions

The technical conditions of the subject of performance are set out in the Conditions of Contract.

7. Place and time of performance

The place and time of contract performance are set out in the Conditions of 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).

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?lang=en>, or via FEN at <https://fen.cz/#/registrace.lin> 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).

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.

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 the supplier's agreement to Conditions of Contract or a draft contract (containing Conditions of Contract) in a format compatible with MS Word (doc, docx), including annexes, i.e., also Annex 3 – Table for Determination of the Tender Price (in a format compatible with MS Excel (xls, xlsx)).

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 (template in Annex 1 to this TD)
2. the supplier's agreement to Conditions of Contract or a draft contract containing Conditions of Contract
3. documents proving basic and professional competence and qualifications – affidavit (template in Annex 1 to this TD)
4. a list of references – affidavit (template in Annex 1 to this TD)
5. declaration on word of honour re international sanctions and conflicts of interest (annex 4 to this TD)

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 EUR 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.

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 Conditions of Contract.

13.2. As part of the contract (Annex 3 of the TD), the Contracting Authority submits a table of individual parts of the public contract for evaluation. The tenderer is obliged to prove the tender price by submitting a fully completed table, i.e., by filling in the yellow highlighted cells. The total tender price shall be calculated automatically once the prices for the individual components have been filled in.

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

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 trade license to perform the subject-matter of the contract.

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 2 reference performances of a similar nature, each with a value of at least 6000 EUR/year (excl. VAT) in the past 5 years before the commencement of the tendering procedure; the Contracting Authority considers a performance of a similar nature to be supply of software TURNITIN.
- 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.** The terms of performance (i.e. payment terms, license and other terms) will be set out in a contract to be drafted by the Supplier. The contract shall respect the terms and conditions set out in the Conditions of Contract (Annex 2 to this TD).
- 16.2.** 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, 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, together with a reference to the specific provision of such 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 (see <https://www.dia.gov.cz/egovernment/registr-smluv/metodicke-dokumenty>).

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 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

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 English or Czech language.

19.3. In the event of a conflict between the text of this TD and the text of the Conditions of Contract, Conditions of 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 (institute of exceptionally low tender prices)

19.6. Any changes, additions or clarifications to the tender documentation or the tender conditions, as well as the notification of the selection of the Supplier or the decision to exclude the Supplier or to cancel the tendering procedure, will be provided in the same way as this TD was provided.

20. Request for clarification of the Tender Conditions

The Supplier is entitled to request an explanation of the Tender Conditions (TD). The request must be delivered in writing via E-ZAK - the relevant link as per Article 1 of this TD or by e-mail to the contact person of the Contracting Authority mentioned in Article 1 of this TD no later than four (4) business days before the deadline for the 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 (including the exact wording of the Supplier's request) in the same manner as this TD was provided.

21.2. 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, Qualification)

Annex 2 – Conditions of Contract

Annex 3 - Table for determining the tender price

Annex 4 - declaration on word of honour re international sanctions and conflicts of interest

In Pilsen on (see electronic signature)

The University of West Bohemia

Ing. Martina Větrovská

Bursar

signed electronically