

Tender of a small-scale public contract for supply outside the tender procurement procedure (herein referred to as “tender procedure”) as governed by Act 134/2016 Coll., Public Procurement Act (hereinafter referred to as “PPA”) under the name of :

“Servicing of PHOIBOS 150 R7 SN 335-18.07 electron analyser on the instrument Spin- and Angle-Resolved Photoelectron Emission Spectrometer (SARPES)”

Call for Bids or Call for 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”)

with registered seat at: Univerzitní 8, 301 00 Pilsen

Company reg. no.: 49777513 VAT no.: CZ49777513

Acting through: Ing. Petr Hofman, Bursar

Data box: zqfj9hj

Contracting Authority’s contact information for the purpose of the tender procedure

Contact person for the tender:

Ing. David Lávička, Ph.D., phone: +420 605 726 363, e-mail: dlavicka@ntc.zcu.cz

Link to the public contract at contracting authority’s profile:

https://zakazky.zcu.cz/contract_display_5071.html

The public contract is funded by the project:

Computational and experimental design of advanced materials with new functionalities (CEDAMNF)

project registration number: **CZ.02.1.01/0.0/0.0/15_003/0000358**

2. Tender Documentation and its availability

2.1. The tender documentation consists solely of this TD text, with annexes.

2.2. TD with annexes has been published and is available for download at the contracting authority’s profile, see Article 1 of this TD for the link.

3. Subject of the public contract

3.1. The Subject of the Contract shall especially be the following: Servicing of PHOIBOS 150 R7 SN 335-18.07 electron analyser on the instrument Spin- and Angle-Resolved Photoelectron Emission Spectrometer (SARPES). Servicing work shall focus on the cleaning of the PHOIBOS 150 R7 SN 335-18.07 electron analyser and its decontamination with focus on the entrance slits and the replacement of the defective component, a CCD/VLEED detector. A condition to the cleaning of the electron analyser is opening it in a sterile environment (“*clean room*”). Servicing work includes an inspection of all components of the electron analyser, replacement of seals, and the testing of the electron analyser using pre-defined samples. A report from the acceptance test shall be prepared at the Contractor’s premises and after reinstallation at the specified place of performance after reinstallation at the SARPES instrument.

3.2. The Contracting Authority hereby indicates that the brief description of the subject of the public contract in this Article is neither exhaustive nor full. A full, detailed description of the subject of performance is provided especially in the binding contract proposal attached as Annex 2 to this TD (hereinafter referred to as “Binding Contract Proposal”).

4. Assumed value of the Public Contract and limitations to the offer price

4.1. The assumed value and maximum overall value of the public contract is: CZK 750 000.00 less VAT



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4.2. The offer price in CZK less VAT must not exceed the maximum overall value as per Article 1 of this TD.

5. Deadline for submission of bids

The deadline for submission of bids is **10:00** hours on **17.03.2022**.

The opening of bids is not a public event.

6. Technical specifications

The technical specifications for the subject of performance are given in the Binding Contract Proposal, especially its Annex 1 (see Annex 3 to this TD – technical specifications).

7. Place and time of performance

The place and time of performance are given in the Binding Contract Proposal.

8. Inspection of the place of performance

In consideration of the nature of the subject of performance of the public contract, no inspection of the place of performance will be held.

9. Contract award period

A participant in the tender is bound by its bid (i.e., must not withdraw from the tender procedure) for the duration of the contract award period, which are 2 months. The beginning of the contract award period is the end of the bid submission deadline. The Contract award period also expires on the day of conclusion of contract for the performance of the public contract or by cancellation of the tender procedure. Having submitted its bid, culpa in contrahendo arises to a participant of the tender procedure as per § 1729 of the Trade Act. Should the selected supplier fail to provide cooperation required to the conclusion of a contract as per the bid submitted in the tender, the contracting authority becomes entitled to compensation for damage as per § 1729 (2) PPA.

10. Method of bid submission

10.1. Bids are to be submitted before the bid submission deadline solely in the printed form, in a properly sealed envelope delivered in person or by mail at the seat of the contracting authority: University of West Bohemia, Univerzitní 8 (filing room – from 8:00 to 14:00 hours on business days), 301 00 Pilsen, Czech Republic. The contracting authority recommends that all sheets of the bid be firmly stapled or otherwise bound to offer adequate protection from becoming removed from the bid and numbered using an incremental continuous sequence.

10.2. The contracting authority recommends that the envelope be marked with the name of the public contract and the wording “NEOTEVÍRAT – VZMR – 16102623 – **Servis analyzátoru elektronů PHOIBOS 150 R7 SN 335-18.07 na přístroji Fotoelektronový emisní spektrometr se spinovým a úhlovým rozlišením (SARPES)**” (do not open – small scale public procurement – 16102623 – **Servicing of PHOIBOS 150 R7 SN 335-18.07 electron analyser on the instrument Spin- and Angle-Resolved Photoelectron Emission Spectrometer (SARPES)**) and identification of the supplier (at least its name / name surname, Company ID no.). The bid shall contain a data storage medium (a CD or a USB stick or a memory card) containing an electronic form of the bid (see also Article 11.6 of this TD).

11. Requirements for a single method of bid preparation

11.1. The bid shall be submitted in the printed form, using the method as per Article 10 of this TD.



- 11.2.** The bid shall identify the person representing the supplier in the tender procedure or having the authority to submit a bid (hereinafter referred to as “Authorised Person”). The bid shall include a document stating the authority of the Authorised Person to act on behalf of the participant in the tender.
- 11.3.** In the case several suppliers are submitting a joint bid, the joint bid shall specify which of the joint bid participants has the authority to act. The sending and delivery of documents to that supplier is considered the sending and delivery to all participants in the joint bid.
- 11.4.** No bid variants are permitted.
- 11.5.** A participant in the tender procedure shall submit its bid, including all of the required documents mentioned in the contents of the bid, which is part of the bid cover page (a template in Annex 1 to this TD).
- 11.6.** The bid shall include a filled-out Binding Contract Proposal in a format compatible with MS Word (doc, docx).
- 11.7.** The bid shall not include any corrections or rewritten text which could mislead the contracting authority.
- 11.8.** The contracting authority recommends that the bid be compartmentalised in individual parts presented in the bid in a succession and marked consistently with the following instruction:

The bid shall contain

1. Bid cover sheet
2. Filled-out Binding Contract Proposal
3. Documents attesting to the principal eligibility and qualification – Declaration of Honour
4. List of reference projects – Declaration of Honour
5. Data storage medium (a CD or a USB stick or a memory card) with the complete bid (including the Binding Contract Proposal in MS Word)

12. Method of bid assessment

The assessment criterion is the economic advantage of the bid; the assessment will be based on the lowest bid price, i.e., the overall bid price in CZK less VAT. A lower bid price is considered an advantage. In the case of the overall bid price being equal in several bids (hereinafter referred to as “equal bids”), the decision on the order of equal bids shall be made by drawing in the presence of representatives of the affected suppliers. The bid presented by the drawn supplier shall be considered the more advantageous of all equal bids. The drawing shall only be organised in the case it is necessary for the process of the tender in consideration of the procedure, i.e., if the price is equal in bids which have been deemed as the most advantageous at the assessment of bids.

13. Method of bid price processing

- 13.1.** The bid price shall be specified for the subject supply as the maximum permitted price inclusive of any and all cost, risk, profit and other exchange or economic factors throughout the duration of the term of the performance of the public contract, in conformance to the conditions present in the Tender Documentation and, especially, the Binding Contract Proposal.
- 13.2.** The overall bid price in CZK less VAT shall be indicated in the bid cover sheet (see the template in Annex 1 to this TD).



14. Qualifications

The contracting authority requires that the participant demonstrate its qualifications in the scope and form given below.

Basic competence, professional qualifications and technical qualifications shall be demonstrated by a Declaration of Honour by the supplier (see the declaration template in Annex 1 to this TD).

The contracting authority hereby reserves the right to require that a participant in the tender provide the original or an officially verified copy of documents demonstrating the meeting of the basic competence, professional or technical qualifications as per Articles 14.1 — 4 to this TD.

Qualifications may be demonstrated in a manner similar to the tender procedure, i.e. in conformance to Sections 87, 228 and 234 PPA.

14.1. Basic competence

Basic competence is conformed with by any supplier who is not “not qualified” as per Section 74 PPA.

14.2. Professional qualification

Professional qualification is conformed with by any supplier who is holder of a business license for the following type of economic activity: *Production, trade and services not stipulated by Annexes 1-3 of the Trade Licencing 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 no less than 2 supplies of a similar nature, each of which at the value of no less than CZK 300 000.00 less VAT in the past five (5) years prior to the commencement of the tender; the Customer maintains that “supplies of a similar nature” refers to servicing of spectroscopy instruments.

14.4.2. A participant in the tender procedure shall demonstrate its conformance with the qualification as per Article 14.4.1. by a Declaration of Honour of a Tender Participant (a template of the declaration is provided in Annex 1 to this TD).

14.4.3. A supplier is not allowed to demonstrate conformance to technical qualification through a subcontractor.

15. Subcontractors

The contracting authority requires that a participant specify in its bid those parts of the public contract it wishes to perform using a subcontractor and that the participant provide a list of such subcontractors (their business name and company ID number, if such information is known to the participant) including a specification of the part of the public contract which each of the subcontractors will be performing (a template for the list of subcontractors is provided in Annex 1 to this TD). A supplier shall provide the list of subcontractors in the form of a Declaration of Honour. Should the supplier do not assume to perform using subcontractors, it shall provide a Declaration of Honour on its intent not to contract any part of the public contract to a third party. A blank template of the list of subcontractors as per Annex 1 to this TD, signed by an authorised person, shall be considered the supplier’s Declaration of Honour on its intent not to perform the public contract using a third party.



16. Terms and conditions, Payment conditions, Other requirements by the contracting authority

- 16.1.** The terms and conditions, payment conditions, other conditions and requirements made by the contracting authority to the manner and process of performance of the subject are given in the Binding Contract Proposal.
- 16.2.** A supplier is allowed to fill out and/or modify those parts of the Binding Contract Proposal marked in **yellow**.
- 16.3.** When using the templates and models provided in Annex 1 to this TD, a supplier shall provide all information as required by this TD and a specific annex, this applies especially to the parts marked in **yellow**.

17. Cooperation by the selected supplier

- 17.1.** The contracting authority requires the selected supplier to provide any and all cooperation necessary to conclude the contract on the performance of the public contract to the extent specified further in this article of the TD no later than by the deadline of 5 business days from the delivery of the contracting authority's invitation.
- 17.2.** The contracting authority hereby announces that the contract for the performance of this public contract shall be published by the contracting authority in the Registry of Contracts (see Article 11.2 of the Binding Contract Proposal), including all of its annexes, i.e. in a form which includes information potentially regarded as business secrets or confidential information as per Section 218 PPA. The publication of such information shall be circumvented if the selected supplier notifies, no later than in the bid, the contracting authority of the information or parts of the Binding Contract Proposal (or its annexes) which must not be divulged based on specific legislation, provided a relevance to the legislation is presented, together with specific reasons not to publish the affected parts. All parts of the contract that have been properly and reasonably marked shall be exempt from publishing or shall be redacted by the contracting authority prior to publishing. The contracting authority, prior to the publishing of the contract, shall redact personal information as per the methodology instruction on the application of the Registry of Contracts legislation 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-problematicke-a-prinasi-zakladni-odpovedi-na-casto-kladene-dotazy.aspx>).
- 17.3.** Under the purpose of publishing the contract in the Registry of Contracts (see Section 5 of Act 340/2015 Coll.), the contracting authority requires the selected supplier to provide a filled-out Binding Contract Proposal in the electronic form including all annexes in a file format compatible with docx and/or xls (xlsx) or as a PDF file with a text layer (i.e. not a simple scan). Should the selected supplier require that the published contract and/or its annexes have information redacted as per the preceding article of TD (exceeding personal information), the selected supplier shall provide the contract and/or its annexes in the electronic form with the information redacted, as per the preceding clause.
- 17.4.** The selected supplier shall be invited to provide cooperation once the contracting authority has decided on the selection.

18. Other requirements made by the contracting authority to the performance of the public contract

None specified.



19. Other information pertaining to the tender procedure

- 19.1.** The contracting authority hereby reserves the right to cancel the tender even without stating the reasons to do so, and to add details to the tender criteria.
- 19.2.** Any and all communication between the contracting authority and the supplier within the tender procedure shall be conducted in writing and in the Czech language.
- 19.3.** In the case of discrepancy between this TD and the wording of the Binding Contract Proposal, the wording of the Binding Contract Proposal shall prevail.
- 19.4.** A participant of the tender procedure shall not be entitled for compensation of costs incurred by the preparation and submission of its bid nor for compensation for damage under Section 1729 (2) Trade Act, should the tender procedure be cancelled.
- 19.5.** The contracting authority hereby reserves the right to proceed, in the assessment of a bid, similarly to Section 113 PPA.

20. Request for explanation of the tender conditions

A supplier is entitled to asking the contracting authority for explanation of the tender conditions (Call). The request in its written form (printed or electronic) must be delivered to the contracting authority's contact person as per Article 1 of the Call no later than 3 business days prior to the deadline for submission of bids.

Provision of explanation of the tender conditions

The contracting authority shall send the explanation of the tender conditions (Call) as well as any relevant documents no later than 2 business days from the delivery of the request from the supplier. An explanation of the tender conditions, including the exact wording of a request made by a supplier, shall be sent to all suppliers who had requested the Call or to whom the Call had been sent.

The contracting authority shall publish the explanation of the tender conditions at its profile in the E-ZAK electronic tool at the address provided above at the public contract in the item "Explanation of tender documentation".

The contracting authority may present the suppliers with an explanation of the tender conditions without a prior request. Explanation of the tender conditions offered by telephone is not permitted.

Annexes

Annex 1 – Document templates for submission of bid in the MS Excel format

(Cover sheet, Competence and qualification, Technical qualification)

Annex 2 – Binding Contract Proposal

Annex 3 – Technical specifications

Pilsen, date: *(via electronic signature)*

University of West Bohemia

Ing. Petr Hofman

Bursar



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