

Specification of a below-the-threshold public procurement procedure using the below-the-threshold procedure in conformance to Section 53, Act 134/2016 Coll., Public Procurement Act (hereinafter referred to as “PPA”) under the name of:

“Femtosekundový laser s opakováním pulzů v ultrarychlých dávkách v řádu GHz / Femtosecond laser with GHz burst”

Call for tenders, Call for procurement documentation

(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, e-mail: ovz@rek.zcu.cz.

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

https://zakazky.zcu.cz/contract_display_6626.html

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

Project title	MEYS, OP JAK, MEBioSys,
Project registration number	CZ.02.01.01/00/22_008/0004634

2. Procurement documentation and its provision

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

3. Subject and Goal of Public Procurement

The subject of this public procurement is the supply of a femtosecond laser with GHz burst in the ultra-fast batch mode, including the transportation and installation.

Subject classification as per CPV:

38636100-3 – Lasers

38636110-6 – Industrial lasers

- 3.2. The goal of the realisation of this public procurement is the supply of a femtosecond laser with GHz burst in the ultra-fast batch mode, as per the specification of the subject of performance and Annex 1 to the Binding contract proposal.
- 3.3. 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 Works Contract proposal, which represents Annex 2 to this PD (hereinafter referred to as “Binding contract proposal”) and its Annex 1, which represents Annex 3 to this PD.



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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 **3,350,000** 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 TD.

5. Time Limit for Submission of Tenders

The time limit for submission of tenders is hereby stated to be **10:00 a.m. on 28.03.2024**.

The opening of the tenders presented electronically is not public.

6. Technical Specifications

Technical specifications on the subject of performance are indicated in the contract proposal and essentially in its Annex 1, which is represented as Annex 3 to this PD.

7. Place of Performance

The place of performance, the place of delivery of parts of performance, as well as the place where the systems will be installed and where supervision will be conducted during the completion of the systems is specified in the Binding contract proposal and its Annex 1, which is attached to this PD as Annex 3 to this PD.

8. Inspection of the Place of Performance

Considering the nature of the procurement contract, no inspection of the place of performance shall be conducted.

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/regitrace.html>. In case of any unclear issues or problems with registration, the contracting authority recommends contacting E-ZAK support (podpora@ezak.cz, phone: +420 538 702 719).

13. Requirements for Unified Method of Drawing up a Tender

- 13.1. The tender shall be drawn up in writing electronically.
- 13.2. The tender shall specify the person representing the economic operator in the procurement procedure who is entitled to submit the tender (hereinafter referred to as "entitled person"). Included in the tender must



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also be a document presenting the basis of the entitled person's right to represent a participant in the procurement procedure.

- 13.3. 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.
- 13.4. No variants of a tender shall be admitted.
- 13.5. 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).
- 13.6. The tender shall include a filled-out Binding contract proposal in a file format that is compatible with the MS Word software (doc, docx).
- 13.7. The tender shall not contain any rewritten text or corrections which might mislead the contracting authority.
- 13.8. 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. Contract proposal, filled out in MS Word,
 3. A list of subcontractors or a deposition on the performance to be realised without subcontractors (annex to the contract),
 4. Documents attesting to the economic operator's basic qualifications,
 5. Documents attesting to the economic operator's professional qualifications,
 6. Documents attesting to the economic operator's technical qualifications
- 13.9. 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 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM: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 the 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 Drawing up the Tender Price

- 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.
- 15.2. The overall 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 VI (1) of the Binding contract proposal).



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The overall tender price shall correspond to the total price of all five systems as per Article VI (1) (a-e) of the Binding contract proposal.

15.3. *As per the stipulations of Article 113 (2), Public Procurement Act, 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

Documents attesting to the meeting of qualifications shall be submitted as per Sections 45 and 53 (4), clauses 3 and 5, Public Procurement Act (**i.e., qualification documents shall be presented in their copies by the economic operators in their tenders; the documents may be replaced by an affirmation or a unified European certificate for public procurement (e-certis) pursuant to Section 87**), in the Czech or Slovak language, or in another language with translation into Czech.

The contracting authority reserves the right to require any participant, or the selected participant prior to conclusion of the contract, to present the original or a certified copy of a document confirming the meeting of qualifications following the procedure as per Section 46 (1) PPA.

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

16.1. Basic Qualification

The contracting authority requires proof of 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) PPA is provided in Annex 1 to this PD).

16.2. Professional Qualification

The contracting authority requires proof of fulfilment of professional qualification as per Section 77 (1) and (2) (a) 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.

16.2.2. In order to prove its fulfilment of professional qualification as per Section 77 (2) (a) PPA, a participant shall present:

licence to conduct business under specific legal regulations (especially proof of trade licence) the scope of which corresponds to the subject of public procurement, i.e., Manufacturing, sales and services not specified in Annexes 1 through 3 of the Trade Licensing Act.

16.3. Economic Qualification

Not required by the contracting authority.

16.4. Technical qualification

Technical qualification as per Section 79 (2) (b) PPA shall be fulfilled by participants who present:

A participant shall prove the fulfilment of technical qualification by presenting a list of no less than two (2) significant supplies performed by the participant in the three (3) years prior to the commencement of the procurement procedure.

Significant supply – Reference 1:

The realisation of an order of which the scope (or its part) was the supply of femtosecond lasers in the worth of no less than CZK 1,000,000 less VAT shall be considered significant by the contracting authority.

Significant supply – Reference 2:

The realisation of an order of which the scope (or its part) was the supply of femtosecond lasers in the worth of no less than CZK 1,000,000 less VAT shall be considered significant by the contracting authority.



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17. Subcontractors

- 17.1.** Pursuant to Section 105 (1) PPA, the contracting authority requires that the participant specify, in its tender, the part of the public procurement which it intends to perform through subcontractors and that the participant present a list of such subcontractors (the subcontractor's business name and registration number, if known to the participant), including the specification of the part (the type and scope of performance to be realised by the subcontractor (a model of the subcontractor list is shown in Annex 1 to this PD). The list of subcontractors shall be submitted by the participant in the form of an affirmation.
- 17.2.** Should the participant not assume that a part of the performance should be realised through subcontractors, it shall submit an affirmation on its intent not to subcontract any part of the public procurement to any persons. An empty list of subcontractors as per Annex 1 to this PD signed by the entitled person shall be deemed an affirmation of the economic operator not to perform the public procurement through any subcontractor.
- 17.3.** The economic operator shall insert a filled-out affirmation using the template, which is an annex to this PD (Annex 4), into the tender. The affirmation conforms to Section 4(b), Act 159/2006 Coll., on conflict of interest, and to Section 2, Act 69/2006 Coll., on carrying out of international sanctions. The affirmation further includes a list of contractors, subcontractors, and true owners. The affirmation shall bear the date of the day it was completed.

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.** The economic operator may only fill out and edit the parts of the Binding contract proposal highlighted in **yellow**.
- 18.3.** 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 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 five (5) business days from the delivery of the invitation from the contracting authority.
- 19.2.** Pursuant to Section 86(3) PPA, the contracting authority requires that the selected economic operator present the originals, or their verified copies, of the qualification documents unless they have been presented during the procurement procedure.
- 19.3.** The contracting authority requires the presentation of a document affirming the insurance of the selected economic operator as per Article 20(1) of this PD, unless such document has been presented during the procurement procedure.
- 19.4.** The contracting authority 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



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shall be signed after an invitation placed by the contracting authority. The selected economic operator hereby undertakes to sign the contract and all of its annexes (all documents being in the PDF format) in the electronic form (and add a verified electronic signature based on the qualified certificate of the person entitled to represent the selected economic operator) and to send the contract to the contracting authority within two (2) business days from the reception of the invitation from the contracting authority and from the final draft of the contract.

- 19.5.** The contracting authority warrants that the contract for this public procurement shall be published in the Contract Registry (as per Article 11(2) of the Binding contract proposal), with all its annexes, i.e. in the form that might contain information meeting the parameters of business secrets and/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) is excluded as per specific legislation, stating a specific form of such legislation and specific reasons for the interdiction to publish said 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 issued by the Ministry of Interior (see https://www.dia.gov.cz/wp-content/uploads/2024/02/Aplikace-ZRS- -Metodika-DIA- -02_2024.pdf).
- 19.6.** 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.
- 19.7.** The selected economic operator shall be invited to provide cooperation once the contracting authority has decided on the selection of the economic operator.

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

- 20.1.** The contracting authority requires that the economic operator, no later than on the day of conclusion of the contract, hold a valid third-party liability insurance towards damage incurred from the performance of its activities or of work as per the contract, with a minimum liability cover of CZK 2,000,000 (two million Czech koruna); the policy shall be valid and effective, without interruption, throughout the period of performance of the public procurement (execution of work) as well as for the warranty period on the work as per the concluded contract. The insurance policy shall be made inclusive for the territory of the Czech Republic and for all business licenses that are required for the performance of the subject of public procurement. The selected economic operator shall present a copy of document on such valid insurance to the contracting authority prior to the conclusion of the contract.

21. Other Information on the Procurement Procedure

- 21.1.** The economic operator shall be permitted to request a written explanation of the procurement documentation and/or of the award criteria inside the term specified by Article 98(3) PPA jointly with Section 54(5) PPA (the request for explanation shall be delivered no later than seven (7) business days prior to the expiration of the time limit for the submission of tenders). 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



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PD, or to the contracting authority's databox, or to the e-mail address of: ovz@rek.zcu.cz. Should the request for explanation fail to be delivered within the given time limit or using the methods given above, the contracting authority shall not have the obligation to offer such explanation.

- 21.2. 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.
- 21.3. Any and all communication between the contracting authority and economic operators shall be conducted, pursuant to Section 211 PPA, in writing, electronically and in the Czech or English language.
- 21.4. 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) PPA and Section 46 PPA), the documents shall be presented in the electronic form, bearing a valid certified electronic signature based on a qualified certificate 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.
- 21.5. In the case of discrepancy between the wording of this procurement documentation and the contract proposal, the contract proposal prevails.
- 21.6. The participants shall not be entitled to compensation of costs incurred by the preparation and submission of tenders, unless otherwise specified by PPA.
- 21.7. Should the selected economic operator be a legal person from the Czech Republic, the contracting authority shall verify, pursuant the stipulations of Section 122(5) PPA, information on that person's beneficial owners from the Beneficial Owners Register. The contracting authority shall include such information in the documentation on the procurement procedure.

The contracting authority hereby notifies all economic operators that by the adoption of amendment to Act 253/2008 Coll., on selected measures against legitimisation of proceeds of crime and financing of terrorism, as amended, and by the adoption of new Act 37/2021 Coll. on the register of beneficial owners, certain amendments have been made to PPA since 1 June 2021. In response to said amendment, it shall no longer be permitted to conclude any contract with the selected economic operator who is a Czech legal person if its beneficial owners cannot be found in the Beneficial Owners Register. Therefore, the contracting authority shall have the obligation to exclude any such economic operator from the procurement procedure.

Pursuant to the stipulations of Section 122(8) PPA, the contracting authority shall exclude the selected economic operator from the procurement procedure if said economic operator is a Czech legal person and has a beneficial owner and, pursuant to Section 122(5) PPA, information on the beneficial owner cannot be obtained from the Beneficial Owners Register; a record made available in the Beneficial Owners Register after the sending of the notice of exclusion shall not be taken into account.

In the case of foreign economic operators, the contracting authority shall proceed as before; the foreign selected economic operator shall be invited to present a record from a foreign register similar to the Czech Beneficial Owners Register or to identify its beneficial owners, and to present corresponding documents attesting to the relation of the beneficial owners to the selected economic operator.

Annexes

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

(Cover sheet, List of subcontractors, Basic qualification – affirmation)

Annex 2 – Binding contract proposal

Annex 3 – Technical specification (Annex 1 to the Binding contract proposal) is part of Annex 2



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Annex 4 – Conflict of interest, international sanctions – affirmation

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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