

# TENDER DOCUMENTATION

Pursuant to the Act No. 134/2016 Coll., on Public Contracts Awarding, as amended (hereinafter the **"Act"**)

For processing a bid to an above-the-threshold public contract for supplies awarded in an *open procedure* pursuant to Section 56 of the Act called:

## VERTICAL DOPPLER CLOUD PROFILER

(hereinafter the **"Public Contract"** and **"Contract Awarding Procedure"** or **"Tender Procedure"**)

Operational Programme Research, Development and Education  
Project Name: Research Center of Cosmic Rays and Radiation Events in the Atmosphere  
Reg. No.: CZ.02.1.01/0.0/0.0/15\_003/0000481



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## TENDER DOCUMENTATION

For compiling bids in the public contract pursuant to the Act

**Public Contract name:** Vertical Doppler Cloud Profiler  
**Contracting Authority:** Institute of Atmospheric Physics CAS  
**Registered office:** Boční II 1401, 141 31 Praha 4 Spořilov  
**Company identification No.:** 68378289  
**Tax identification No.:** CZ68378289  
**Person authorised to act on behalf of the Contracting Authority:** doc. RNDr. Zbyněk Sokol CSc., Director

Pursuant to Section 43 of the Act, the Contracting Authority shall be represented in exercising its rights and obligations within the Tender Procedure by **OTIDEA avz s.r.o.**, company identification No. 04682378, registered office at Thámová 681/32, Praha 8 - Karlín.

**Contact person:** Martina Filková  
**Phone:** 295 565 120  
**Email:** martina.filkova@otidea.cz

Identification of potential persons differing from the Contracting Authority, which pursuant to Section 36 (4) of the Act have drafted some part of the tender documentation, and the marking of these parts of the tender documentation or specification of which information in the tender documentation is the result of preliminary market consultation, marking of this information, identification of the persons that participated in preliminary market consultation, and all the relevant information that was the content of preliminary market consultation:

- **OTIDEA avz s.r.o., company identification No. 04682378:** The company has cooperated with the Contracting Authority on processing of tender conditions except technical specification of the subject matter and technical conditions.

### 1. SPECIFICATION OF SUBJECT MATTER OF PUBLIC CONTRACT

#### 1.1. CLASSIFICATION OF THE SUBJECT MATTER

Common Procurement Vocabulary (CPV):

38100000-6 Navigational and meteorological instruments

51215000-2 Installation Services of meteorological equipment



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## 1.2. DESCRIPTION OF SUBJECT MATTER OF PUBLIC CONTRACT AND BASIC PRINCIPLES OF CONTRACTUAL RELATION

The subject matter of the tender will be a delivery of vertical doppler cloud profiler with a vertical range of at least 15 km, operating in Ka-band (24-40 GHz) or W-band (75-110 GHz) in FMCW or in pulse mode. Profiler must allow polarimetric measurements in STAR (Simultaneous Transmission And Reception) or LDR (Linear Depolarization Ratio - the signal is transmitted only one polarization, received both polarizations) mode.

The subject matter includes transportation to the place of delivery in the Czech Republic and training of competent persons.

Subject-matter of the Public Contract is in detail specified in **Annex No. 3 Technical Specifications** and **Annex No. 4 Purchase Contract** hereto.

Participants shall prepare the bid in accordance with all requirements of the Contracting Authority and in accordance with this Tender Documentation and all its Annexes.

## 1.3. TIME OF DELIVERY

Expected initiation of performance: immediately after the contract conclusion

Expected ending of performance: 24 weeks after the contract conclusion

## 1.4. PUBLIC CONTRACT IMPLEMENTATION PLACE

Place of delivery and installation shall be the Institute Atmospheric Physics CAS, Observatory Milešovka, Czech Republic.

## 1.5. MAXIMUM PERMISSIBLE BID PRICE

Maximum permissible bid price **246 000 EUR without VAT**

The **maximum permissible Total bid price** cannot be exceeded by the participants. Should the participant's total bid price exceed the referred-to maximum value, then the participant shall be excluded for the reason of failing to meet the tender conditions.

The Subject Matter shall be funded from the Research, Development and Education Operational Programme.

## 2. BID PROCESSING CONDITIONS AND REQUIREMENTS

### 2.1. TERM OF BID SUBMISSION

Bids shall be submitted not later than **29. 5. 2017 at 3:30 PM.**

### 2.2. SUBMISSION REQUIREMENTS



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The Contracting Authority will only accept bids submitted in hardcopy format. The Contracting Authority does not permit the electronic submission of bids.

### 2.3. HARDCOPY SUBMISSION OF BIDS

Bids in hardcopy format are submitted in a properly sealed envelope, which must be clearly marked with the name of the Public Contract, i.e. "Do not open: **Public Contract – Vertical Doppler Cloud Profiler**".

The Contracting Authority recommends to state on the envelope an address to which a notice on late submission of the bid may be sent.

Hardcopy bids are submitted by the aforementioned deadline for submitting bids to the address: **OTIDEA avz s.r.o., Building METEOR C (3<sup>rd</sup> floor), Thámová 681/32, 180 00 Prague 8 - Karlín.**

Bids may be delivered in any appropriate manner (by post, courier service, in person, etc.) at the address above on working days from 8:30 AM to 3:30 PM; by **3:30 PM** only on the final day of the term. Any other delivery shall not be deemed proper submission of a bid.

### 2.4. IDENTIFICATION DATA

The bid must include identification details of the participant, in particular the following: commercial name of the company, registered office, ID No., person authorised to act on behalf of the participant or a person authorised to represent the participant, contact address for correspondence between the participant and the Contracting Authority.

### 2.5. REQUIRED LANGUAGE

The bid must be written in Czech, Slovak or English.

### 2.6. FORMAL RECOMMENDATIONS

All bid sheets shall be numbered in an ascending continuous series and put firmly together or stitched so that they are adequately secured against falling out of the bid. The bids shall be properly readable with no cancellation and overwriting. The Contracting Authority recommends submitting the bid in an electronic form on a CD, either in an MS Office or a compatible or .pdf format as well.

### 2.7. COPIES

The participant shall submit the bid in an original copy. In addition to this original copy, the Contracting Authority also recommends submitting a copy of the participant's bid.

### 2.8. JOINT BID

If the bid is submitted jointly by more participants (joint bid), the participant shall specify a person in the bid who shall be empowered to represent these participants for communicating with the Contracting Authority during the Tender Procedure.

### 2.9. BID STRUCTURE



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The participant shall submit the bid containing the following documents and parts, whereas the following structure is only recommended:

a) **Bid cover note**

The bid cover note shall include the following details: Public Contract name, basic identification details of the Contracting Authority and participant (including persons empowered to be involved in further proceedings and stating an enterprise categorisation in accordance with the Recommendation 2003/361/ES), participant shall state the **contact e-mail address** for electronic communication with the Contracting Authority (the address will be used for the service of the Contracting Authority's electronically signed documents concerning the assessment and evaluation of the bids during this Tender Procedure), date and signature of the person authorised to act on behalf of the participant. The participant may use **Annex No. 1** hereto.

b) **Table of contents**

It must include all sections of the bid mentioned herein, structured as required, to which numbers of appropriate sheets or pages shall be assigned.

c) Documents demonstrating **qualification** meeting structured as mentioned in Article 3 hereof.

d) **Total bid price** structured as required under Article 4 of this tender documentation.

e) **Catalogue sheets or technical specifications in other form** as required in Article 6 hereof.

f) **Purchase Contract** signed by a person authorised to act on behalf of or in the capacity of the participant where the participant shall be obliged to use the draft contract wording mentioned in **Annex No. 4** hereto and to complete only those parts, which are explicitly specified by the Contracting Authority to be filled by the participant with a yellow colour.

## 2.10. REQUEST TO EXPLAIN THE TENDER DOCUMENTATION

The Contracting Authority will provide explanations to the tender documentation based on a request pursuant to Section 98 of the Act. The written form of the request for explanation of the tender documentation must be delivered to the following address: [martina.filkova@otidea.cz](mailto:martina.filkova@otidea.cz)

## 2.11. DOCUMENTS SUBMISSION BY FOREIGN CONTRACTORS

In case that the Act or the Contracting Authority requires to submit a document in compliance to the law of the Czech Republic, participant is entitled to submit a similar document issued pursuant to the legal code of the country where the document has been issued. The document shall be submitted in Czech or English language.



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The document may be substituted by an affidavit in the case that the document is not being issued pursuant to the legal code of the country of participant's registered office.

### 3. QUALIFICATION OF PARTICIPANTS

#### 3.1. QUALIFICATION

A contractor qualifies for performance of the Public Contract if it proves fulfilment of:

1. Basic Criteria
2. Professional Criteria
3. Technical Qualification Criteria

##### 3.1.1. BASIC CRITERIA

A contractor is not qualified if:

- a) it was effectively convicted of a criminal offence listed in Annex No. 3 to the Act or for a similar offence pursuant to the legal code of the country of contractor's registered office in the country of its registered office in the last 5 years before commencement of the tender; expunged convictions are not taken into account,
- b) it has a due tax arrears in the tax records in the Czech Republic or the country of its registered office,
- c) it has due arrears on premiums or penalties on public health insurance in the Czech Republic or the country of its registered office,
- d) it has due arrears on premiums or penalties on social security and contributions to the state employment policy in the Czech Republic or the country of its registered office,
- e) it is in liquidation, if a decision on default has been issued against it, if it has been ordered to go into forced receivership pursuant to other legal regulations, or is in a similar situation pursuant to the legal code of the country of the contractor's registered office.

The contractor proves the fulfilment of the basic qualification criteria in relation to the Czech Republic by submitting:

- a) Extract from the Criminal Records for Article 3.1.1(a) of the tender documentation; if the contractor is a corporate entity, this condition must be fulfilled by the corporate entity and also by every member of the statutory body. If the contractor is a legal person, both this legal person and every member of its statutory body shall meet the condition specified in Article 3.1.1(a) hereof. Where a legal person is a member of the statutory body of the economic operator, the condition specified in Article 3.1.1(a) hereof shall be met by a) this legal person, b) every member of the statutory body of this legal person, and c) the person representing this legal person in the statutory body of the contractor.



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- b) Confirmation from the relevant financial bureau in relation to Article 3.1.1(b) of the tender documentation,
- c) Written affidavit in relation to excise tax pursuant to Article 3.1.1(b) of the tender documentation,
- d) Written affidavit in relation to public health insurance pursuant to Article 3.3.1(c) of the tender documentation,
- e) Confirmation from the relevant district social security administration in relation to Article 3.3.1(d) of the tender documentation,
- f) Extract from the commercial register, or a written affidavit in the event that the contractor is not incorporated in the Commercial Register, pursuant to Article 3.3.1(e) of the tender documentation.

### 3.1.2. PROFESSIONAL CRITERIA

The professional criteria will be proven by a participant who submits:

Pursuant to Section 77(1) of the Act, in relation to the Czech Republic, an extract from the commercial register or other similar records, if other legal regulations require registration in such records.

### 3.1.3. TECHNICAL QUALIFICATION CRITERIA

The technical qualification criteria will be proven by a participant who submits:

Pursuant to Section 79(2)(b) of the Act a list of important supplies provided in the past 3 years before commencement of the tender, including indication of the price and period of provision and identification of the client.

#### Minimal level of qualification and manner of fulfilment proving:

The supplier meets this qualification criterion if it has performed at least **one** supply of similar character during last 3 years.

The supply of similar character is *a supply of vertical cloud profiler with similar technical parameters as described in Annex no. 3 hereto.*

Participant shall make a part of its bid an affidavit on due provision of previous similar supply that shall contain at least the following information (1) name of the client and its registered seat, (2) description of supplies provided (supply shall be identified by a description detailed enough so that requirements stipulated herein might be assessed by the Contracting Authority), (3) term of the supply provision and (4) name of contact person along contact information, where the Contracting Authority may verify the provided information.

Participants are recommended to use a form affidavit that is attached hereto as an **Annex No 2.**







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### 3.2. FORMAL REQUIREMENTS OF QUALIFICATION DOCUMENTS

The contractor will submit simple copies of documents proving the fulfilment of qualification criteria. Before concluding the contract, the Contracting Authority will always request that the selected contractor submits the originals or officially certified copies of the qualification documents, unless these were already submitted in the tender (e.g. in the bid itself).

Documents proving the fulfilment of qualification criteria which are in a language other than the Czech, Slovak or English language must be translated into the Czech or English language.

Documents proving the basic qualification criteria pursuant to Section 74 of the Act and professional qualification criteria pursuant to Section 77(1) of the Act must prove the fulfilment of the required qualification criterion no more than 3 months before the commencement date of the tender.

### 3.3. DOCUMENTS ON QUALIFICATION SUBSTITUTION BY MEANS OF AFFIDAVIT

The Contracting Authority stipulates pursuant to Section 86(2) of the Act that participant is **not** entitled to substitute the aforementioned required documents on qualification by means of affidavit. The Contracting Authority requires participant to submit in bid the particular aforementioned documents on qualification.

### 3.4. PROOF OF QUALIFICATIONS ACQUIRED ABROAD

In case that qualification has been acquired abroad, participant shall prove such qualification with documents issued pursuant to the legal code of the country where the document has been issued and in the extent required by the Contracting Authority.

### 3.5. PROVING QUALIFICATION THROUGH THIRD PARTY

The contractor may prove a certain part of its economic qualification criteria, technical qualification criteria or professional qualification criteria, with the exception of the criteria pursuant to Section 77(1) of the Act, required by the Contracting Authority, through third persons. In this case, the contractor is obliged to submit to the Contracting Authority:

1. documents proving the fulfilment of professional qualification criteria pursuant to Section 77(1) of the Act by the third person,
2. documents proving the fulfilment of the missing part of the qualification criteria by the third person,
3. document proving the fulfilment of basic qualification criteria pursuant to Section 74 of the Act by the third person, and
4. written commitment of the third person to provide the fulfilment intended to perform the Public Contract or to provide the assets or rights which the contractor will use in order to perform the Public Contract, minimally in the scope in which this third person proved the qualification criteria on behalf of the contractor.



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### 3.6. JOINT BID

In the event of collective participation of participants, the basic qualification criteria and professional qualification criteria pursuant to Section 77(1) of the Act must be proven individually by each contractor.

## 4. MANNER OF PROCESSING THE PRICE BID

### 4.1. BID PRICE BREAKDOWN

The participant shall be obliged to give the Total bid price in the following structure: **price in EUR net of VAT and total bid price in EUR including VAT** (stating a bid price in EUR including VAT is not applicable for foreign participants). The same amount shall be stated in the Cover Bid Note.

### 4.2. BID PRICE SCOPE

The bid price is the maximum price that cannot be exceeded and shall include all costs that the participant shall incur during performing the contract. The bid price must also include any costs not explicitly specified but about which the bidder knew or should and could have known considering its professional knowledge, exercising all professional care.

### 4.3. BID PRICE MODIFICATION

The price may only be modified in connection with any changes to tax regulations regarding the VAT.

### 4.4. BID PRICE LIMITATION

If the bid price exceeds the maximum allowed price, the participant shall be excluded from the tender procedure by the Contracting Authority (see art. 1.4 above).

## 5. PAYMENT CONDITIONS

Payment conditions are specified in the Purchase Contract that is an integral part of this tender documentation in a form of **Annex No. 4.**

## 6. TECHNICAL CONDITIONS

The participant shall submit catalogue sheets or technical specifications in other form for all the offered items within its bid which will allow verifying whether Contracting Authority's technical requirements stipulated hereby have been met. Meeting the technical parameters set forth herein (including all annexes) must be undoubtedly clear.

Furthermore, the participant will identify the manufacturer, the trade name of the product and the ordering number regarding each item (type of product).

Such technical description of the offered performance including the required list of components shall form the **Annex No. 1 (Technical Description of the Offered Performance)** of the Purchase Contract (attached as the Annex No. 4 hereto).



## 7. EVALUATION CRITERIA

Bids shall be evaluated pursuant to Section 114(1) of the Act based on economic merit of the bids.

### 7.1. EVALUATION CRITERIA SPECIFICATION

The Contracting Authority has stated that the only partial criterion of economic merit of bids shall be **the lowest Total bid price net of VAT** processed in compliance with the Article 4.1. of this tender documentation.

Participant offering the lowest Total bid price shall be selected as the most suitable one.

The participant shall not be authorised to make the bid subject to any conditions. Any conditions or provision of several different values in the bid in parts that are subject to the evaluation shall constitute a reason to exclude the participant from the Tender Procedure.

## 8. OTHER REQUIREMENTS

### 8.1. VERIFICATION OF INFORMATION

In accordance with Section 39(5) of the Act, the Contracting Authority may verify the authenticity of data, documents, samples or models provided by the participant and may also procure them itself.

### 8.2. COOPERATION BEFORE SIGNING THE AGREEMENT

Should the selected contractor be a legal entity, the Contracting Authority requires pursuant to Section 104(2) of the Act additional conditions in order to conclude the agreement:

- a) identification data of all persons, who are the actual owners of the selected contractor pursuant to the Act 253/2008 Coll., and
- b) documents from which it arises the mutual relationship between all the actual owners and the participant, in particular:
  - extract from the commercial register or other similar records,
  - list of shareholders,
  - the decision of the statutory body for the payment of profit sharing,
  - memorandum of association or articles of association.

The selected contractor shall submit the aforementioned information and documents in the language stipulated by Article 2.5 hereof.



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## 9. BUSINESS CONDITIONS

### 9.1. BUSINESS CONDITIONS SPECIFICATION

The participant shall be obliged, without any reservations, to accept the Purchase Contract wording in form of **Annex No. 4** hereof. Participant shall only fill in that parts of the binding draft contract that are designated to be amended by colours or any other clear instructions.

### 9.2. FORMAL REQUIREMENTS

The draft contract must be signed by the participant by a responsible person or a person empowered or authorised thereto. In such a case, the original copy or a certified copy of the authority or authorisation must be included in the bid.

## 10. OPENING ENVELOPES WITH BIDS

### 10.1. OPENING ENVELOPES WITH BIDS TERM

Envelopes shall be opened on **29. 5. 2017 at 3:30 PM** at the address of **OTIDEA avz s.r.o. at Building METEOR C (3<sup>rd</sup> floor), Thámova 681/32, 186 00 Praha 8 - Karlín.**

### 10.2. FURTHER CONDITIONS

Representatives of all participants who have submitted their bids in the bid submission term (not more than two persons per one participant) shall be authorised to take part in the envelopes opening (however, not the subsequent assessment and evaluation of the bids). For envelopes opening, representatives of the participants shall identify themselves by a Power of Attorney issued by the person authorised to act on behalf of the participant.

## 11. LIST OF ANNEXES:

1. Bid Cover Note *(to be completed, signed and returned with the bid)*
2. Affidavit – Technical Qualification *(to be completed, signed and returned with the bid)*
3. Technical Specifications
4. Purchase Contract *(to be completed, signed and returned with the bid)*

On behalf of the Contracting Authority:

On 19.4.2017

doc. RNDr. Zbyněk Sokol CSC.,  
Director



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**Annex no. 1**

**Bid Cover Note**

**Public Contract Name:** Vertical Doppler Cloud Profiler

**Contracting Authority:** Institute of Atmospheric Physics CAS

**Registered office:** Boční II 1401, 141 31 Praha 4 Spořilov

**Company identification No.:** 68378289

**Tax identification No.:** CZ68378289

**Person authorised to act on behalf of the Contracting Authority:** doc. RNDr. Zbyněk Sokol CSc., Director

**Participant:** [to be filled in by Participant]

**Registered office:** [to be filled in by Participant]

**Id. No.:** [to be filled in by Participant]

**Tax Id. No.:** [to be filled in by Participant]

**Small / Medium-sized enterprises (in accordance with the Recommendation 2003/361/ES):**  
[YES/NO - to be filled in by Participant]

**Bank:** [to be filled in by Participant]

**Person authorized to represent the participant:** [to be filled in by Participant]

**Contact person:** [to be filled in by Participant]

**Contact address:** [to be filled in by Participant]

**Tel:** [to be filled in by Participant] **E-mail of the Contact Person:** [to be filled in by Participant]

In [to be filled in by Participant] On [to be filled in by Participant]

[Signature - to be filled in by Participant]

[Business name – statutory representative / attorney for the Participant – to be filled in by Participant]





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## Annex no. 2

### Affidavit on Technical Qualification Criteria

#### List of Important Supplies

pursuant to Sec 79(2)(b) of the Act No. 134/2016 Coll., on Public Contracts Awarding, as amended  
(hereinafter the "Act")

<b>Public Contract Name:</b>	<b>Vertical Doppler Cloud Profiler</b>
<b>Contracting Authority:</b>	Institute of Atmospheric Physics CAS

(hereinafter the "Public Contract")

<b>Participant Business Name incl. Legal Form:</b>	[to be filled in by Participant]
<b>Registered Office:</b>	[to be filled in by Participant]
<b>Company Identification No.:</b>	[to be filled in by Participant]
<b>Authorized Representative:</b>	[to be filled in by Participant]

(hereinafter the "Participant")

I as a person authorized to act on behalf of the Participant hereby solemnly declare that that the Participant fulfils the **technical qualification criteria** stipulated by the Contracting Authority within the Public Contract pursuant to Sec 79(2)(b) of the Act, since we have realized the below mentioned supplies within the last three years.

#### List of the Important Supplies:

<b>Name of Client and its Registered Seat</b>	<b>Name of Provider (respectively its relationship to Participant)</b>	<b>Term of Realization (month and year)</b>	<b>Financial Extent</b>	<b>Description of Supplies Provided*</b>	<b>Contact Person of the Client and Contact Data (Email/Phone)</b>
[to be filled in by Participant]	[to be filled in by Participant]	[to be filled in by Participant]	[to be filled in by Participant]	[to be filled in by Participant]	[to be filled in by Participant]

Add lines if needed



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In [to be filled in by Participant] On [to be filled in by Participant]

[Signature - to be filled in by Participant]  
.....

[Business name – statutory representative /  
attorney for the Participant – to be filled in by  
Participant]



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### **Annex no. 3 Technical Specifications**

*(attached as a separate document)*



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**Annex no. 4 Purchase Contract**

*(attached as a separate document)*



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