

TENDER DOCUMENTATION INVITATION TO TENDER

issued pursuant to Section 28 paragraph (1) point b) and Section 53 paragraph (1) of Act No. 134/2016 Coll., on Public Procurement, as amended, (hereinafter the "Act"),

for preparation of bids for below-threshold public contract for supplies

contracted within the simplified below-threshold procedure pursuant to Section 53 of the Act

NAME OF THE PUBLIC CONTRACT:

Wavelength dispersive X-ray fluorescence (WD-XRF) spectrometer for thin film applications



TENDER DOCUMENTATION – INVITATION TO TENDER

This tender documentation (hereinafter the “TD”) forms a basis for preparation of bids in simplified below-threshold procedure seeking public contract for supplies pursuant to the Act. The rights, obligations and terms and conditions not stipulated herein are governed by the Act.

Public Contract name: **Wavelength dispersive X-ray fluorescence (WD-XRF) spectrometer for thin film applications**

Contracting Authority: Fyzikální ústav AV ČR, v. v. i.
Seat: Na Slovance 1999/2, 182 21 Praha 8, Czech Republic
Identification No.: 68378271
Tax Identification No.: CZ68378271
Person authorized to represent the Contracting Authority: RNDr. Michael Prouza, Ph.D., Director

(Hereinafter the “**Contracting Authority**” for the purposes of this TD and / or “**Buyer**” for the purposes of the hereto attached Purchase Contract)

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Provision of explanation of TD:

Request for explanation of this tender documentation can be submitted electronically – in particular via the electronic tool **eGORDION v. 3.3 - Tender arena** (<https://www.tenderarena.cz>). Public Contract details can be found at: <https://tenderarena.cz/dodavatel/seznam-profilu-zadavatele/detail/Z0001082>.

The Contracting Authority will not respond to inquiries submitted in any other way than in electronic form in accordance with Section 211 (3) of the Act. Furthermore, the Contracting Authority will not provide an explanation for telephone inquiries.

In response to a request for explanation of this TD, the Contracting Authority publishes it on the Contracting Authority Profile at <https://www.e-zakazky.cz/profil-zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.



1 DEFINITION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT

1.1 Classification of the subject matter of the public contract

Classification of this public contract corresponds to item:

- CPV code: 38947000-7 - X-ray microanalysers

Type of public contract: below-threshold public contract for supplies

Type of procurement procedure: simplified below-threshold procedure

1.2 Description of the subject matter of the public contract

The subject matter of this public contract is supply (acquisition) of a **wavelength dispersive X-ray fluorescence spectrometer for thin film applications**. It must be new, fully operational and complete. It will be used to analyze the chemical composition of thin film multilayers with typical thicknesses between 10 and 100nm composed of elements from N to Bi.

More detailed specification of the subject matter is provided in Article 4 below.

1.3 Term

Anticipated commencement: immediately after contract conclusion

Anticipated completion: within **8 months** from the contract conclusion

1.4 Place of Performance

Place of performance shall be the premises of the Fyzikální ústav AV ČR, v. v. i. at Cukrovarnická 112/10, 162 00 Praha 6, Czech Republic, building "F", room No. F38.

1.5 Estimated value

Estimated value of the public contract is **4.300.000,- CZK excl. VAT**.

The maximum permissible level for the bid price is 5.000.000,- CZK excl. VAT. The Contracting Authority stipulates as a condition of the Public Contract that the bid price may not exceed this limit. The Contracting Authority will consider any bids with a bid price exceeding this limit to be unsatisfactory and they will therefore be excluded from any further participation in the procurement procedure.

2 CONDITIONS AND REQUIREMENTS REGARDING THE DRAWING UP OF A BID

2.1 Bids shall be submitted in electronic form only using the electronic tool eGORDION v. 3.3 - Tender arena (hereinafter "**Tender arena**") within the time limit for the submission of bids. Bids in paper form are not permitted.

2.2 Bids shall be submitted no later than on **October 17, 2022, by 11:00 am**. A bid delivered after this deadline shall not be considered to constitute a properly delivered bid.



- 2.3 The Tender arena electronic tool for the submission of a bid in electronic form is available at www.tenderarena.cz. Bidders may find at this link also a guide for using the Tender arena electronic tool (via link "Help" in footer) and helpdesk contacts.
- 2.4 To be able to submit a bid, the bidder must be registered as a contractor in the **Central Contractor Database** through the **FEN.cz** system. The link to register is <https://fen.cz/#/>. Registration of the bidder takes up to 48 hours (on working days) after all required documents have been submitted (either by post or electronically). Registration in the FEN.cz system is not charged. Detailed information on the registration to the Central Contractor Database through FEN.cz system is available at <https://fen.cz/#/faq>.
- 2.5 The bidder must have a personal computer with a minimum of the following performance: CPU 1 GHz, 1024 MB memory, 20 GB hard drive, personal computer must be connected to the Internet at a minimum connection speed of 2 Mbps (DOWNLOAD) / 512 Kbps (UPLOAD), the entrant must have an Internet browser installed on your computer (Microsoft Internet Explorer version 9.0 or higher, Mozilla Firefox version 30.0 and above).
- 2.6 The Contracting Authority points out that it bears no responsibility for any technical conditions on the bidder's side. The Contracting Authority recommends bidders to consider especially the speed of their Internet connection when submitting bids so that bids are submitted within the time limit for its submission. This means uploading all attachments of the bid and final submission of the bid to the Tender arena electronic tool.
- 2.7 The bid may be prepared in the Czech or English language.
- 2.8 The bid must include **identification data of the bidder**, i.e. primarily: business name, registered office, identification number, legal form, persons authorized to act on behalf of / represent the bidder, contact details for correspondence.
- 2.9 The bid in electronic form shall not exceed 200 MB; of which a maximum of 100 MB are documents proving qualifications and a maximum of 100 MB are other documents provided in bids. The bid must be processed through acceptable file formats, i.e. Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG. The bid values as specified in this TD will also be submitted to the procurement procedure by inserting them into the tender form, which will be displayed when submitting the bid in electronic form. This is without prejudice to the obligation to submit other documents making up the bid.
- 2.10 For the submission in electronic form the bids must be encrypted with a certificate provided at the Tender arena electronic tool; the certificate is available at www.tenderarena.cz. In the case of a bid being encrypted with other certificates, such a bid will be considered not delivered to the Contracting Authority in the proper manner and it will not be considered as submitted. The **bid encryption with a certificate is carried out automatically in the Tender arena electronic tool before the bid submission is finalized**.
- 2.11 In the case several bidders jointly participate in the procurement procedure, they will also identify the person who shall be authorized to represent them in contact with the Contracting Authority during the procurement procedure.
- 2.12 The Contracting Authority does not specify the *award period* for this procurement procedure.



- 2.13 The bid must be submitted in the following structure:
- a) **Cover Sheet** (please refer to Annex No. 1 hereto);
 - b) **documents proving fulfilment of the qualification** as set out in Article 3 hereof;
 - c) statement defining **the bid price** in the structure according to Article 5 hereof;
 - d) **Draft Contract** (please refer to Annex No. 2 hereto);
 - e) **Affidavit** of commitment to comply with the principles of socially responsible procurement and environmentally responsible procurement signed by a person authorized to act on behalf of the bidder (please refer to Annex No. 4 hereto).

3 QUALIFICATIONS

Bidders must demonstrate the fulfilment of **technical qualification** according to Section 79 of the Act. Fulfilment of the technical qualification pursuant to Section 79 (2) b) of the Act will be demonstrated by a bidder, who submits a list with at least 3 significant supplies provided over the past three years before the commencement of this procurement procedure, including price and date of provision and the identification of customer of the supply (supplies). Supply and installation of an X-ray fluorescence spectrometer with financial value of at least 3.000.000,- CZK excl. VAT shall be considered a significant supply (if the value is stated in another currency, it will be converted at the exchange rate published by the European Central Bank on the day of the commencement of the procurement procedure).

4 DETAILED DESCRIPTION AND TECHNICAL SPECIFICATION OF THE SUBJECT MATTER

- 4.1 The subject matter of this public contract is fully specified in Annex No. 1 of the Draft Contract which forms an integral part hereof as Annex No. 2.
- 4.2 All equipment, which shall form a part of the subject matter, must comply with all requirements arising from technical or safety standards valid in the Czech Republic for these types of equipment. Performance required hereunder shall include handover of complete documentation to the equipment. The Contracting Authority requires that the entire subject matter and all its parts will be new, not re-used.
- 4.3 The TD specifies the minimum technical requirements in Annex No. 1 of the Draft Contract. It is permitted that bidders supply the same or higher-level solution than those described in the technical specification, but it must always comply with the minimum requirements as set forth herein.
- 4.5 Bidders must always comply with technical requirements stipulated herein; should a bidder fail to comply with these he shall be excluded from further proceedings. Bidders are obliged to prove guaranteed technical parameters to the Contracting Authority as specified herein, i.e. bidders shall submit detailed technical specification of the offered solution containing the guaranteed achievable parameters, which must demonstrate compliance with the minimum technical parameters specified in Annex No. 1 to the contract in the Czech or English language (other language mutations will not be admissible). Specified parameters must be achieved also during installation of the equipment at the place of performance. The submitted documentation shall form Annex No. 2 to the Draft Contract.



- 4.6 Should this TD refer to specific commercial trademarks / products or solution, or other designations or visual presentations having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the bidders are entitled to propose other technically and qualitatively compliant solution.

5 STRUCTURE OF THE BID PRICE

- 5.1 Bidders are obliged to specify the total bid price, including all required performance; the total bid price is to be quoted in **CZK excl. VAT**.
- 5.2 The total bid price must include the entire subject matter of the public contract and will represent a fixed, binding amount as the maximum amount and maximum admissible price, including all fees and other costs that may be associated with the performance provided hereunder, such as transportation to the place of performance, packaging, custom duties, assembly and installation costs, costs of insurance, etc. At the same time, it cannot exceed **5.000.000,- CZK excl. VAT** and in the case of a bid being submitted citing a higher bid price than this **maximum** value of the Public Contract, such bid will be **excluded** from the procedure.

6 TERMS AND CONDITIONS, PAYMENT TERMS

- 6.1 Terms and conditions incl. payment terms are specified in the attached binding Draft Contract, which forms an integral part hereof as Annex No. 2.
- 6.2 Bidders are obliged to accept without reservation or change the wording of the Draft Contract. Bidders are authorized to fill in their identification data, the bid price and other clearly marked information that are to be filled in. Bidders are not authorized to change or add to the Draft Contract in any manner, with exception of those parts which the Contracting Authority highlighted. Any breach of this condition may result in exclusion of the bidder from the procurement procedure.

7 EVALUATION CRITERIA

- 7.1 The bids will be evaluated on the basis of their economic advantageousness. The Contracting Authority will evaluate the economic advantageousness of the bids on the basis of the criteria below.
- 7.2 **The evaluation criteria are:**
- | | | |
|-------|--|------------------------|
| 7.2.1 | Total bid price | - maximum points ... 5 |
| 7.2.2 | Technical characteristics of the bid | - maximum points ... 4 |
| 7.2.3 | Length of warranty period for the X-ray tube | - maximum points ... 3 |
- 7.3 **Evaluation method:**
- 7.3.1 Within the evaluation criterion pursuant to paragraph 7.2.1, the Contracting Authority will evaluate the total bid price in CZK excl. VAT, processed in accordance with Article 5 of the TD. The number of points awarded will be determined according to the formula below:



$$\text{Number of points} = 5 - \frac{\text{Bid price of the evaluated bid in CZK excl. VAT}}{1\,000\,000}$$

Bidders complete the data for this criterion in paragraph 5.1 of the Draft Contract (Annex No. 2 of the TD) and in the Cover Sheet (Annex No. 1 of the TD). If a bidder specifies different values in the Cover Sheet and in the Draft Contract, the Contracting Authority will consider the data specified in the Draft Contract binding.

7.3.2 Within the evaluation criterion pursuant to paragraph 7.2.2, the Contracting Authority will evaluate the following specific technical features of the offered system:

- Measurement geometry of the X-ray tubes
Bidders receive extra 2 points in case the offered equipment is of the tube-above geometry with respect to the measurement of powder and liquid samples (due to increased safety).
- Number of available analyzer crystal slots
Bidders will receive an extra point for each available analyzer crystal slot above the required minimum of 8 slots. The maximum number of points for extra slots is 2. If a bidder offers a solution with more than 10 slots, he still gets the maximum of 2 points.

Bidders shall provide data on this criterion in table Tab. 2 in Annex No. 1 to the Draft Contract (Annex No. 2 of the TD) and in the Cover Sheet (Annex No. 1 of the TD). If a bidder specifies different values in the Cover Sheet and in the Draft Contract, the Contracting Authority will consider the data specified in the Draft Contract binding.

7.3.3 Within the evaluation criterion pursuant to paragraph 7.2.3, the Contracting Authority will evaluate the period by which the warranty provided by a bidder for the X-ray tube exceeds the minimum warranty period required for the entire equipment, which is set at 24 months. The number of points awarded will be determined according to the formula below:

$$\text{Number of points} = \frac{\text{Length of warranty offered for the X-ray tube in months} - 24}{12}$$

The minimum warranty period for the X-ray tube is 24 months - bidders who offer a shorter period will be excluded from the procedure. If a bidder offers a warranty for the X-ray tube that is longer than 60 months, he still gets the maximum number of points within this criterion (3) whereas the warranty period actually stated will be considered legally binding.

Bidders shall state the offered warranty period in whole calendar months and fill it in paragraph 14.1.2 of the Draft Contract (Annex No. 2 of the TD) and in the Cover Sheet (Annex No. 1 of the TD). If a bidder specifies different values in the Cover Sheet and in the Draft Contract, the Contracting Authority will consider the data specified in the Draft Contract binding.

7.3.4 The number of points achieved within the individual criteria will be rounded to 2 decimal places. **Finally, bids will be ranked according to the number of points obtained in the sum of all the above criteria from highest to lowest. The winner is the bidder whose bid gets the most points.**



8 ADDITIONAL REQUIREMENTS AND CONDITIONS

- 8.1 The Contracting Authority reserves the right to verify any information provided by bidders using third parties and bidders shall be obliged to provide the Contracting Authority with all necessary cooperation in this matter.
- 8.2 The Contracting Authority reserves the right to alter or amend the TD incl. its Annexes before the deadline for submission of bids, such a change would be announced in the way in which the TD was published. If the nature of the supplement or amendment of the TD requires it, the Contracting Authority simultaneously reasonably extends the deadline for submitting bids.
- 8.3 The Contracting Authority does not admit variants of the bid.
- 8.4 In line with Section 53 (5) of the Act, the Contracting Authority reserves the right that the notifications of the Contracting Authority associated with the course of the procurement procedure (notice of exclusion of a bidder and notice of the selection of the economic operator) shall be considered to be delivered at the point of time of their publication on the contracting authority profile at <http://www.e-zakazky.cz/Profil-Zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.

9 OPENING OF BIDS

Opening of bids shall take place immediately after the expiry of the bid submission date referred to in paragraph 2.2 of the TD. The opening of the bids will take place electronically, in accordance with Section 109 of the Act.

10 COMMUNICATION DURING THE PROCUREMENT PROCEDURE

- 10.1 For communication during the procurement procedure, the Contracting Authority prefers the use of the electronic tool **Tender arena**.
- 10.2 Documents related to the procurement procedure will be sent by the Contracting Authority through the **Tender arena** electronic tool account of the Contracting Authority and the bidder or via e-mail with a guaranteed electronic signature.
- 10.3 in order to be able to communicate with the Contracting Authority via the electronic tool, bidders must be registered as suppliers in the Central Database of Suppliers. The registration is carried out in accordance with paragraph 2.4 of this TD.
- 10.4 The Contracting Authority further emphasizes that in the case of communication carried out via the electronic tool, **the document is delivered at the moment of receipt of the data message** to the electronic mailbox of the recipient or recipients of the data message within the electronic tool.

11 CONCLUSION

- 11.1 Information and data provided herein (incl. all Annexes) define the binding requirements of the



Contracting Authority with respect to the performance of the public contract. These requirements must be accepted by all bidders in full and without reservation, respecting these requirements in preparation of their bid. Non-acceptance of these requirements / conditions (incl. those specified in the respective Annexes) shall be deemed to constitute failure to comply with the tender conditions.

- 11.2 Should this TD or its Annexes refer to specific commercial trademarks / products or solutions, or other designations or visual presentations having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the bidder is entitled to propose other technically or qualitatively fully compliant solution.

On behalf of the Contracting Authority:

In Prague

RNDr. Michael Prouza, Ph.D., Director

LIST OF ANNEXES:

1. Cover sheet
2. Binding Draft Contract with annexes
3. List of major supplies template
4. Affidavit according to § 6 paragraph 4 of the Act