

**TENDER DOCUMENTATION**  
**FOR SUBMITTING A BID TO PUBLIC CONTRACT**

for a public procurement procedure for services in the over-the-limit regime to be contracted  
as a Framework contract

in and open procedure

pursuant to Sec. 56 et seq. And Sec.131 of Act No. 134/2016 Coll., on Public Procurement, as  
amended

(hereinafter the “ACT”)

<b>Services for radiocarbon dating of archaeological and palaeoecological samples</b>
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This tender documentation (hereinafter „**Tender documentation**“ or “**Documentation**”) has been prepared in accordance with Sec. 28 (1) letter b) ACT and represents a set of terms and conditions (except for forms pursuant to Sec. 212 ACT) in the level of detail that is sufficient for participation of suppliers in the tendering procedure, specifically with regard to filing the application to participate and demonstrating required qualifications.

Supplier must respect the terms and conditions in full form as they are set in Documentation. The Contracting Authority will not negotiate as this in an open over-the-limit procedure public procurement for Framework contract in accordance with Sec. 56 and 131 ACT.

The rights and obligations of the Contracting Authority and suppliers / bidders, respectively participants in the tendering procedure (hereinafter, for the purposes of this Documentation, only “**Supplier(s)**”) within this procedure which are expressly stipulated herein shall be governed by relevant provisions of the ACT.

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## 1 Basic information about the Public contract

<b>Contracting Authority:</b>	<p><b>Archeologický ústav AV ČR, Praha, v. v. i.</b>          Letenská 123/4, 118 00 Praha 1          ID No.: 67985912          Tax ID No.: CZ67985912          Represented by: Mgr. Jan Mařík, Ph.D., Director          (hereinafter jointly the “<i>Contracting Authority</i>” or “<i>Consortium of Contracting Authorities</i>”)</p>
<b>Contracting Authority’s Attorney pursuant to Sec. 43 ACT:</b>	<p><b>Biem&amp;Schýbal, advokátní kancelář, s.r.o.</b>  <b>V Holešovičkách 94/41, 182 00 Praha</b>          ID No.: 04677111, Tax ID no.: CZ 04677111          Represented by: Mgr. Tomáš Biem, partner          Contact person: Mgr. Tomáš Biem, advocate          e-mail: biem@bsak.cz          Phone: +420 723 807 190          (hereinafter the “<i>Attorney</i>”)</p>
<b>Legal Process:</b>	public procurements procedure for services (hereinafter the “ <i>Public Contract</i> ”) in over-the-limit regime to be contracted in an open procedure
<b>CPV Code:</b>	73111000-3 - Research laboratory services
<b>Name of the Public contract:</b>	<b>Services for radiocarbon dating of archaeological and palaeoecological samples</b>
<b>Estimated value of the Public contract (excl. VAT):</b>	<b>CZK 13.650.000 (excl. VAT) in total which includes 30 % which is for reserved changes in accordance with Section 100 (3) PPA</b>
<b>Availability of Documentation pursuant to Sec. 96 ACT</b>	Documentation has been published at the Contracting Authority’s website profile in full extent
<b>Bid submission deadline:</b>	In accordance with the notification on the public contract published in the Czech Journal of Public Procurement (“ <i>Notification</i> ”)

<b>Anticipated bid submissions date:</b>	30.11.2023
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## **2 Background and legal nature of the Public Contract**

### **2.1 Background and the objective of the Public Contract**

The Contracting Authority, Archeologický ústav AV ČR Praha, v.v.i. is a public research institution. The Public Contract has two parts (see below). The aim within the Public Contract is:

1. to provide the service for radiocarbon dating of archaeological and palaeoecological samples, including all necessary routines such as sample pre-treatment, isolation and purification of relevant carbon chemical forms, and graphitized targets preparation; all as described in this Tender documentation and its annexes;

(hereinafter „**Part 1 of the Public Contract**“)

2. to provide the service for radiocarbon dating of bones with ultrafiltration; all as described in this Tender documentation and its annexes;

(hereinafter „**Part 2 of the Public Contract**“)

Archeologický ústav (Institute of Archaeology) requests AMS measurement of graphites with satisfactory uncertainties as defined herein and within the delivery periods stipulated in the Contract. Participants can fill **either Bid for Part 1 of the Public Contract OR Part 2 of the Public Contract at their discretion.**

The subject matter of the procurement procedure for this Public Contract is to conclude a public contract between the Contracting Authority and the selected Supplier, draft of which is attached hereto as *Annex No. 1* (hereinafter the “**Contract or “Framework contract”**”) for Part 1 of the the Public Contract or Part 2 of the Public Contract. The Contract is a Framework contract with participants on procedure without reopening of competition among parties to the framework agreement. The Contracting Authority will conclude the Framework contract with 5 (five) participants whose bids will be evaluated as the best ones in accordance with the rules as set in this Tender documentation.

### **2.2 Subject of the Public Contract**

- 2.2.1. The scope of the **Part 1 of the Public Contract** Public Contract is following: Provision of services for radiocarbon dating of archaeological and palaeoecological samples, including all necessary routines such as sample pre-treatment, isolation and purification of relevant carbon chemical forms, and graphitized targets preparation. The service comprises also dating interpretation of results of analyses using proper

radiocarbon calibration curves (esp. actual curves for terrestrial samples from northern hemisphere). The services shall fulfill the requested uncertainties and shall be fully comply with the terms and conditions stipulated herein (hereinafter the “*Services*”). AMS (accelerator mass spectrometry) measurement of <sup>14</sup>C shall be in accordance with the terms and conditions set by this Tender documentation and its annexes. Guaranteed (limiting) uncertainty<sup>1</sup> (one sigma) of AMS measurement must be less than 25 years BP of Conventional radiocarbon age<sup>2</sup> for OXA II (NIST SRM 4990C) per one graphite with 1 mg of sample carbon (or corresponding uncertainty for different <sup>14</sup>C activities of other samples). Subject of the Public Contract is specified in detail which must be fulfilled is in the attached *annexes of this Tender Documentation including the annexes of the Framework contract*.

2.2.2. The scope of the **Part 2 of the Public Contract** Public Contract is following:

Provision of services for radiocarbon dating of bones with ultrafiltration; all as described in this Tender documentation and its annexes. The service comprises also dating interpretation of results of analyses using proper radiocarbon calibration curves (esp. actual curves for terrestrial samples from northern hemisphere). The services shall fulfil the requested uncertainties and shall be fully comply with the terms and conditions stipulated herein (hereinafter the “*Services*”). AMS (accelerator mass spectrometry) measurement of <sup>14</sup>C shall be in accordance with the terms and conditions set by this Tender documentation and its annexes. Guaranteed (limiting) uncertainty<sup>1</sup> (one sigma) of AMS measurement must be less than 25 years BP of Conventional radiocarbon age<sup>2</sup> for OXA II (NIST SRM 4990C) per one graphite with 1 mg of sample carbon (or corresponding uncertainty for different <sup>14</sup>C activities of other samples). Subject of the Public Contract is specified in detail which must be fulfilled is in the attached *annexes of this Tender Documentations including the annexes of the Framework contract*.

### 2.3 Anticipated scope of Services

For **Part 1 of the Public Contract** the Contracting Authority assumes approx. a number of 300 samples per year to be submitted by the Contracting Authority to the Supplier for measurement pursuant to the Public Contract. The exact number will depend mainly on the current Contracting Authority’s needs resulting from its scientific needs. The total amount of measurements is limited by the value of the Public Contract.

For **Part 2 of the Public Contract** the Contracting Authority assumes approx. a number of 100 samples per year to be submitted by the Contracting Authority to the Supplier for measurement pursuant to the Public Contract. The exact number will depend mainly on the current Contracting Authority’s needs resulting from its scientific needs. The total amount of measurements is limited by the value of the Public Contract.

### 2.4 Negotiations during the process

The open over-the-limit procedure does not allow to negotiate about the rules, the Contract, technical specification etc. The Supplier shall accept all terms and conditions as set in this

Tender Documentation. All requirements regarding the technical specifications are set at minimum level which must be fulfilled.

## **2.5 Purpose of the Framework contract**

It shall be understood that due to the objective impossibility of estimating the actual need for the prepared samples, the Contracting Authority shall not be obliged to order any services from the Supplier, even not until the amount equal to the total value of the Contract (framework contract) will have been used in full. Therefore, the Supplier may not seek from the Contracting Authority any Order(s) in connection herewith, nor claim on the Contracting Authority any payment or compensation except for the stipulated price to be paid for the ordered and duly delivered parts of the services within the performance of the Public Contract.

## **2.6 References in Documentation**

References contained in the Documentation to specific suppliers or product, patents or inventions, industrial designs, trademarks or denominations of origin, shall be interpreted to allow the Supplier to propose an equivalent solution within the meaning of Sec. 89 para 6 ACT.

## **3 Place and Time for Performance of the Public Contract**

The place of performance of the Public Contract shall be defined as the Czech Republic, specifically the seat of the Contracting Authority.

### **Anticipated time of execution**

Commencement: Immediately after the Contract becomes legally effective.

Completion: in 48 months upon Contract conclusion (signature).

Contract signature date depends on the completion of the tendering procedure.

## **4 Estimated value of the Public Contract**

Estimated value of the Public Contract

Part of the Public Contract	Estimated value of the Public Contract
1	7 000 000,-CZK without VAT
2	3 500 000,-CZK without VAT

## 5 Tendering Procedure

5.1 This is an open over-the limit regime procurement procedure for the Framework contract with plural participants. The Framework contract will be concluded with five (5) participants for **each part of the Public Contract** who will be chosen in this Public Contract, based on the results of the evaluation of the Bids as described in this Documentation. Rules written here shall be applied for all parties of this Public Contract. Each of the orders followed the Framework contract will be awarded based.

The procedure for awarding each order is stated in the Framework contract for each part the Public Contract that is in Annex no. 1 of this Documentation. The template of Order, which can but does not have to be used, as described here is in Annex no. 6 of this Tender Documentation.

Suppliers shall submit a Bid will participate in this tendering procedure in a manner defined in this Documentation and within the deadline stipulated therein (hereinafter the “**Bid**”). By submitting the Bid within the stipulated deadline, Suppliers become participants in the tendering procedure. The Contracting Authority recommends that the Bids are prepared in accordance with requirements defined in Article 7 hereof.

### 5.2 The term and place to submit the bid

The Supplier may file his Bid via electronical tool called EZAK, <https://ezak.e-tenders.cz/>. The address of the Contracting Authority’s profile is: <https://www.e-zakazky.cz/Profil-Zadavatele/059e5aea-96c1-46e1-a658-884d32bc2e3b>  
All of the Documentation can be found on Contracting Authority’s profile.

The Contracting Authority informs the Suppliers that it is necessary to make a registration into the electronical tool which can take few business days.

*The bid must be delivered latest by 30.11.2023 at 10 a.m. CET.*

## 6 Supplier’s Qualifications

### 6.1 Fulfilment of Qualification Criteria

Suppliers need to meet requirements relating to qualification as defined in Sec. 73 et seq ACT. Suppliers shall demonstrate that they meet these qualification requirements in the manner and extent specified herein. Qualification requirements for this Public Contract shall be met by Suppliers who will duly demonstrate the following in their Bid:

- a) Basic qualification pursuant to Sec. 74 ACT;
- b) Professional qualification pursuant to Sec. 77 ACT;
- c) Technical qualification criteria pursuant to Sec. 79 ACT

### 6.2 Authenticity and age of documents proving qualification

## **6.2.1 Authenticity**

According to Sec. 86 (1) ACT the Contracting Authority requires primarily documents registered in the system that helps identify the **certificates requested as a proof of qualification (e-Certis)**<sup>1</sup>. In this respect **it is allowed to use European Single Procurement Document (ESPD)**<sup>2</sup> Documents to be provided by Suppliers to demonstrate their qualification may be submitted in simple copies (pursuant to Sec. 45 (1) ACT); the Contracting Authority will allow that Suppliers substitute, in accordance with Sec. 86 (2) ACT, affidavits in place of documents where applicable (professional qualification – Sec. 77 (1) ACT - cannot be substituted by affidavit).

Suppliers providing affidavits in place of documents shall make sure that such affidavits are duly signed by statutory representatives of the Supplier or, if signed by another person, Suppliers shall demonstrate that such other person has been duly authorized to take such legal acts demonstrating the Supplier's qualification. The Contracting Authority will not require that signatures on affidavits are officially verified.

The Contracting Authority shall require, in accordance with Sec. 86 (3) ACT, that the selected Supplier submits, prior to concluding the Contract hereunder, originals / notarized copies of documents demonstrating Supplier's qualification, which the Contracting Authority shall keep as a part of the Public Contract documentation.

## **6.2.2 The Age of the document**

Documentation demonstrating basic qualification pursuant to Sec. 74 ACT and professional qualification pursuant to Sec. 77 (1) ACT shall demonstrate fulfilment of the required qualification criterion no later than 3 months prior to the commencement of the tender proceeding.

## **6.3 Demonstrating Suppliers' qualifications obtained abroad (Sec. 81 ACT)**

In case the required qualification is obtained abroad, it shall be demonstrated by documents issued in accordance with the law of such country, where it has been obtained, in the extent required by the Contracting Authority.

## **6.4 Basic Qualification ( Sec. 74 ACT) for each part of the Public Contract**

### **6.4.1 Extent**

Suppliers who [within the meaning of Sec. 74 (1) ACT]

a) have been, in the last 5 years prior to commencement of this tendering procedure, finally convicted of a criminal offence listed in Annex 3 to ACT or similar criminal offence(s) under

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<sup>1</sup> <https://ec.europa.eu/tools/ecertis/>

<sup>2</sup> <https://www.espd.cz/filter?lang=en>

the laws of the Supplier's headquarters country; sentences that had already been struck will not be considered;

b) have, in the Czech Republic or country of its headquarters, payable tax arrears (outstanding unpaid tax);

c) have, in the Czech Republic or country of its headquarters, payable insurance arrears or sanction(s) relating to public health insurance;

d) have, in the Czech Republic or country of its headquarters, payable social security insurance arrears or sanction(s) relating to social security insurance or contributions toward the state employment policy; or

e) are in liquidation, or subject to insolvency, bankruptcy, under forced administration (receivership) in accordance with other legal regulation or in similar situation according to the laws of the country where headquartered

WILL BE DEEMED TO HAVE BEEN DISQUALIFIED HEREFROM.

If the Supplier is a legal entity, the conditions imposed by Sec. 74 (1) letter a) ACT shall be met by the legal entity and each member of its statutory body. Should a legal entity be a member of the Supplier's statutory body, the conditions imposed by Sec. 74 (1) letter a) ACT shall be met by such legal entity,

a) and each member of its own statutory body, and

b) by the person representing this legal entity within the statutory body of the Supplier.

Should the participant in the tendering procedure be a branch of an enterprise

a) of a foreign legal entity, the conditions imposed by Sec. 74 (1) letter a) ACT shall be met by the legal entity and the manager of the branch of such enterprise,

b) Czech legal entity, the conditions imposed by Sec. 74 (1) letter a) ACT shall be met by persons listed in Sec. 74 (2) ACT and the manager of the branch of such enterprise.

#### **6.4.2 Demonstration of basic qualification**

Suppliers demonstrate their fulfilment of basic qualifications under Article 6.4.1 above in relation to the Czech Republic in accordance with Sec. 75 ACT by submitting:

a) extract from the Criminal Register in relation to Sec. 74 (1) letter a),

b) confirmation from the competent financial authority in relation to Sec. 74 (1) letter b),

c) written affidavit in relation to consumption tax as per Sec. 74 (1) letter b),

d) written affidavit in relation to Sec. 74 (1) letter c),

e) confirmation from the competent district social security administration in relation to Sec. 74 (1) letter d),

f) extract from the Commercial Register or by affidavit in writing in case the person has not been registered with the Commercial Register, in relation to Sec. 74 (1) letter e).

If the Supplier is a person headquartered abroad, it shall demonstrate meeting basic qualification with respect to letter a) above only in relation to the country where it has its headquarters.

In accordance with Article 6.4. hereof, Suppliers may use the template affidavit attached hereto as Annex No. 2 in place of the documents listed in art. 6.4. hereof for the purposes of demonstration of basic qualification within their applications. Nevertheless, prior concluding the Public Contract the Contracting Authority does not have to require the selected Supplier to submit also the originals/notarized copies of the above listed documents demonstrating basic qualification if they have not been submitted by the Supplier within the Bid.

## **6.5 Professional qualification (Sec. 77 ACT) for each part of the Public Contract**

Supplier shall demonstrate its professional qualification in relation to the Czech Republic by submitting an extract from the Commercial Register or similar register if the law requires such registration.

Documentation demonstrating professional qualification of Suppliers may not be submitted if the laws in the country where such Supplier is headquartered do not require similar professional qualification.

## **6.6 Technical qualification (Sec. 79 ACT)**

### **6.6.1 Description of required technical equipment for each part of the Public Contract**

The Contracting Authority will require that Suppliers submit description of technical equipment, i.e. they shall demonstrate they dispose with a laboratory equipment (an AMS system) that meets the Contracting Authority's minimum requirements and will serve for the performance under the Public Contract and they shall provide a brief description of that equipment (AMS system) as well.

The Contracting Authority requires the following minimum level of technical equipment:

- Laboratory for measurement Laboratory for measurement has to be equipped with a proper AMS system corresponding to the subject matter and purpose of the Public Contract and fully capable of achieving at least the requirements listed in this Tender documentation and its annexes.

### **6.6.2 Demonstration of compliance with the minimum requirements on technical equipment**

Suppliers shall demonstrate compliance with the technical qualification requirements by submitting a description (or inventory) of the technical equipment at his disposal in the form of a written affidavit. The content of the Affidavit will become an Annex to the Framework

contract presenting the technical information. Part of this affidavit must be the Supplier's declaration that the technical equipment will be fully available for the performance under the Public Contract. The Contracting Authority reserves the right to request additional documents proving the data declared in the submitted affidavit or to inspect the technical equipment if there are any doubts about the information given in the submitted affidavit.

### **6.6.3 List of important services**

The Contracting Authority will require that Suppliers submit a List of Important Services (**LIS**) provided in the last 5 years prior to commencement of this tendering procedure including the price thereof and period when provided, along with identification of the client. The template which can be used as a form for List of the important services is in Annex no. 7 to this Tender documentation.

The Contracting Authority will allow that Suppliers list those services that may have not yet been completed, but the Supplier has already completed a part of such services, which meets the definition of an Important Service provided below.

The Contracting Authority requires that Suppliers provide LIS listing at least 5 Important Service(s). Important Service shall be understood as the continual delivering of services of measurement which is same or similar to the subject of this Public Contract (as described in article 2 hereof) at minimum amount of 200 samples per year.

### **6.6.4 Team**

The Contracting Authority will require that Suppliers submit a List of Team Members involved in the performance of the Public Contract including their identification data, function and assumed role within performance of the Public Contract as well as professional qualifications or experience in services similar to the Public Contract's subject. The template which can be used as a form for List of team members which can be used is in Annex no. 6 to this Tender documentation.

The Contracting Authority requires that Suppliers provide List of Team Members listing at least 2 experts/researchers each of whom has at least 2 years of experience in services similar to the subject matter of this Public Contract. Part of this List must be the Supplier's declaration that the listed technicians or their adequate substitutes will be fully available for the performance under the Public Contract; a substitute not complying with at least the minimum required level of qualification is inadequate.

### **6.6.5 Conflict of Interest**

In the event it is demonstrated that the Supplier has a conflict of interest, which could negatively affect performance of the Public Contract, the Contracting Authority may, pursuant to Sec. 79 (1) ACT, deem the technical qualification not duly demonstrated.

## **6.7 Demonstrating qualification through other persons (Sec. 83 ACT)**

Suppliers may demonstrate certain parts of their technical qualification through (an)other person(s). Suppliers shall in such cases be required to provide the Contracting Authority with the following documentation:

- a) documentation demonstrating fulfilment of professional qualification pursuant to Sec. 77 (1) by such another person or persons,
- b) documentation demonstrating fulfilment of the missing part of the qualification by such another person,
- c) documentation demonstrating fulfilment of the basic qualification pursuant to Sec. 74 by such another person, and
- d) a commitment in writing entered into by such another person to provide performance intended for the Public Contract or to provide assets or rights with which the Supplier will be authorized to use during execution of the Public Contract, at least in the extent, in which such another person demonstrated its qualification on behalf of the Supplier. This requirement will be deemed to have been met, if the written commitment of such another person includes joint and several liability of this person for the performance of the Public Contract along with Supplier. Should a Supplier demonstrate qualification through another person, and submit documentation pursuant to Sec. 79 (2) letter a), b) or d) ACT relating to such person, the commitment in writing made out by such person shall also include that such person shall perform those services that are directly related to the qualification criterion it demonstrated.

## **6.8 List of Qualified Suppliers**

Suppliers may demonstrate their qualifications by presenting a certificate from the List of Qualified Suppliers, in the manner and extent required in Sec. 228 at seq ACT.

## **6.9 Certified Suppliers System**

Suppliers may demonstrate their qualifications by presenting a certificate from the approved system of certified suppliers, in the manner and extent required in Sec. 233 at seq ACT.

## **6.10 Changes in Suppliers Qualification**

Should the Suppliers' qualification change, after the documentation or affidavits demonstrating qualification had already been submitted in the tendering procedure, Suppliers shall be obliged to notify such change to the Contracting Authority within 5 business days thereof, and submit, within 10 business days from notification, new documentation of affidavits concerning such changed qualification.

# **7 Recommended method of preparation and form of the Application**

## **7.1 Bid language**

Bids may be prepared in English language in line with the Contracting Authority's requirements stipulated herein and in the ACT; this requirement does not apply to documents submitted within the Bid outside the Contracting Authority's requirements (e.g. supplementary promotional documents).

Should the ACT or the Contracting Authority require submission of a document according to the laws of the Czech Republic, Suppliers may submit a similar document according to the laws of the country, where such document is being issued; such foreign documents shall be submitted along with their translation into Czech (or English). Should the Contracting Authority have doubt about the correctness of the translation, it may request that an official translation is procured using a qualified translator into the Czech (or English) language who is registered on the list of authorized translators and interpreters. Documents in Slovak or Latin and education certificates (diplomas etc.) in Latin may be submitted without translation. Should the requested document not be issued under the laws of the 'issuing' country, it may be substituted by an affidavit.

## **7.2 Structure and contents of the Bid**

Each participant must fill separated Bid to each Part of Public Contract for which decides to fill. The Contracting Authority recommends that each Bid is structured as follows:

- a) cover sheet for the Bid
- b) documentation demonstrating fulfilment of basic qualification;
- c) documentation demonstrating fulfilment of professional qualification;
- d) documentation demonstrating fulfilment of criteria relating to technical qualification;
- e) Power of Attorney for the person authorized by the Supplier's statutory representative to act and sign on behalf of the Supplier (where applicable)
- f) the price list and delivery conditions
- g) list of subcontractors.

The Bid must contain information about the identification data of participant who is submitting the Bid: - in case the participant is a legal entity - legal person or the name, registered office, legal form , identification number (if given), in case the participant is a natural person – legal person or the name/-s and surname/-s, identification number (if given).

## **7.3 Recommended formal requirements for the preparation of the Bid**

The Contracting Authority requires that Bids (**each part of the Public Contract**) are submitted only in writing in electronic form using the relevant electronic tool.

Detailed information for the Bid submission by electronic means:

- a) For Bid submission by electronic means Suppliers shall use the certified electronic tool E-ZAK (hereinafter „E-ZAK“) available on-line at <https://ezak.e-tenders.cz>, where also instructions on how to use it and user support contacts can be found.
- b) For this purpose, the Supplier should dispose with proper equipment (e.g. a personal computer, notebook or similar device) meeting the E-ZAK system requirements, including the

operational system requirements as described at <http://www.ezak.cz/faq/pozadavky-na-system> and internet browser requirements, namely the following: a common internet browser, preferably a newer version, should suffice provided that SW Java, preferably version 1.8 or higher (required for work with an electronic signature applet), or Java Runtime Environment is installed and enabled and that cookies are allowed.

c) The Supplier has to register (for the possibility of Bid submission) as a supplier (“dodavatel”) in the electronic tool E-ZAK (see the link „Registrovat dodavatele“ at <https://ezak.e-tenders.cz>). In particular, Supplier’s identification data and an electronic signature based on qualified certificate may be required for registration completion. The registration is not charged with any fees.

d) If in this Documentation is required that a specific document has to be signed by the Supplier (or the person duly authorized to sign on its behalf) while its replacement by a copy or scan is not allowed, the documents has to be signed electronically with an electronic signature based on a qualified certificate according to the Act No. 297/2016 Coll., on trust services for electronic transactions, as amended.

e) The Contracting Authority is not responsible for technical conditions and circumstances on Supplier’s part. The Contracting Authority recommends Suppliers to consider in particular the stability and (upload) speed of their internet connection when submitting the Bid so that it is submitted within the stipulated Deadline. Please note that Bid submission means the final posting of the complete Bid (i.e. after uploading all its attachments) to the electronic tool.

## **8 Manner, time and place for Bid submissions**

Supplier shall submit its Bid in writing by electronic means through the electronic tool E-ZAK as follows:

Electronic address for Bid submission: <https://www.e-zakazky.cz/Profil-Zadavatele/059e5aea-96c1-46e1-a658-884d32bc2e3b>

All data and information that may be necessary for Bid submission by electronic means are provided in this Documentation.

The deadline for Bid submission is specified in the Notification (hereinafter the “Deadline”).

The Contracting Authority is not responsible or liable for technical conditions and functionalities on Supplier’s side. The Contracting Authority recommends to the Suppliers take into consideration the speed of their internet connection while submitting the Bid so the Bid will be submitted properly and on time (by submitting the Bid, the Contracting Authority means sending the final version of Bid through and to the electronic toll after all information and annexes are uploaded).

The Contracting Authority specifies that objections pursuant to Section 242, paragraph 3 or 4 of the Act may be submitted no later than seventy-two hours before the expiration of the

deadlines according to Section 242, paragraph 3 or 4 of the Act; in such a case, the moment when the possibility to file objections ends is decisive for:

a) the running of deadlines according to Section 98, paragraph 1 of the Act or Section 144, paragraph 2 of the Act, b) assessing the appropriateness of setting the length or extension of the deadline for submitting bids, preliminary bids, requests for participation, or proposals.

## **9 The bid Price and delivering conditions to be filled in by Suppliers in the Bid corresponding**

Within the Bid, Suppliers shall insert a separate sheet (i.e. see template in Annex no. 4 of this Documentation) specifying the bid price and delivering conditions, as follows. The Contracting Authority reserves the right to require the Suppliers to fill-in the data, either along with or instead of the that separate sheet, into a form available in the electronic tool.

## **10 Structure of the bid Price in the Bid**

The bid price shall be specified in the Annex No. 4 – Price list and delivering conditions for each part of the Public Contract.

**According to the requirements hereof, quoted in CZK excluding VAT** and providing the information on applicable VAT rate and the information whether the Participant is a VAT payer or not.

The Participant shall fill in the prices in Framework contract as in Annex no.4 to this Tender Documentation.

The bid price shall be quoted as the fixed price, not subject to any adjustment whatsoever during the entire term of the Contract.

The Bid price shall be specified as the maximum acceptable price including all associated costs and fees and shall include all costs relating to the execution of the Services under the terms and conditions defined in the draft Contract.

The Contracting Authority will not provide any advance payments during the performance of the Public Contract to any Supplier whatsoever.

## **11 Reserved changes of Framework contract commitments in accordance with Sec. 100 ACT**

This Public Contract allows Contracting Authority to use the reserved changes of Framework contract in accordance with Sec. 100 (3) ACT in a range in accordance with Sec. 100 (3) and Sec. 66 ACT. The new services will not be paid more than 30% of estimated value of this Public Contract for Framework Contract and they will have same or very similar character to the subject of this Public Contract as described in Article 2 hereof. Obtaining new services based on Sec. 100 (3) ACT means new tendering procedure in negotiated procedure without prior publication.

Estimated value for reserved changes is 2.000.000,- CZK excluding VAT. This value is contained in total estimated value of this Public Contract for Framework Contract.

## 12 Evaluation of the Bid

### 12.1 Evaluation criteria

Bids to perform the Public Contract will be evaluated strictly in reference to their economic advantage, i.e. in accordance with Sec. 114 et seq. ACT.

Economical advantage of Bids shall be thus evaluated on the basis of the following evaluation criteria:

#### Part 1 of the Public Contract

	Criterion	Weight %
1.	Bid price in CZK excluding VAT for radiocarbon dating – charcoal and organic macroremains	20 %
2.	Bid price in CZK excluding VAT for radiocarbon dating – bones	20 %
3.	Bid price in CZK excluding VAT for AMS measurement of 14C graphites	15 %
4.	Delivery time for radiocarbon dating – charcoal and organic macroremains	15 %
5.	Delivery time for radiocarbon dating – bones	15 %
6.	Delivery time for AMS measurement of 14C graphites	15 %

#### Notes:

##### **Criteria no. 1 – 3. Structure of the Bid price in the Bid**

The bid prices shall be specified as the **unit price for radiocarbon dating of one (1) sample according to the requirements hereof, quoted in CZK** and providing the information on applicable VAT rate and the information whether the Supplier is a VAT payer or not.

The bid price shall be quoted as the fixed price, not subject to any adjustment whatsoever during the entire term of the Contract.

The Bid price shall be specified as the maximum acceptable price including all associated costs and fees and shall include all costs relating to the execution of the Services under the terms and conditions defined in the draft Contract.

The Contracting Authority will not provide any advance payments during the performance of the Public Contract to any Supplier whatsoever.

##### **Criteria no. 4-6. Time of delivery**

The Supplier shall indicate the processing and delivery time of the results of the contract (starting from the date of receipt of the samples) for charcoal and organic macroremains, bones, graphite measurement.

## Part 2 of the Public Contract

	Criterion	Weight %
1.	Bid price in CZK for radiocarbon dating - bones with ultrafiltration	80 %
4.	Delivery time for radiocarbon dating – bones with ultrafiltration	20 %

### Notes:

#### **Criteria no. 1. Structure of the Bid price in the Bid**

The bid prices shall be specified as the **unit price for radiocarbon dating of one (1) sample according to the requirements hereof, quoted in CZK** and providing the information on applicable VAT rate and the information whether the Supplier is a VAT payer or not.

The bid price shall be quoted as the fixed price, not subject to any adjustment whatsoever during the entire term of the Contract.

The Bid price shall be specified as the maximum acceptable price including all associated costs and fees and shall include all costs relating to the execution of the Services under the terms and conditions defined in the draft Contract.

The Contracting Authority will not provide any advance payments during the performance of the Public Contract to any Supplier whatsoever.

#### **Criteria no. 2 Time of delivery**

The Supplier shall indicate the processing and delivery time of the results of the contract (starting from the date of receipt of the samples) for bones with ultrafiltration.

### **12.2 Evaluation method**

Bid shall be evaluated according to evaluation criteria and their respective weight. The Contracting Authority shall evaluate Bids according to the above criteria and their weight using a point system and assigning points between 0 and 100 points. Each Bid shall be assigned points reflecting its success within each specific criterion. Every evaluation criterion will be applied to for part 1 of this Public Contract and for part 2 of this Public Contract separately which means

that the evaluations will be realized in the competition for part 1 and then for part 2 of this Public Contract separately.

**12.2.1.** For the criteria of each Bid prices as mentioned above, where the most suitable Bid shall have the minimum value, each Bid shall be assigned a point value, which shall be calculated by multiplying the ratio between the value of the most suitable Bid and the Bid being evaluated by 100 and the weight of the given criterion:

**A. Part 1 of the Public Contract**

- a) Criterion no. 1 Bid price in CZK excluding VAT for radiocarbon dating – charcoal and organic macroremains

$$\text{Number of points} = 100 \times \frac{\text{Most suitable Bid [Bid price]}}{\text{Bid being evaluated [Bid price]}} \times 20 \%$$

- b) Criterion no. 2 Bid price in CZK excluding VAT for radiocarbon dating - bones

$$\text{Number of points} = 100 \times \frac{\text{Most suitable Bid [Bid price]}}{\text{Bid being evaluated [Bid price]}} \times 20 \%$$

- c) Criterion no. 3 Bid price in CZK excluding VAT for AMS measurement of 14C graphites

$$\text{Number of points} = 100 \times \frac{\text{Most suitable Bid [Bid price]}}{\text{Bid being evaluated [Bid price]}} \times 15 \%$$

- d) Criterion no. 4 Delivery time for radiocarbon dating – charcoal and organic macroremains

*The shortest delivery time*

Number of points = 100 x ----- x 15%  
 -----  
*Delivery time of Bid being evaluated*

e) Criterion no. 5 Delivery time for radiocarbon dating – bones

Number of points = 100 x ----- x 15%  
 -----  
*The shortest delivery time*  
*Delivery time of Bid being evaluated*

e) Criterion no. 6 Delivery time for – AMS measurement of 14C graphites

Number of points = 100 x ----- x 15%  
 -----  
*The shortest delivery time*  
*Delivery time of Bid being evaluated*

**B. Part 2 of the Public Contract**

- a) Bid price in CZK for radiocarbon dating - bones with ultrafiltration
- b) Delivery time for radiocarbon dating – bones with ultrafiltration

a) Bid price in CZK for radiocarbon dating - bones with ultrafiltration

Number of points = 100 x ----- x 80 %  
 -----  
*Most suitable Bid [Bid price]*  
*Bid being evaluated [Bid price]*

b) Criterion no. 2 Delivery time for radiocarbon dating – bones with ultrafiltration

$$\text{Number of points} = 100 \times \frac{\text{The shortest delivery time}}{\text{Delivery time of Bid being evaluated}} \times 20\%$$

**12.2.2. The total evaluation** represents the sum of point evaluations assigned for each criterion and for each part of Public Contract. The winning bid shall be the Bid which receives the most points. The Contracting Authority shall select the Supplier to conclude the Contract with, whose Bid had been evaluated as the most economically advantageous, i.e. whose Bid had received the most points, while respecting / meeting all terms and requirements defined in the Documentation provided that the Supplier demonstrated fulfilment of qualification requirements.

The Contracting Authority will not evaluate bids if it should evaluate only one bid supplied by one Supplier.

The Contracting Authority shall produce a report on the bid evaluation and this report shall form a part of the Notification on the Selection of the Supplier within the meaning of Sec 123 ACT.

### **13 Commercial and other terms**

Commercial and other terms within the meaning of Sec. 37 (1) letter c) ACT, defining the future framework for the contractual relationship between the Contracting Authority and the selected Supplier, have been stipulated in detail in the draft of the Framework contract, which is attached hereto as Annex No. 1 to this Tender documentation. The Contracting Authority reserves the right to amend or define additional (commercial) terms or other requirements during the tendering procedure before the set time for submitting the Bid.

The Contracting Authority informs the Suppliers that it is not allowed to modify or to change the terms and conditions of the Public Contract for Part 1 a Part 2 and/or Framework Contract including the Contract with the exception of information that they are required to fill in (their own identification information, information relating to evaluation criteria and other data as may

be highlighted throughout the text of the draft Contract). The resulting filled-in draft shall be then submitted as their own draft Contract within their Bid.

## **14 Communication between the Contracting Authority and Suppliers**

No communication between the Contracting Authority and Suppliers may prejudice confidentiality of Bids or completeness of the information contained therein. The Contracting Authority shall not be allowed to access contents of any of these documents before the deadline for their submission.

The Contracting Authority requires, in order to maintain legal clarity of the tendering procedure, that all communication with the Contracting Authority is conducted solely and exclusively in writing by electronic means. Any other methods of communication, e.g. personal meetings, telephone conferences etc., shall be excluded except as expressly regulated in a statutory procedure. All acts by the Contracting Authority towards Suppliers or acts by Suppliers toward the Contracting Authority within the tender procedure shall be in writing by electronic means. Acts toward the Contracting Authority shall be made in electronic form and addressed to the Attorney referred to in Article 1 hereof.

If a Bid is submitted by more Suppliers jointly, they are required to state in their respective document what is their (one) joint electronic address for any correspondence with the Contracting Authority. Transmission of any document to this joint address shall constitute a proper delivery to all participants involved in the joint Bid. The Contracting Authority however reserves the right to send documents to each Supplier - party to a joint Bid separately.

Communication between the Contracting Authority and participants can be in Czech and/or English language, unless there is a different setting in this Tender Documentation such as the articles about the documents and bids.

## **15 The explanation of Tender Documentation**

The request for the explanation this Documentation can be submitted using the electronical tool which is the same as for submitting the Bids. The answers for such requests will be published on the Contracting Authority's profile and it will be sent to the Applicant through the electronical tool.

## **16 Other**

### **16.1 Further rights of the Contracting Authority**

The Contracting Authority reserves also the following rights and terms:

- a) Provide explanations to the Documentation in the extent and until expiry of deadlines as defined in Sec. 98 ACT, or subsequently amend or add tender terms contained in this Documentation in the extent permitted by Sec. 99 ACT;
- b) Given the nature of the subject-matter of the Public Contract, the Contracting Authority will not allow alternative Bid pursuant to Sec. 102 ACT;

- c) Suppliers are obliged to identify those parts of the Public Contract, in the Bid, which they may potentially execute using subcontractors and provide a list of such subcontractors, that are known to them, with identification which specific part will be performed within the Public Contract by the subcontractors;
- d) The Contracting Authority shall not make any payment to Suppliers in connection with their participation herein;
- e) The Contracting Authority can change the term of Commencement , if needed regarding the end of the tendering procedure for this Public Contract and regarding its operational and organizational needs; the chosen Suppliers cannot apply any charges, fines, damages etc.
- f) the Contracting Authority can publish whole and full result of this tendering procedure and publish or give information in accordance with the Act no. 106/1999 Coll, as amended. Same applies for the information that have to be given or publish according to the Czech law (including those that could happen to be marked by the Supplier as „confidential“); This reserved rights can be used even after the end of this Public Contract. By participating in this Public Contract, the Supplier take into awareness that the Contracting Authority will handle the provided information the way as mentioned here. By submitting the Bid, the Supplier gives its consent to such usage as mentioned here and in this Documentation.

## **16.2 Binding nature of the Contracting Authority’s requirements**

The information and data stipulated by the Contracting Authority in various parts of the Documentation constitute mandatory requirements. Each Supplier shall be obliged to fully and unconditionally respect these requirements when processing / preparing their respective Bids (according to their relevance to each respective part). Non-acceptance of the Contracting Authority’s requirements specified in the Documentation may constitute failure to fulfil tender terms and conditions hereof.

## **16.3 Additional conditions before conclusion of the Contract**

The selected Supplier, who is a legal entity, shall be obliged to submit the following information prior to concluding the Contract:

- a) either an extract from Beneficial Owners Register or
- b) Identification data for all persons who are the beneficial owners of the legal entity, Act No. 37/2021 Coll., on the Register of Beneficial Owners:
  - a. Extract from the Commercial Register or other similar register,
  - b. List of shareholders,
  - c. Decision of the statutory body on distribution of profits,
  - d. Articles of association, bylaws or Founder’s Deed.

## **16.4 Confidentiality**

Suppliers shall be obliged to treat all information that will be provided to them during the tender procedure period as strictly confidential (except for information that were published), not in the meaning „confidential“ due to the Act no. 412/2015 Coll., as amended. Suppliers shall be obliged to refrain from any acts that might disrupt the transparent and non-discriminatory conduct of the procurement procedure, in particular any actions that could result in a distortion of competition between Suppliers within this Public Contract tendering procedure.

Should parties hereto exchange any information identified as confidential with each other during the Contract negotiations, the receiving party to which the information was provided shall not disclose such information to any third party, nor use it contrary to their purpose for its own needs, regardless of whether the Contract is eventually conclude or not. The party breaching this duty shall be liable to pay damages, in accordance, by analogy, with Sec. 2913 Act No. 89/2012 Coll., Civil Code, as amended.

#### **16.5 Site inspection**

There will be no site inspections.

#### **16.6 Tender period**

The Contracting Authority does not define a specific tender period within the meaning of Se. 40 ACT.

#### **16.7 Guarantee**

The Contracting Authority does not require a guarantee under Sec. 41 ACT.

#### **16.8 Preparation of the tender terms and conditions**

These terms and conditions were not prepared by any persons outside the Contracting Authority.

#### **16.9 Submission of Documents according to § 122 Paragraph 4 of the ACT**

In accordance with § 122 Paragraph 4 of the ACT, the contracting authority reserves the right to exempt the selected supplier from submitting original or certified copies of documents as specified in § 122 Paragraph 3 of the ACT.

#### **Annexes:**

Annex No. 1 – draft Framework contracts for Services

- a) Framework contract for Services for Part 1
- b) Framework contract for Services for Part 2

Annex No. 2 – form affidavit to basic qualification

Annex No. 3 – Cover sheet of Bids

- a) Cover sheet of Bids for Part 1
- b) Cover sheet of Bids for Part 2

Annex No. 4 – Price list and delivering conditions

- c) price list evaluation data for Part 1
- d) price list evaluation data for Part 2

Annex no. 5 – List of subcontractors

Annex no. 6 – List of Team members

Annex no. 7 – List of important services

Annex no. 8 – Affidavit to technical qualification (equipment)

In Prague ..... 2023

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**Archeologický ústav AV ČR, v.v.i.**