

Institute of Atmospheric Physics of the Czech Academy of Sciences within the meaning of the provision of the Section 56 of the Act No. 134/2016 Coll., Public Procurement Act, as amended (hereinafter referred to as **“ZZVZ”**) invites you to submit a tender in above-threshold regime in open procedure public contract and to prove qualification for public supply contract called:

„Supply of meteorological radar“
(hereinafter referred to as **“public contract”**)

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1) Identification data of the Contracting Authority

Institute of Atmospheric Physics of the Czech Academy of Sciences

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Identification No.: 68378289
Tax identification No.: CZ68378289
Registered in: register of public research institutions administrated by
Ministry of Education and Physical Education of Czech Republic
Represented by: doc. RNDr. Zbyněk Sokol, CSc., director
Contracting Authority profile: <https://www.e-zakazky.cz/verejne-zakazky>
Data box ID: 6uqngp3
Contact person:
Phone: 00 420 272016037, e-mail address: sokol@ufa.cas.cz
(hereinafter referred to as "Contracting Authority")

Contractual representation of the Contracting Authority within the meaning of provision of Section 43 ZZVZ:

The Contracting Authority will be represented in public procurement according to Section 43 ZZVZ by

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2) Subject matter of the public contract and performance of the public contract

Subject matter of the public contract is supply of meteorological radar including its installation and related services. Detailed specification of the subject matter of the public contract is in Annex No. 1 of this call.

CPV codes:

- 38100000-6 Navigational and meteorological instruments

Type of procurement:

Open procedure in above-threshold regime.

3) Period of performance and place of public contract

Estimated period of performance: 20 weeks after contract signature

Place of performance: Meteorological observatory of the Contracting Authority on the peak of mountain Milešovka, Czech Republic

4) Estimated public contract value

Estimated value of the public contract: **6 482 000 CZK without VAT**

(estimated value of the public contract was set by Contracting Authority according to Section 16 and following of the ZZVZ).

5) Requirements for proving qualification including requested documents

5.1. Basic qualification

The Contracting Authority requires to prove that the supplier has basic qualification according to provision of Section 74 (1) ZZVZ, so that:

- a) It has never been convicted for crime stated in Annex No. 3 of the ZZVZ (Annex No. 3 of the ZZVZ forms Annex No. 5 of this Call) or similar crime according to law of state of its registered office in the state of its registered office by final judgement within last 5 years before commencement of the procurement procedure; expunged convictions are disregarded;
- b) It has in Czech Republic or state of its registered office no outstanding tax arrears registered in tax record;
- c) It has in Czech Republic or in the state of its registered office no outstanding arrears in respect of payments and penalties of public health insurance;
- d) It has in Czech Republic or state of its registered office no outstanding arrears in respect of payments and penalties of social security contribution and contribution to the national employment policy;
- e) It isn't in liquidation and hasn't been declared insolvent or no receivership has been imposed of it under another legal regulation or isn't in a similar situation pursuant to the law of the country of its registered office.

If the supplier is legal entity, the condition according to provision a) must fulfil this legal entity and all members of the statutory body as well. If the member of the statutory body is legal entity, the condition according to provision a) must fulfil this legal entity and all members of statutory body of this legal entity and person representing this legal entity in statutory member of the supplier.

If branch of foreign legal entity participates in procurement procedure, the condition according to a) must be fulfilled by this legal entity and director of the branch. If branch of Czech legal entity participates in procurement procedure, the condition according to a) must be fulfilled by this legal entity, every member of statutory body of this legal entity, person representing this legal entity in statutory body of the supplier and director of the branch.

The Contracting Authority requests to prove this by submitting of the following documents:

- ad a) extract from criminal record;
- ad b) confirmation from competent tax office and affidavit in writing regarding excise duty;
- ad c) affidavit in writing;
- ad d) confirmation of competent social security office;
- ad e) extract from business register.

5.2. Professional qualification

The Contracting Authority requires to prove professional qualification of the supplier according to provision of Section 77 (1) ZZVZ. The Contracting Authority requires that in order to prove professional qualification the supplier must submit this document:

- Extract from business register or similar evidence if the law requires registration in this evidence.

5.3. Technical qualification

To prove fulfilment of technical qualification the Contracting Authority requires:

- In accordance with provision of Section 79 (2) (b) of the ZZVZ the Contracting Authority requires to prove fulfilment of technical qualification by submitting of list of remarkable supplies provided within 3 years before commencement of the procurement procedure including its price and period of performance and identification of the principal. The Contracting Authority requires that the list indicates that the supplier made at least one of the following supplies:
 - 5 remarkable supplies for supply and installation of meteorological radar with at least following parameters: installation of at least one X-band radar, while value of each supply was at least 5 000 000 CZK without VAT.

5.4. Proving of qualification

The supplier can in its tender replace documents proving the qualification by affidavit. Affidavit template forms Annex No. 2 of this call.

The supplier can in its tender replace documents proving the qualification by European Single Procurement Document according to Section 87 ZZVZ.

Before contract signature the Contracting Authority will request from the chosen supplier submission of original or certified copies of qualification documents if they haven't been already submitted in procurement procedure.

Documents proving fulfilment of basic and professional qualification must according to provision of Section 86 (5) ZZVZ prove fulfilment of required criterion at the period of 3 months before day of commencement of procurement at the latest.

If the supplier proves fulfilment of basic and professional qualification according to Section 228 ZZVZ (extract from list of qualified suppliers), this extract can't be older than three months from the last day when qualification shall be proved.

If the supplier proves fulfilment of qualification according to Section 239 ZZVZ (certificate issued from the system of certified suppliers) and certificate has all essentials stated in Section 239 (1) ZZVZ, this certificate can't be older than 1 year from to last day in which qualification shall be proved.

If tender is submitted jointly by more suppliers, the Contracting Authority requires to prove fulfilment of basic and professional qualification from each supplier. The Contracting Authority in accordance with provision of Section 103 (1) (f) ZZVZ requires the suppliers in case of joint tender to prove that they will bear responsibility for performance of the public contract jointly and severally. The suppliers will prove fulfilment of this requirement by

written affidavit, contract or other document signed by all suppliers. The suppliers will also state in the tender who represents the suppliers in the procurement procedure.

The supplier can prove part of technical qualification or professional qualification with the exception of criterion stated in Section 77 (1) ZZVZ by other person. Fulfilment of the criterion stated in Section 77 (1) ZZVZ must be always proved by the supplier as well. The supplier is in such case obliged to submit:

- a) documents proving fulfilment of professional qualification according to Section 77 (1) ZZVZ by other person,
- b) documents proving fulfilment of missing parts of the qualification by other person,
- c) documents about fulfilment of basic qualification according to Section 74 ZZVZ by other person and
- d) written obligation of other person to provide performance required to perform public contract or provision of things or rights with which the supplier will be entitled to dispense when performing the public contract at least in the extent in which other person proved qualification for the supplier.

6) Method of tender processing and documents for proving qualification including information about language for submission

The supplier is obliged to submit its tender in writing in electronic form by electronic tool e-zakazky, accessible at web page <https://www.e-zakazky.cz/verejne-zakazky>. The electronic tool is available also in English version.

The tender must be authentic, i.e. must be signed by electronic signature based on qualified certificate, this signature must be valid and must belong to the person submitting the tender or person entitled to act for the tenderer.

Tender in electronic form can't exceed 200 MB, while size of one file can't be more than 100 MB. Tender must be processed in acceptable format according to regulation No. 260/2016 Coll. The Contracting Authority will appreciate if the documents will be submitted in format in which they were created, i.e. editable. Documents can be submitted also in scan. The tender can't include corrections and transcriptions or other discrepancies which could mislead the Contracting Authority.

The Contracting Authority states detailed information for submission for tender in electronic form:

- a) For submission of tender in electronic form will be used certified electronic tool e-zakazky, (hereinafter referred to as "EZ") accessible on web page URL: <https://www.e-zakazky.cz/>, where are also stated contacts for help desk.
- b) Detailed instructions for requirements and conditions for submission of the tender by EZ are available on the following link: <https://www.e-zakazky.cz/Content/files/DodavatelManual.pdf>.
- c) The participant must be registered as supplier in electronic tool e-zakazky (link "registrace dodavatele" on web page <https://www.e-zakazky.cz/>) to submit a tender. Identity verification is made by data box or by EZ help desk (phone: +420 295 565 132, info@zadavatel.cz), or by qualified certificate.

- d) The Contracting Authority recommends the participants to register on EZ in advance before submission of the tender. The registration can take max. 72 hours (during working days) after submission of all required documents and isn't charged.
- e) Where this tender documentation requires to sign documents while not allowing replacing the document by its simple copy or scan, the documents which are parts of the tender and must be signed by person entitled to represent the participant, must have electronic signature based on qualified certificate according to Act No. 297/2016 Coll. or must be in authorized conversion according to Act No. 300/2008 Coll.

The Contracting Authority doesn't bear responsibility for technical conditions on the participants half. The Contracting Authority recommends the participants to take into account especially their internet connection speed when submitting the tender so that the tender is submitted in time (submission of the tender is final submission by the tool after loading all attachments!).

The tender must include

I. Identification data of the participant:

- Name of the participant (name ,surname, corporate name, in case that the participant is natural person),
- Legal form of the tender (Plc., Ltd., natural person, etc.),
- Birth number or date of birth in case of natural person,
- Registered office (in case of natural person residence, or place of business activities if it differs from the residence),
- Identification number and tax identification number if they were granted,
- Name and surname of the statutory body or its members, or other natural person entitled to act for or on behalf of the participant (in this case the participant shall submit document which grants the right to act for the participant),
- Bank connection and number of bank account of the participant,
- Name of contact person of the participant and its contacts,
- Name of the person entitled to sign the contract and information if it has electronic signature or not.

Above stated information will be completed by the participant to the tender cover sheet – its template is in Annex No. 3 of this call.

- II. **Price offer** (EVALUATION CRITERION) according article 7 of this call, including price calculation
- III. **Signed affidavit** about proving qualification if the participant proves the qualification by affidavit – its template is in Annex No. 2 which is inseparable part of this call, or documents to prove basic and professional qualification according to 5.1. and 5.2. of this call, if the participant will not prove its qualification by affidavit,

IV. **Signed and filled proposal of Purchase Contract**, which forms Annex No. 4 as inseparable part of this call.

V. **List of subcontractors or affidavit that the supplier will perform the subject matter without subcontractors**

If the supplier considers some part of the tender as business secret or intellectual property, the supplier will mark this information.

It isn't possible to submit the tender in paper form.

Each page of the tender must be numbered in ascending order. First page must include list of documents with number of page (i.e. content).

The supplier is obliged to submit the tender by electronic tool. Tenders submitted by person, post service, email or data message are considered as not submitted and won't be taken into account during procurement procedure.

The Contracting Authority can repeatedly ask the participant to complete the tender.

The tender must be made in English.

7) Requirements on processing of tender price:

The participant will state complete tender price for complete performance of the public contract in accordance with procurement conditions by amount in Czech crowns as follows:

Complete price for public contract performance without VAT,

VAT in % and amount of VAT,

Complete price for public contract performance including VAT.

If the participant isn't the VAT payer, it will state it in the tender. During evaluation the price without VAT is decisive for VAT payer and price with VAT is decisive for VAT non-payer.

The price includes all costs necessary for realization of the subject matter of the public contract.

If the participant is VAT payer, the value of tender price can be exceeded only in case of change of VAT tax law and for amount corresponding to VAT increase. The decisive day for a possible increase in the tender price due to a change in VAT is the day of taxable supply.

8) Payment conditions

Payment for performance of public contract will be made in Czech currency based on tax document issued by the chosen participant in the sense of the Act No. 235/2004 Coll., VAT, value added tax act, as amended.

VAT will be charged at the rate applicable on the date of the chargeable event.

The Contracting Authority doesn't provide advance payments.

Payment for performance will be made based on duly issued invoice after supply and installation of the meteorological radar and after fulfilling all conditions of the public contract

and signature of handover protocol by both parties. Price for performance is due to 21 calendar days after delivery of the invoice to the Contracting Authority.

9) Tender documentation

Tender documentation consists of:

- Call for submission of tenders (this document)
- Annex No. 1 – Technical specifications
- Annex No. 2 – Affidavit template
- Annex No. 3 – Bid cover note template
- Annex No. 4 – Purchase contract proposal
- Annex No. 5 – Criminal offences for the purposes of proving basic qualification (Annex No. 3 of the ZZVZ)

In Annex No. 4 are business terms – purchase contract proposal, which is minimal contracting requirement of the Contracting Authority and after filling it becomes part of the participant's tender. Contract proposal is binding and participant isn't allowed to change or to modify anything in the contract proposal with exception of the parts which are prepared for filling by the participant marked by yellow colour.

The tender shall submit only one contract proposal which covers subject matter of the public contract.

The Contracting Authority in accordance with Section 96 (3) ZZVZ states web address of the profile of the Contracting Authority (i.e. access for tender documentation), where the tender documentation is accessible: <https://www.e-zakazky.cz/Profil-Zadavatele/f56f00fb-93a2-4453-9863-6aaca1b48c5f>.

10) Method of submission of the tenders and time period for submission

The participant will submit its tender including all documents proving qualification by electronic tool accessible at <https://www.e-zakazky.cz/Profil-Zadavatele/f56f00fb-93a2-4453-9863-6aaca1b48c5f> on 11. 3. 2020 at 10 a.m. at the latest.

11) Opening of electronic tenders

The Contracting Authority will open electronic tenders without undue delay after end of time limit for submission of tenders.

The Contracting Authority or commission commissioned by it will control submitted tenders in accordance with Section 109 (2) ZZVZ when opening the tenders, i.e. if the tender was submitted in time, is authentic and if there has been no manipulation with the data message which contains the tender before opening.

12) Subcontractors

The Contracting Authority requires the participant to state in the tender

- a) parts of public contract which will be fulfilled by subcontractors or
- b) to state that subject matter of the public contract will be performed independently, i.e. without subcontractors.

13) Other terms of public contract

- a) The Contracting Authority reserves right to cancel the procurement procedure until entering into contract according to provision of Section 127 ZZVZ.
- b) When procuring the public contract the Contracting Authority and suppliers shall use only electronic tool according to Section 213 ZZVZ.
- c) All documents in procurement procedure will be sent by the Contracting Authority via profiles of Contracting Authority and participant by electronic tool e-zakazky.

The participant must be registered as supplier by electronic tool e-zakazky (link "registrace dodavatele" on web page www.e-zakazky.cz) to be able to communicate with the Contracting Authority and supplier's user must have role "účastník zakázky" to be able to submit the tender. Registration takes max. 72 h (during working days) after submission of all required documents and isn't charged. Technical requirements (data size, file formats, technical tools, etc.) for electronic communication by electronic tool are same as requirements for submission of tenders in electronic form according to article 6 of this call.

- d) The supplier must keep all procurement conditions when preparing the tender.
- e) The Contracting Authority doesn't allow variants of the tender.
- f) The Contracting Authority reserves right to change the period of performance in regard to progress of the procurement procedure and its operational and organizational needs and the participants don't have right to claim any penalties, increase in prices and damages.
- g) The participant has no right for compensation of costs for its participation in procurement procedure.
- h) In case changes of information stated in the tender are made before the Contracting Authority enters into a contract with chosen supplier, the supplier is obliged to inform the Contracting Authority about such changes in writing.
- i) The Contracting Authority reserves right to check the information in the tender with third parties.
- j) The Contracting Authority doesn't reserve changes of performance according to Section 100 ZZVZ.
- k) The Contracting Authority in accordance with Section 122 (4) ZVZZ can find information about real owner of the chosen supplier if it is a legal entity according to act about criminal profit legalization and financing of terrorism from register about real owners. If it isn't possible to get this information from the evidence the Contracting Authority will set as condition for entering into a contract in accordance with Section 122 (5) ZZVZ submission of extract from evidence similar to evidence of real owners or identification data of all person

which are its real owner according to act about criminal profit legalization and financing of terrorism and documents which proves relationship of these person with the supplier (i.e. extract from business register, decision of statutory body about payment of profit share).

13) Tender evaluation method

Contracting Authority determines that in accordance with provision of Section 114 (1) (2) ZVZZ all tenders will be evaluated by their economic advantageousness from the lowest tender price for performance of the public contract.

The Contracting Authority will determine success order by sorting tender price from lowest to the highest while the most successful will be tender with lowest tender price for performance of the public contract.

14) Publication

By submitting the tender the supplier acknowledges that the Contracting Authority is entitled to post on profile of Contracting Authority information from procurement procedure in accordance with ZZVZ.

In Prague on 3. 2. 2020

doc. RNDr. Zbyněk Sokol, CSc.
director