



EUROPEAN UNION
European Structural and Investing Funds
Operational Programme Research,
Development and Education



INVITATION FOR SUBMISSION OF BIDS

PROCUREMENT DOCUMENTATION

for a below-threshold public contract for supplies called:

“Automation of mechanical devices TP21_040”

awarded in a simplified below-threshold procedure pursuant to Section 53 of the Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter the “*Act*”),

(hereinafter the “*Procurement Documentation*”, “*Public Contract*” and “*Procurement Procedure*”)

Funding source:

Operational Programme Research, Development and Education



Contracting Authority:

Institute of Physics of the Czech Academy of Sciences, public research institution
with its registered office at Na Slovance 2, 182 21 Prague 8, identification No.: 683 78 271
(hereinafter the “*Contracting Authority*”)



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1. Basic data on Contracting Authority and Procurement Procedure

1.1. Basic data on Contracting Authority

Contracting Authority	Institute of Physics of the Czech Academy of Sciences, public research institution
Registered Office:	Na Slovance 2, 182 21 Prague 8, the Czech Republic
Identification No.:	683 78 271
Tax Identification No.:	CZ68378271
Person authorised to act on behalf of the Contracting Authority:	RNDr. Michael Prouza, Ph.D., Director
Representative of the Contracting Authority pursuant to Section 43 of the Act:	Advokátní kancelář Volopich, Tomšíček & spol., s.r.o. , registered in the Commercial Register kept by Regional Court in Plzeň, Section C, File 29293, with its registered office at Vlastina 602/23, Severní Předměstí, 323 00 Plzeň, Id. No.: 024 76 649, <u>Contact person:</u> JUDr. Eliška Podroužková tel.: +420 377 519 999 e-mail: zakazky@akvt.cz
Type of public contract:	Pursuant to Section 14 (1) of the Act the Public Contract is a below threshold public contract for supplies. Pursuant to Section 53 of the Act the Contracting Authority carries out the Procurement Procedure as a simplified below-threshold procedure.

1.2. Access to Procurement Documentation

This Procurement Documentation was published on the profile of the Contracting Authority: <https://www.e-zakazky.cz/profil-zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.

The electronic tool used by the Contracting Authority to carry out the submission of bids: <https://www.tenderarena.cz/profil/FZU>.

The information and data listed in this Procurement Documentation and its annexes define the minimum technical and other mandatory requirements of the Contracting Authority for the submission of bids and the fulfilment of the Public Contract. The participants are obliged to respect these requirements in their bids.

This Procurement Documentation also serves as an **invitation to tender** pursuant to Section 53 (1) of the Act. The Contracting Authority hereby invites an unlimited number of economic operators to submit their bids.



2. Subject-matter of the Public Contract

2.1. Specification of the subject-matter of the Public Contract

The subject matter of the Public Contract is the supply electronics and software for the upgrade of ELIMAIA technology with high precision mechanics control system (including all accessories) that is described in Annex 1 (Technical Specification) to the Contracting Authority.

Detailed information on the subject matter of the Public Contract is stated in Annex No. 2 Purchase Contract and in Annex No. 1 Technical Specification hereto.

2.2. Classification of the subject matter of the Public Contract in accordance with Common Procurement Vocabulary

CPV Code	Description
31600000-2	Electrical equipment and apparatus
31700000-3	Electronic, electromechanical and electrotechnical supplies
48000000-8	Software package and information systems
42961000-0	Command and control system

2.3. Maximum permissible total bid price

Maximum permissible Total Bid Price is **140 000 EUR excluding VAT**. The Contracting Authority draws the attention of economic operators to the fact that total bid price is limited and cannot be exceeded.

Should the participant's Total Bid Price exceed the referred-to maximum value, then the participant shall be excluded for the reason of its failure to meet the award criteria.

2.4. Time and place of delivery of the subject of matter of the Public Contract

Expected initiation of performance:	immediately after conclusion of the Purchase Contract
Expected ending of performance:	stipulated in the Purchase Contract
Place of delivery:	stipulated in the Purchase Contract

2.5. Technical conditions

Technical conditions for the subject matter of the Public Contract are in detail specified in Annex No. 1 Technical Specification hereto.

The technical parameters stated in Annex No. 1 Technical Specification are defined as maximal/minimal requirements, i.e. the economic operator is entitled to offer more advantageous product.

If technical conditions are set by a direct or indirect reference to the economic operators or products, or patents for inventions, utility models, industrial designs, trademarks or designations of origin, the economic operator may offer another equivalent solution.

The Contracting Authority draws the attention of all participants to the fact that if a participant fails to meet all the requirements given by Annex no. 1 of this Procurement Documentation, such a participant



may be excluded for the reason if its failure to meet the requirements stated in the Procurement Documentation and its Annexes.

2.6. Business conditions

Business conditions for the performance of the Public Contract are specified in **Annex No. 2 Purchase Contract** hereto.

The economic operator is obliged to fill only the places highlighted with yellow colour within the Purchase Contract.

The economic operator does not have to complete the annex of the Purchase Contract. **The economic operator is not entitled to make any other changes in the Purchase Contract.**

The draft of the Purchase contract must be signed by an authorised person of the participant (either its director or a person empowered or in other way authorised thereto). In the latter case the power of attorney or authorisation must be included in the bid.

The economic operator is entitled to include simple copies of the signed contract and potentially of the power of attorney into the bid.

2.7. Social, ecological and innovative aspects

The Contracting Authority will award the Public Contract in accordance with the principles of socially and environmentally responsible procurement. Socially and environmentally responsible procurement also takes into account the related impacts of the Public Contract, especially in the areas of employment, social and labour rights and the environment.

Aspects of socially and environmentally responsible procurement procedure are taken into account in particular in this Procurement Documentation and in the text of the Purchase Contract (Article 13).

3. Qualification of participants

The economic operator is not required to prove any qualification criteria.

4. Requirements for processing the bid price

The economic operator is required to state the Total Bid Price in EUR excluding VAT in Article 5.1. of the Annex No. 2 – Purchase Contract. The Total Bid Price will be evaluated by the Contracting Authority within the bid evaluation afterwards.

Value added tax shall be paid in accordance with the applicable legal regulations.

The Contracting Authority draws the attention of economic operators to the fact that Total Bid Price is limited by the maximum permissible total bid price of **140 000 EUR excluding VAT** and cannot be exceeded.

The Total Bid Price is the maximum price that cannot be exceeded during performance of the Public Contract and shall include all costs that the economic operator will incur during performance of the Public Contract.

The total bid price must also include any and all costs even those not explicitly specified but about which the economic operator knew or should and could have known considering its professional knowledge, exercising all professional care.

Payment conditions are specified in the Purchase Contract that is as an Annex no. 2 integral part of this Procurement Documentation.



5. Evaluation criteria

Bids shall be evaluated pursuant to Section 114 (1) of the Act on the basis of their economic advantageousness.

The Contracting Authority evaluates **the total bid price in EUR net of VAT**. The price shall be given in the structure and under the conditions defined in the Article 4 herein.

The Contracting Authority shall evaluate the economic advantageousness solely on the basis of the lowest bid price. The winning bid will be the bid with lowest bid price.

The economic operator shall not be authorised to make the bid subject to any conditions. Any conditions or provision of more different values in the bid in parts that are subject to the evaluation shall constitute a reason to eliminate the bid and exclude the Participant from the Procurement Procedure.

6. Bid processing conditions and requirements

6.1. Conditions for the submission of bids

The Contracting Authority shall only accept bids in electronic form. Bids in paper form are not permitted.

Bids shall be submitted not later than on 20th August 2021 at 10:00 AM.

Bids shall be submitted electronically using the eGORDION v. 3.3 - Tender arena (hereinafter "**Tenderarena**") electronic tool which is available at www.tenderarena.cz. Economic operators may find at this link also a guide for using the Tenderarena electronic tool (via link "**Help**" in footer) and helpdesk contacts.

Bids shall be submitted in electronic form only using the Tenderarena electronic tool within the time limit for the submission of bids.

If the bid is not delivered to the Contracting Authority within the time limit for the submission of bids or in the manner required in this Procurement Documentation, it shall not be considered as submitted and it shall not be taken into consideration in the procurement procedure.

Bids in electronic form shall not exceed the size of 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. Acceptable file formats for submission of bids are. Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG.

For the submission of bids in electronic form the bids must be encrypted with a certificate provided at the Tenderarena electronic tool; the certificate is attached to the Procurement Documentation at www.tenderarena.cz. In the case of encryption with other certificates, such a bid will be considered not delivered to the Contracting Authority in the manner laid down in this Procurement Documentation and such a bid will not be considered as submitted to the Contracting Authority. The bid encryption with a certificate is carried out automatically in the Tenderarena electronic tool before the bid is submitted to the Tenderarena electronic tool using public certificate provided by the Contracting Authority.

The Contracting Authority points out that the Contracting Authority bears no responsibility for any technical conditions on the economic operator's side. The Contracting Authority recommends economic operators to consider especially the speed of their Internet connection when submitting bids so that bids are submitted within the time limit for submission. This means uploading all attachments of the bid and final submission of the bid to the Tenderarena electronic tool.

To login to the Tenderarena electronic tool and submit a bid via the Tenderarena electronic tool the economic operator shall be registered in Central Economic Operator Database – "*Centrální databáze dodavatelů (CDD)*" at www.fen.cz. Registration is not charged and takes up to 48 hours (on working



days) after all required documents have been submitted (either by post or electronically). Helpdesk contacts are available at www.fen.cz.

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

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

Simple copies of the signed documents provided in the bids are sufficient.

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

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

a) Cover Bid Note

The cover bid note shall include the following details: Public Contract name, basic identification details of the Contracting Authority and participant (including persons empowered to be involved in further proceedings and stating an enterprise categorisation in accordance with the Recommendation 2003/361/ES), participant shall state the contact e-mail address for electronic communication with the Contracting Authority (the address will be used for the Service of the Contracting Authority's electronically signed documents concerning the assessment and evaluation of the bids during this Procurement Procedure), date and signature of the person authorised to act on behalf of the participant.

The cover bid note shall also include the statement of the economic operator that the economic operator fully and without reservations accepts the business and technical conditions stated in the draft of Purchase Contract and Technical Specification, which were the integral parts of the Procurement documentation.

The participant may use **Annex No. 3** hereto.

b) Purchase Contract - a copy of the signed contract is sufficient (Annex No. 2** hereto)**

The Contracting Authority would like to point out that pursuant to Section 211 (3) of the Act since 18 October 2018 all communication between the Contracting Authority and economic operators shall be carried out by electronic means. Therefore, the Purchase Contract concluded with the selected economic operator must be signed electronically, i.e. by an electronic signature (qualified certificate) according to the Regulation (EU) No. 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (eIDAS).

The Purchase Contract may be signed with the selected economic operator in the paper form only if the selected economic operator demonstrates that it has no possibility to obtain the electronic signature and to sign the Purchase Contract electronically.

c) Preliminary technical design - economic operators shall include the preliminary technical design of the offered products in their bids. The preliminary technical design shall be prepared to such extent that the Contracting Authority may verify that the economic operator understands the nature and main features of the Public Procurement and it can be reasonably expected that the



technical requirements of the Contracting Authority shall be met. The preliminary technical design shall contain at least the following:

- Proposal of preliminary scheme for the hardware boxes
- Proposal of preliminary interface for at least one subsystem (OAP interface and/or target tower holder interface)

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

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

6.2. Opening of bids

In accordance with section 109 of the Act, the opening of bids will be carried out in electronic form only. Opening a bid in electronic form shall be understood as granting access to the content of the bid to the Contracting Authority. The Contracting Authority shall open bids in electronic form after the expiry of the time limit for the submission of bids. When opening bids in electronic form, the Contracting Authority shall check whether the tenders were submitted within the prescribed time limit, whether they are authentic and whether the data message containing the bid has not been tampered with before the opening.

7. Other conditions

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

7.1. Identification of the real owner of the selected economic operator

If the selected economic operator is a Czech legal entity, the Contracting authority shall ascertain the data on its real (beneficial) owner pursuant to the Act governing the register of beneficial owners.

Should the selected economic operator be a foreign legal entity, the Contracting authority will require from the selected economic operator pursuant to Section 122 (5) of the Act the submission of an extract from foreign records similar to the records of real (beneficial) owners or in the absence of such records the submission of the following as a condition for the conclusion of the contract:

- a) identification data of all persons that are its real owners, and
- b) documents that demonstrate the relation of persons under paragraph a) to the economic operator; such documents include, but are not limited to:
 - an extract from foreign records similar to a copy of an entry in the public register,
 - a list of shareholders,
 - a decision made by the governing body regarding payment of share in profit
 - a memorandum of association, a letter of formation or articles of association

The selected economic operator shall submit the aforementioned information and documents in the language stipulated by Article 6.1 hereof.

In accordance with Section 53 (5) of the Act, the Contracting Authority reserves the right to publish the notice of exclusion of a participant from the procurement procedure or the notice of selection of an economic operator on the Contracting Authority profile. In that case, the notices shall be considered to be delivered to all participants at the moment of their publication.



7.2. Exclusion of a participant on the grounds of its legal form

The Contracting Authority draws attention of the economic operator that in accordance with Section 48 (7) and (9) of the Act, the Contracting Authority may exclude from the procurement procedure a participant that is a joint-stock company or has a legal form similar to a joint-stock company and has issued other than exclusively booked shares. If the selected economic operator has its registered office abroad and is a joint-stock company or has a legal form similar to a joint-stock company, the Contracting Authority shall require it to submit an affirmation in writing within a reasonable time limit showing which persons are holders of shares whose aggregate nominal value exceeds 10 % of the registered capital of the participant and indicating the source on which the information on the amount of the share of shareholders is based.

7.3. Explanation to the Procurement documentation

The Contracting Authority shall provide explanations of procurement documents based on a written request of participants pursuant to Section 98 and Section 54 (5) of the Act. The requests for explanation of the Procurement documents must be delivered in to the following address: zakazky@akvt.cz and in a copy of the e-mail address Martin.Korber@eli-beams.eu. The requests must be delivered in time, which means in the deadline pursuant to Section 98 (3) of the Act.

8. Final provisions

The Contracting Authority does not allow variants of bids.

The Contracting Authority shall not reimburse the participants for the costs incurred in connection with their participation in the Procurement Procedure, even if the Procurement Procedure has been cancelled by the Contracting Authority.

The list of the annexes:

1. Technical Specification
2. Purchase Contract
3. Cover Bid Note

On behalf of the Contracting Authority:

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