



INVITATION TO SUBMIT BIDS

to small-scale public contract for supplies

1. Identification of the Contracting Authority:

Name: Fyzikální ústav AV ČR, v. v. i. (FZU - Institute of Physics of the CAS)
Seat: Na Slovance 1999/2, 182 00 Praha 8, Czech Republic
Identification No.: 68378271
Tax ID: CZ68378271
Authorized representative: RNDr. Michael Prouza, Ph.D., Director

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E-mail: levandovsky@fzu.cz

2. Name and description of the public contract

2.1. Name of the public contract:

Measuring cells for the system for measurement of physical properties of materials - REISSUE

2.2. Description of the subject of the public contract:

The subject matter of this public contract is supply (acquisition) of 3 cells for the measurement of various physical properties of a sample within a system for measurement of physical properties of materials.

The public contract is divided into 3 parts:

- a) Part 1: **Pressure cell for measuring magnetization in the SQUID-based magnetometer MPMS3**
- b) Part 2: **Diamond pressure cell for optical spectroscopy**
- c) Part 3: **Diamond cell for X-ray diffraction on single crystals**





All cells must be new, fully operational and complete.

Bidders are entitled to submit a bid for one Part or separately two or even three bids, one for each Part of the public contract. Bidder can submit only one bid for each Part of the public contract. If a bidder submits multiple bids within one part of the public contract, either alone or with other bidders, the Contracting Authority will reject all such bids. Detailed specification of the subject matter of the public contract is provided in Annex No. 2 hereto.

The subject matter of this public contract is mainly financed from the subsidy of the project "Materials Growth & Measurement Laboratory" under the *Operational Programme Jan Amos Komenský* within the framework of EU funds, project registration number CZ.02.01.01/00/23_015/0008184.

3. Deadline for submission of bids

The deadline for submission of bids for all Parts is **October 16, 2024, at 11:00 a.m.**

4. Term and Place

Delivery time: within **4 months** from the date of contract conclusion, for all Parts

Place of delivery: Fyzikální ústav AV ČR, v. v. i.,
Cukrovarnická 112/10, 162 00 Praha 6, Czech Republic (all Parts)

5. Estimated value, Structure of the Bid price

Estimated value of the public contract:	Part 1: 10 600.00 EUR excl. VAT
	Part 2: 24 500.00 EUR excl. VAT
	Part 3: 10 000.00 EUR excl. VAT

Bidders are obliged to specify the Bid price for the subject of performance of the relevant Part of the public contract according to the required specifications. The Bid price must include the entire subject matter of that Part and shall represent a fixed, binding amount as the maximum amount and maximum admissible price, including all fees and other costs that may be associated with the performance provided hereunder, such as insurance costs etc.

The Bid price is to be quoted in **EUR excl. VAT**, for all Parts of the public contract. Bidders shall indicate the Bid price to Cover sheet (**Annex No. 1** hereto).

6. Conditions and requirements for bid preparation and place for submitting bids

Bids may be submitted either in **electronic or paper form, for each part of the public contract separately**. Bids submitted **electronically** must be submitted through the certified electronic tool **E-ZAKAZKY** available at <http://www.e-zakazky.cz> (hereinafter referred to as "**E-ZAKAZKY**"), where also detailed instructions for its use are available (link "Manual for the supplier" in the footer - <https://e-zakazky.cz/Content/files/ManualSupplier.pdf>) as well as user support contacts. Bids submitted in **paper form** must be delivered in a properly sealed envelope marked "**Do not open**"





and bear the name of the public contract "**Measuring cells for the system for measurement of physical properties of material - REISSUE**" and specification of the relevant Part ("**Part 1**", "**Part 2**" or "**Part 3**") to the address of the Contracting Authority (Fyzikální ústav AV ČR, v. v. i., Na Slovance 1999/2, 182 00 Prague 8, Czech Republic), to the filing room on the ground floor next to the main entrance (the main entrance is in the Pod Vodárenskou věží Street at No. 1). Bids in paper form can be delivered by any suitable means, i.e. by post, courier, personally, etc. **The filing room's office hours are 8:00 am – 3:00 pm on business days, and on the last day of the deadline 8:00 am to 11:00 am.** The envelope must also bear the name and address of the bidder. Submissions in other forms will not be considered.

In case of submission of the bid in paper form, the bidder shall deliver the **paper original** of the offer in a properly sealed envelope, and at the same time submit the offer also in electronic copy on CD or other suitable data medium in PDF or MS Office or compatible format.

In order to submit a bid in electronic form, the bidder must be registered as a supplier in the electronic tool **E-ZAKAZKY** (link "supplier registration" on the website <https://e-zakazky.cz/registrace-dodavatel>) and the bidder's user must have the appropriate user authorization. Registration takes up to 3 working days after submission of all required documents and registration is free of charge. The bidder must have a personal computer with normal performance for office use, an Internet connection and an Internet browser installed (e.g. Microsoft Internet Explorer, Mozilla Firefox, Google Chrome, etc.).

The individual file that is included in the electronic bid must not exceed 100 MB. The bid must be processed using acceptable file formats, i.e. Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG. The Bid price will also be submitted by the bidder in the form of an inscription into the tender form, which will be displayed when the bid is submitted electronically. This is without prejudice to the obligation to submit other documents containing the Bid price.

The bid must be processed in Czech or English language.

The bid must include:

- a) **Cover sheet** (Bidders may use **Annex 1** to this Invitation),
- b) **Technical description** of the offered equipment demonstrating that it meets the required specification (the completed table available in **Annex 2** to this Invitation for the relevant Part of the public contract or other documents such as technical data sheets, etc.).
- c) **Draft contract or business terms and conditions** including the Contracting Authority's reserved business conditions (the business conditions reserved by the Contracting Authority are listed in Article 8. of this Invitation; in the event that a bidder does not submit any contract or business terms and conditions, such bidder shall be deemed to have agreed the business relationship shall be based solely on the Contracting Authority's reserved business conditions).

7. Evaluation criteria

For all Parts of the public contract, the following shall apply:



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First, the Contracting Authority will check the technical specifications of the offered equipment based on information provided by the bidders. If all mandatory technical requirements are not fulfilled, the bidder will be excluded from further participation in the proceedings.

The bids will then be evaluated **on the basis of the lowest Bid price**. The Contracting Authority will evaluate the total Bid price in EUR excl. VAT.

Bids will be ranked according to Bid price from lowest to highest. The winner is the bidder with the lowest Bid price.

8. Business terms and conditions

A draft contract containing business terms and conditions and payment terms (or separate business terms and conditions and payment terms) is submitted by the bidder as part of his bid for each Part of the public contract.

The Contracting Authority reserves the following business conditions, without the possibility of limiting them:

- a) (i) Delivery of the cell incl. all accessories (the "Device") to the place of delivery, (ii) delivery of instructions and manuals for operation and maintenance in Czech or English in electronic or printed form, (iii) telephone-, videoconference- or e-mail-assistance with the installation of the Device and (iv) warranty service are mandatory parts of the performance.
- b) Delivery of the Device no later than 4 months from the date of order with the Contracting Authority's right to withdraw from the contract in the event of the selected bidder being in delay with the delivery for more than 30 days.
- c) The purchase price will be invoiced after the acceptance of the Device by the Contracting Authority; the Contracting Authority will check the properties and completeness of the delivered Device within a period of 5 working days from the date of delivery.
- d) The due date for invoices is thirty (30) days from the date of their delivery. All invoices must contain all information required by the applicable laws of the Czech Republic and, in addition, they must (i) state that the Device is supplied for the purposes of the project "Materials Growth & Measurement Laboratory" with the registration number CZ.02.01.01/00/23_015/0008184 and (ii) comply with the double taxation agreements, if applicable. Invoices shall be sent electronically to efaktury@fzu.cz.
- e) The place of delivery is Fyzikální ústav AV ČR, v. v. i., Cukrovarnická 112/10, 162 00 Praha 6, Czech Republic.
- f) The Contracting Authority is not obliged to accept Device that shows defects.
- g) The Contracting Authority is entitled to withdraw from the contract without any sanctions on its part, if the delivered Device does not meet the technical parameters or conditions according to the required technical specification and/or according to valid technical standards.





- h)** The selected bidder provides warranty for the quality of the Device at least for a period of 12 months.
- i)** During the warranty period, the selected bidder is obliged to remove claimed defects within a period of 30 days from the date on which the Device was delivered to the selected bidder for repair. In cases of unusual defects, the selected bidder shall be obliged to rectify the defect in a period corresponding to the nature of the defect and to define the deadline for shipping of the rectified Device. Any and all costs associated with the transport of the Device for repair to the selected bidder's premises shall be borne by the Contracting Authority. Any and all costs associated with the transport of the rectified Device back to the Contracting Authority, or travel expenses of a qualified engineer sent to inspect and/or repair the Device on site, shall be always borne by the selected bidder. The Contracting Authority shall have the right to a penalty in the amount of 0.05 % of the purchase price for each commenced day of delay with rectifying of defects claimed within the warranty period.
- j)** The relations between the contractual parties not regulated by a contract or business terms and conditions shall be governed by Czech law, in particular by the Act No. 89/2012 Coll., the Civil Code, as amended.
- k)** The selected bidder expressly agrees that the contract (business terms and conditions), including all annexes and information about the contractual parties, the subject of the contract, the numerical designation of the contract, the purchase price and the date of its conclusion, will be published in accordance with Act No. 340/2015 Coll., on special conditions for the effectiveness of certain contracts, the publication of these contracts and the contract register, as amended; all information stated in the contract and its annexes are not considered by the contractual parties to be trade secrets within the meaning of § 504 of the Czech Act No. 89/2012 Coll., the Civil Code, as amended, and they grant permission for their use and publication without setting any other conditions.

In the event that a bidder does not submit a contract or business terms and conditions, the business relationship will be based solely on the above reserved business conditions.

9. Explanation of the tender conditions

Bidders are entitled to require the Contracting Authority in writing to provide explanation of the tender conditions. The request has to be received by the Contracting Authority no later than 4 working days before the deadline for submission of bids.

The Contracting Authority shall send an explanation of the tender conditions, or any related documents, no later than 2 working days after receipt of the request under the previous paragraph.

The Contracting Authority may also provide an explanation of the tender conditions without prior request.

The Contracting Authority may amend or supplement the tender conditions before the deadline for submitting bids. The Contracting Authority shall extend the time limit for the submission of bids,





provided that the nature of the addition or change of the tender conditions so requires. In the event of such an amendment or addition to the tender conditions, which may extend the range of potential bidders, the Contracting Authority shall extend the time limit to at least its original length.

10. Additional conditions

The Contracting Authority has the right to:

- a) require further explanations to the bid in the case of confusion,
- b) verify the data declared by the bidder,
- c) specify or modify the draft contract or business terms and conditions (maintaining the substantial parameters),
- d) cancel the procurement procedure at any time, up until conclusion of the contract,
- e) further specify the subject of the public contract,
- f) enter into a contract with the bidder, whose bid has been evaluated as the most suitable; if the selected bidder refused to enter into a contract, the Contracting Authority has the right to enter into a contract with the bidder, whose bid has been evaluated as the second most suitable etc.
- g) publish the decision on the selection of the economic operator and possibly also notice of exclusion of a bidder on the Contracting Authority profile at: <http://www.e-zakazky.cz/Profil-Zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932> and on Contracting Authority's websites at: <http://www.fzu.cz/verejne-zakazky>. In such a case, the decision on the selection of the economic operator and the notice of exclusion of a bidder shall be considered to be delivered to all bidders concerned at the point of time of publication on the Contracting Authority profile.

11. Conclusion

This small-scale public contract is not awarded pursuant to Act No. 134/2016 Coll., on Public Procurement, as amended.

The information and data contained in this Invitation (including Annexes) define mandatory requirements of the Contracting Authority on the subject of the public contract. The bidder has to respect and accept these requirements fully and unconditionally when processing the bid. Non-acceptance of the requirements specified in this Invitation (including Annexes) will be considered a breach of the terms.

If this Invitation (including Annexes) mentioned trade names of some products or supplies, or other signs pertaining to a particular supplier, it is only a definition of quality standard and the bidder is entitled to propose a different, qualitatively and technically comparable solutions.

In Prague

RNDr. Michael Prouza, Ph.D., Director



Annexes:

1. Cover sheet
2. Technical specification



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