

Tender documentation

to a public contract awarded in a procurement procedure pursuant to Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as "the Act")

Public Contract Name:

Purchase of GPS tracking device



Identification Data of the Contracting Authority:

Name:	Czech University of Life Sciences in Prague
ID NUMBER, VAT NUMBER:	60460709, CZ60460709
Headquarters address:	Kamýcká 129, 165 00 Prague – Suchbát
Person Authorised to Act for the Contracting Authority:	Ing. Jakub Kleindienst, Bursar
Legal form:	public university according to Act No. 111/1998 Coll.

Contact Details of the Contracting Authority:

Contact person:	Mgr. Lucie Smrčinová, LL.M.
Phone:	+420224384068
E-mail:	pravni@rektorat.czu.cz
Contact Internet Address (Profile of the Contracting Authority):	https://zakazky.czu.cz/

1. Initial Information

- 1.1 **Name:** Purchase of GPS tracking device
- 1.2 **Classification:** main subject - code CPV 38112100
(Global Positioning and Navigation Systems (GPS or equivalent))
- 1.3 Estimated value of the Public Contract determined as the estimated value of the complete performance of the subject-matter of the Public Contract (i.e. including related services according to Annex 1 of this Tender Documentation): **CZK 750 000 excluding VAT.**
- 1.4 **Type of public contract:** public supply contract.
- 1.5 **Public procurement mode:** sub-limit.
- 1.6 **Type of procurement procedure:** simplified sub-limit procedure pursuant to Section 53 of the Act.
- 1.7 The Tender Conditions define the subject-matter of the Public Contract in the details necessary for the preparation of the bid.
- 1.8 The terms and conditions are binding on the Bidders in the tender procedure (hereinafter referred to as "the Bidder").
- 1.9 Words referred to in the terms of reference in the singular include the plural and vice versa, unless the context of the Tender Conditions indicates otherwise. The headings of the articles or paragraphs of the Tender Conditions are for ease of reference only and have no bearing on the interpretation of the Tender Conditions.
- 1.10 In the event that the Tender Conditions contain direct or indirect references to certain Suppliers or products or patents for inventions, utility models, industrial designs, trademarks or designations of origin or references to standards or technical documents, the Contracting Authority shall expressly allow an equivalent solution to be offered by analogy in accordance with Section 89(6) of the Act and Section 90(3) of the Act.
- 1.11 The terms of reference are provided free of charge at the contact internet address (the Contracting Authority's profile) indicated on the front page of this Tender Documentation, throughout the entire period for the submission of bids.

2. Basic information on the subject-matter of the Public Contract

The subject-matter of the Public Contract is the delivery of a GPS tracking device, including data service and the acquisition of a replacement device in the event of the termination of the device on preferential terms. The subject-matter of performance is defined in more detail in the terms and conditions, in particular in the Contract, which is Annex 1 to this Tender Documentation, and in the technical specification, which is Annex 4 to this Tender Documentation.

The Public Contract is implemented within the framework of the project of the Technological Agency of the Czech Republic, Environment for Life SS07020024 - "Use of biologging tools and freely available data sources for assessing habitat quality, existence risks and effective conservation planning for birds threatened by water loss in the landscape

3. Terms and Conditions

All binding Terms and Conditions are set out in Annex 1 to this Tender Documentation - the Contract. The Contracting Authority insists on these Terms and Conditions.

By submitting a bid, the Bidder agrees to the Contract in its entirety. Missing data in the Contract (in particular the bid price and identification data) will be completed according to the bid of the selected Supplier from the data provided in particular on the cover sheet.

The Bidder **will not submit the Contract in the Bid** and the Contracting Authority will not provide the Contract in editable form during the tender procedure. Any terms and conditions stated by the Bidder in the bid will not be considered relevant and will not be taken into account by the Contracting Authority.

No information contained in the Bidder's offer shall contradict the information contained in the bid specifications and the draft contract.

4. Technical Conditions

The technical specification is set out in Annex 4 to this Tender Documentation.

The Bidder is obliged to indicate in Annex 4 the specific technical parameters of the subject-matter of the bid offered by them, including the specific manufacturer and type of the tendered item. The information provided by the Bidder is binding and the Bidder is obliged to comply with all the information provided in the case of the implementation of the subject-matter of the Public Contract.

The Bidder's offer shall meet all the technical requirements set out in Annex 4 to this Tender Documentation. Failure to do so will result in such a bid being excluded from the tender procedure for failure to comply with the Tender Conditions.

The completed Annex 4 to this Tender Documentation must be submitted in a machine-readable (preferably editable) format (i.e. ideally .docx, .odt or .rtf) in the bid.

5. Requirements for bid variations

The Contracting Authority does not accept variations of bids.

6. Requirements for the Method of Processing the bid price

The Bidder shall quote the bid price in full for the entire subject-matter of performance of the Public Contract by entering it in the cover sheet attached as Annex 2 to this invitation and in accordance with the Tender Conditions.

Other requirements:

- The bid price will be quoted in CZK.
- The bid price will be quoted exclusive of VAT, with VAT being determined and paid in accordance with the legislation in force at the time of the taxable transaction.
- The bid price shall include all costs of the Bidder related to the supply of the subject-matter of the Public Contract.

7. Other requirements of the Contracting Authority

7.1 Compliance with EU legislation - relationship with Russia

Pursuant to EU Council Sanctions Regulation 2022/576, which amends the previous Regulation on restrictive measures taken in view of Russia's activities destabilising the situation in Ukraine, the Contracting Authority requires a declaration of the relationship of the Bidder and its subcontractors to Russia, as Article 5 of the Regulation prohibits the award or further performance of public contracts (subject to specified exceptions) to:

- a) Russian nationals, natural persons or legal entities, establishments or bodies established in Russia,
- b) a legal entity, establishment or body which is more than 50 % owned, directly or indirectly, by one of the entities referred to under clause (a), or
- c) a supplier acting on behalf or at the direction of any of the entities referred to under clauses (a) or (b).

The Contracting Authority requires that the above conditions for the performance of the Public Contract under EU Council Regulation No. 2022/576 are also met by subcontractors, Suppliers or entities whose competence is used within the meaning of Act No. 134/2016 Coll., on Public Procurement.

For the purposes of ensuring this obligation, Annex 3 to this Tender Documentation includes an affidavit in which the Supplier discloses the above facts. The Supplier must include this declaration (or a similar declaration of its own), supplemented by relevant data, in the bid.

7.2. Proof of other documents

The selected Supplier, if it is a Czech legal entity, is required to be registered in the Register of Beneficial Owners in accordance with Section 122(5) of the Act. The Contracting Authority shall ascertain the details of its beneficial owner under the law governing the registration of beneficial owners (hereinafter referred to as the "beneficial owner") from the Register of Beneficial Owners under the same law (hereinafter referred to as the "Register of Beneficial Owners"). If the Supplier is not registered in the Register of Beneficial Owners, it is a failure to comply with the legal conditions for participation in the Public Contract with all the consequences arising therefrom.

The selected Supplier, if it is a foreign legal entity, will also be required by the Contracting Authority to submit an extract from a foreign register similar to the Register of Beneficial Owners, if there is no such register, in accordance with Section 122(6) of the Act,

- a) to disclose the identity of all persons who are its beneficial owners, and
- b) to produce documents establishing the relationship of all the persons referred to in point (a) to the Supplier; these documents shall include, in particular
 - i. an extract from a foreign register similar to the Public Register,
 - ii. list of shareholders,
 - iii. the decision of the statutory body on the payment of a profit share,
 - iv. the memorandum of association, articles of association or bylaws.

8. Qualification Requirements

8.1 General requirements of the Contracting Authority for the demonstration of qualifications

- 8.1.1 The documents proving qualification may be replaced in the bid by a written affidavit. The Contracting Authority will request the following documents from the selected Supplier before the Contract is concluded.
- 8.1.2 Where an affidavit of the Supplier (or other person) is required, it must contain all the required information.
- 8.1.3 If, after the submission of the documents or declaration of qualification, the qualification of the Bidder changes during the tender procedure, the Bidder shall notify the Contracting Authority of the change within 5 working days and submit new documents or declaration of qualification within 10 working days of notification of the change. The obligation under the first sentence shall not arise if the qualification is modified in such a way that the conditions of qualification are still fulfilled or the criteria for the evaluation of bids are not affected.
- 8.1.4 If the qualification was obtained abroad, it shall be proved by documents issued in accordance with the legal system of the country in which it was obtained, to the extent required by the Contracting Authority.
- 8.1.5 If the Supplier is unable to demonstrate full compliance with economic qualification, technical qualification or professional competence (with the exception of demonstrating compliance with professional competence by submitting an extract from the Commercial Register), it is entitled to demonstrate compliance with the missing qualification through another person. Other person means a person through whom the Supplier is to perform a certain part of the public contract or who is to provide the Supplier with certain things or rights for the performance of the Public Contract. In such a case, the Supplier is obliged to submit to the Contracting Authority:
 - a) documents proving that another person has fulfilled the professional competence pursuant to Article 77(1) of the Act (in particular an extract from the Commercial Register),
 - b) documents proving that the missing part of the qualification is met by another person,
 - c) evidence of compliance with the basic competence by another person, and
 - (d) a contract, or a certificate of its existence signed by another person, which contains an undertaking by another person to provide the performance intended for the performance of the Public Contract or to provide the goods or rights which the Supplier will be entitled to dispose of in the performance of the public contract, at least to the extent that the other person has demonstrated qualification as a Supplier.
- 8.1.6 In the case of a joint submission of a bid by several Suppliers, each Supplier is obliged to prove compliance with the basic competence and professional competence - an extract from the Commercial Register, if the Supplier is registered in it, or an extract from another similar register, if the Supplier is registered in it, in its entirety. All Suppliers shall jointly demonstrate that they meet the qualifications under the other points.
- 8.1.7 Suppliers submitting a joint bid are obliged to submit an undertaking that all such Suppliers will be jointly and severally liable to the Contracting Authority and third parties for any legal relations arising in connection with the performance of the public contract and its subject-matter, unless a specific legal regulation provides otherwise, for the entire duration of the contract and for the duration of any other obligations arising from this Public Contract and its subject-matter.

8.1.8 As part of the documents to prove qualification, it is possible to submit documents recorded in the system that identifies documents to prove qualification (e-Certis).

8.1.9 Evidence of basic eligibility must demonstrate that the required eligibility criterion has been met no later than 3 months before the date on which the tender procedure was launched.

8.2 Basic eligibility

- a) The basic eligibility according to Section 74 (1) (a) of the Act is fulfilled by the Supplier who has not been convicted in the country of its registered office in the last 5 years before the commencement of the tender procedure for a criminal offence listed in Annex no. this condition must be fulfilled by the Supplier and, if the Supplier is a legal person, by each member of the statutory body (and if the member of the statutory body is a legal person, by the legal person, by each member of the statutory body of the legal person and by the person representing the legal person on the Supplier's statutory body);
- b) The basic eligibility under Section 74(1)(b) of the Act is met by a Supplier who does not have tax arrears in the Czech Republic or in the country of its registered office;
- c) The basic eligibility under Section 74(1)(c) of the Act is met by a Supplier who does not have arrears in the Czech Republic or in the country of its registered office in respect of public health insurance premiums or penalties;
- d) The basic eligibility under Section 74(1)(d) of the Act is met by a Supplier who does not have arrears in the Czech Republic or in the country of its registered office in respect of social security contributions or penalties and state employment policy contributions;
- e) The basic eligibility under Section 74(1)(e) of the Act is met by a Supplier who is not in liquidation, has not been the subject of a bankruptcy order, has not been placed under receivership under another legal regulation or is in a similar situation under the law of the country of the Supplier's seat.

Demonstration of basic competence:

The Supplier shall demonstrate compliance with the basic eligibility requirements by submitting the documents referred to in Section 75(1) of the Act. For the purposes of submitting a bid, the Supplier may substitute these documents with an affidavit, the contents of which shall show that the Supplier meets the basic competence required by the Contracting Authority.

In the Annex to the Tender Documentation, the Contracting Authority provides a sample affidavit to demonstrate basic competence, which the Supplier can only supplement with relevant data and insert into the bid.

8.3 Professional competence

The Supplier shall demonstrate compliance with professional competence according to Section 77 of the Act by submitting:

- a) an extract from the Commercial Register or other similar register, if another legal regulation requires entry in such a register.

8.4 Technical qualifications

According to Section 79(2)(b) of the Act:

The Supplier shall provide a list of significant deliveries carried out by the Supplier in the last three years prior to the start of the tender procedure, indicating the scope and duration of performance, which will show that the level of technical qualification criterion defined below is met.

The Supplier meets this criterion of technical qualification if in the last 3 years he has made at least 3 deliveries similar to the subject-matter of this Public Contract (i.e. GPS GSM tracking device) with a value of min. CZK 500 000 excluding VAT for each similar delivery.

To avoid any doubts, the Contracting Authority states that the above minimum value for the relevant major supply must be demonstrated within a single supply and cannot therefore be achieved by aggregating the values of several smaller contracts.

In the Annex to the Tender Documentation, the Contracting Authority provides a sample affidavit to demonstrate technical qualification, which the Supplier can only supplement with relevant data and insert in the offer.

9. Assessment of Bids

The basic evaluation criterion is the **economic viability of the bids**.

This basic evaluation criterion consists of the following sub-evaluation criteria (hereinafter also referred to as "DEC"), which are weighted as follows:

DHK1 Bid price75% weight

DHK2 Lifetime warranty against natural causes of transmission equipment failure 25% weight

Under sub-criterion A. Bid price, the total amount of the bid price for the entire performance of the subject-matter of the Public Contract in CZK excluding VAT will be evaluated.

Under sub-evaluation criterion B. Lifetime warranty for natural causes of the termination of the transmission of the Contracting Authority's equipment, it will be evaluated whether the Bidder offers a lifetime warranty service for the equipment together with the offered equipment, i.e. if the equipment ever stops transmitting (for any reason), we will get a new equipment from the Contracting Authority. This is not a warranty to compensate for a defect on the part of the manufacturer, but a warranty for natural causes that cause the device to stop transmitting (most often the death of the animal).

The assessment will be carried out as follows:

Under the sub-evaluation criterion "bid price", the evaluated bid will be awarded a score which is obtained by multiplying 75 times the ratio of the lowest bid price to the bid price of the currently evaluated bid. A maximum of 975 points can therefore be awarded under this sub-criterion. The rating thus obtained is denoted as DHK1 in the calculation formula for the overall evaluation of the bid.

$$\text{DHK1} = 75 * \frac{\text{lowest bid price}}{\text{the bid price of the currently evaluated bid}}$$

Under the sub-evaluation criterion "Lifetime warranty against natural causes of equipment failure", the evaluated bid will receive a score of corresponding to the weighting of the evaluation criterion (i.e. 25 points) if the Bidder offers a lifetime warranty for the offered equipment, i.e. if the equipment ever stops transmitting (for whatever reason), the Contracting Authority will receive a new equipment. The Bidder shall indicate "YES" for the subject parameter in the bid. If the Bidder does not offer the lifetime warranty specified above for the equipment offered, the Bidder shall indicate "NO" for the parameter in question, in which case the Bidder shall be awarded 0 points under this sub-criterion. The rating obtained is denoted as DHK2 in the calculation formula for the overall evaluation of the bid.

The overall score (hereinafter also referred to as "CBH") of the offer under the basic evaluation criterion of the economic advantage of the offer shall be the sum of the points obtained by the evaluated offer under the sub-evaluation criteria "Offer price" (DHK1) and "Lifetime guarantee against natural causes of the termination of the broadcasting equipment" (DHK2). A maximum of 100 points can be awarded under the basic evaluation criterion.

$$\text{CBH} = \text{DHK1} + \text{DHK2}$$

On the basis of the overall score for each bid, the evaluation committee will determine the final ranking of the bid under the basic evaluation criterion of economic advantage of the bid by ranking the bid according to the number of points obtained. The bid with the highest score will be evaluated as the most advantageous.

In the event that the evaluation of a Public Contract results in more than one bid (or more bids with the same score, which will also be the highest) being the most economically advantageous, the ranking in evaluation criterion A shall determine the overall ranking of the bids, and subsequently, if the state of equality of two or more bids remains after the application of this rule, the ranking in evaluation criterion B shall determine the overall ranking of the bids. If two or more bids also obtain the same number of points under evaluation criterion B, the awarding authority shall determine the ranking of these bids by drawing lots. The selection of the bid by lot will be in such a case public. Bidders will be invited to a meeting at which the selection of the bid by lot will be held and invited at least 3 days in advance.

The Bidder shall use Annex 2 to this Tender Documentation to indicate the values offered for the sub-evaluation criteria.

The Bidder is not entitled to make the data proposed by it which are subject of the assessment, subject to any other condition. Conditionality or the indication of several different values shall be grounds for elimination of the bid and exclusion of the Bidder from the tender procedure. The Contracting Authority will proceed similarly if the value being evaluated is stated in a different quantity or form than that specified by the Contracting Authority.

10. Conditions and Requirements for the Preparation of the Bid

- 11.1.1 All information provided by the Bidder in the offer and in any communication with the Contracting Authority (in particular clarification of the bid pursuant to Section 46 of the Act) must correspond to the reality. In the event that this requirement of the Contracting Authority

is not complied with, the Contracting Authority will proceed in accordance with Section 48 of the Act.

For this purpose, the Contracting Authority reserves the right that it may use any information provided by the Bidder in its bid or in its supplementary submission verification.

- 11.1.2 The Contracting Authority draws the attention of the Supplier to the fact that, pursuant to Article 48(7) and (9) of the Act, it must exclude a selected Supplier which is a public limited company or has a legal form similar to that of a public limited company and does not have exclusively book-entry shares.
- 11.1.3 In accordance with Section 48a of the Act, the Contracting Authority shall not award a Public Contract to a Bidder if it is contrary to international sanctions pursuant to the Act regulating the implementation of international sanctions.
- 11.1.4 Furthermore, the Contracting Authority draws the attention of the Supplier to the fact that, pursuant to Article 122(5) and (8)(a) of the Act, it must exclude such a selected Supplier if it is a Czech legal entity with a beneficial owner, unless it has been possible to ascertain the details of the beneficial owner from the Register of Beneficial Owners.
- 11.1.5 The bid will be submitted in English and in writing. A document that is drawn up in a language other than the language designated by the Contracting Authority for the submission of the bid shall be submitted in accordance with Section 45(3) of the Act with a translation into Czech. The document in Czech or Slovak language and the document of education in Latin language shall be submitted without translation, the Contracting Authority reserves the right to waive the obligation to submit a translation for other documents. The Technical Data Sheet (or equivalent document) referred to in Article 4 of this Tender Documentation may also be submitted in English.
- 11.1.6 The bid will not contain any overwriting or corrections which could mislead the Contracting Authority.
- 11.1.7 **The Bidder shall use the order of documents specified in the following paragraphs of these Bid Processing Instructions:**
 - A. Bid Cover Sheet.** The Bidder shall use Annex 2 of this Tender Documentation - Bid Cover Sheet - to prepare the cover sheet. The Cover Sheet will contain in particular the following data: the name of the Public Contract, the basic identification data of the Contracting Authority and the Bidder (including persons authorised to act).
 - B. Proof of qualification.** The Bidder shall provide documents to prove qualification according to the law. The Contracting Authority has defined the requirements for demonstrating qualification in accordance with the law in Article 8 of this Tender Documentation.
 - C. Other documents, conditions and requirements related to the subject-matter of the Public Contract.** The Bidder shall submit other documents required by the Contracting Authority in the Tender Conditions.

11. Request for clarification of Tender Documentation

A request for clarification of the Tender Documentation may be submitted in writing in electronic form via the electronic tool on the Contracting Authority's profile (<https://zakazky.czu.cz>) no later than 3 working days before the deadline within which the Contracting Authority is obliged to publish the explanation of the Tender Documentation on the Contracting Authority's profile (see Section Article 98(1) of the Act).

Explanations of the Tender Documentation, including the exact wording of the request, will be provided in the same manner as the Tender Documentation, i.e. published on the Contracting Authority's profile (<https://zakazky.czu.cz>) in accordance with Section 54 (5) of the Act.

12. Inspection of the Place of Performance

The inspection of the place of performance of the Public Contract will not take place with regard to the subject-matter of performance of the Public Contract.

13. Deadline and Place for Bid Submitting

Deadline for bid submitting: Date: 12. 2. 2025 Hour: 9:00 a.m.

The bid will be submitted in electronic form exclusively through the electronic tool on the profile of the Contracting Authority (<https://zakazky.czu.cz>). The bid may not be delivered via databox. A Bidder may submit a bid throughout the entire period for the submission of bids.

14. Opening of bids

Opening bids in electronic form means making their contents available to the Contracting Authority. Bidders in electronic form shall be opened by the Contracting Authority after the deadline for submission of bids, without the public being present.

15. Delivery of documents

Written communication between the Contracting Authority and the Supplier will be conducted electronically only, unless the Contracting Authority specifies otherwise during the procurement procedure. The Contracting Authority prefers to conduct written communication with the Supplier via an electronic tool (Contracting Authority's profile) at <https://zakazky.czu.cz/>. The bid can only be submitted via the Contracting Authority's profile.

A Supplier may submit a bid or conduct communication with the Contracting Authority if registered and logged in here: <https://zakazky.czu.cz/registrace.html>. Detailed information on how to use the electronic tool is available at: <https://zakazky.czu.cz/manual.html>.

16. Other parts of the Tender Documentation - Annexes

Annex 1 - Contract

Annex 2 - Bid Cover Sheet

Annex 3 - Specimen Affidavits

Annex 4- Technical Specification

In Prague on

Ing. Jakub Kleindienst
Bursar