

Procurement Documents

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

Title of the Public Contract:

Delivery of ICT equipment to Kazakhstan and Uzbekistan under IQAT project



Identification data of the Contracting Authority:

Name:	Czech University of Life Sciences Prague
Company ID, VAT ID:	60460709, CZ60460709
Registered office:	Kamýcká 129, 165 00 Praha - Suchbátka
Person authorised to act on behalf of the Contracting Authority:	Ing. Jana Vohralíková, bursar
Legal form:	public university according to Act No. 111/1998 Sb.

Contact details of the Contracting Authority:

Contact person:	Mgr. Iva Mádllová
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Contact internet address (Contracting Authority's profile):	https://zakazky.czu.cz/

1. Introductory Information

- 1.1 **Name:** **Delivery of ICT equipment to Kazakhstan and Uzbekistan under IQAT project**
- 1.2 **Classification:** **main subject** – CPV code 30000000-9
(Office and computing machinery, equipment and supplies excl. furniture and software packages)
- 1.3 **Estimated value of the public contract** determined as the estimated value of the complete performance of the public contract: **EUR 177,600 excl. VAT.**
- 1.4 **Type of public contract:** below-threshold public supply contract divided into 2 parts:
- a. Delivery of ICT equipment to Kazakhstan under IQAT project – estimated value of EUR 88,800 excl. VAT.
 - b. Delivery of ICT equipment to Uzbekistan under IQAT project – estimated value of EUR 88,800 excl. VAT.
- 1.5 **Type of procurement:** simplified below-threshold procedure pursuant to Section 53 of the Act.
- 1.6 The procurement documents define the subject of the public tender in the details necessary to process a tender.
- 1.7 The procurement documents are binding upon participants in the procurement procedure (hereinafter referred to as “tenderers”).
- 1.8 Words used in the procurement documents in the singular include also the plural and vice versa, unless otherwise indicated by the context of the procurement documents. The titles of articles or paragraphs of the procurement documents are given for convenience only and do not affect the interpretation of the procurement documents.
- 1.9 If the procurement documents contain direct or indirect references to specific suppliers or products or invention patents, utility models, industrial designs, trademarks and appellations of origin, the Contracting Authority expressly allows offering an equivalent solution with the necessary modifications pursuant to Section 89(6) of the Act.
- 1.10 The procurement documents are available free of charge at the contact website (the Contracting Authority’s profile) indicated on the cover page of these tender documents, throughout the period of time for submission of tenders.

2. Basic Information About the Subject of the Public Contract

The subject of the public contract consists of delivery of ICT equipment to Kazakhstan and Uzbekistan under the IQAT project.

The subject of performance is further defined in the procurement documents, especially in the Contract and its appendices, which are attached to the procurement documents.

3. Terms and Conditions

All binding terms and conditions are listed in Appendix No. 1 of the procurement documents – the Contract. The Contracting Authority insists on the terms and conditions.

In the Contract, a tenderer is only obligated to fill in the missing data, which are given in form boxes highlighted in yellow (e.g.). The tender is not allowed to alter any other provisions of the Contract. The document is locked for any unauthorised modifications.

In accordance with the above requirements, the tenderer attaches the completed Contract signed by the tenderer or by a person authorised to act on behalf of or for the tenderer to the tender.

The draft Contract must correspond with the contents of the other information contained in the tender.

4. Requirements for Tender Variants

The Contracting Authority will not accept tender variants.

5. Requirements for the Method of Processing a Tender Price

The supplier indicates a tender price according to the calculation model, which is attached to the Contract as Appendix No. 2 (according to its part – a. or b.).

The supplier indicates only unit prices for all items listed in the calculation model. In the calculation model, the supplier fills in only boxes highlighted in colour (e.g.). The evaluated tender price is the sum of the products of all items of the calculation formula in column E. The total price is then indicated below the table in line 27 of the calculation model. The tender price will be indicated in the EURO currency.

The tender price will include all costs of the tenderer related to the performance of the subject-matter of the public contract.

6. Other Requirements of the Contracting Authority for the Performance of the Public Contract

As the condition for making the Contract, the Contracting Authority, within the meaning of Section 104 of the Act, requires the selected tenderer who is legal entity to submit:

- a. identification data of all persons who are its real owners under the Act on Measures against Money Laundering and Terrorism Financing
- b. documents which show the relationship of all persons under letter. a. with the supplier; these documents are:
 - i. copy of the entry in the Commercial Register or any other similar records,
 - ii. list of shareholders,
 - iii. the decision of the statutory body about the payment of profit sharing,
 - iv. social contract, Memorandum of Association or Statutes.

7. Requirements for Qualifications

7.1 General Requirements of the Contracting Authority's for Proof of Qualifications

- 7.1.1 Documents to prove qualifications can be presented in a simple copy.
- 7.1.2 In the case of the requirement to submit an affirmation of a supplier (or another person), this affirmation must include all required information and must be co-signed by a person authorised to act on behalf of the supplier (or any other person, whom the affirmation concerns). If the supplier is represented by a person under a power of attorney, the tender must contain the original or certified copy of the power of attorney.
- 7.1.3 If the tenderer ceases to meet the qualification criteria before the best tender is selected, the tenderer will inform the Contracting Authority about this fact in writing within 5 working days. The tenderer is obligated to submit the necessary documents proving the qualifications to full extent within 10 working days from the notification of this fact to the Contracting Authority. This obligation applies similarly to the tenderer, with whom the Contracting Authority may decide to enter into the Contract pursuant to Section 81 until the Contract is made. In this case, the tenderer must submit the necessary documents proving the qualifications in its entirety before the Contract is made.
- 7.1.4 In case that the qualification was obtained abroad, the tenderer will prove the qualification by means of documents issued pursuant to the legislation of the country, in which the qualification was obtained, to the extent required by the Contracting Authority.
- 7.1.5 If the supplier is unable to prove a particular part of qualifications (except for proving the basic and professional competence – submission of a copy of the entry in the Commercial Register) in its entirety, the supplier is entitled to prove the qualification to the missing extent through another person. The other person is a person, through whom the supplier is to perform a particular part of the public contract or who is to provide the supplier with particular things or rights in order to perform the public contract. In that case, the supplier is obligated to submit to the Contracting Authority:
- a) documents proving professional competence – a copy of the entry in the Commercial Register – of another person,
 - b) documents proving the missing part of the qualification through another person,
 - c) proof of basic competence of another person, and
 - d) written commitment of another person to provide performance intended for the public contract or to provide things or rights, which will be available to the supplier within the performance of the public contract at least to the extent, to which the other person has proven the qualification for the supplier.
- 7.1.6 If a tender is submitted jointly by several suppliers, each supplier will prove the basic and professional competence – a copy of the entry in the Commercial Register if the supplier has been entered therein, or a copy of the entry in any other similar register if the supplier has been entered therein, in full. The qualifications according to other points will be proved jointly by all suppliers.
- 7.1.7 Suppliers submitting a joint tender are required to submit an undertaking that all these suppliers will be liable jointly and severally towards authorities and third parties under any legal relationships arising in connection with the performance of the public contract and its subject matter, unless special legislation provides otherwise, throughout the duration of the Contract and other obligations arising out of this public contract and its subject-matter.
- 7.1.8 Within the documents to prove qualifications, it is possible to submit documents registered

in the system, which identifies documents proving qualifications (e-Certis).

- 7.1.9 The documents proving the basic competence and a copy of the entry in the Commercial Register must not be older than 3 months from the date of the commencement of the tender procedure on the last date as at which the qualifications are to be proven.
- 7.1.10 In the tender, the supplier is entitled to replace the submission of documents by an affirmation.
- 7.1.11 Before signing the contract, the Contracting Authority always requires submission of original or certified copies of documents of qualifications from selected supplier, if they have not been submitted in the procurement procedure yet.

7.2 Basic Eligibility

- a) The basic eligibility under Section 74(1)(a) of the Act is met by the supplier, who was not convicted of a criminal offense referred to in Appendix no. 3 of the Act or a similar offense under the law of the country of residence of the supplier upon final judgment in its country of residence during the last 5 years before the procurement was commenced; this requirement must be met both by the supplier and, if the supplier is a legal entity, also by each member of the statutory body (and if the member of the statutory body is a legal entity, the requirement must be met by that legal entity, each member of the statutory body of the legal entity and the person representing the legal entity in the statutory body of the supplier);
- b) The basic eligibility under Section 74(1)(b) of the Act is satisfied by the supplier who is not in arrears with payment of any outstanding taxes in the tax records in the Czech Republic or in the country of its domicile;
- c) The basic eligibility under Section 74(1)(c) of the Act is satisfied by the supplier who is not in arrears with payment of any outstanding premiums or penalties for public health insurance in the Czech Republic or in the country of its domicile;
- d) The basic eligibility under Section 74(1)(d) of the Act is satisfied by the supplier who has not payable outstanding premiums or penalties for social security and state employment policy in the Czech Republic or in the country of its domicile;
- e) The basic eligibility under Section 74(1)(e) of the Act is satisfied by the supplier who is not in liquidation, against whom no decision on bankruptcy was issued, against whom no official receivership was imposed by another legal regulation, or is not in a similar situation under the laws of the supplier's country of domicile.

Proving the basic eligibility:

The supplier proves the satisfaction of requirements for the basic eligibility in the simplified below-threshold procedure by an affirmation, which indicates that the supplier meets the basic qualifications required by the Contracting Authority.

In the appendix to the procurement documents, the Contracting Authority submits a sample affirmation to establish basic eligibility which can only be complemented by relevant data and signature of the person authorised to act on behalf of the supplier, and inserts the completed and signed affirmation in the tender.

7.3 Professional Eligibility

The supplier proves the professional eligibility in accordance with Section 77 of the Act by submitting:

- a) a copy of the entry in the Commercial Register or any other similar records, if such entry in those records are required by another legal regulation.

8. Method of Evaluation of Tenders

The **cost efficiency** is the basis evaluation criterion. The Contracting Authority will evaluate the cost efficiency of tenders according to the following evaluation criteria.

The evaluation will be conducted as follows:

- A. Tender price significance 70%**
- B. Length of the guarantee period..... significance 20%**
- C. Time needed to remove a defect..... significance 10%**

In partial evaluation criterion A. Tender price, the total tender price for the whole subject-matter of the public contract in EUR excl. VAT will be evaluated.

In partial evaluation criterion B. Length of the guarantee period, the length of the guarantee for the whole subject-matter of the public contract offered by the tenderer will be evaluated. In its tender, the tenderer will indicate the length of the guarantee period in months.

In partial evaluation criterion C. Time needed to remove a defect, the time needed to remove defects offered by the tenderer will be evaluated. In the tender, the tenderer will indicate the number of days of the maximum time needed for removal of defects claimed by the Contracting Authority.

The evaluation will be conducted as follows:

A. In partial evaluation criterion "Tender price", the tender being evaluated will get a score, which is calculated as the multiple of 70 and the ratio of the tender price of the lowest bid to the tender price of the tender being evaluated. Within this partial evaluation criterion, the tenderer can therefore receive a maximum of 70 points. In the calculation formula for calculating the total score of the tender, the score is indicated as PEC1.

$$\text{PEC1} = 70 * \frac{\text{The lowest tender price}}{\text{Tender price of the tender being evaluated}}$$

B. In partial evaluation criterion "Length of the guarantee period", the tender being evaluated will get a score, which is calculated as the multiple of 20 and the ratio of the length of the guarantee period offered by the tenderer in the tender being evaluated, and the longest guarantee period offered by any of the tenderers in this procurement procedure.

If the tenderer offers a longer guarantee period than the Contracting Authority's expected maximum guarantee period (more than 60 months), its tender within this partial evaluation criterion will get max. 20 points. In this case, tenders of the other tenderers will be compared to a 60-month guarantee period. The Contracting Authority also points out that the minimum acceptable length of the guarantee period is 24 months. The tender, which will include a shorter guarantee period than the minimum acceptable period, will be disqualified for the failure to meet the procurement documents.

Within this partial evaluation criterion, the tenderer can therefore receive a maximum of 20 points. In the calculation formula for calculating the total score of the tender, the score is indicated as PEC2.

**Length of the guarantee period offered in the
tender being evaluated (max. 60 months)**

PEC2 = 20 *

The longest guarantee period
(either offered by any of the tenderers or 60
months)

C. In the partial evaluation criterion "Time needed to remove a defect", the tender being evaluated gets a score, which is calculated as the multiple of 10 and the ratio of the shortest time needed for removal of a defect offered by any of the tenderers in this procurement procedure to the time needed for removal of a defect offered in the tender being evaluated.

If the tenderer offers less time needed for removal of a defect than the Contracting Authority's expected minimum time (less than 1 day), its tender will get only 10 points within this partial evaluation criterion. In this case, tenders of the other tenderers will be compared to the time needed for removal of defects lasting for one day. The Contracting Authority also points out that the maximum acceptable time needed to remove a defect is 30 days. The tender, which will include a longer period of time needed to remove a defect than the maximum acceptable period, will be disqualified for the failure to meet the procurement documents.

Within this partial evaluation criterion, the tenderer can receive a maximum of 10 points. In the calculation formula for calculating the total score of the tender, the score is indicated as PEC3.

PEC3 = 10 * **The shortest time needed to remove a defect**
(either offered by any of the tenderer or 1 day)

**Time needed to remove a defect indicated in the tender being
evaluated (max. 30 days)**

The total score (TS) of the tender within the evaluation criterion of cost efficiency of the tender will be calculated as the sum of the scores obtained by the tender being evaluated within partial evaluation criteria "Tender price" (PEC1), "Length of guarantee period" (PEC2) and "Time needed to remove a defect"(PEC3). Within the basic evaluation criterion, the tenderer can receive a maximum of 100 points.

TS = PEC1 + PEC2 + PEC3

Based on the total score ("TS") of particular tenders, the evaluation committee will determine the final ranking of tenders within the basic evaluation criterion of cost efficiency of the tender, by ranking the tenders according to the score achieved. The best tender will be the one with the highest score.

The tenderer will use Appendix No. 1 of the tender documents to indicate the offered values of partial evaluation criteria.

The tenderer is not entitled to condition the offered values of partial evaluation criteria by another condition. Such conditioning or stating several different values will result in the exclusion of the tender and disqualification from the procurement procedure. The Contracting Authority will proceed similarly also in the case that the value of a partial evaluation criterion is stated in a different quantity or form than required by the Contracting Authority.

The tenderer is not entitled to condition the offered data, which are subject to evaluation, by another condition. Such conditioning or stating several different values will result in the exclusion of the tender and disqualification from the procurement procedure. The Contracting Authority will proceed similarly also in the case that the value, that is being evaluated, is stated in a different quantity or form than it is laid down by the Contracting Authority.

9. Requirement to Provide a Financial Guarantee

The Contracting Authority does not require a financial guarantee within this public contract.

10. Conditions and Requirements for Processing of Tenders

10.1.1 Any information, that are stated by the tenderer in the tender and in any communication with the Contracting Authority (in particular, the tender explanation according to Section 46 of the Act), **must correspond to reality**. In case that this requirement of the Contracting Authority is not met, the Contracting Authority will proceed according to Section 48 of the Act and will exclude such tenderer from the procurement procedure.

If the Contracting Authority finds out that this requirement had not been met only after the Contract has been made and/or during the performance of the public contract, the Contracting Authority reserves the right to withdraw from the Contract without penalty, or seek a contractual penalty amounting to EUR 4,000. For more details, see Appendix No. 1 to these procurement documents.

For this purpose, the Contracting Authority reserves the right to verify any information stated by the tenderer in the tender or its subsequent explanation.

10.1.2 The tender will be submitted as an original copy and in writing, in Czech or English (as preferred by the tenderer). The tender will also contain a draft contract incl. appendices in the electronic form on non-rewritable data medium e.g. CD - R, see Art. 3 of the procurement documents.

10.1.3 The tender will not contain any corrections and repairs that could mislead the Contracting Authority.

10.1.4 The tender will be submitted in a paper form at the address for submission of tenders. The tender may be delivered in person, by post or courier to the filing office at the registered office of the Contracting Authority so as to be received by the deadline for submission of tenders. The tender cannot be delivered through data boxes.

10.1.5 All sheets of the tender including appendices will be properly numbered in the ascending numerical order and the tender will be protected against unauthorised treatment.

10.1.6 **The tenderer will use the order of documents specified in the following points of these instructions for the preparation of the tender:**

A. Table of contents of the tender. The tender will include the table of contents specifying the page numbers for individual sections (chapters).

B. Cover sheet of the tender. To compile a cover sheet, the tenderer will use Appendix no. 3 of the procurement documents – Cover sheet of the tender. The cover sheet will include the following information: name of the public contract, the basic identification data of the Contracting Authority and the tenderer (including persons authorised to conduct further negotiations), date and signature of the person authorised to act on behalf of the tenderer.

The cover sheet of the tender must include identification data of the tenderer to the extent specified in Section 28(1)(g) of the Act. On the cover sheet, the tenderer will explicitly indicate a contact address (including e-mail) for written correspondence between the tenderer and the Contracting Authority. The Contracting Authority will use this address to deliver all documents during the procurement procedure.

C. Contract and its appendices. The tenderer will proceed according to Art. 3 of the procurement documents to attach the Contract and its appendices to the tender.

If the tenderer is represented by a person on the basis of a power of attorney, an original or certified copy of the valid power of attorney must be attached to the tender.

- D. Documents proving qualification.** The tenderer will attach documents pursuant to the Act to prove its qualifications. The Contracting Authority defined the requirements for proving qualifications in accordance with the Act in Article 7 of the procurement documents.
- E. Other documents, conditions and requirements relating to the subject-matter of the public contract.** The tenderer will submit other documents required by the Contracting Authority in these procurement conditions.

11. Tender Validity Period

The tender validity period is the period of time, for which the tenderers are bound by their tenders. The tender validity period was determined by the Contracting Authority in particular with regard to the type of the procurement procedure and the subject-matter of the public contract.

The Contracting Authority determined the tender validity period until 31 August 2017.

12. Request for the Explanation of the Procurement Documents

The request for the explanation of the procurement documents can be delivered in writing (e-mail, post) within 3 working days prior to the lapse of the period of time, during which the Contracting Authority must provide the explanation of the procurement documents on the Contracting Authority's profile (see Section 98(1) of the Act), to contact addresses stated on the cover sheet of these procurement documents.

The explanation of the procurement documents, including the precise wording of the requirements, will be published and sent in accordance with Section 98 of the Act.

Additional information about the procurement, including the precise wording of the requirements, will be published in the same manner as the procurement documents.

13. Inspection of the Place of Delivery

With regard to the subject-matter of the public contract, no inspection of the place of delivery under the public contract will be carried out.

14. Deadline and Place for Submission of Tender

Deadline for submission of tenders: **Date: 21 April 2017 Time: 11:00 a.m.**

Address for submission of tenders: Kamýcká 129, 165 00 Praha - Suchdol

Contact person for receipt of tenders: CULS filing office, phone: +420 224 382 098, 099

The tenderer may deliver the tender in person, by post, courier, etc. during the whole time-limit for submission of tenders on working days from 8:00 a.m. to 3:00 p.m. to the filing office of the CULS. The tender must be delivered in sealed envelopes marked with the **name of the tender**, **"OFFER – DO NOT OPEN"**, and the address of the tenderer.

15. Opening of Envelopes Containing Tenders

Envelopes containing tenders will be opened on 21 April 2017 at 11:00 a.m. in the meeting room on the 4th floor of the Rector's Office at the address of the Contracting Authority.

The session for opening the envelopes containing tenders can be attended by no more than 1 representative of the tenderer who submitted the tender before the deadline for submission of tenders. The tenderer's representative will present an authorisation to attend the session signed by the person authorised to act on behalf of the tenderer, if the representative himself/herself is not that authorised person.

16. Delivery of Documents

The Contracting Authority points out that documents under the Act will be delivered in an appropriate manner in accordance with the public procurement methodology published by the Ministry for Regional Development. The appropriate methods of delivery include among others personal delivery, delivery via electronic media, courier, post or through service "official writing" by post or other appropriate means.

The Contracting Authority will send all documents to the contact address on the cover sheet of the tender; the tenderer is obliged to provide these contact details properly and in the manner enabling the documents to be delivered to the tenderer.

17. Reserved Right of the Contracting Authority

Pursuant to Section 53(5) of the Act, the Contracting Authority reserves the right to disclose the notification of the exclusion of a tenderer or notification of the selection of the supplier on the Contracting Authority's profile. In this case, such notifications will be deemed delivered to all tenderers upon their publication.

18. Other Parts of the Procurement Documents – Appendices

Appendix No. 1 (a. and b.) – Contract and its appendices

Appendix No. 2 – Sample Affirmation Proving the Qualifications

Appendix No. 3 – Cover sheet of the tender

Prague 4 April 2017

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bursar, *m. p.*