

Tender Documentation

To public procurement project with tender proceeding pursuant to Act no 134/2016 Coll., on Public Procurement, as amended (hereinafter the "Act")

Public procurement project title:

Plastination



CZECH UNIVERSITY OF AGRICULTURE IN PRAGUE

Employer identification data:

Name:	Czech University of Agriculture in Prague
Business ID, VAT ID:	60460709, CZ60460709
Registered seat:	Kamýcká 129, 165 00 Praha - Suchdol
Person authorised to act in the name of Employer:	Ing. Jana Vohralíková, Bursar
Legal status:	State university-type school pursuant to Act no 111/1998 Coll.

Employer contact data:

Contact person:	Magdaléna Bičová
Phone:	+420 774 878 811
E-mail:	vzfld@staidl-leska.com
Employer's profile:	https://zakazky.czu.cz/

1. Basic Information

- 1.1 **Public procurement project name:** **Plastination**
- 1.2 **Classification: Main subject** - code CPV 38000000
(Laboratory, optical and precise instrumentation and equipment (except glass))
Additional code CPV 38300000-8
(Measuring instruments)
Additional code CPV 42513100
(Freezing equipment)
Additional code CPV 38400000-9
(Instruments for physical property checking)
Additional code CPV 38900000-4
(Miscellaneous evaluation and testing instrumentation and equipment)
- 1.3 **Expected project value of complete implementation of the public procurement project subject:** CZK 1,600,000.00, V.A.T. exclusive.
- 1.4 **Public procurement project type:** deliveries.
- 1.5 **Public procurement project mode:** above-limit.
- 1.6 **Tender proceeding type:** open tender pursuant to § 56 of the Public Procurement Act.
- 1.7 The expected public procurement project value is the maximum value that may not be exceeded. In the case of a higher bid price the bidder will be excluded from the tender for the reason of non-compliance with the tender conditions.
- 1.8 The tender conditions specified herein and in the annexes hereto (hereinafter together just "tender conditions") define the subject of the tender on the level of detail needed for the bid preparation.
- 1.9 These tender conditions are binding for the bidders.
- 1.10 The expressions in singular also include plural and vice versa, unless otherwise specified by the context. Article or paragraph titles are for clarity and do not affect interpretation of the tender conditions.
- 1.11 Where these tender conditions include direct or indirect reference to certain suppliers or products or patents or inventions, industrial designs, trademarks or identifications of origin the Employer explicitly permits equivalent solutions pursuant to § 89 (6) of the Act.
- 1.12 These tender conditions are available for free download on the Employer profile specified on the title page hereof since the public procurement proceeding notification and will remain available at least until the bid submission deadline.
- 1.13 Place and time of public procurement project implementation – the deadline for the project completion is specified in the binding contract template forming an integral part hereof as Annex 1 hereto.
- 1.14 The place of the public procurement project implementation is the registered seat of the Employer on Kamýcká 129, 165 00 Praha – Suchbátka.
- 1.15 This public procurement project is part of the grant programme "High-tech technological and teaching pavilion FLD", reg. no. CZ.02.2.67/0.0/0.0/16_016/0002471 co-financed from the

1.16 Operation Programme Research, Development and Education.

2. Basic Information on Subject of Public Procurement Project

The subject hereof is delivery of Plastination laboratory instrumentation and equipment.

The subject is further specified in the Binding Contract Template and Technical Specification forming an integral part hereof.

3. Business Terms and Conditions

All binding business terms and conditions are defined in the binding contract template attached as annex hereto. The bidder is not allowed to change these business terms in any way.

By bid submission the bidder agrees with the full wording of the contract. Missing contract data (including but not limited to the bid price and the bidder identification data) will be added for the selected bidder from the bid cover sheet of the winning bidder. The bidder is not asked to add the contract to the bid file and therefore the Employer shall not provide the contract in any editable format. The Employer explicitly warns the bidder that the bid shall not include any other business terms and conditions of the bidder.

The submitted bid content shall comply with the business terms included in the binding contract template.

4. Technical Conditions pursuant to § 89 of the Act

Detailed technical specification is attached as Annex 2 hereto.

The bidder shall fill out Annex 1 to the contract – Specification of the subject of purchase – with binding descriptions of technical parameters including type specifications and manufacturers of the bidder offered supplies (in Czech or in English). The bidder attached specification shall be binding.

This detailed bid subject specification shall not contradict the tender conditions and the bid itself (including the contract).

5. Variant Bids

The Employer shall not accept any variant bids.

6. Requirements for Bid Price Format

The bidder shall specify the bid price in the bid cover sheet the template of which is attached as annex hereto in the field marked as such therein and in the format specified therein. The bidder shall further populate the table forming Annex 4 hereto with the respective unit prices of the Employer specified supply items.

The bid price shall include all costs of the bidder related to the contract defined supply.

The bid price shall be denominated in Czech crowns (CZK).

The bidder shall not change this format and shall not condition the price with any other facts, variables or incomparable conditions. Potential discounts shall be included in the unit prices and the bid price shall be submitted at the sole (not variant) fixed and maximum bid price.

The bid price exclusive of V.A.T. shall be the principal parameter for bid evaluation.

7. Other Requirements of Employer for Public Procurement Supply

The winning bidder shall submit, pursuant to § 122 of the Act, to the Employer:

- a) Original copies or notarised photocopies of qualification certificates, unless already in possession of the Employer,
- b) Where data about the actual company owner cannot be found by the procedure pursuant to § 122 (4) of the Act the Employer shall request from the winning bidder an excerpt from the Commercial Register or equivalent evidence of actual owners of the company of the bidder or
 - a. Provision of identification data of all actual owners of the bidder company, and
 - b. Submission of documents showing the relationships of all owners pursuant to a) above to the bidder; including but not limited to
 - i. Excerpt from the Commercial Register or equivalent evidence, if any,
 - ii. List of shareholders,
 - iii. Decision of the statutory body about profit share distribution and payout,
 - iv. Articles of Incorporation or Statutes of the company.

8. Qualification Requirements

8.1 Basic Information and Conditions

- 8.1.1 The bidder shall document fulfilment of qualification requirements of the Employer below.
- 8.1.2 All qualification documentation shall be submitted in plain copy. In the case of attorney acting in the name of the bidder the respective power of attorney shall be attached.
- 8.1.3 Documents proving basic qualification pursuant to § 74 and professional qualification pursuant to § 77 (1) of the Public Procurement Act must prove fulfilment of the required qualification criterion within the last three months before the tender proceeding commencement.
- 8.1.4 The bidder may prove compliance with certain parts of the technical qualification requirements of the Employer, except for the criterion pursuant to § 77 (1) of the Act, by means of other persons. In such case the bidder shall submit
 - a) Documents proving professional competence of the other person pursuant to § 77 (1),
 - b) Documents proving compliance with the qualification requirements not complied with by the bidder itself by the other person,
 - c) Documents of compliance with the basic qualification requirements pursuant to § 74 by the other person, and
 - d) The written commitment of the other person to provide the supply, things or rights the bidder shall be entitled to use for the purpose of the public procurement project supply, at least within the scope in which the other person proved compliance with qualification requirements not complied with by the bidder itself for the bidder.

The requirement pursuant to d) above shall be deemed fulfilled if the written commitment of the other person includes joint and severable responsibility of the other person for the public procurement project implementation together with the bidder.
- 8.1.5 If the subject of the public procurement project is to be fulfilled by more bidders jointly for the purpose of which they submit a joint bidder then each of the bidders separately shall document compliance with the basic qualification requirements pursuant to § 74 of the Public Procurement Act and with the professional requirements pursuant to § 77 (1) of the

Act. Compliance with professional qualification requirements pursuant to § 77 (2) of the Act or technical qualification requirements shall be proved by all bidders of a joint bid or bidders together with other persons proving compliance with qualification requirements for the bidder jointly, unless otherwise specified by the Employer herein.

- 8.1.6 The bidders submitting a joint bid shall submit to the Employer, together with the documents proving compliance with the qualification requirements, a contract including the commitment of all parties to the joint bid to be bound towards the Employer and third parties to any legal relations, constituted by or related to the public procurement project implementation, jointly and severally, throughout the period of the public procurement project implementation including continued existence of any other commitments following from it.
- 8.1.7 Foreign bidders shall prove compliance with the tender qualification requirements pursuant to § 45 (3) of the Public Procurement Act.
- 8.1.8 The bidder to be awarded the contract shall submit to the Employer original copies or notarised copies of document proving its compliance with the qualification requirements before the contract execution. The bidder not submitting the data or documents pursuant to § 122 (3) of the Public Procurement Act shall be excluded from the tender proceeding by the Employer.

8.2 Basic Qualification Requirements pursuant to § 74 of the P. P. Act

- 8.2.1 A bidder not meeting basic qualification requirements is the bidder that:
- a) Was sentenced in the country of its registered seat in the course of the past 5 years before the tender proceeding commencement for any of the criminal offences listed in Annex 3 thereto or a similar crime pursuant to the law of the country of the bidder's registered seat by court decision in legal force; cancelled sentences are disregarded,
 - b) Is in arrears with a mature tax payment in the Czech Republic or in the country of its registered seat,
 - c) Is in arrears with a mature public health insurance premium in the Czech Republic or in the country of its registered seat,
 - d) Is in arrears with a mature social security insurance premium or contribution to the state employment policy in the Czech Republic or in the country of its registered seat,
 - e) Is under liquidation, bankruptcy proceeding is held against it, is under receivership pursuant to other legislation or in a similar condition pursuant to the law of the country of its registered seat.
- 8.2.2 The bidder shall prove compliance with these basic qualification requirements pursuant to § 74 (1) of the Public Procurement Act by submitting:
- a) An excerpt from the criminal record (see a) above)
 - b) Confirmation issued by the competent tax office (see b) above)
 - c) A written affidavit (see b) above)
 - d) A written affidavit (see c) above)
 - e) Confirmation issued by the competent district social security office (see d) above)

- f) An excerpt from the Commercial Register or a written affidavit if not registered in any such register (see e) above)
- 8.2.3 In the case of a legal entity bidder the condition pursuant to section 8.2.1 letter a) must be met by the legal entity and every member of its statutory body. If a member of the statutory body of the legal entity is a legal entity then the conditions pursuant to section 8.2.1 letter a) must be met by
- a) This legal entity member,
 - b) Every member of its statutory body and
 - c) The representative of the legal entity in the statutory body of the bidder.
- 8.2.4 If the bidder is a subsidiary of a
- a) Foreign legal entity then the condition pursuant to section 8.2.1 letter a) must be met by the legal entity and the head of the subsidiary,
 - b) Czech legal entity then the condition pursuant to section 8.2.1 letter a) must be met by the persons listed under 8.2.3 above plus the head of the subsidiary.

8.3 Professional Compliance pursuant to § 77 of the Public Procurement Act

- 8.3.1 Professional compliance shall be proved by the bidder by submitting:
- a) An excerpt from the Commercial Register, if registered in it, or from equivalent register, if registered,
 - b) A document of trade authorisation pursuant to special legislation in the scope corresponding to the subject of the tender, especially the relevant trade certificate or licence.

These documents need not be submitted if the legislation of the country of the bidder's registered seat do not require such professional compliance documentation.

8.4 Technical Qualification Criteria pursuant to § 79 of the Public Procurement Act

- 8.4.1 Compliance with technical qualification criteria shall be proved by the bidder meeting the below specified requirements of the Employer:
- 8.4.2 List of major projects

The bidder shall submit the list of major projects implemented by the bidder for other employers in the past 3 years before the tender proceeding commencement (for the definition of the required supply level see below).

The list of major projects must demonstrate fulfilment of the below defined level of qualification requirements:

- At least 1 implemented project with the subject similar to the supply of the equipment pursuant to the present tender (equipment for Plastination) worth at least CZK 700 thousand, V.A.T. exclusive.

The list of major projects implemented by the bidder shall be submitted in the table format with the following structured data:

1. Employer identification,
2. Value and length of the project implementation,
3. Contact person with whom fulfilment of employer requirements by the bidder can be verified.

9. Bid Evaluation Method

The basic evaluation criterion is economic benefits of the bid. The economically most beneficial bid will be the bid with the lowest bid price specified in the bid cover sheet.

The bid evaluation parameter will be represented by bid price exclusive of V.A.T.

The bids will be ranked according to the bid price value from the lowest to the highest bid price. The bid with the lowest bid price will be the winning bid.

Bid evaluation may be performed before the bid assessment. In such case only the bidder to be awarded the contract according to the result of the bid evaluation will have its bid assessed.

10. Conditions and Requirements for Bid Processing

- 10.1 All information specified by the bidder in its bid and in any communication with the Employer (especially bid clarification pursuant to § 46 of the Act) must correspond to the reality. If this requirement of the Employer is not met the Employer will proceed pursuant to § 48 of the Act.

If the Employer finds out only after the contract award or in the course of the project implementation that this requirement was not met the Employer reserves the right to withdraw from the awarded contract and enforce damage compensation and a contractual penalty pursuant to the relevant provisions of the contract.

For that purpose the Employer reserves the right to verify any information provided by the bidder in the bid or in the bid clarification after its submission.

- 10.2 The Employer hereby informs the bidders that pursuant to § 48 (7) and (9) of the Act the Employer is liable to exclude from the tender all bidders that are joint-stock companies or similar and have issued other than exclusively book shares.

- 10.3 The bid shall not contain any overwriting or corrections that might confuse the Employer.

- 10.4 The bid may only be submitted electronically via the electronic instrument on the Employer's profile. The Employer will not accept any bid submitted in the printed format or in the electronic format in way other than above specified. The bid must be signed electronically by the bidder.

- 10.5 The bidder shall arrange the bid documents in the following order:

- A. **Table of contents.** The bid shall be provided with a table of contents with page numbers of the individual sections (chapters).
- B. **Bid cover sheet.** The bid cover sheet shall use the template from Annex 3 hereto – Bid Cover Sheet. The bidder shall populate the template with the required data.
- C. **Annex 1 to Draft Contract** – Detailed technical specification of the offered equipment.
- D. **Documents proving compliance with qualification requirements.** The bidder shall submit the document required by law for qualification requirement compliance documentation. The Employer defines its qualification requirements in compliance with the Act in Article 8 hereof.
- E. **Other documents, conditions and requirements related to the subject of the tender.** The bidder shall submit all other documents required by the Employer hereby.

11. Request for Tender Specification Clarification

The bidder is entitled to ask clarification of the tender conditions in writing in the manner and within the deadlines pursuant to § 98 of the Public Procurement Act in the electronic format via the electronic instrument on the Employer's profile (<https://zakazky.czu.cz>), directly in the section devoted to the tender (the Employer notes here the necessity to meet this requirement for otherwise the inquiry of the bidder may be lost in the Employer's profile and the question(s) may be left unanswered).

12. Site Inspection

Considering the subject of the tender the site inspection is deemed unnecessary and will not be held.

13. Date and Place of Bid Submission

The bid submission deadline is published on the Employer's profile and in the current Tender Commencement Announcement.

The bid shall be submitted in compliance with the Public Procurement Act in the electronic format only (see also Article 1 above herein). The bid may be submitted in the electronic format any time during the bid submission period, exclusively via the **electronic instrument on the Employer's profile** (<https://zakazky.czu.cz>). The bid must be provided by electronic signature of the bidder.

The time of the bid submission shall be governed by the system time of the electronic instrument of the Employer.

14. Envelope Opening

The envelope opening procedure shall be implemented in compliance with § 109 of the Public Procurement Act without presence of the bidders.

15. Communication in Tender Proceeding

Written communication between the Employer and the bidder shall be exclusively electronic, in compliance with the Act, unless otherwise specified by the Employer in the course of the tender proceeding. The Employer prefers electronic communication with the bidder by means of the electronic instrument of the Employer in the Employer profile on <https://zakazky.czu.cz/>. The bid may only be submitted by means of this electronic instrument.

The bidder may submit the bid or communicate with the Employer after registration and login here: <https://zakazky.czu.cz/registrace.html>. Detailed instruction for use of the electronic instrument is available on: <https://zakazky.czu.cz/manual.html>.

16. Other Provisions

The Employer shall not compensate the bidders' cost of participation in the tender.

Where these tender conditions or annexes hereto include direct or indirect reference to certain suppliers or products or patents or inventions, industrial designs, trademarks or identifications of origin the Employer explicitly permits qualitatively and technically equivalent solutions meeting the Employer required functionality obvious to a person knowledgeable in the field (albeit achieved in a different way).

17. Other Parts of Tender Documentation - Annexes

Annex 1 – Binding Contract Template

Annex 2 – Technical Specification

Annex 3 – Bid Cover Sheet

Annex 4 – Bid Price Table

In Prague, on 07/01/2019

Ing. Jana Vohralíková
Bursar

