

TENDER DOCUMENTATION

THIS DOCUMENT IS MERELY AN INFORMATIVE TRANSLATION TO HELP FOREIGN ECONOMIC OPERATORS (I.E. SUPPLIERS/ CONTRACTORS) UNDERSTAND THEIR RIGHTS AND OBLIGATIONS IN THE BELOWMENTIONED PROCUREMENT PROCEDURE AND HAS NO LEGAL EFFECTS WHATSOEVER. LEGALLY BINDING IS THE TENDER DOCUMENTATION IN CZECH LANGUAGE. PLEASE TAKE THIS IN ACCOUNT WHEN READING THIS INFORMATIVE DOCUMENT.

Název veřejné zakázky:	078_Ve_NB_Sedící manekýn_Thermal Manikin Systém
Int. č. veřejné zakázky:	18/9615/078
Operační program	Výzkum, vývoj a vzdělávání
Název projektu:	Podpora rozvoje studijního prostředí na TUL
Reg. číslo projektu:	CZ.02.2.67/0.0/0.0/17_044/0008541
Contracting authority:	Technická univerzita v Liberci/Technical university of Liberec Address: Studentská 1402/2, 461 17 Liberec I-Staré Město Reg. no.: 46747885; DIČ: CZ46747885
Represented by:	doc. RNDr. Miroslav Brzezina, CSc., rector
Contact person:	RNDr. Ivana Večeřová; tel.: +420 485 353 044; e-mail: zakazky@tul.cz
Internet address of the profile of the contracting authority and the electronic tool	
E-ZAK:	https://zakazky.tul.cz/

1 Preamble

This tender documentation is a set of documents, information and requirements of the contracting authority defining the details necessary for the preparation and submission of tenders of the participants (hereinafter referred to as the "participant" or "participants") to the above mentioned public contract awarded in the open procedure pursuant to Section 3 b) and Section 56 of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as the "ZZVZ").

At the same time, the contracting authority points out the fact that the tender documentation is a summary of the contracting authority's requirements and not a summary of all the requirements resulting from the generally applicable legal norms to which the tender documentation refers as they are generally known. Therefore, the participant must always comply with the requirements contained in the tender documentation but also with the provisions of the generally binding legal norms, in particular the ZZVZ.

The contracting authority is fully aware that it is responsible for the accuracy and completeness of the award criteria. At the same time, however, in order to avoid subsequent requirements of the



selected economic operator on impermissible requirements or changes to the contract, the contracting authority requests the participants, after studying the tender documentation along with its annexes, within the deadline for submitting a request for explaining the tender documentation, to ask the contracting authority relevant questions and give comments in relation to the technical specification and the tender documentation.

If any discrepancies in these documents are identified, the participants will also be able to provide their questions and comments to the contracting authority even after the deadline for submitting a request for explaining the tender documentation. By this measure, the contracting authority monitors the possibility of correcting, supplementing or otherwise modifying the possible discrepancies found in the tender documentation before the expiry of the deadline for submission of tenders in accordance with the provisions of Section 6 of the ZZVZ. Participants are therefore advised in their own interest to check that their tender price includes all its integral parts (transport, installation, training, commissioning, technical documentation, etc.) when determining the tender price in relation to its completeness and its subsequent non-exceeding.

The contracting authority points out that the contracting authority must 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 according to § 48 of ZZVZ. 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; this request shall be considered a request under § 46 of ZZVZ. Abovementioned does not apply to a participant that is a joint-stock company whose shares in the aggregate nominal value of 100 % are owned by the state (i.e. Czech Republic), a municipality or a region.

2 Subject of the public contract

Type of public contract: Public supply contract.

Type of public contract according to the estimated value: Above-threshold.

SUBJECT OF THE PUBLIC CONTRACT

Laboratory nonwoven line

1 pc. of a Thermal Manikin System

Thermal Manikin System (STAN) for a testing the physiological comfort of car seats. Measuring device torso of the human body (back and buttock) simulating the transport of heat and moisture from the driver's body to the seat complex when seating the driver on this car seat. The complete system should include proprietary measuring and control electronics, computer and software, simulation of body temperature, simulation of skin sweating, simulation of various mass of a proband (driver) and adjustment of the shape of the back.



Description:

- seated manikin - torso of the human body, dimension corresponding to the size of the adult individual
- complete system for testing the physiological comfort of a car seats
- computer controlled simulation of the manikin shell/body which contains at least 8 independently actively controlled thermal heating regions in the back area and buttocks
- simulation of a skin sweating
- simulation of a different compressions of seats - possibility of adjusting the weight of the "driver" (changing a compression weight by the using a weight of a different weight)
- possibility of adjusting the shape of the back of the manikin - ensuring real contact of the manikin with the seat in the lumbar part of body
- portable computer with a control software for full control of a heat regulation and sweat distribution, real-time data display, data recording capabilities, fault detection and diagnostics

Technical specifications:

- heat conductive carbon and epoxy cloak
- at least 8 independent thermal zones temperature and humidity sensors for each zone
- operating temperature range of dummy 5-45 °C, ± 0.1 °C, ambient temperature -20 °C to + 55 °C
- sweating range - perspiration rate 0-1000 ml/(hour.m²) – with at user selectable
- a maximum output power of at least 600 W/m²
- a system for simulating skin sweating with pumps for fluid distribution, reservoir and tubing
- possibility of re-cooling of heated zones
- real-time temperature and humidity sensors of ambient
- control software compatible with a Windows with at least the following parameters: - data capture and real-time system monitoring, - figural display for individual parameters, - data recording, - data analysis capability, scanning frequency - at least 1 image per 2.5 sec.
- portable computer with a manikin control software for measuring
- possibility to check signal of status power and state of signal
- power and control cabling

Other requirements:

- transport to the buyer
- insurance related to the delivery of the device
- device installment
- training the operators of the device
- commissioning
- check for faultless device functionality
- technical documentation
- declaration of conformity
- user manual



- warranty service

CPV code: 38970000-5

3 Estimated value

Maximal value of the public contract (excluding VAT): 2 727 270,- CZK

The offer, which exceeds the maximum allowable price for the subject of public tender fail to meet specifications of contracting authority and in accordance with § 48 (2) a) of ZZVZ will be excluded.

4 The method of defining the tender price

The participant is obliged to include the tender price in the tender and in the following structure:

- price excluding VAT,
- VAT,
- price including VAT.

Tender price must include **all costs of performance of the public contract** and **must be set as maximal and must not be exceeded**.

Tender price must also be determined with taking into account the development of prices in the relevant market, including the development of the exchange rate of the Czech currency to the foreign currencies until the fulfillment of the subject of the public contract.

If the tender price should be in a foreign currency (i. e. other than CZK) the tender price shall be converted in CZK for the purposes of tender assessment and evaluation. The exchange rate determined by the Czech National Bank (Česká národní banka) on the last day of the time limit for the submission of tenders will be applied.

5 Time limit and address for receipt of tenders

Time limit for receipt of tenders:

A tender can be submitted until 25th May 2018 to 10:00

Only the date of delivery is decisive. Tender submitted (delivered) after this time limit shall not be considered as submitted and it shall not be taken into consideration during the procurement procedure.

Tenders must be submitted:

In electronic form: via electronic tool E-ZAK (website <https://zakazky.tul.cz/>).

or

In written form (via post service or in person) to the address:

Technical university of Liberec

Právní oddělení - veřejné zakázky

Studentská 1402/2

461 17 Liberec

Czech Republic



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In case of a submitting the tender in person, the filing/ mail room of the contracting authority is open on labour days (Monday to Friday) from 7 AM to 3 PM.

6 Time and place of performance of the public contract

Delivery term: 6 months from receipt of order.

Place of delivery: Technická univerzita v Liberci/ Technical university of Liberec, Fakulta textilní/Faculty of textile engineering, KOD, Studentská 1402/2, 461 17 Liberec, Czech Republic.

7 Qualification criteria and evidence of their fulfillment

In accordance with the ZZVZ, the contracting authority shall establish the following qualification requirements:

- a) Basic qualification,
- b) Professional qualification.

A. Basic qualification

(1) An economic operator shall not be qualified if it

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to ZZVZ or another similar crime pursuant to the law of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or it is in a similar situation pursuant to the law of the country of its registered office.

(2) If the economic operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in paragraph a) of subsection (1). Where a legal person is a member of the governing body of the economic operator, the condition specified in paragraph a) of subsection (1) shall be met by

- a) this legal person,
- b) every member of the governing body of this legal person, and
- c) the person representing this legal person in the governing body of the economic operator.

(3) If a participant in the procurement procedure is a branch of a business of

- a) a foreign legal person, the condition specified in paragraph a) of subsection (1) shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in paragraph a) of subsection (1) shall be met by the persons referred to in subsection (2) as well as the head of the branch.



The economic operator shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic by submitting

- a) a copy of an entry in the Criminal Records in respect of Section 74 (1) a) ZZVZ,
- b) a confirmation from a relevant tax office in respect of Section 74 (1) b) ZZVZ,
- c) a written affirmation regarding excise duty in respect of Section 74 (1) b) ZZVZ,
- d) a written affirmation in respect of Section 74 (1) c) ZZVZ,
- e) a confirmation from a relevant district social security administration in respect of Section 74 (1) d) ZZVZ,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of Section 74 (1) e) ZZVZ.

B. Professional qualification

The economic operator shall prove its professional qualification in relation to the Czech Republic by submitting a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.

C. Summary

According to the abovementioned conditions, the participant must prove the fulfilment of qualification requirements either with an Affirmation (Annex no. 1) which replaces the qualification documents or the following documents (**in relation to Czech Republic**):

- a) a copy of an entry in the Criminal Records in respect of Section 74 (1) a) ZZVZ,
- b) a confirmation from a relevant tax office in respect of Section 74 (1) b) ZZVZ ((issued under the law of the country in which the economic operator has its seat and issued by),
- c) a written affirmation regarding excise duty in respect of Section 74 (1) b) ZZVZ,
- d) a written affirmation in respect of Section 74 (1) c) ZZVZ,
- e) a confirmation from a relevant regional social security administration in respect of Section 74 (1) d) ZZVZ,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of Section 74 (1) e) ZZVZ,
- g) a copy of an entry in the **domestic or Czech** Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation , in respect of Section 77 (1) ZZVZ,
- h) or eventually other required documents if the economic operators participates in the procurement procedure jointly or proves qualification through other persons, if it is a foreign participant, if it is registered in the List of Approved Economic Operators or if it has a certificate from the System of Certified Economic Operators.

D. Common provisions governing qualification

I. The List of Approved Economic Operators and the System of Certified Economic Operators

Participants registered in the List of Approved Economic operators (Section 226 and following of ZZVZ) can prove the fulfillment of qualification requirements with the extract from the List



provided that on the last day on which the basic qualification or professional qualification is to be proved, the extract is not older than three months.

Participants who were issued certificates under the System of Certified Economic Operators (Section 233 and following of ZZVZ) can prove the fulfillment of qualification requirements or their certain part by submitting a valid certificate to the extent recorded in the certificate.

II. Proving of qualification obtained abroad

Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained. This document shall be submitted along with its translation into Czech language. A document in Slovak language and a certificate of education in Latin language shall be submitted without a translation. Where pursuant to the relevant legal order the required document is not issued, it may be substituted by an affirmation.

This affirmation must declare the absence of the required document in accordance with the relevant legislation and its own declaration of fulfillment of the requirements that would otherwise have been proved by the relevant document (e.g. a declaration of absence of a criminal record Register and the fact that the economic operator was not punished).

III. Qualification in the case of joint participation of economic operators

In the case of joint participation of economic operators, the basic and professional qualifications pursuant to Section 77 (1) ZZVZ (a copy of an entry in the Commercial Register) shall be proved by each economic operator separately.

E. The Validity and the form of the qualification documents

The documents demonstrating basic qualification under Section 74 ZZVZ and professional qualification under Section 77 (1) ZZVZ shall demonstrate the fulfilment of the required qualification criterion not later than three months before the date of the commencement of the procurement procedure. The economic operator shall submit copies of the relevant documents.

Before the contract is concluded, the contracting authority shall always request the selected economic operator **to submit the originals or certified copies of the qualification documents,** unless they have already been submitted during the procurement procedure.

8 Award period

The contracting authority does not set an **award period**.

9 Other requirements for the tender

1. Written form of the tender

Tenders must be delivered in a properly sealed envelope clearly marked with the contract title „078_Ve_NB_Sedící manekýn_Thermal Manikin Systém“ and the inscription „NEOTVÍRAT!“ (i.e. DO NOT OPEN!). Tender must be made in one written original and one electronic copy on CD/DVD. The electronic copy must be a scan (in PDF) of the written tender. The participant is responsible for compliance of the written tender and electronic copy. The participant will write down the company name and address of its seat on the envelope.



2. Electronic form of the tender

Where an economic operator submits a tender via electronic tool E-ZAK the data message shall bear a valid advanced electronic signature based on a qualified certificate.

3. Structure of tender

- A. Affirmation of the fulfillment of the basic and professional qualification criteria (annex no. 1) – signed by authorized person/ or the documents demonstrating fulfillment of basic qualification under Section 74 ZZVZ and professional qualification under Section 77 ZZVZ,
- B. Description of the subject of the public contract (technical specification demonstrating compliance with the requirements of the contracting authority) including the tender price.

The economic operator may submit in the procurement procedure only one tender. The economic operator which has submitted a tender in the procurement procedure shall not be at the same time a person through which another economic operator proves qualification in the same procurement procedure. The contracting authority shall exclude a participant which has submitted several tenders either separately or together with other economic operators or a participant which has submitted a tender and is at the same time a person through which another economic operator proves qualification in the same procurement procedure.

10 Information about variants

Variants will be not accepted.

11 Tender language

The tender must be submitted in **English or Czech language**. Annex no. 1 (affirmation) is required only in Czech language.

12 Business and payment conditions

Business and payment conditions:

The business and payment conditions of the economic operator will be a part of the tender, according to which a contract will be subsequently concluded in the case of a selected economic operator. The contract will be concluded without undue delay after the expiry of the ban on the conclusion of the contract. Business and payment conditions must contain at least the following provisions:

1./ Specification of the contracting parties including their ID no. and VAT no. if assigned.

2./ Information whether the economic operator is a VAT payer or not.

3./ Specification of the subject of the contract.

4./ Payment conditions – advance payment is possible in the amount of 30% of the tender price after signing the contract, remaining 70% of the tender price after due takeover.



5./ **Tender price.**

6./ **Delivery term: 6 months** from the receipt of the order.

7./ **Place of delivery:** Technická univerzita v Liberci/ Technical university of Liberec, Fakulta textilní/Faculty of textile engineering, KOD, Studentská 1402/2, 461 17 Liberec, Czech Republic.

8./ **Warranty: min. 12 months**

13 Technical specification

Technical specification means requirements for the properties of the subject of the public contract. The technical specification is listed above in the specification of the subject of the public contract.

14 Evaluation criteria

Tenders will be evaluated on the basis of their economic advantageousness. The contracting authority shall evaluate the economic advantageousness of tenders on the basis of the lowest tender price (excluding VAT). In order to conclude a contract, the contracting authority will select the participant whose tender has been evaluated as the most economically advantageous on the basis of the lowest tender price (excluding VAT).

15 Explanation of tender documentation

Requests for an explanation of tender documentation must be received in writing to the address: Technical university of Liberec, Právní oddělení - veřejné zakázky, Studentská 1402/2, 461 17 Liberec, Czech Republic or via electronic tool E-ZAK (<https://zakazky.tul.cz/>) or e-mail zakazky@tul.cz. The request must be received by the contracting authority no later than **8 labour days** before the deadline for submission of tenders. If the contracting authority provides an explanation upon a request that has not been delivered in time, it is not obliged to observe the time limits under subsection 98 (1) ZZVZ.

The contracting authority may explain the tender documentation without an economic operator's request.

16 Opening of tenders

The contracting authority shall launch the opening of envelopes without undue delay after the expiry of the time limit for the submission of tenders on **25th May 2018** at 10:00 in the seat of contracting authority - Studentská 1402/2, Liberec, at the office on the 6th floor of the building IC (information centre) TUL.

All participants who submitted a tender before the deadline for submission of tenders are entitled to attend the opening of tenders. Only one representative of each contractor is admitted. The representative must be appropriately authorized to act on behalf of the contractor.

17 Other conditions and reserved rights



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- The contracting authority is entitled to set aside the award procedure before signing the contract in cases defined in Section 127 ZZVZ.
- Costs of drawing-up a tender will not be reimbursed by the contracting authority. Submitted tenders will not be returned.
- The contracting authority points out that according to Section 122 (5) of the ZZVZ the selected economic operator is obliged (if it is a legal entity and if it is not possible to find data on the beneficial owner from the Evidence of Beneficial Owners according to Section 122 (4) ZZVZ) as a condition for the conclusion of the contract to:
 - a) provide identification data of all persons that are its beneficial owners pursuant to the Act on Selected Measures against Money Laundering and Financing of Terrorism,
 - b) provide documents that demonstrate the relation of all persons under paragraph a) to the economic operator; such documents include, but are not limited to,
 - 1. a copy of an entry in the Commercial Register or other similar records,
 - 2. a list of shareholders,
 - 3. a decision made by the governing body regarding payment of a share in profit,
 - 4. a memorandum of association, charter or code of rules.
- The contract will be published in the Register of contracts if the conditions for publishing in accordance with Act no. 340/2015 Coll. (on Register of contracts) are met and eventually on the contracting authority's profile in accordance with ZZVZ.
- **The selected economic operator understands and expressly agrees that the Agreement, including any amendments and additions thereto, and the amount of the price actually paid for the performance of the public contract will be published on the profile of the Contracting Authority in accordance with Section 219 of Act No. 134/2016 Coll., provided that there are legitimate reasons for such disclosure. If the contract fulfills the conditions for publication in the Register of Contracts, it will be published by the Technical University of Liberec pursuant to Act No. 340/2015 Coll. in the Register of Contracts maintained by the Ministry of the Interior of the Czech Republic. In this context, the parties are obliged to indicate data in the contract which are subject to business secret and will not be disclosed in the sense of the Act On Register of Contracts. TUL does not bear any responsibility for publishing such unindicated data.**

In Liberec on 23rd April 2018

On behalf of the contracting authority: RNDr. Ivana Večeřová

Annex no. 1 – Affirmation on basic and professional qualification criteria

Tender documentation and its annexes are downloadable for free and without any restrictions on the profile of the contracting authority on <https://zakazky.tul.cz/>.



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