

## INVITATION AND PROCUREMENT 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 PROCUREMENT DOCUMENTATION IN CZECH LANGUAGE. PLEASE TAKE THIS IN ACCOUNT WHEN READING THIS INFORMATIVE DOCUMENT.**

**Name of public contract:** 030\_Ve\_ERDF, HyHi\_KES-F7 Thermo Lab II a KES-F8 Systém měření propustnosti vzduchu/Air Permeability Tester  
**Int. no. of public contract:** 19/9615/030

**Name of program:** Operational Program Research, Development and Education  
**Project title:** The Educational Infrastructure of the TUL to Raise the Relevance, Quality and Advancement of Education in the Age of Industry 4.0  
**Registration number:** CZ.02.2.67/0.0/0.0/16\_016/0002553  
**Project title:** Hybrid Materials for Hierarchical Structures  
**Registration number:** CZ.02.1.01/0.0/0.0/16\_019/0000843

**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/>

Technical university of Liberec (hereinafter „Contracting authority“), hereby invites economic operators to submit a tender in the following simplified below-threshold procedure pursuant to Section 3 a) and Section 53 of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as the "ZZVZ").

**The invitation contains the procurement documentation.**



## 1 Subject of the public contract

**Type of public contract:** Public supply contract.

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

### Subject of the public contract

#### KES-F7

**Project title:** The Educational Infrastructure of the TUL to Raise the Relevance, Quality and Advancement of Education in the Age of Industry 4.0

**Registration number:** CZ.02.2.67/0.0/0.0/16\_016/0002553

#### KES-F7 Thermo Lab II evaluating the thermodynamic properties of textiles

- Heat retention property
- Thermal conductivity
- Cool-warm feeling evaluation (q-max)
- (Incl. Amplifier, standard accessory, etc.)
- USB type data processing unit
- Transformer
- **Warranty:** 12 months
  
- **Other requirements included in the purchase price:**
  - transport to the Purchaser's seat
  - operator training at the Purchaser's seat,
  - technical documentation,
  - user manual
  - warranty service

**CPV code:** 38431000-5

#### KES-F8

**Project title:** Hybrid Materials for Hierarchical Structures

**Registration number:** CZ.02.1.01/0.0/0.0/16\_019/0000843

#### KES-F8 Air Permeability Tester

- - quick and accurate measure of the breathability and permeability of wide range samples
- - easy way of mounting/fixing of the sample
- - digital panel for display of the measured data
- - measurement using the constant ventilation method
- - possibility of ventilation resistance measurement
- - examples of materials that must be possible measure with the instrument: gauze, stocking, synthetic leather, textiles, tissue paper, socks, underwear, insulation
- **Warranty:** 12 months
  
- **Other requirements included in the purchase price:**
  - transport to the Purchaser's seat
  - operator training at the Purchaser's seat,
  - technical documentation,



- user manual
- warranty service

**CPV code:** 38431000-5

Reasons for requesting specific KES 7 and KES 8 modules:

The KES system is a world-class set of measuring instruments for the objective measurement of fabric handle and other mechanical characteristics of textiles. It is used for the objective determination of primary and total handles of fabrics according to the specified use category and basis weight. It is a non-destructive evaluation of mechanical properties of textiles. The basic set consists of 4 modules, which scan the mechanical properties of textiles, resulting in 16 measured mechanical quantities that determine the evaluation of the handle of the material. Fabric handle is a basic qualitative characteristic of clothing fabrics, including properties such as stiffness, smoothness, softness, fullness and flexibility. All modules are connected to computers to evaluate the results.

It is therefore a system of special devices developed by the Japanese scientist prof. Kawabata (KES = Kawabata Evaluation System). This evaluation system can be completed with additional modules to extend the characteristics of textile materials.

The contracting authority, Technical University of Liberec, Department of Clothing, Faculty of Textile Engineering, already owns these 4 modules:

- KES-FB1 (tensile and shear)
- KES-FB2 (pure bending)
- KES-FB3 (compression)
- KES-FB4 (surface tester)

Both newly bought systems help to determine the physiological comfort of the fabric or garment. One of the modules is the KES-F7 Thermo Lab II, which is suitable for evaluating the thermodynamic properties of textiles. This module provides measurement capabilities in the now highly demanded area of physiological clothing comfort.

Another module that will suitably complement the entire system is the KES-F8 Air Permeability Tester, which is designed to evaluate the breathability and permeability of textiles.

The required modules will complement the existing KES system with additional unique measurement options. Scientific results published from measurements on this system are globally recognized and highly valued. After purchasing the above modules, the Technical University of Liberec, Faculty of Textiles as the only university in Europe will have a comprehensive system for measuring the above-mentioned characteristics of textiles and clothing.

## 2 Estimated value

**Maximum allowed value of the public contract:**

**KES-F7:** 1 573 000,00 CZK excluding VAT

**KES-F8:** 710 000,00 CZK excluding VAT

The offer exceeding the maximum allowed value of the public contract do not meet the award criteria and the contracting authority will exclude a participant from a procurement procedure according to § 48 (2) a) of ZZVZ.



### 3 Time limit and address for receipt of tenders

**Time limit for receipt of tenders:**

**A tender can be submitted until 3rd April 2019 to 10:00.**

**Tenders must be submitted:**

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

### 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 (optional),
- price including VAT (optional),.

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) as of the commencement date of the simplified below-threshold procedure, i.e. on the date of publication of the invitation to tender on the profile of the contracting authority.

### 5 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.

**The participant may replace the above-mentioned qualification documents with an Affirmation (Annex P1) in accordance with Section 53 (4) of the 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.

**The participant may replace the above-mentioned document with an Affirmation (Annex P1) in accordance with Section 53 (4) of the ZZVZ.**

## **C. Summary**

According to the abovementioned conditions, the participant must prove the fulfilment of qualification requirements:

1. either with an Affirmation (Annex no. 1) which replaces the qualification documents
2. 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 operator 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**

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 submission of the tender. The economic operator shall submit copies of the relevant documents.

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 fulfilment 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).

**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.

### **6 Other requirements for the tender, Tender language**

**1. Tenders must be submitted only in electronic form** via electronic tool E-ZAK (website <https://zakazky.tul.cz/>)

**2. Tender language**

The tender must be submitted in **English or in Czech language**.

Annex P1 - affirmation is bilingual (Czech and English)

Annex P2 – contract is bilingual (Czech and English), contractor has to fill in the text boxes in **both languages**.

**3. Structure of tender**

- A. Affirmation of the fulfilment of the basic and professional qualification criteria (annex no. 1) – signed by authorized person/ or the documents demonstrating fulfilment of basic qualification under Section 74 ZZVZ and professional qualification under Section 77 ZZVZ,
- B. Contract (annex no. 2)
- C. Description of the subject of the public contract (technical specification demonstrating compliance with the requirements of the contracting authority) including the tender price.

#### **Variants will be not accepted.**

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.

## 7 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.

## 8 Time and place of performance of the public contract

**Delivery term:** 6 months from the date on which the Contract enters into force.

**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.

## 9 Business and payment conditions

### Business and payment conditions:

Business conditions are included in contract proposal (annex P2).

### The payment conditions include especially:

The payment of the Purchase Price hereunder shall be made by the Purchaser against an invoice issued by the Seller as follows:

- first proforma invoice for 40% of the purchase price shall be issued after the contract enters into force,
- the second proforma invoice for 40% of the purchase price shall be issued upon handing over the Subject to carrier, shipping documents shall form annex to the invoice;
- the final invoice for 20% of the purchase price shall be issued after delivery of the Subject and confirmation of the Takeover Certificate by the Purchaser
- Invoices shall be issued for each device (KES 7 a KES 8) separately.

**Each invoice will contain the number of the project and its name.**

#### KES-F7:

For the Operational Program Research, Development and Education, project title The Educational Infrastructure of the TUL to Raise the Relevance, Quality and Advancement of Education in the Age of Industry 4.0, Reg. number: CZ.02.2.67/0.0/0.0/16\_016/0002553

#### KES-F8:

For the Operational Program Research, Development and Education, project title Hybrid Materials for Hierarchical Structures, , Reg. number. CZ.02.1.01/0.0/0.0/16\_019/0000843

## 10 Contract proposal

The participant has to fill in the text boxes in **both languages** in accordance with his tender and shall attach to the tender. The participant is not entitled to change any of the contract's provisions to the detriment of the contracting authority.



## 11 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).

## 12 Explanation of tender documentation

Requests for an explanation of tender documentation must be received in writing to the address: via e-mail [zakazky@tul.cz](mailto:zakazky@tul.cz) or via electronic tool E-ZAK (<https://zakazky.tul.cz/>) or.

The request must be received by the contracting authority no later than **7 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.

## 13 Award period

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

## 14 Opening of tenders

Electronic tenders will be opened in accordance with Section 109 ZZVZ.

## 15 Other conditions and reserved rights

- The contracting authority reserves the right according to Section 53 (5) ZZVZ to publish the notice of exclusion of a participant from the procurement procedure or the notice of selection of an economic operator on the contracting authority profile. In that case, the notices shall be considered to be delivered to all participants at the moment of their publication.
- The contracting authority is entitled to set aside the award procedure before signing the contract in cases defined in Section 127 ZZVZ.
- 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,
    - a copy of an entry in the Commercial Register or other similar records,
    - a list of shareholders,
    - a decision made by the governing body regarding payment of a share in profit,
    - a memorandum of association, charter or code of rules.





- **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.**
- Costs of drawing-up a tender will not be reimbursed by the contracting authority. Submitted tenders will not be returned.

In Liberec 15th March 2019

On behalf of the contracting authority: RNDr. Ivana Večeřová

*Annex P1 - Affirmation on basic and professional qualification criteria*

*Annex P2 – Contract proposal*



EVROPSKÁ UNIE  
Evropské strukturální a investiční fondy  
Operační program Výzkum, vývoj a vzdělávání

  
MINISTERSTVO ŠKOLSTVÍ,  
MLÁDEŽE A TĚLOVÝCHOVY