

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.

INVITATION AND PROCUREMENT DOCUMENTATION

Technical university of Liberec (hereinafter „Contracting authority“), hereby invites economic operators to submit a tender in the following **simplifiend below-treshold 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.

Identification of public procurement: 044_JZ_Splétací stroj laboratorního charakteru pro výrobu variabilních splétaných útvarů/044_JZ_Laboratory braiding machine for production of variable braided units

Identification number of the public procurement: 22/9615/044

Cotracting authority: **Technická univerzita v Liberci**
residency: Studentská 1402/2, 461 17 Liberec I-Staré Město
IN: 46747885; TIN: CZ46747885
Represented by: doc. RNDr. Miroslavem Brzezínou, CSc., rector

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Contracting authority profile: <https://zakazky.tul.cz/>

1 Preamble

This procurement documentation (dále též „PD“) is a set of documents, data and requirements of the contracting authority defining details necessary for the preparation and submission of tenders by the economic operator (hereinafter „operator“ or „economic operator“) within above-mentioned public procurement.

The contracting authority warns the participants must comply not only with requirements contained in the tender documentation but also with provisions of the relevant generally binding legal regulations, in particular Public procurement Act.

The contracting authority also draws attention on the provisions of section 4b of Act No. 159/2006, on conflict of interest, as amended and therefor requires participants in the tender to submit a declaration of conflict of interests (Anex no. 3 PD).

The contracting authority is aware of the principles of public procurement set out in § 6 par. 4 Public Procurement Act and in order to fulfill it, it requires among other things that economic operators submit an affirmation of responsible procurement (Annex No. 3 PD).

In order to prevent subsequent requirements of the selected supplier for inadmissible steps or changes to the contract the contracting authority would like to ask the participants after studying the tender documentation, incl. of its annexes within the deadline for submitting a request for an explanation of the tender documentation they raised questions and comments with the contracting authority in relation to the technical specifications and the tender documentation. In their own interest, participants are advised to check that their bid price also includes all its integral parts when determining the bid price in relation to its completeness and subsequent non-exceedance.

The tender documentation does not contain information that would be the result of a preliminary market consultation in the sense of § 33 Public Procurement Act.

2 Subject of the public procurement and technical conditions

Type of public contract: Public supply contract.

Type of public contract by value: Small-scale public contract

CPV code: 42714000-4 Knitting machines

Subject of the Public Contract:

Horizontal laboratory brading machine for the production of variable braided units like a standard braided and profiled (branched) cords and cords according to the required program created by the user

Braiding machine requirements:

- 1 braiding head
- horizontal position of the braiding head
- up to 32 carriers
- minimum of 4 x 4 horn gears
- up to 24 pneumatically switchable crossings

Standard carriers: bobbin size (mallet) max. \varnothing 63 mm x 200 mm = 547 ccm

- electronic lay length control system
- infinitely variable speed
- selection of the switchable crossings to the programmed braid structure

CAD system for creating and simulating of individual sequence steps

- mallets collision testing.

Braiding machine including winder unit for winding yarns onto bobbins. Winder unit is supplemented with a creel for storing of the predrafted bobbins.

Semi-automatic winder unit:

Requirements:

- minimum of 2 winder positions
- 1 set of adapters for bobbin \varnothing 63 x 200 mm
- infinitely variable speed control
- infinitely adjustment of traverse length

Bobbin information:

- minimum bobbin size \varnothing 39 x 110 mm
- maximum bobbin size \varnothing 120 x 280 mm

WARRANTY: min. 12 months

Due to the location of the machine, it is required that one parameter (for each unit) does not exceed size 80 cm.

Other requirements:

- transport to the place of performance,
- user manual,
- technical documentation,
- insurance of transported goods,
- shipping fee,
- assembly and installation and
- training of operator (by technician min. 1 working day in residency of Buyer, in Czech or English).

The contracting authority requires the subject of the contract to be new, not demo, refurbished or used in any way; the appropriate use of recycled materials is not affected.

Justification and purpose of the public procurement: Due to the indispensability of the machine in the current and future practical teaching of the technologically oriented subjects for the creation of 3D structures, we hereby issue a Public contract for the purchase of 3D braiding machine to provide material and technical equipment for teaching of BDP Textile Technology, Materials and Nanomaterials. The required 3D braiding technology is a timeless technology with fully electronic programming of 3D structures that meets the requirements of current teaching needs with great potential for the future topics mainly applicable in the field of development of synthetic prostheses (blood vessels, tendons, ligaments, hernial defects replacements, etc.). From the view of practical teaching, it is a machine that takes teaching and student readiness to a completely different, much higher level.

If there are direct or indirect references to certain suppliers or products in the procurement documents, or patents for inventions, utility models, industrial designs, trade marks or designations of origin, this is a case where the setting of technical conditions would not be sufficiently precise or comprehensible. **In such case, the participant is entitled to propose another technically and qualitatively similar or better solution**

3 Estimated value

The estimated value of the public contract will not be published within this public contract.

4 Maximum allowable bid price

Maximum allowable bid price (without VAT): 110.500 Euro.

The offer exceeding the maximum allowed value of individual items 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.

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 Small-scale public contract, i.e. on the date of publication of the invitation to tender on the profile of the contracting authority. This date is shown on the E-ZAK the contracting authority's profile.

5 Time and place of performance of the public contract

Delivery term: maximum 10 months from the date on which the Contract enters into force including installation, functionality check and training

Place of delivery: Technická univerzita v Liberci, Fakulta textilní, Katedra technologií a struktur, budova „D“, místnost D02016, Studentská 1402/2, 46117 Liberec

6 Time limit and address for receipt of tenders

Time limit for receipt of tenders:

A tender can be submitted until 31.05.2022 to 10:00

Address for receipt of tenders:

Tenders are submitted in electronic form via the contracting authority profile on the internet address <https://zakazky.tul.cz/>.

The opening of tenders is not public only in electronic form due to the possibility of receiving tenders. The opening of tenders will take place in accordance with § 109 Public Procurement Act.

7 Business and

Business and payment conditions:

Business and payment conditions are included in contract proposal (Annex n.1 PD).

Contract proposal

The participant will 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

If the participant prepares a contract proposal contrary to this provision, the participant will be excluded from the public procurement

8 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.

9 Qualification criteria and evidence of their fulfillment

Basic and professional qualification the participant shall prove with an Affirmation (Annex no. 1)

The Contracting Authority requires an economic operator to prove the fulfillment of basic and professional qualification by analogy according to § 74 and § 77 of ZZVZ

In the offer, the participant submits **an affirmation** (see Annex 1) to fulfill basic and professional qualification:

- in a simple copy or a paper original (paper offer)
 - or in an electronic original or a handwritten scan (electronic offer)
- to fulfill basic and professional qualification.

The selected economic operator shall prove the fulfillment of the basic and professional qualification by submitting **an affirmation** (see Annex 1) in a simple copy or a paper original (paper offer) or in an electronic original or a manual signature scan (electronic offer) or an extract from the List of Approved Economic Operators or a Certificate issued under an approved System of Certified Economic Operators.

The contracting authority reserves the right to request from the selected contractor the submission of the original **affirmation** or the submission of simple copies / electronic or paper originals of documents proving the fulfillment of qualification, which the affirmation was made. These are the documents referred to in Sections 75 and 77 ZZVZ relating to the competence and qualifications set out in these procurement procedure.

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.

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.

The contracting authority shall ensure itself an extract from the List of Approved Economic operators / a copy of an entry in the Commercial Register, in relation to the Czech Republic from the publicly available register and verify its correctness.

For the purposes of qualification, the contracting authority reserves the right to proceed in accordance with Sections 81 to 88 of ZZVZ analogously and to use analogically the procedures specified here.

A. Basic qualification:

1.

The economic operator declares that it meets the basic qualification according to Section 74 of Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to as the „APP“), i. e. the economic operator:

- a) was not convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to this Act 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 not outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has not 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 not 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 not in liquidation, has not been declared insolvent, in respect of whom the receivership has not been imposed under another legal regulation or it is not in a similar situation pursuant to the law of the country of its registered office.

2.

The economic operator declares that if it 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.

The economic operator declares that if it 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.

B. Professional qualification

The economic operator declares that it meets the professional qualification pursuant to Section 77 (1) of ZZVZ, i.e. that it holds 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.

10 Tender processing requirements

1. Language:

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

Annex P2 and P3 - Affirmations is bilingual (Czech and English),

annex P1 – Contract is bilingual (Czech and English), contractor has to fill in the text boxes in both languages.

2. Electronic form of the tender

Electronic form of the tender shall be submit via electronic tool E-ZAK.

The contracting authority also requires the submission of a declaration of conflict of interest and responsible procurement in the tender (Annex No. 3).

Required structure of tender

For a clear assessment and evaluation of tenders, the contracting authority recommends submitting tenders in this breakdown:

1. **Binding contract proposal** (Annex no. 1 PD),
2. **Affirmation on fulfillment of basic and professional qualification** (Annex no. 2 PD),
3. **Affirmation on conflict of interest and principles of responsible procurement and approach** (Annex no. 3 PD),
4. **Description of the subject** of the public contract (technical specification demonstrating compliance with the requirements of the contracting authority) including the tender price.
5. **Any other documents**.

The supplier is solely responsible for the content completeness of the offer. The list of documents contained in this PD article serves only to facilitate the orientation of the supplier when completing the offer.

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.

11 Explanation of tender documents

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

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) Public Procurement Act.

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

12 Award period

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

13 Evaluation criteria and tender evaluation method

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).

Tender with the lowest tender price will be considered the best.

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).

14 Application of principles of socially and environmentally responsible procurement and the innovative approach of contracting authority in public procurement, including justification

When creating the procurement conditions, evaluating tenders and selecting the economic operator for this public procurement, the contracting authority assessed and subsequently evaluated whether, given the nature and meaning of the contract, it is possible to apply the principles of socially responsible procurement, environmentally responsible procurement and innovation in the sense of Section 28 (1) p) to r) ZZVZ.

On the basis of information on the subject of the public contract, both in terms of purpose of use, including its purpose to perform scientific highly professional tasks and the method and place of its production and sales distribution, including the expected transport to the place of performance of the public procurement, the contracting authority applies Section 6 (4) ZZVZ at the level of fulfilling the principles of socially and environmentally responsible procurement and innovation within this public contract.

The contracting authority is interested in awarding a public procurement in accordance with the principles of socially responsible public procurement. In addition to the emphasis on purely economic parameters, socially responsible public procurement also takes into account the related impacts of the contract, especially in the areas of employment, social and labor rights and the environment. Aspects of socially responsible public procurement are taken into account in business and other contractual conditions.

In accordance with Section 6 (4) of the ZZVZ, the Contracting Authority applied the principle of environmentally responsible procurement, taking into account energy savings.

The required 3D braiding technology is a timeless technology with fully electronic programming of 3D structures. This will make the process of generation simpler, resulting in a reduction in energy output/lower energy volumes. This less energy-intensive facility is used for teaching and research. Long device functionality is expected. It is not a prerequisite to quickly replace the device due to its multifunctionality from the perspective of the 3D resulting product shape.

With regards to the subject of the public contract the contracting authority also considered reasons for the application of innovations pursuant to Section 6 (4) of Public Procurement Act.

The required 3D braiding technology is a timeless technology with fully electronic programming of 3D structures that meets requirements of the current teaching needs with great potential into future topics applicable mostly in the field of medicine in the development of synthetic prosthetics (vessels, tendons, ligaments, hernia defect replacements etc.)

15 Other conditions and reserved rights

- Tender variants will not be accepted.
- 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.
- Costs of drawing-up a tender will not be reimbursed by the contracting authority. Submitted tenders will not be returned.
- In the case of a selected supplier if it is a Czech legal entity the contracting authority in accordance with § 122 (4) of Public Procurement Act find out data about its beneficial owner according to the law regulating the register of beneficial owners (hereinafter referred to as "beneficial owner") from the register of beneficial owners according to the same law (hereinafter referred to as "register of beneficial owners"). The contracting authority according to § 122 (7) a) of Public Procurement Act excludes the selected supplier if it is a Czech legal entity that has a beneficial owner, if according to § 122 (4) of Public Procurement Act it was not possible to find out data about its beneficial owner from the register of beneficial owners; the entry made available in the beneficial owners' register after the supplier's exclusion notice has been sent is not taken into account.
- The contracting authority points out that according to Section 122 (5) of the ZZVZ the selected economic operator is obliged to provide if it is not possible to find data on the beneficial owner from the Evidence of Beneficial Owners
 - 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.

Annexes:

Annex no. 1 – Contract proposal

Annex no. 2 – Affirmation on fulfillment of basic and professional qualification

Annex no. 3 – Affirmation on conflict of interest and principles of responsible procurement and approach

In Liberci 12.05.2022

Contracting authority: Jan Žďárský