

**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-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.**

**Název veřejné zakázky: 007\_JZ\_Laboratorní respirometr pro měření aerobní biodegradace polymerů/007\_JZ\_Lab Respirometer for measuring of aerobic biodegradation**  
**Interní číslo veřejné zakázky: 23/9615/007**

**Contracting 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

1

**Contact:** Jan Žďárský  
e-mail: zakazky@tul.cz

**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:** 38543000-3 - Gas-detection equipment

**Subject of the public tender:** Lab respirometer for measuring of aerobic biodegradation of polymers

**Technical specification** – demands for aerobic respirometr

Demands for control unit

- The equipment has to allow measurements according to the standard ISO 14855-1.
- 24 channel respirometer
- 24 compost reactors (volume 2,5 - 3l)
- Air source included
- Temperature chamber with range +3 – 70 degrees



- Flow control (Mass flow controller) installed for each channel 0-500ml/min
  - Deviation of gas flow from set value less than 2%.
  - Individual adjustment of flow rates in individual vessels.
  - Additional channel of respirometer for control
  - 2 x CO<sub>2</sub> sensor (Infra red)
  - 2x O<sub>2</sub> sensor (EC or PM)
  - System for humidification of the vessels
  - Alarm for flow loss (leakage)
  - Software capable of online measuring results (biodegradation %, CO<sub>2</sub> production, O<sub>2</sub> consumption, Temperature, Pressure)
  - Visualization of current measurement results.
  - Data export for subsequent graphical processing in CSV format.
- Compatibility with the existing equipment used by the Technical University of Liberec, which is the ER12 ECHO respirometer (12 channel system). The compatibility consists in the possibility to measure the biodegradation process simultaneously on multiple devices under the same measurement conditions (the same environment in each vessels), which allows the results from different devices to be compared with each other.

**WARRANTY:** min. 12 months

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.

3

**Justification and purpose of the public procurement:** The reason for the acquisition was to extend the possibility of measuring the microbial degradation of polymers under aerobic thermophilic composting conditions in order to evaluate the developer bio-composite materials.

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 Maximum allowable bid price

**Maximum allowable bid price** (without VAT): 3.000.000,00 Kč (CZK)

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.**

### 4 Time limit and place of performance of the public procurement



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

**Place of delivery:** Technická univerzita v Liberci, budova G, Univerzitní náměstí 1410/1, 46117 Liberec

## 5 Time limit and address for receipt of tenders

### **Time limit for receipt of tenders:**

A tender can be submitted until 20.02.2023 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.

## 6 Business and payment conditions

### **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

## 7 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.

## 8 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.

## **C. Technical qualification**

Implementation at least three references of a similar character for the last 3 years. A laboratory respirometer for measuring aerobic biodegradation according to ISO 14855-1 has to be consider as similar contract. Value of contract shall be at least 1.500.000,00 Kč (CZK) (without VAT).

# 9 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, professional qualification and international sanctions** (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.

## 10 Explanation of tender documents

7 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/>).

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.

## 11 Award period

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

## 12 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).





## 13 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.

8

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 aim of the purchase of the respirometer is to evaluate the time dependence of biodegradation of polymers and composites from renewable sources in a thermophilic compost environment.

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 equipment will extend the current capabilities for measuring biodegradation of polymers and composites. As a result of analyzing a larger number of samples simultaneously, which will undoubtedly make the biodegradation evaluation process more accurate.

## 14 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, professional qualification and international sanctions*

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

01.02.2023 In Liberec

Contracting authority: Jan Žďárský

