

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: 210_Ve_HyHi_Spektrofotometr pro měření barev u varovných oděvů a další – Spectrophotometer with accessories for color measurement according need of warning clothing and others (VP1)

Int. no. of public contract: 18/9615/210

Name of program: Operational Program Research, Development and Education
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/>

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

Spectrophotometer with accessories for color measurement according need of warning clothing and others – 1 piece

Spectrophotometer with adjustable UV content for use in the laboratory. Allows exact measurement of base color and the level of optical brightening agent according to the EN20471 standard.

- geometry 45° / 0° (the most closely resembles the way in which the human eye perceives color)
- spectral range from 330 nm to 730nm (necessary for specification of some fluorescent samples)
- resolution 1 nm
- measurement of materials with and without excitation of optical brighteners, measurement of the opacity
- automatic calibration of UV content
- dual xenon flash lamp
- certificate of quality management according to ISO 9001

Accessories:

The following accessories must be included in the delivery to ensure the functionality of the entire measuring system:

- 1) Laboratory stand with power supply– USB connection to the PC
 - 2) Software – to store and display of measured data
- additional calculations – Matamerism, brightness according to Tappi, whiteness according to ISO, CIE, Ganz/Grieser
 - storage of measured data in Microsoft Access database and export into Microsoft Excel



Other requirements:

- 12 months guarantee
- transport to the buyer
- Installation of the instrument, installation of software
- Training
- warranty service
- user manual in CZ or EN
- The invoice must be stated:

OP VVV, projekt „Hybridní materiály pro hierarchické struktury“, reg. č. projektu CZ.02.1.01/0.0/0.0/16_019/0000843.

CPV code: 38433000-9

3 Estimated value

Maximum allowed value of the public contract (excluding VAT): 670 000,- Kč

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.

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 4th October 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

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: 3 months from the date on which the Contract enters into force.

Place of delivery: Technická univerzita v Liberci/ Technical university of Liberec, Fakulta strojní/Faculty of textile engineering - KMI“, 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 **210_Ve_HyHi_Spektrofotometr pro měření barev u varovných oděvů a další** 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. 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.

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 in Czech language**.

Annex no. 1 (affirmation) is required **only in Czech language**, annex P2 – contract is bilingual (Czech and English), contractor has to fill in the text boxes in **both languages**.

12 Business and payment conditions

Business conditions:

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

Payment conditions:

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

The participant will fill in the text boxes 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.

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 in euro (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 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

- 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,
 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 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 3/9/2018

On behalf of the contracting authority: RNDr. Ivana Večeřová

Annex P1 - Affirmation on basic and professional qualification criteria

Annex P2 – Contract proposal

