



Invitation to Tender and Award Criteria

A small-scale contract

Supply of consumables for acoustic emissions measurement for ESS-II project



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1. Contracting Authority Identification Data

Name:	Nuclear Physics Institute of the CAS, p. r. i. a public research institute under Act No. 341/2005 Coll., a research organization as defined in Section 15 (ee) of the Communication from the Commission (EU) – Framework for State aid for research and development and innovation (2014/C 198/01)
Registered Office:	Husinec - Řež 130, Post Code 250 68
Company ID No.:	61389005
Tax ID No:	CZ61389005
Represented by:	RNDr. Petr Lukáš, CSc., Director
Contracting authority profile:	https://ezak.ujf.cas.cz/contract_index.html
Contact Person:	Ing. Viktorie Dašková, Ph.D.
Phone:	+420 266173252
E-mail:	daskova@ujf.cas.cz

The above-mentioned contact person is responsible for mediating contact between the economic operator and the Contracting Authority.

2. Public Contract Introduction

This is a small-scale supply contract executed in accordance with Section 27 of Act No. 134/2016 Coll., on Public Procurement (hereafter referred to as the "Act"). These award criteria (hereafter referred to as "AC") constitute a set of documents, data, requirements and technical



specifications of the Contracting Authority setting out in detail the subject of the contract as required for the preparation and submission of tenders by individual economic operators.

Any references hereunder to the provisions of the Act are only for ease of reference by the economic operators.

This contract is being awarded by open procedure in compliance with the procurement conditions applied within the Operational Programme for Research, Development and Education (hereafter referred to as "OP RDE") as part of the "European Spallation Source – CZ – OP" project, Project Registration Number – OP, Reg. No. CZ.02.1.01/0.0/0.0/16_013/0001794, financed by the EU structural funds and from the resources of UJF AV ČR, v.v.i.

For the purposes of the AC, an economic operator means any person or joint group of persons that offer supply of supplies, provision of services or execution of works. A branch of a business shall also be considered an economic operator; in such case the registered office of the branch of a business shall be considered the registered office of the economic operator.

The provided AC shall become the property of the economic operator and, as such, do not have to be returned to the Contracting Authority. The economic operator shall be entitled to use the AC only for the purposes of processing its tender for this procurement procedure.

The contracting authority recommends that the operator should carefully review the entire AC and clarify any uncertainties before submission of tender enquires.

3. Definition of the Subject of the Contract

3.1 Title of Contract

"Supply of consumables for acoustic emissions measurement for ESS-II project"

3.2 Subject of the Contract Classification Based on CPV Codes

The subject of the contract classification corresponds with the following items:

- 31681400-7 - Electrical components

3.3 Subject of the Contract

The subject of the public contract is the supply of consumables for acoustic emissions measurement within the framework of the ESS project, to be used to measure acoustic emissions during mechanical tests.

The object of performance is defined in the tender conditions (TC), in particular in the purchase contract, which comprises Annex 4 to this tender dossier. The object of performance is specified in Annex No. 1 (Technical Conditions).

The subject of the public procurement order includes:



- the delivery of the goods by the seller to the place of destination;
- immediate and free elimination of defects claimed during the warranty period.

The subject of performance is set out in more detail in the award criteria (AC), especially the **Purchase Contract which constitutes Appendix No. 4** to this procurement documentation. **For detailed specifications of the subject of performance, see Annex No. 1 - "Technical Requirements".**

Should the award criteria contain any requirements or references to business companies, titles or names and surnames, specific identification of goods and services applicable to a particular person or its organizational unit, invention patents, utility models, industrial designs, trademarks or indications of origin, the economic operator will also be entitled to propose other technically and qualitatively similar solutions, which must meet the technical and functional requirements of the Contracting Authority specified in these AC.

3.4 Date and Place of Contract Performance

<u>Place of performance:</u>	The Contracting Authority headquarters - Nuclear Physics Institute of the CAS, p. r. i., building 351, Hlavní 130, Husinec – 250 68 Řež
<u>Commencement of performance:</u>	Immediately after the contract becomes legally effective (since the day the contract is published in the information system of public administration)
<u>Delivery times:</u>	within 12 weeks from the signing of the contract

The deadline set by the Contracting Authority for the completion of performance is the date of the official handover of the delivery.

3.5 Estimated Value of Procurement

The estimated value of public procurement determined as the expected value of the complete delivery of the goods, including related services in the amount of **CZK 286 000, including VAT**.

The price of the complete delivery including related services, is specified in Czech currency (CZK) and is structured as follows:



Price without VAT:	CZK 286 000
VAT amount (21%):	CZK 60 060
Price including VAT:	CZK 346 060

4 Qualification of Participants

4.1 Qualification

An economic operator shall be deemed qualified for the public contract performance if it provides a proof of:

1. professional qualification

The Contracting Authority requires that the economic operator should prove its professional qualification by analogy in accordance with Section 77 (1) of the Public Procurement Act by submitting a copy of an entry in the Commercial Register or similar records provided that registration in such records is required pursuant to another legal regulation. **The entry must not be older than 3 months as of the date of the tender submission.**

4.2 Form of Documentation

In their bid the Supplier may substitute the submission of the aforementioned documents of professional eligibility with a solemn declaration or with the European single procurement document as per § 87 of the Public Procurement Act. The sample solemn declaration to prove eligibility is provided by the contracting authority in Annex no. 3 of this assignment documentation.

The changes of qualifications of the participant in the assignment proceedings are governed by analogy § 88 of the Public Procurement Act.

In the case of joint participation of suppliers the professional eligibility shall be proved by each supplier independently by analogy in accordance with § 82 of the Public Procurement Act.

4.3 Proving of Qualification Obtained Abroad

To prove compliance with requirements of the law and requirements of the contract owner is essential request for this tender and prerequisite for the assessment and evaluation of the participant to pass to the future procurement procedure.

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 and to the extent required by the Contracting Authority. If legal regulations in the country of its registered office do not require proof of such professional qualification, the economic operator may substitute it with an **affidavit**.



Commitment to prove qualification requests above shall be fulfilled according by analogy to § 45 para. 4 of the Czech law refer to system guaranteed official state database with all relevant information included which allows access for Contract owner. **Internet address (Link) pointing to requested information and passcode when required.**

The Link to database have to prove that company officially exists, then ID of the company, structure with shareholders and relations inside company with responsibilities. From information inside have to be clearly visible authority of the person signing the Purchase order, agreements and Terms and conditions.

Documents demonstrating compliance with qualification requirements acquired abroad shall be translated from the original language in simple translation into the Czech language.

4.4 Other Ways of Proving Qualification Fulfilment

4.4.1 List of Approved Economic Operators

An economic operator may prove its qualification in accordance with Section 228 of the Act by submitting an extract from the List of Approved Economic Operators. Such extract shall replace the document attesting to:

- a) the professional qualification pursuant to Section 77 of the Act to the extent to which the data contained in the extract prove the fulfilment of the professional qualification criteria.

Pursuant to Section 228 (2) of the Act, the extract from the List of Approved Economic Operators **must not be older than 3 months as of the last day on which the basic qualification or professional qualification is to be proved** (identical with the time limit for the submission of tenders).

4.4.2 Proving Qualification by a Certificate

Pursuant to Section 234 of the Act, an economic operator may use a valid certificate, issued within an approved System of Certified Economic Operators, to prove its qualification.

In cases where the economic operator submits a certificate which contains all requirements stipulated in Section 239 of the Act and the certificate data remain valid at least as of the last day of the time limit for proving qualification (identical with the time limit for the submission of tenders), such certificate shall replace the economic operator's qualification documents to the extent of the data contained therein.

5 Business Conditions and Technical Requirements

The binding technical specification with the requirements for the characteristics of the object of the contract are specified in Annex No. 1 "Technical Conditions".



Binding business terms & conditions applicable to this contract for work have been set out in **Appendix No. 4** of these award criteria – **“Purchase contract”**.

The economic operator shall submit a draft contract signed by a person (persons) authorized to act on behalf or as a representative of the economic operator; in the event of negotiations through a representative, the Contracting Authority requires, due to legal security, that the economic operator explain in the submitted tender the legal grounds of the representation (power of attorney, senior employee, etc.), unless such legal grounds are indicated in other submitted documents (e.g. proxy based on an entry in the Commercial Register).

The Contracting Authority requires that in preparing the draft contract, the economic operator use the template of the Contract for work constituting Appendix No. 4, specifically its electronic version, provided by the Contracting Authority, along with tender preparation forms and Draft Contract appendices, which is to be completed by filling in the required data (identification of the economic operator in the preamble, tender price, contact details and any other explicitly required data). The Draft Contract shall be supplemented with:

- Appendix No. 3 – a document containing a commitment stating that all economic operators submitting a joint tender will be jointly and severally committed to the Contracting Authority and any third parties based on any legal relations formed in connection with the public contract, for the entire duration of the contract as well as for the duration of any other liabilities arising from the contract **(only where a tender is submitted jointly by two or more parties)**.
- The contracting authority requires that Annex No. 1 - **"Technical Conditions" of the contractor be completed and annexed to the Purchase Contract in the tender.**

The participant shall include, in Appendix No. 3 to the Draft Contract, a list of subcontractors, specifying their identification data and which share of the public contract will be subcontracted to each of these subcontractors.

The economic operator shall adhere to all business terms and conditions laid down in the Draft Contract. Failure to do so shall be deemed by the Contracting Authority to constitute non-compliance with award criteria, entitling the Contracting Authority to exclude the economic operator from the procurement procedure.

With respect to the legal value of the documents, the Draft Contract submitted as part of the tender must be in Czech. A preliminary draft contract submitted by a foreign economic operator is also acceptable in English. If a foreign economic operator is selected, the contract will then be drafted in English so as to make it legally binding.

6 Tender Price Preparation



6.1 Form of the Tender Price

The economic operator shall specify the tender price for the entire scope of performance in CZK.

The tender price shall be itemized as follows:

- The tender price excluding value added tax (VAT),
- VAT only, and
- The tender price including VAT.

The total tender price, specified as stipulated above, shall be included in the relevant section of the **Purchase contract (Appendix No. 4 of the procurement documentation)**.

The responsibility for correct calculation of the VAT shall be borne by the participant in the procurement procedure. The VAT amount given in the submitted tender shall be valid as of the date of its submission. If a contract is concluded, the tender price will be set as the maximum price admissible, which is not to be exceeded.

6.2 Scope of the Tender Price

The tender price shall include all costs associated with the performance of the contract. The tender price shall include all work, deliveries and fees necessary for proper and complete performance of the contract. The tender price shall also be set in consideration of price development in the given field, including the development of the Czech currency exchange rate against relevant foreign currencies until the completion of the contract.

If the tender price, set in CZK excluding VAT, exceeds the maximum admissible amount, the Contracting Authority will exclude the participant from the procurement procedure.

6.3 Tender Price Amendment

The tender price may only be exceeded in connection with amendments to tax regulations regarding VAT.

7 Tender Preparation Conditions and Requirements

7.1 Submission Requirements

The Contracting Authority will accept only **tenders submitted in paper form**.

A tender in paper form shall be submitted in a properly sealed envelope, denoted with the title of the public contract for which the participant is applying, i.e. **“DO NOT OPEN – TENDER – Supply of consumables for acoustic emissions measurement for ESS-II project”**.

The Contracting Authority recommends that the envelope specify an address to which a late submission notice could be posted where applicable.



7.2 Identification Data

The tender shall include identification data of the participant, particularly: the business firm, address, company identification number, the person authorized to act on behalf of the participant or the person authorized to represent the participant on the basis of a power of attorney, contact postal address and e-mail address for correspondence between the participant and the Contracting Authority relating to the procurement procedure.

7.3 Language of the Tender and Draft Contract

Unless otherwise provided below, the tender shall be drawn up in Czech, English or Slovak and shall include a draft contract signed by a person authorized to act for or on behalf of the participant. Where the tender has been submitted in both Czech and other languages, the Czech version shall be legally binding.

Where in doubt, the Contracting Authority reserves the right to request the submission of a certified translation of the tender into Czech. There should not be any overwriting or corrections in the tender that might mislead the Contracting Authority.

The Contracting Authority recommends that the **economic operator** draw up the tender based on the following recommendations, making use of the document templates appended to the procurement documentation. However, no economic operator will be excluded from the procurement procedure solely on the grounds of the tender not being prepared strictly in accordance with the Contracting Authority's recommendations.

7.4 Number of Copies

The participant shall submit one copy of the tender. The Contracting Authority recommends that all pages of the tender be securely tied or stapled together to prevent their being removed from the tender.

7.5 Paging

The Contracting Party recommends that all pages of the tender be numbered in a continuous ascending order. The tender shall be legible and free of any overwriting or corrections that might mislead the Contracting Authority.

7.6 Joint Tender

Where a tender has been submitted jointly by two or more participants (joint tender), it shall also specify a person authorized to represent all participants in dealing with the Contracting Authority during the procurement procedure.

7.7 Form of Tender

The Contracting Authority recommends that the tender be submitted in one electronic copy, as a CD or DVD, enclosed with the paper copy (the PDF format is recommended). In the event of any discrepancies between paper and electronic forms of the tender, the original copy (in paper form) shall prevail. The participant shall also submit the tender in electronic form on a CD in MS Office format or compatible, or alternatively in *.pdf format.



7.8 Structure of Tender

The tender must include the following documents and parts, whereby the following tender structure is only a recommendation:

1. **The content must contain** all of the following tender chapters according to the required classification, to which the numbers of the respective sheets, or pages, will be assigned.
2. **Tender cover sheet** (see Annex 2 of these Tender Conditions)
3. **The contractor's affidavit** on the tender (see Annex 3 of these TC)
4. **Documents for proving the qualification** according to point 4 of these TC, or the contractor's affidavit on the qualification (see Annex 3 of these TC)
5. **Specification of the parts of the contract** that the contractor intends to perform through subcontractors
6. **Draft contract signed by a person authorized to act** in the name of or on behalf of the contractor, including the Annex 1 "Technical Conditions" referred to in Article 5 of the TC
7. Other documents, if required in these TC.

The Contracting Authority requires that a tender submitted jointly by two or more economic operators should include, as an appendix to the draft contract, an original or certified copy of a document containing a commitment stating that all economic operators submitting a joint tender will be jointly and severally committed to the Contracting Authority and any third parties based on any legal relations formed in connection with the public contract, for the entire duration of the contract as well as for the duration of any other liabilities arising from the contract.

Such document shall be signed by all economic operators jointly submitting the tender (persons authorized by the economic operator to act and sign in accordance with an extract from the Commercial Register, or a delegated person or representative of the economic operator; the power of attorney granted to the delegated person or representative of the economic operator shall be enclosed with the document).

8 Visit to the Site of Performance

In consideration of the subject matter of the public contract there will be no visits to the site of performance.

9 Security and Award Period

The Contracting Authority does not require the participant to provide a security within the meaning of Section 41 of the Act.

10 Evaluation of Tenders



The basic evaluation criterion for awarding this public contract shall be the "lowest tender price". The Contracting Authority has decided to evaluate all submitted tenders in accordance with Section 114 (2) of the Act.

When the tenders are evaluated on the basis of the evaluation criterion of the lowest tender price, the evaluation committee will carry out the evaluation of the individual tenders according to tender prices of the individual candidates by forming a ranking of candidates from the first to the last with regard to tender price, with the most advantageous tender being the one with the lowest tender price (the price excluding VAT). In the case of equal bidding, the delivery of the offer is essential.

11 Explanation of Procurement Documents

11.1 Requests for Explanation of Procurement Documents

The economic operator shall be entitled to request in writing the Contracting Authority to provide additional information concerning the award criteria. The Contracting Authority urges the economic operators to submit any requests for additional information in writing only. The written request in paper form shall be delivered to the address of the registered office of the Contracting Authority or in electronic form to the e-mail of the contact person (e-mail: daskova@ujf.cas.cz) no later than 5 business days prior to the expiry of the period for the submission of tenders.

The Contracting Authority shall send any additional information on the award criteria, or any related documentation, in the same manner the request for additional information was received no later than within 3 business days of receiving such request. The Contracting Authority shall simultaneously publish any such additional information on the Contracting Authority profile. The Contracting Authority shall provide such additional information, including the exact wording of the request, to all economic operators who have submitted a request for Procurement Documents or have received them.

11.2 Alteration or Supplementation of Procurement Documents

The Contracting Authority wishes to inform the economic operator that it may, in accordance with Section 99 of the Public Procurement Act, alter or supplement the award criteria contained in the procurement documents before the expiry of the time limit for the submission of tenders. Any alteration or supplementation of the procurement documents will be published on the Contracting Authority profile no later than 5 business days prior to the expiry of the time limit for the submission of tenders.

Where the nature of the supplementation or alteration of the procurement documents requires so, the Contracting Authority shall reasonably extend the time limit for the submission of tenders. In cases where the scope of possible participants may be extended by the alteration or



supplementation of the procurement documents, the Contracting Authority shall extend the time limit to be at least as long as the original time limit.

12 Conditions, Place and Time Limit for the Submission of Tenders

12.1 Place and Time Limit for the Submission of Tenders

The time limit for the submission of tenders set by the Contracting Authority expires on 6d May 2019 at 10:00.

Tenders in paper form must be submitted by the above-mentioned time limit to: **the NPI Director Secretariat located on the 1st floor (door number 222B) in building 351 at the address of the Contracting Authority's registered office.**

Tenders may be submitted by recorded delivery to the address of the Contracting Authority's registered office, by courier post or in person to the THS Secretariat on business days from 08:00 to 14:00, and to 10:00 on the last day of the time limit. For tenders submitted by post, the date and time of receipt of the tender by an employee authorized by the Contracting Authority to collect postal deliveries shall be decisive.

Any other delivery shall not be regarded as a properly submitted tender. The Contracting Authority asks the participants to note that the reception desk check-in times at ÚJV Řež, a.s., required for all personal deliveries of tenders to the THS Secretariat, may extend up to 30 minutes.

Tenders submitted after the expiry of the time limit for the submission of tenders will not be opened, but will be archived, unopened, by the Contracting Authority as part of public contract documentation. The economic operator will be notified by the Contracting Authority of the late submission.

The Contracting Authority will not accept any envelopes that have been damaged to a point where it is possible to remove any part of their contents.

12.2 Conditions for the Submission of Tenders

As part of this public contract, each economic operator may submit only one tender which must be in paper form.

The Contracting Authority will not accept any variants of a 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 jointly 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.

13 Opening of Tenders

The opening of tenders will take place **on 6d May 2019 at 11:00 at the Contracting Authorities address, in the meeting room located on the ground floor.**

The opening of envelopes containing tenders may only be attended by one representative of each participant that has submitted the tender within the time limit for the submission of tenders. The representative of the participant shall produce a power of attorney entitling him/her to attend, signed by a person authorized to act for or on behalf of the participant, unless he/she is this person. All present economic operators shall confirm their attendance by signing a record of present economic operators.

The Contracting Authority would like to point out that the reception desk check-in time at ÚJV Řež, a.s., required for entry into the ÚJV Řež facility, and the time required to arrive at the ÚJF AV ČR meeting room may extend beyond 30 minutes.

14 Reserved Rights of the Contracting Authority

- 1. The Contracting Authority reserves the right 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 address of the Contracting Party Authority Profile is: https://ezak.ujf.cas.cz/contract_index.html.***
2. The Contracting Authority reserves the right to retain all received tenders, duly delivered within the time limit for the submission of tenders.
3. The Contracting Party is entitled to cancel the procurement procedure without giving any reason.
4. The Contracting Authority shall not reimburse the economic operators for any costs associated with their participation in the procurement procedure.
5. In submitting the tender, the economic operator acknowledges that pursuant to Section 2 (e) of Act No. 320/2001 Coll., on Financial Audit in the Public Administration, as amended, the selected economic operator shall become a person liable to cooperate during financial audits. This obligation also applies to parts of tenders, contracts and related documents that are subject to protection pursuant to specific legal regulations (e.g. trade secrets and classified information), provided that the requirements stipulated by legal regulations (e.g. Act No. 255/2012 Coll., on Auditing, as amended) are complied with. The economic operator acknowledges that the selected economic operator will also be required to impose a similar obligation on its subcontractors.
6. The economic operator acknowledges that the Contracting Authority is obligated to comply



with publicity requirements of the Structural Funds Programmes set out in Article 9 of Commission Regulation (EC) and OP RDE publicity rules applicable to all relevant documents related to the given procurement procedure or process, i.e. especially with respect to the award criteria, all contracts and any other documents related to the respective public contract.

7. In submitting the tender, the economic operator acknowledges and understands that the subject of performance of the public contract will be funded from the Operational Programme for Research, Development and Education as part of the "European Spallation Source – CZ – OP", Project Registration Number – OP, Reg. No. CZ.02.1.01/0.0/0.0/16_013/0001794, financed by the EU structural funds and from the resources of UJF AV ČR, v.v.i., financed by the EU structural funds. The Contracting Authority will be entitled to unilaterally withdraw from the contract if the costs incurred based on this contract have been identified by the OP RDE governing body (or any other supervisory entity) as ineligible (and as such would not be reimbursed by the provider of the grant). Where the Contracting Authority withdraws from the contract, the economic operator will be entitled to claim remuneration in the amount corresponding to the scope of performance delivered as of the date of withdrawal.
8. ***For the convenience of foreign economic operators, the Contracting Authority has also published these AC, including Appendices 1 - 4, in English. However, only the Czech version of the AC, including Appendices 1 - 4, is legally binding.***

15 Appendices to the Award Criteria

- Appendix No. 1 – Technical Conditions
- Appendix No. 2 – Tender cover sheet
- Appendix No. 3 – The contractor's affidavit on the tender
- Appendix No. 4 – Draft Purchase contract with an appendix

In Řež on 12th April 2019

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Ing. O. Svoboda, Ph.D., Vice-Director of
Nuclear Physics Institute of the CAS, p. r. i.