



TENDER DOCUMENTATION - Textual Part

Dynamic Purchasing System (DPS) pursuant to Act No. 134/2016 Coll., on Public Procurement, as amended

Dynamic Purchasing System (DPS) for deliveries of instruments, equipment, tools and materials to individual organizational parts of the Contracting Entity (2018-2024)

1. Contracting Authority

Name: Nuclear Physics Institute of the Czech Academy of Sciences, public research institution
pursuant to Act 341/2005 Coll., a research organization within the meaning of point ee), paragraph 15 of the Commission Notice (EU) the Community Framework for State Aid for Research, Development and Innovation (2014/C 198/01)

Registered office: Husinec - Řež no. 130, postcode 250 68

Company ID no.: 61389005

VAT registration no.: CZ61389005

Represented by: Ing. Ondřej Svoboda, Ph.D., Director

Website: <http://www.ujf.cas.cz>

Profile of the Contracting Authority: <https://ezak.ujf.cas.cz/dns00000010>

2. Contact persons of the Contracting Authority

The Dynamic Purchasing System is implemented electronically using the E-ZAK electronic tool available on <https://ezak.ujf.cas.cz/>. All operations are done electronically.

In case of any questions regarding the user control of the electronic tool available on the above website, please contact the following persons:

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Ing. Viktorie Dašková, email: daskova@ujf.cas.cz, phone: 266 173 252

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You can contact the operator of the E-ZAK electronic tool via email:

podpora@ezak.cz or phone 538 702 719.



3. Dynamic Purchasing System

The subject matter of this tender documentation is to set the terms and conditions for participation in the Dynamic Purchasing System (hereinafter referred to as the “DPS”) for award of public contracts for delivery of instruments, equipment, tools and materials for individual organizational parts of the Contracting Authority pursuant to the provisions of Sec. 138 et seq. of Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to as the “Act” or the “Act on Public Procurement”).

The DPS is divided into categories according to the subject defined:

- Category of instruments and equipment
- Category of tools
- Category of materials

Pursuant to Sec. 140 of the Act, the Contracting Authority includes into the DPS any supplier who submits an application for participation in a particular category in accordance with the requirements of the Act and the Contracting Authority and who fulfils the conditions for inclusion in the DPS. **A supplier may submit an application for participation in more than one category, depending on the ability to perform relevant public contracts.**

When submitting an application for participation, the Contracting Authority requires the supplier to provide **copies of documents** proving the qualifications. When awarding public contracts in the DPS, the Contracting Authority uses only electronic means.

4. Subject of performance of public contracts within the DPS

1) The subject of public contracts entered into the DPS will include supplies of instruments, equipment, tools and materials detailed in each category.

In the category of instruments and equipment it is supply of laboratory instruments, equipment and their components to commissioning and maintenance for carrying out research activities and also related to renewal of the existing property of the Contracting Authority.

In the category of tools it is supply of certain means for a particular activity or process of manual or machine-facilitated processing of a workpiece.

In the category of materials it is supply of various types of materials necessary to carry out both the research process itself and work related to maintenance and renewal of the Contracting Authority's property.

The subject of individual public contracts awarded within the DPS will always be defined in detail in calls for tenders pursuant to Sec. 141 (1) of the Act.

For individual supplies associated with several categories merged together, a contract shall be assigned to a particular category based on the focus of each category.

Similarly, if a contract involves more types of public contracts, the main subject of the public contract (partial supply) is determined according to the subject of supply with a higher expected value pursuant to Sec. 15, No. 2 of the Act on Public Procurement.



The Contracting Authority entering public contracts into the DPS at irregular intervals depending in particular on operating needs of individual sectors of the Contracting Authority. Also, volumes of individual public contracts awarded within the DPS are foreseen from single units to dozens of units in particular public contracts.

The subject of performance of a public contract shall be specified, according to possibilities of the Contracting Authority, for a specific place of performance (workplace). Together with supply, individual public contracts entered into the DPS may also request "related support" at the place of performance of the particular public contract, including at least transportation, assembly, commissioning and training. More details will be described in the specific purchase contract.

2) Technical requirements of the Contracting Authority

Technical requirements of the Contracting Authority within the meaning of Sec. 37 of the Act on Public Procurement shall always be determined for each public contract entered into the DPS.

3) The estimated value for the DPS duration determined in accordance with the provisions of Sec. 23 of the Act on Public Procurement amounts to CZK 80,000,000 excluding VAT:

- Category of instruments and equipment CZK 40,000,000 without VAT
- Category of tools CZK 10,000,000 without VAT
- Category of materials CZK 30,000,000 without VAT

This is the estimated value of all the public contracts which may be awarded for the entire duration of the DPS. The Dynamic Purchasing System shall last **until December 31, 2024, or until depletion of the full financial value determined for the duration of the DPS at the estimated value of CZK 80,000,000 excluding VAT.**

The Contracting Authority notes and the supplier acknowledges that the given DPS value is only indicative and that the Contracting Authority is not obliged to fully deplete this value.

The implementation of the DPS does not bind the Contracting Authority to use it in public procurement of the supplies in question. The inclusion in a supplier into the DPS alone does not entitle such supplier to any performance and any performance shall be provided by the supplier for the Contracting Authority exclusively on the basis of a public contract awarded within the duration of the DPS.

4) Terms and places of performance

The terms and places of performance of individual public contracts awarded within the DNS shall always be determined in relevant call for tenders.

5) Classification of the subject of relevant public tenders is defined by the main CPV codes see below and other CPV codes of lower level (partial category). The Contracting Authority does not rule out that within the categories of devices - equipment, tools and materials, another items may be required.

Category of instruments and equipment

Type of delivery	CPV code
Image intensifiers	24931260-9
Accumulators, galvanic cells and batteries	31400000-0



Interruptible power supplies	31156000-4
Electrical equipment and apparatus	31600000-2
Electronic, electromechanical and electrotechnical devices	31700000-3
Radio receivers	32344200-8
Telecommunication devices for data transmission	32500000-8
Spectroscopic instruments	33114000-2
Navigation and meteorological devices	38100000-6
Geological and geophysical instruments	38200000-7
Measuring instruments	38300000-8
Instruments for checking physical characteristics	38400000-9
Checking and testing apparatus	38500000-0
Optical instruments	38600000-1
Time registers and similar control instruments	38700000-2
Industrial process control equipment and remote-control equipment	38800000-3
Miscellaneous evaluation and testing instruments	38900000-4
Machinery for production and use of mechanical power	42100000-0
Lifting and handling equipment and their parts	42400000-0
Cooling and ventilation equipment	42500000-1
Miscellaneous general and special-purpose machinery	42900000-5
Additional related services possibly required by the Contracting Authority:	
Installation and fitting of electrical wiring and equipment	45311000-0
Installation and fitting of heating, ventilation and air-conditioning	45331000-6
Installation and fitting of gas equipment	45333000-0
Installation and fitting of technical equipment in buildings	45351000-2
Installation and fitting of electrical and mechanical equipment	51100000-3
Installation and fitting of measuring, checking, testing and navigation equipment	51200000-4
Installation and fitting of communication equipment	51300000-5
Installation and fitting of laboratory apparatus and equipment	51430000-5
Installation and fitting of machinery and equipment	51500000-7
Installation and fitting of guidance and control systems	51900000-1
Software package and information systems	48000000-8

Category of tools

Type of delivery	CPV code
Machine tools	42600000-2
Construction materials and associated items	44100000-1
Structural products	44200000-2
Cables, wires and related products	44300000-3
Miscellaneous fabricated products and related items	44400000-4
Tools, locks, keys, hinges, fasteners, chain and springs	44500000-5
Tanks, reservoirs and containers; central-heating radiators and boilers	44600000-6
Paints, varnishes and similar coatings and mastics	44800000-8
Additional related services possibly required by the Contracting Authority:	
Installation and fitting of electrical wiring and equipment	45311000-0
Installation and fitting of electrical and mechanical equipment	51100000-3



Installation and fitting of measuring, checking, testing and navigation equipment	51200000-4
Installation and fitting of laboratory apparatus and equipment	51430000-5
Installation and fitting of machinery and equipment	51500000-7

Category of materials

Type of delivery	CPV code
Basic metals	14700000-8
Miscellaneous non-metallic mineral products	14800000-9
Gases	24100000-5
Basic inorganic and organic chemicals	24300000-7
Fine high-quality chemical products	24900000-3
Electricity distribution and control equipment	31200000-8
Vacuum switchboards	32547000-9
Insulated wires and cables	31300000-9
Mechanical spare parts, except engines and engine parts	34320000-6
Miscellaneous types of transport equipment and spare parts	34900000-6
Structural products	44200000-2
Cables, wires and related products	44300000-3
Miscellaneous fabricated products and related items	44400000-4
Tools, locks, keys, hinges, fasteners, chain and springs	44500000-5
Additional related services possibly required by the Contracting Authority:	
Installation and fitting of electrical wiring and equipment	45311000-0
Installation and fitting of electrical and mechanical equipment	51100000-3
Installation and fitting of measuring, checking, testing and navigation equipment	51200000-4
Miscellaneous business-related services	79990000-0

5. Business terms and price overruns

Detailed business terms, including specific payment terms and objective conditions under which the bid prices may be exceeded, shall always be determined for individual public contracts awarded within the Dynamic Purchasing System pursuant to Sec. 141 of the Act. The Contracting Authority requires the applicants to respect the following business terms and conditions:

- The negotiated price is the highest acceptable price and may only be changed if the VAT rate is changed after signing of the contract and during its validity.
- In general, business terms shall be set out in the annexes to the partial contracts in the form of a draft purchase contract.
- Change in the contractual terms is possible only by means of an amendment to the contract in accordance with the law.
- The detailed business and payment conditions of the Contracting Authority, including determination of all the required activities and their place, shall always be set out for individual public contracts entered into the DPS in accordance with Sec. 37 (1) (c) of the Act on Public Procurement.



- The warranty period for respective subject matter of the supply shall be at least 2 years, as specified in individual purchase contracts.
- For supplies funded from grant programs (such as European Structural Funds and other), the supplier's duty is to respect the obligations imposed by these programs (e.g. the obligation to cooperate in checking of documents related to performance of the contract - individual conditions will always be listed in the tender documentation for the specific public contract which includes such supplies in the DPS).

6. Explanation of the tender documentation

Suppliers are entitled to request the Contracting Authority to provide a written explanation of the tender documentation in accordance with Sec. 98 of the Act. A request for clarification of the tender documentation shall be submitted using the E-ZAK UJF electronic tool or profile of the Contracting Authority for public procurement, and shall be delivered within the time limit pursuant to Sec. 98 (3) of the Act.

Based on a request for clarification of the tender documentation, the Contracting Authority shall provide the supplier with an explanation within the time limit given by law. Such explanation, including the exact wording of the request, shall be provided by the Contracting Authority also to all the other suppliers included in the DPS by publishing it on its profile in the same manner as was an unlimited and direct remote access to the tender documentation provided.

The Contracting Authority may, in accordance with Sec. 98 (1) of the Act, provide suppliers with an explanation of the terms of the tender documentation even without any prior request.

7. Time limit and place of performance for public contracts awarded within the DPS

The place of performance of individual public contracts is the Institute of Nuclear Physics and its individual workplaces. The exact address of the place of performance shall be specified by the Contracting Authority in individual public contracts within the DPS in accordance with Sec. 141 of the Act.

Also the deadline for performance shall be set out for individual public contracts entered into the DPS in accordance with Sec. 141 of the Act.

8. Qualification of the supplier

8.1 Fulfilment of qualification requirements

Qualification is met by a supplier who demonstrates compliance with:

- **Basic competences pursuant to Sec. 74 of the Act**
- **Professional competences pursuant to Sec. 77 of the Act**

The Contracting Authority undertakes to deal with the information by which the applicant demonstrates compliance with the qualification in such a manner so as to avoid any violation of



applicant's rights and legitimate interests in respect of the protection of their intellectual property and trade secrets.

Documents proving the basic competences under Sec. 74 and professional competences under Sec. 77 shall prove fulfilment of the required eligibility criteria no later than 3 months before the start of the procurement procedure.

In order to demonstrate basic competences in accordance with Sec. 74 of the Act and professional competences in accordance with Sec. 77 of the Act, suppliers may use, under the conditions laid down in Sec. 228 of the Act, an extract from the list of qualified suppliers not older than 3 months from the last day on which the qualification is to be demonstrated. In order to prove their qualification under the conditions set out in Sec. 233 of the Act, applicants may use the certificate issued under the system of certified suppliers not older than 1 year. If a supplier submits to the Contracting Authority a certificate issued under the system of certified suppliers meeting the elements set out in Sec. 239 of the Act by the deadline given for demonstration of qualification, such certificate replaces proof of supplier's qualification to the extent given in the certificate.

In accordance with Sec. 45 (1) of the Act, the Contracting Authority provides that all the documents required to prove the qualification may be submitted as a common copy. If a copy is created by authorized conversion, the page with conversion data shall be submitted as well.

If the Contracting Authority requires submission of an affidavit, the original document or its copy must be signed by the supplier's statutory body; if signed by another authorized person, the original authorization or its copy shall form a part of the documentation proving the qualification. Failure to meet these conditions shall be assessed by the Contracting Authority as failure to fulfil the qualification, which shall result in exclusion of the applicant from the procurement procedure.

8.2 Qualification in case of joint participation of suppliers

In case of joint participation of suppliers, the basic competences pursuant to Sec. 74 of the Act and the professional competences pursuant to Sec. 77 (1) of the Act shall be demonstrated by each of the suppliers separately.

8.3 Demonstration of qualification obtained abroad pursuant to Sec. 81 of the Act

In the event that qualification was obtained abroad, the supplier shall prove this by documents issued in accordance with the law of the country in which it was acquired, to the extent required by the Contracting Authority.

8.4 Demonstration of basic competences pursuant to Sec. 74 (1) of the Act

Basic competences are met by a supplier who:

a) has not been within the period of last 5 years in the country of its registered office legally convicted for a crime committed in favour of an organized criminal group or a crime of participation in an organized criminal group, a crime of trafficking in human beings, a crime against property (fraud, credit fraud, subsidy fraud, handling stolen property, handling stolen property by negligence, legalization of criminal proceeds, legalization of criminal proceeds from negligence), economic crimes (misuse of information and position in the course of trade, arrangement of an advantage in a public contract



award, in a public tender or a public auction, intrigues in a public contract award, in a public tender or a public auction, damage to financial interests of the European Union), crimes of general danger, crimes against the Czech Republic, a foreign state or an international organization, crimes against public order (crimes against the exercise of powers of public authorities and officials, crimes by officials, bribery, other disturbances of activities of public bodies), or a similar crime under the legislation of the country of the Supplier's registered office; rehabilitated convictions shall be disregarded.

(If the Supplier is a legal entity, this requirement shall be met by this legal entity as well as by each member of its statutory body. If a legal entity is a member of the statutory body of the Supplier, this requirement shall be met by the legal entity, each member of the statutory body of this legal entity as well as the person representing the legal entity in the statutory body of the Supplier. If the applicant of the procurement procedure is a branch of a foreign legal entity, this condition shall be met by this legal entity, artificial / juridical person as well as the head of the branch. If the applicant of the procurement procedure is a branch of a Czech legal entity, this condition shall be met by this legal entity, each member of the statutory body of the legal entity, a person representing the legal entity in the statutory body, as well as a head of the branch.)

Basic competences pursuant to Sec. 74 (1) (a) of the Act shall be demonstrated by the Supplier in accordance with Sec. 75 (1) (a) of the Act **by an extract from the Register of Criminal Records which, at the date of sending or submitting the application for participation, shall not be older than 3 months.** In this context, the Contracting Authority notes that the obligation to submit an extract from the Criminal Register is valid also for legal entities, entity if the applicant is a legal entity.

b) has no evidence of any tax arrears in the tax records in the Czech Republic or in the country of its registered office. Basic competences pursuant to Sec. 74 (1) (b) of the Act shall be demonstrated by the Supplier in accordance with Sec. 75 (1) (b) of the Act **by a confirmation of the competent financial authority and a written affidavit regarding the excise tax which, at the date of sending or submitting the application for participation, shall not be older than 3 months.**

c) has no arrears on premiums or penalties for public health insurance in the Czech Republic nor in the country of its registered office (pursuant to Sec. 74 (1) (c) of the Act);

Basic competences pursuant to Sec. 74 (1) (b) of the Act shall be demonstrated by the Supplier in accordance with Sec. 75 (1) (c) of the Act **by a written affidavit which, at the date of sending or submitting the application for participation, shall not be older than 3 months.**

d) has no arrears on premiums or penalties for social security and contribution to the state employment policy in the Czech Republic or in the country of its registered office.

Basic competences pursuant to Sec. 74 (1) (c) of the Act shall be demonstrated by the Supplier in accordance with Sec. 75 (1) (d) of the Act **by a confirmation of the competent District Social Security Administration which, at the date of sending or submitting the application for participation, shall not be older than 3 months.**

e) is not in liquidation, under bankruptcy order, receivership or any other legal regulation or a similar situation under the legislation of the country of Supplier's registered office.



Basic competences pursuant to Sec. 74 (1) (e) of the Act shall be demonstrated by the Supplier in accordance with Sec. 75 (1) (f) of the Act **by an extract from the Commercial Register or a written affidavit if not registered in the Commercial Register which, at the date of sending or submitting the application for participation, shall not be older than 3 months.**

8.5 Demonstration of professional competence

Pursuant to Sec. 77 (1) of the Act - the Supplier shall demonstrate compliance with the basic professional competences in relation to the Czech Republic by submitting **an extract from the Commercial Register** or other similar register if another legal regulation requires registration in such register.

The requirements regarding the basic and professional competence are the same for all the categories, and the suppliers shall submit the documents once for all the categories in which they apply for participation.

9 Change in qualification

If during the procurement procedure, after submission of qualification documents or declarations, the applicant's qualification changes, the applicant is obliged to notify the Contracting Authority of such change within 5 working days and submit new documents or declarations of qualification within 10 working days after the change was notified; the Contracting Authority may extend these deadlines or waive their default. If the Contracting Authority learns that a supplier has failed to fulfil this obligation, the Contracting Authority shall immediately exclude the supplier from the procurement procedure. The supplier's obligation does not arise if the qualification is changed in such a way that the qualification terms are still met by the supplier.

10 Procedure of the Contracting Authority for qualification assessment

The Contracting Authority shall assess the proof of supplier's qualification compared to the requirements of the law and of the Contracting Authority specified in the tender documentation.

An application for participation of a supplier who does not fulfil the qualification to the required extent or fails to fulfil the obligation stipulated in Sec. 88 of the Act shall be declined by decision of the Contracting Authority.

The Contracting Authority shall notify the supplier in writing of the decision to reject supplier's application for participation or supplier's inclusion into the DPS within 10 working days after receipt of the application for participation.

11 Method and form of processing the application for participation and documents proving fulfilment of qualification

The submitted application for participation should allow the Contracting Authority to assess fulfilment of the conditions for inclusion of the supplier into the DPS; when submitting an application for participation, the applicant **does not submit any specific quotation**. - application for participation shall not be subject to evaluation.



Suppliers are required to submit the application for participation and documents proving the qualification in writing by electronic means in accordance with the specification terms.

The application for participation, including any required documents, must be drawn up in the Czech or English languages. Documents in foreign language must be translated into the Czech or English languages. Documents in the Slovak language may be submitted without translation.

All documents or statements requiring signature of the supplier shall be signed by a person authorized to act on behalf of the supplier. When signing by a person authorized by means of a power of attorney, such authorization shall be documented in the tender.

For preparation and submission of an application, the application may use the template attached to the tender documentation in Annex No. 1.

An application for participation (for one of the DPS categories) shall include the following:

- The application for participation signed by an authorized person, i.e. request of the applicant to be included in the DPS – see Annex No. 1
- Documents to demonstrate basic competences
- Documents to demonstrate professional competences

The application is entitled to submit an application for several DPS categories.

12 Method and place of processing applications for participation and documents proving fulfilment of qualification

The Contracting Authority requests that the application for participation and proof of qualification is submitted exclusively through the electronic system of public contracts (E-ZAK): <https://ezak.ujf.cas.cz/> scanned files (signed and stamped) shall have any of the following formats: .pdf, .bmp, .jpeg.

To sign into E-ZAK, the applicant must have an electronic signature certificate.

If the applicant is not yet registered in E-ZAK, to complete the registration an electronic signature is required, see the following link:

<https://ezak.ujf.cas.cz/>

For detailed information on how to operate the E-ZAK system, please see:

<https://ezak.ujf.cas.cz/>

The Contracting Authority points out that E-ZAK allows to use files up to 38 MB large. Any larger files must be appropriately divided before sending them via E-ZAK.



13 Time limit for submitting applications for participation and period for which the supplier is bound by such application

The time limit for submitting applications for participation is the period during which the supplier may file an application for participation and provide information regarding supplier's qualifications.

Pursuant to Sec. 140 (1) of the Act, the Contracting Authority shall allow each applicant to file an application for participation throughout the entire duration of the DPS. Pursuant to Sec. 140 (3) of the Act, the Contracting Authority may at any time throughout the DPS duration request the suppliers included in the DPS to submit an updated European Single Procurement Document. In such a case, the supplier is obliged to submit the updated European Single Procurement Document to the Contracting Authority within 5 working days after receiving the Contracting Authority's notification. The rules for submission of documents under Sec. 45 of the Act and proof of qualification under Sec. 81 to 88 of the Act shall apply mutatis mutandis throughout the DPS duration to prove fulfilment of incompetence pursuant to Sec. 48 (5) of the Act.

Any supplier, who fails to submit the requested documents to the Contracting Authority or where the Contracting Authority demonstrates fulfilment of incompetence, shall not be invited to submit a tender. If the supplier submits the required documents to the Contracting Authority later than specified in the deadline, or if the supplier proves renewal of eligibility pursuant to Section 76 of the Act in a similar manner, the Contracting Authority shall re-invite the supplier to submit a tender.

Supplier are bound by their application for participation for the period specified by the Contracting Authority in the contract notice published in the Journal of Public Procurements.

14 Costs for participation in the procurement procedure

All the costs for participation in the procurement procedure shall be borne by the Supplier.

15 Variant solutions

The Contracting Authority hereby excludes the possibility of submitting variants in the application for participation.

16 Evaluation of tenders

The tenders shall be evaluated according to their economic advantage in accordance with Sec. 114 (1) of the Act. The contracting authority establishes a list of evaluation criteria that will be used when entering individual public contracts in the DNS:

- the lowest bid price,
- quality (technical parameters)
- length of warranty period,
- delivery time.

The contracting authority shall determine the specific evaluation criterion (or criteria) and the method of evaluating bids in the call for bids for the awarded public contract.



17 Other rights and conditions reserved by the Contracting Authority

The Contracting Authority reserves the following rights:

- To cancel the procurement procedure in accordance with the law
- To verify the data submitted in the preliminary bid
- To modify the public procurement requirements in accordance with Sec. 99 (1) of the Act
- To demand the selected supplier, who contradicted the provision of Sec. 124 (1) of the Act by failing to provide proper cooperation for conclusion of the contract, to pay damage, also by judicial means.

In the event of any discrepancy between the information given in the contract notice published in the Journal of Public Procurements and the tender documentation, the terms of the contract provided in the contract notice published in the Journal of Public Procurements shall always prevail.

The information given in individual parts of the tender documentation defines the binding requirements of the Contracting Authority for inclusion of the supplier in the DPS. The supplier is obliged to comply with these requirements when processing the application for participation and submitting the proof of qualification.

By submitting an application for participation, the applicants confirm their unconditional acceptance of the procurement terms and conditions.

18 Annex to the Tender Documentation

Annex No. 1 - Template of the Application for Participation in the DPS.

In Řež, on November 25, 2022

Ing. Ondřej Svoboda, Ph.D.
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