

TENDER DOCUMENTATION

for the open procedure pursuant to Act No. 134/2016 Sb., on Public Procurement (the „PPA“)
for the public supply contract

Supply of accelerometers for the LERCO project 2



**Co-funded by
the European Union**

Ministry of the Environment
of the Czech Republic

LERCO

CONTRACTING AUTHORITY:

University of Ostrava, Dvořákova 138/7, 702 00 Ostrava

1. PREAMBLE

The tender documentation has been prepared as a basis for the submission of tenders by suppliers under the open procedure pursuant to Act No. 134/2016 Sb., onwards as PPA, for an above-limit public supply contract.

Rights, obligations or conditions not specified in the tender documentation are governed by the law and related implementing regulations.

This public contract is awarded electronically, all operations will be carried out electronically through the profile of the contracting authority, the electronic tool E-ZAK. All terms and conditions and information concerning the electronic tool, including information on the use of electronic signatures, are available in the user manual and the electronic signature manual at <https://zakazky.osu.cz>.

The Participant acknowledges that in order to communicate with the Contracting Authority and to use all functions of the E-ZAK tool, it is necessary to be registered in this tool of the University of Ostrava. If the contracting authority has already pre-registered the supplier in this tool using publicly available information, it is necessary to complete this pre-registration and set the necessary authorisations for the competent persons. Furthermore, the participant acknowledges that all documents sent by the contracting authority via the E-ZAK tool are deemed to have been delivered at the moment of sending. The Participant is fully responsible for registering in the E-ZAK electronic tool, setting the necessary authorisations to the competent persons and timely receipt of the delivered documents related to participation in the procurement procedure. At the same time, the Contracting Authority recommends the Participant to check with the server administrator of the user/participant the authorization to receive notification emails from E-ZAK so that incoming notification emails are not rejected, i.e. saved in SPAM or junk mail. In case of any problems with the E-ZAK electronic tool, the participant should contact E-ZAK technical support: e-mail: podpora@ezak.cz, tel: +420 538 702 719.

The tender documentation is drawn up in both Czech and English. In the event of any contradiction between the Czech and English language versions, or in the event of a dispute over the interpretation of the terms used, the Czech language version shall prevail.

Offer form

The Procuring Entity, as an annex to the tender documentation, provides the participants with a model form entitled "Offer" in Annex 1 to this tender documentation (hereinafter referred to as the "**Offer Form**"), which the participant is obliged to fill in and submit as part of the tender, as a condition of participation in the tender procedure.

Participants shall demonstrate compliance with all the requirements of the Contracting Authority, i.e. requirements for the subject matter of the tender, for qualifications or for the submission of data relevant for the evaluation, by submitting a completed form including the required annexes or other equivalent documents.

2. IDENTIFICATION OF THE CONTRACTING AUTHORITY

Name of sponsor:	University of Ostrava
Headquarters:	Dvořákova 138/7, 702 00 Ostrava
Legal form:	601 - College
Represented by:	Rector doc. Mgr. Petr Kopecký, Ph.D.
Contract Administrator:	Bc. Sara Konečná
Contact the administrator:	+420 553461018
ID:	61988987
TIN:	CZ 61988987
Specifier profile:	zakazky.osu.cz
URL of the public contract:	https://zakazky.osu.cz/vz00002306

3. SUBJECT PUBLIC PROCUREMENT

3.1. Subject of the public contract

The subject of the public contract is the supply of 120 accelerometers for the Faculty of Education of the University of Ostrava. A list of the required subject of performance, including technical specifications and the required quantity is given in Annex 2 of the tender documentation.

A grant for the implementation of the public procurement:

- Operational Programme Just Transition called Life Environment Research Center Ostrava with reg. no. CZ.10.03.01/00/22_003/0000003.

The offer must include a detailed specification of the offered subject of the public contract at least within the parameters required in Annex 2 of this tender documentation. The actual parameters of the goods offered must be of a quality equal to or greater than the prescribed parameters.

Further details relating to the subject matter of the tender are set out in the tender documentation, the Tender Form and the Terms and Conditions.

3.2. Classification of the subject of the public contract

Classification of the subject of the tender:

CPV: 38300000-8 Measuring instruments
38410000-2 Measuring instruments
38430000-8 Sensing and analysis apparatus

3.3. Estimated value of the public contract

The estimated value of the public contract is **CZK 1 215 000 excluding VAT**.

The estimated value is set as a limit. The contracting authority cannot accept a tender with a higher tender price. Failure to comply with the limit price shall constitute failure to comply with the conditions set by the contracting authority within the meaning of S 48 (2)(a) of the PPA.

3.4. Conditions for responsible procurement

Pursuant to the provisions of S 6 (4) of the Act, the contracting authority has taken into account in the tender documentation the obligation to comply with the principles of responsible public procurement to the extent that it considers appropriate and proportionate to the nature and purpose of the public contract to be awarded, taking into account the other principles set out in S 6 of the Act.

As part of socially responsible procurement, the contracting authority has set out in the terms and conditions the obligation to ensure fair conditions in the supply chain. At the same time, the Contracting Authority submits the 'Offer' form as an annex to this tender documentation to simplify the administrative process for suppliers. This form contains a specimen of the affidavit of qualification as referred to in Article 8 of the tender documentation.

In the framework of environmentally responsible procurement, the contracting authority has stipulated that the supplier is obliged to comply with applicable technical standards and ecological requirements when implementing the subject of the public procurement and that all packaging used will be environmentally friendly, i.e. recycled or recyclable.

In view of the nature of the procurement, the contracting authority has not identified any other responsible procurement issues that would be consistent with the stated purpose of this procurement, its subject matter, the

principles of equal treatment and non-discrimination in relation to suppliers, and the principles of economy and efficiency.

4. TIME LIMIT AND PLACE OF PERFORMANCE PROCUREMENT

4.1. Deadline for performance

The deadline for delivery of the subject of performance is **within 30 days** from the date of entry into force of the public contract.

4.2. Place of performance

The place of performance is the Faculty of Education of the University of Ostrava, Centre for Human Movement Diagnostics, Černá louka 3397, 702 00 Ostrava.

5. TERMS OF TRADE AND PAYMENT

As part of the tender documentation, the contracting authority submits terms and conditions of sale and payment within the meaning of S 37 (1)(c) of the PPA ("**terms and conditions**"). The commercial terms and conditions laid down for the public contract are defined in Annex 3 to the tender documentation in the form of a contract.

The binding draft contract clearly defines the commercial terms of this procurement. Prior to the signing of the contract pursuant to S 124 (1) of the Act, only those details which are intended by the contracting authority to be added to the text of the contract, or modifications made following a change in legislation that has occurred in the intervening period since the contract was advertised, will be added to the text of the contract. The points to be added before the contract is signed with the successful contractor are marked in colour in the terms and conditions.

Participants in the tender procedure are not entitled to modify or supplement the text of the terms and conditions in any way. By submitting a tender offer, the contractor accepts the terms and conditions set out in this tender documentation and its annexes. By submitting a tender offer, the contractor agrees to the content of the contract. **The contractor shall not submit a contract as part of the tender.**

6. REQUIREMENTS FOR THE MANNER OF PROCESSING THE TENDER PRICE

6.1. Tender price and conditions for its preparation

For the purposes of the tender procedure, the tender price means the total price in CZK or EUR excluding VAT for the subject of the public contract according to Article 3 of the tender documentation and according to the required specification set out in Annex 2 of the tender documentation.

The offer price shall be quoted in the Offer Form.

The offer price must include all costs necessary for the proper execution of the contract, including all related costs. The Contractors bears, inter alia, the risk of price increases in the context of general price developments.

7. QUALIFICATIONS

7.1. Qualification requirements

The contracting authority requires the participant to demonstrate:

- a) fulfillment of the **basic qualification** according to § 74 (1) of the PPA by submitting:
- a copy of an entry in the Criminal Records in respect of S 74 (1)(a) of the PPA,
 - a confirmation from a relevant tax office in respect of S 74 (1)(b) of the PPA,
 - a written affirmation regarding excise duty in respect of S 74 (1)(b) of the PPA,
 - a written affirmation in respect of S 74 (1)(c) of the PPA,
 - a confirmation from a relevant district social security administration in respect of S 74 (1)(d) of the PPA,
 - 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 S 74 (1)(e) of the PPA.
- b) fulfillment of **professional qualification** pursuant to S 77 (1) of the PPA by submitting:
- 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.

7.2. Method of proving qualifications

In accordance with the provisions of S 45 (1) of the PPA, suppliers shall submit copies of the qualification documents. Pursuant to A 56 (3) of the PPA, suppliers shall submit the documents of qualification in the tender and therefore cannot be replaced by an affidavit pursuant to S 86 (2) of the PPA.

7.3. Other conditions for qualification

7.3.1. Submission of qualification documents by the selected supplier

The contracting authority may, in accordance with S 45 (1) of the PPA, request the submission of originals or certified copies of documents of qualification during the procurement procedure. Pursuant to S 122 (4) (a) of the PPA, the contracting authority may also request the selected supplier to submit originals or certified copies of documents proving its qualifications.

7.3.2. Age of documents

The documents proving basic eligibility pursuant to S 74 (1) of the PPA must prove that the required eligibility criterion was met no later than 3 months before the date of opening of the tendering procedure.

7.3.3. Proof of qualification by extract from the list of qualified suppliers

Participants may use an extract from the list of qualified suppliers to prove basic competence and professional competence, which replaces the document proving professional competence pursuant to S 77 of the PPA to the extent that the data in the extract from the list of qualified suppliers proves compliance with the criteria of professional competence and basic competence pursuant to S 74 of the PPA.

7.3.4. Authenticity and age of the extract from the list of qualified suppliers

An extract from the list of qualified suppliers shall be provided by the supplier in a plain copy not older than 3 months on the last date on which the basic competence or professional competence is to be demonstrated.

7.3.5. Proof of qualification by certificate

Suppliers may demonstrate compliance with their qualifications by means of a certificate issued under an approved certified supplier scheme which contains the elements set out in S 239 of the PPA. Where a tenderer presents such a certificate, this certificate shall replace the fulfillment of the qualification to the extent of the information contained therein.

7.3.6. Certificate requirements

The certificate shall be submitted by the suppliers within the period for demonstrating compliance with the qualification and the certificate must be valid within the meaning of S 239 (3) of the PPA (i.e. it must not be older than 1 year from its issue).

7.3.7. Qualifications in the event of joint participation of suppliers

If the subject of the public contract is to be performed by several suppliers jointly and for this purpose they submit or intend to submit a joint tender offer, each of the suppliers is obliged to prove the fulfilment of the basic and professional competences pursuant to S 77 (1) of the PPA separately.

If more than one tenderer submits a tender offer jointly, in accordance with S 103 (1)(f) of the PPA, they are obliged to certify at the same time as the documents proving compliance with the qualification that all suppliers submitting a joint tender are jointly and severally liable for the performance of the public contract.

7.3.8. Proving qualifications obtained abroad

If the qualification was obtained abroad, it shall be proved by documents issued in accordance with the legal system of the country in which it was obtained, to the extent required by the contracting authority.

7.3.9. Submission of documents by reference

In accordance with S 45 (4) of the PPA, the obligation to submit a document may be fulfilled by the participant by reference to the corresponding information held in the public administration information system or in a similar system held in another Member State which allows unrestricted remote access. The link shall contain the Internet address and the details for logging in and retrieving the requested information, if such details are necessary.

8. EVALUATION OF OFFERS

Tenders will be evaluated on the basis of their economic merit. Tenders will be evaluated on the basis of the lowest tender offer price.

8.1. The Method for the Evaluation of Offers

If the offer price is not fixed in CZK, the offer price excluding VAT shall be converted into CZK for evaluation purposes at the official Exchange rate of the Czech National Bank on the closing date for the submission of offers.

Tenders will be evaluated on the basis of the absolute value of the tender offer price from lowest to highest. The offer with the lowest tender price in CZK excluding VAT is the most advantageous.

9. CONDITIONS AND REQUIREMENTS FOR THE PREPARATION OF THE TENDER

9.1. Offer

The offer and all other documents and data will be in Czech, Slovak or English. Documents in other languages shall be accompanied by a translation into Czech and the tender shall be signed by a person authorised to act and sign for the tenderer according to the extract from the Commercial Register, or by the statutory body or an authorised person whose power of attorney must be included in the tender.

The contracting authority is not obliged to take any account of documents and data submitted by the tenderer in the tender in excess of the obligations set out in the tender specifications.

9.2. Submission of the offer

The tenderer's offer must be submitted **in electronic form only**. Submission of the tender offer in electronic form will be made via the electronic tool E-ZAK at the URL of the tender.

The supplier is responsible for ensuring that the documents submitted are legible. If a tenderer submits documents in electronic form that are not legible, the contracting authority shall treat them as if they were not included in the tender offer.

The participant shall bear all costs associated with participation in the procurement procedure.

9.3. Content of the offer

The offer must include at least:

- a completed **Offer Form** (Annex 1 to this tender documentation),
- **a detailed technical specification of the subject of performance**, from which it can be verified that the offered subject of performance meets the requirements of the Contracting Authority specified in Annex 2 of this tender documentation,
- **documents proving that the qualifications have been met.**

10. SUBMISSION OF TENDERS AND OPENING OF TENDERS

Offers must be submitted no later than the end of the deadline for submission of tenders specified in the electronic tool E-ZAK.

Offers shall be submitted through the E-ZAK electronic tool at the address of the public procurement.

11. FURTHER INFORMATION FROM THE CONTRACTING AUTHORITY

11.1. Reservation of a change of commitment pursuant to S 100 of the PPA

The agreed prices may be changed only if the VAT rates are changed in the course of performance in accordance with Act No. 235/2004 Coll., on Value Added Tax, in accordance with this change.

If the contract is terminated for reasons attributable to the supplier, the contracting authority is entitled to invite the next ranked tenderer to conclude a contract for the remaining part of the performance, provided that its tender meets the conditions of participation. If this invitation to the next tenderer is made more than 3 months after the original contractor has signed the contract, the conclusion of the contract shall be subject to the condition that the basic and professional competences have been demonstrated again in accordance with this invitation. If the contract is not concluded with the second ranked tenderer, the contracting authority shall be entitled to call on the next ranked tenderer.

11.2. Clarify the tender documents

In case of any ambiguities in the tender documents, Contractors shall be entitled to require Contracting Authority to clarify the tender documents. Any requests for clarification of the tender documents shall be submitted by Contractors solely through the E-ZAK electronic tool.

11.3. Procurement of parts of public contracts

The contracting authority does not accept the division of the public contract into parts, as the subject of the public contract consists of goods of a uniform nature.

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rector