



EVROPSKÁ UNIE
Evropské strukturální a investiční fondy
Operační program Výzkum, vývoj a vzdělávání



Tender Documentation

„DELIVERY OF THE MODULES OF THE DETECTOR GADAST”

PMADVISORY
PROFESSIONAL CONSULTING

It is a below-threshold public contract pursuant to the provisions of Section 26 of Act No. 134/2016 Coll., on Public Procurement (the „Act“) awarded in an simplified below-treshold procedure pursuant to the provisions of Section 53 of the Act and in conformity with provisions of Rules for claimant and beneficiary – General part – Operational Programme Research, Development and Education („OPRDE Rules“)

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1. BASIC INFORMATION ON THE PUBLIC TENDER

Public tender identification:	Delivery of the modules of the detector GADAST
Project identification:	Laboratoř pro výzkum s antiprotony a těžkými ionty - účasť ČR - OP - II. (CZ.02.1.01/0.0/0.0/18_046/0016066)
Public tender type:	Deliveries
Public tender type:	Below-threshold public tender
Tender procedure type:	Simplified below-threshold procedure
Contracting Authority:	Slezská univerzita v Opavě
Address of the CA:	Na Rybníčku 626/1, 746 01 Opava
ID No. of the CA:	47813059
Represented by:	Doc. Ing. Pavel Tuleja, Ph.D., rektor
Address of the CA profile:	https://zakazky.slu.cz

2. INFORMATION ON THE DEADLINES AND PLACE OF SUBMITTING THE TENDER BIDS

Place for submission of bids:	Electronically on the Contracting Authority's profile: https://zakazky.slu.cz
Opening the tender procedure:	14 October 2020
Deadline for submitting bids:	2 November 2020 at 10:00 am
Additional information may be obtained from:	The contact person for the tender procedure

3. CONTACT PERSON FOR THE TENDER PROCEDURE

Contractual representative of the Contracting Authority:	PMAdvisory s.r.o.
ID No.	023 22 021
Contact person:	Mgr. Pavla Matějková
Phone:	+420 608 162 848
E-mail:	p.matejkova@pmadvisory.cz

The contractual representative of the Contracting Authority participated in the processing of the text section of the tender documentation to the extent specified by the Contracting Authority. The contractual representative of the Contracting Authority drafted mainly the general section of the tender documentation and in cooperation with the Contracting Authority, the requirements for qualification, evaluation and general terms and conditions were prepared; the Contracting Authority then exclusively determined the subject matter of the public contract. All communication between the Contracting Authority and the suppliers, including the submission of the bids, will take place in the electronic form via the electronic tool.

4. AVAILABILITY OF TENDER DOCUMENTATION

- 4.1.1. This public contract is awarded electronically using the E-ZAK electronic tool available at <https://zakazky.slu.cz>, which also serves as the profile of the Contracting Authority. All operations, including the submission of proof of qualification, which are part of the tender bid, are performed electronically, as well as any communication between the Contracting Authority and the Supplier takes place electronically via the E-ZAK electronic tool.

All terms and conditions and information regarding electronic tools are available at: <https://zakazky.slu.cz/data/manual/EZAK-Manual-Dodavatele.pdf>

https://zakazky.slu.cz/data/manual/QCM.Podepisovaci_applet.pdf

- 4.1.2. Documents in the tender procedure will be delivered by electronic means - via the E-ZAK system to <https://zakazky.slu.cz>.
- 4.1.3. In the case of electronic delivery, the day and hour of delivery of the electronic message are considered to be the moment of delivery. The web browser settings test and the bid submission test are available at https://zakazky.slu.cz/test_index.html.
- 4.1.4. The tender documentation consists of a summary of data and documents necessary for the processing of the tender. The tender documentation will be provided in electronic form via the E-ZAK electronic tool at <https://zakazky.slu.cz>. The textual part of the tender documentation will be provided (published) on the said link by unrestricted and direct remote access.

5. SUBJECT MATTER OF THE PUBLIC TENDER

5.1. SUBJECT MATTER OF THE PUBLIC TENDER

- 5.1.1. The aim of the procurement procedure is to conclude a contract between the Contracting Authority and the supplier, the subject matter of which consists in the delivery of 32 modules of detector GADAST, which will be used for experiments in the international organization FAIR.
- 5.1.2. The subject of delivery is purchase of modules of the detector GADAST, which is a part of the topic EXPERT of the collaboration Super-FRS Experiments (pillar NuSTAR). It is a compact hodoscope for quantum gamma measuring. The main function of this detector is to label events in which gamma radiation is emitted and to exclude these events from a set of experimental data related to multi-proton decay. At the same time, the detector can be used in the opposite mode - to study the two-proton decay of excited states, whose main decay channel is accompanied by the emission of quantum gamma. Due to the planned scintillator material (inorganic monocrystalline) the detector is also suitable for registration of heavy charged particles emitted by nuclei examined.
- 5.1.3. The subject of the public contract is delivery, transport to the places of performance, to the building Slezské univerzity, Fyzikální ústavu v Opavě, Bezručovo nám. 1150, 746 01 Opava according to the specification and requirements of the contracting authority. The subject of the delivery is further defined in the technical specification,

Invitation to submit a tender bid and the text of the tender documentation - „Delivery of the modules of the detector GADAST“

which is Annex No. 1 to this invitation to submit a tender bid and the text of the tender documentation (hereinafter the "tender documentation"), and in the purchase contract, which is Annex No. 2 to the tender documentation.

5.2. PLACE OF PERFORMANCE

- 5.2.1. Slezská univerzita v Opavě, Fyzikální ústav v Opavě, Bezručovo nám. 1150, 746 01 Opava

5.3. TERM OF PERFORMANCE

The date of performance of the public contract is conditioned by the proper completion of the tender procedure and the conclusion of the purchase contract. Completion: The delivery time is set at a maximum of 6 months from the entry into force of the purchase contract.

5.4. RESERVED CHANGES IN OBLIGATION ACCORDING TO SECTION 100 SUBSECTION 1 OF THE ACT

The Contracting Authority reserves the right to purchase additional modules according to technical specification over the number of 32 pieces specified according to Article 5.2. of this tender documentation, to the extent that the total purchase price does not exceed the amount of CZK 5,493,999 without VAT (including the purchased 32 pieces). In the invitation to the selected supplier, the contracting authority shall specify the final number of purchased modules.

6. CPV CLASSIFICATION AND ESTIMATED VALUE

6.1. CPV

- 6.1.1. Main CPV code:

38000000-5 – Laboratory, optical and precision equipments (excl. glasses)

6.2. ESTIMATED VALUE

- 6.2.1. The estimated value is 4 545 455 CZK exclusive of VAT for 32 modules. The estimated value inclusive of reserved changes in obligation pursuant to the article 5.4. of this tender documentation is 5 493 999 CZK exclusive of VAT.

7. DEMONSTRATING THE COMPLIANCE WITH THE QUALIFICATION

7.1. BASIC ELIGIBILITY

- 7.1.1. Pursuant to Section 74 (1), the Supplier shall not be deemed eligible if:

a) Has been finally convicted, in the country of its registered office, of an offence concerning the offence referred to in Annex 3 to the Act in the last 5 years prior to the commencement of the procurement procedure or a similar offence under the

- law of the Supplier's country of the registered office; any expunged convictions shall not be taken into account,
- b) Has tax arrears due in the Czech Republic or in the country of its registered office;
 - c) Has arrears in insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office;
 - d) Has arrears in insurance premiums or penalties for social security and contribution to the national employment policy in the Czech Republic or in the country of its registered office;
 - e) Is in bankruptcy, a bankruptcy decision has been issued against the Supplier, has entered into compulsory administration pursuant to another legal regulation, or is in a similar situation pursuant to the law of the Supplier's country of the registered office.
- 7.1.2. If the Supplier is a legal entity, the condition under Section 74 (1) (a) of the Act shall be complied with by this legal entity and at the same time by every member of the statutory body. If a legal entity serves as a member of the Supplier's statutory body, the condition pursuant to Section 74 (1) (a) of the Act shall be complied with by:
- a) This legal entity;
 - b) Any member of the statutory body of that legal entity; and
 - c) Any person representing this legal entity in the statutory body of the Supplier.
- 7.1.3. If a branch of a foreign legal entity's company participates in the tender procedure, the condition pursuant to Section 74 (1) (a) of the Act shall be complied with by this legal entity and the branch manager of the; in the case of the Czech legal entity, the condition pursuant to Section 74 (1) (a) of the Act shall be complied with by the persons specified in Section 74 (2) of the Act and the branch manager.
- 7.1.4. The compliance with the terms and conditions of basic eligibility in relation to the Czech Republic is to be demonstrated by the Supplier in the tender bid by submitting:
- a) An extract from the Criminal Records Register in relation to Section 74 (1) (a) of the Act;
 - b) A certificate of the competent tax authority in relation to Section 74 (1) (b) of the Act;
 - c) A written statutory declaration concerning the consumption tax in relation to Section 74 (1) (b) of the Act;
 - d) A written statutory declaration in relation to Section 74 (1) (c) of the Act;
 - e) A certificate of the competent district social security administration in relation to Section 74 (1) (d) of the Act;
 - f) An extract from the Commercial Register, or by submitting a written statutory declaration in the event that the Supplier is not registered in the Commercial Register, in relation to Section 74 (1) (e) of the Act.

7.2. PROFESSIONAL ELIGIBILITY

- 7.2.1. The compliance with the professional eligibility according to Section 77 (1) of the Act shall be demonstrated by the Supplier in relation to the Czech Republic by submitting

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an extract from the Commercial Register or any other similar records, if another legal regulation requires entry in any such records.

- 7.2.2. The compliance with the professional eligibility according to Section 77 (2) let. a) of the Act the supplier shall prove by submitting a trade license for the subject of activity relevant to the subject of this tender, or an extract from the trade register, from which this authorization follows: Production, trade and services not listed in Annexes 1 to 3 of the Trade Licensing Act.
- 7.2.3. The compliance with the professional eligibility is to be demonstrated by submitting the relevant documents.

7.3. ECONOMIC ELIGIBILITY

- 7.3.1. The contracting authority requires proof of economic qualification in accordance with the provisions of Section 78 of the Act, ie. that the minimum annual turnover of the supplier or turnover achieved by the supplier with regard to the subject of the public contract reaches the minimum level specified by the contracting authority for no more than 3 immediately preceding accounting periods; if the supplier arose later, it is sufficient to provide data on its turnover in the required amount for all accounting periods since its inception..

Required minimum level:

This economic qualification will be fulfilled by the tenderer who submits that he has achieved an annual turnover in the last 3 years (each year separately) in the amount of CZK 8 million, in relation to the subject of the public contract - supply of laboratory and scientific equipment.

Manner of demonstrating:

The Supplier shall prove the turnover by a profit and loss statement of the Supplier or a similar document according to the legal order of the country of the Supplier's registered office. The Contracting Authority reserves in accordance with provision of Section 83 (3) of the Act, the right that in the event that this presumption is proved by another person, the tenderer and another person shall provide a document from which the joint and several liability for the performance of the public contract will flow.

7.4. TECHNICAL ELIGIBILITY

- 7.4.1. The Contracting Authority requires demonstrating the technical qualification in accordance with the provisions of Section 79 (2) (b) of the Act.
- 7.4.2. Compliance with the technical qualification according to Section 79 (2) (b) of the Act, shall be demonstrated by the Supplier by submitting a list of significant deliveries completed in the last 3 years prior to the commencement of the procurement procedure.

Required minimum level:

2 contracts of a similar nature in the minimal amount of performance of 2.000.000 CZK excl. VAT (similar character means deliveries if a similar nature, therefore the radiation detection system)

Manner of demonstrating:

The list of significant deliveries according to the above specification. The list of significant deliveries must indicate that the minimum level required by the Contracting Authority has been complied with. If the contract of a similar nature was performed in an association, the tenderer is obliged to prove to what (material) extent they participated in the total volume of the contract, at least in the form of a statutory declaration. A sample list of significant deliveries is contained in the annex to the tender documentation.

7.5. DEMONSTRATING THE COMPLIANCE WITH THE QUALIFICATION IN THE TENDER BID

7.5.1. Evidence of qualification is submitted by suppliers in tenders in copies and may be replaced by a solemn declaration or a single European public procurement certificate pursuant to Section 87 of the Act. During the procurement procedure, the contracting authority may request the submission of originals or officially certified copies of qualification documents. Documents demonstrating basic eligibility according to Section 74 and professional eligibility according to Section 77 (1) of the Act shall demonstrate the compliance with the required eligibility criterion no later than 3 months prior to the date of commencement of the procurement procedure.

7.5.2. A sample of the solemn declaration on the fulfillment of the qualification in the simplified below-threshold procedure is contained in Annex No. 4 to the tender documentation.

7.6. DEMONSTRATING THE QUALIFICATION THROUGH THIRD PARTIES

7.6.1. In the case of proving qualification through other persons (eg. subcontractor), the supplier is obliged to provide documents according to Section 83 of the Act.

8. GENERAL AND PAYMENT TERMS

8.1.1. The Contracting Authority has provided for the general, payment and technical conditions for the performance of the public contract in the form of the wording of the contract of an obligatory nature, an integral part of which are the specified terms and conditions. The Supplier shall complete the data in the text of the contract intended for completion. The contract will be signed (in all parts designated for signing) by a person authorized to represent the supplier. The tender bid which will contain the amended content of the contract outside the places intended for completion may be excluded from the tender procedure and the Supplier may be excluded for failing to comply with the terms and conditions of the assignment.

9. PREPARING THE BIDDING PRICE

9.1.1. The tenderer is obliged to set the offer price for the relevant part of the public contract in the absolute amount in Czech crowns without VAT, separately VAT and including VAT. The offer price will be stated in the text of the draft purchase contract.

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- 9.1.2. The bidding price must be set as the maximum permissible price which cannot be exceeded or changed, unless expressly provided for in this tender documentation.
- 9.1.3. The bidding price shall include all the Supplier's costs necessary for the proper and timely performance of the relevant portion of the contract. The bidding price shall include the expected development of prices until the end of the contract term, while also containing the expected development of the exchange rates of the Czech crown against foreign currencies until the end of its validity.
- 9.1.4. The bidding price must be processed in accordance with the conditions of the tender documentation.
- 9.1.5. Price discount - if the tenderer intends to offer the contracting authority a price discount, he must reflect this discount in the unit prices of individual items in the list of supplies submitted by him. Another form of discount from the offer price (eg a lump sum from the total price of the delivery) is not allowed.

10. ASSESSMENT CRITERIA

- 10.1.1. The tender bids are to be assessed according to their economic benefits.
- 10.1.2. The Contracting Authority will evaluate the total bidding price in CZK (excl. VAT). The order of bids will be determined according to the total bid prices in CZK without VAT, whereas bids will be ranked according to the total bid price, with the bid with the lowest total bid price in CZK without VAT being the most advantageous.
- 10.1.3. Suppliers shall submit the following data and documents in their bids, which will be used by the contracting authority to assess the tenders according to the above criteria.
 1. The data completed by the Supplier in the draft purchase contract.
- 10.1.4. In the event of a discrepancy between the offer price stated in the tender bid cover sheet and the draft purchase contract, the price stated in the tender bid cover sheet shall not be taken into account.
- 10.1.5. For the purposes of the assessment, tender bids submitted in foreign currency shall be converted at the CNB exchange rate published on the last day preceding the day on which the term of submitting tender bids expires.

11. OTHER REQUIEREMENTS OF THE CONTRACTING AUTHORITY

11.1. LIST OF SUBCONTRACTORS

- 11.1.1. The tenderer is obliged to submit a list of subcontractors in the tender, and to state which part of the public contract each of the subcontractors will perform. If the tenderer does not intend to use subcontractors in the performance of the public contract, he shall also state this fact in the tender (a statement that the contract will not be performed through the subcontractor). The Supplier may use the model list of subcontractors from Annex No. 4 to this tender documentation.

12. TENDER BID REQUIREMENTS

12.1. GENERAL REQUIREMENTS

- 12.1.1. The Suppliers shall incorporate into the tender bid all requirements of the Contracting Authority arising from the tender terms and all facts arising from the law.
- 12.1.2. Every Supplier shall submit one tender bid only. The Contracting Authority does not allow variant solutions. Furthermore, the Contracting Authority does not accept the offer of functional paid performance and the scope of performance required by this tender documentation; such a bid offer will be excluded from the competition and the tenderer will be excluded for meeting the conditions for the award.
- 12.1.3. The term tender bid shall mean the data or documents submitted by the Supplier in writing to the Contracting Authority on the basis of the tender terms (i.e. in particular the draft contract submitted by the tenderer, including the documents required by law or the Contracting Authority in the tender terms and the qualification documents). The tender bid and any other documents and data will be submitted in **Czech** (documents in a language other than Czech will be supplemented by a translation into Czech; the obligation to attach a translation into Czech does not apply to documents demonstrating the qualification in Slovak and documents on education in Latin). The Supplier is also entitled to submit a tender in English, without translation into Czech.
- 12.1.4. The supplier's bid can only be submitted in writing in electronic form via electronic tools at <https://zakazky.slu.cz>. In order to avoid technical problems with different formats of uploaded files, the contracting authority recommends that suppliers submit tenders in pdf format.
- 12.1.5. The tenderer shall state in his tender the contact person for the contract, including the contact address, telephone number and e-mail address. This contact person will be listed in the tender bid cover sheet to the binding template.
- 12.1.6. The Supplier is responsible for the time of submitting the tender bid. In the event that the scanned documents are illegible and it is not possible to identify the data decisive for the evaluation, the contracting authority will be forced to reject the tender and exclude the tenderer.
- 12.1.7. Tender bids received after the expiry of the term for submission of tender bids will not be considered as submitted during the tender procedure and will not be taken into account.

12.2. TENDER BID STRUCTURE

- 12.2.1. The Contracting Authority recommends that the Suppliers structure their tender bids as follows:
1. Tender bid cover sheet
 2. Content of offer
 3. Documents to demonstrate the compliance with the qualification
 4. Draft purchase contract, including annexes
 5. List of subcontractors (or declaration); and
 6. Any other documents.

13. DEADLINES, OPENING OF TENDER BIDS

- 13.1.1. The deadline for submitting the tender bids expires on 2 November 2020 at 10:00 am.
- 13.1.2. The supplier's bid can only be submitted in writing in electronic form via the E-ZAK electronic tools <https://zakazky.slu.cz>. In order to avoid technical issues with different formats of uploaded files, the Contracting Authority recommends that the Suppliers submit tender bids in the pdf format.
- 13.1.3. Opening the tender bids will be in accordance to Section 109 of the Act after the deadline for submission of tender bids, which will take in private.

14. ADDITIONAL INFORMATION AND RESERVATIONS

- 14.1.1. The Contracting Authority will co-finance the subject of the public contract from the Operational Program Research, Development and Education.
- 14.1.2. In the event that the tender documentation, including all annexes, contains requirements or references to business companies, names or first names and surnames, specific designations of goods and services which apply to a particular person or its organisational unit as characteristic, patents for inventions, utility models, industrial designs, trademarks or designations of origin, they only represent a definition of the required standard and the Contracting Authority will allow the use of other equivalent and qualitatively and technically similar solutions for the performance of the contract.
- 14.1.3. The Supplier is not entitled to reimbursement of costs associated with participation in the public contract. Tender bids will not be returned to the Suppliers and will remain with the Contracting Authority as part of the contract award documentation.
- 14.1.4. The Contracting Authority reserves the right to verify the information contained in the Supplier's tender bid with third parties. At the request of the contracting authority or the relevant control body, the Supplier is obliged to provide, as a person obliged, cooperation in the performance of financial control (see 2 let. e) of Act No. 320/2001 Coll., on Financial Control).
- 14.1.5. In the event of an inconsistency between the Czech and English versions of the tender documentation, the Czech version shall prevail.
- 14.1.6. In the event that the data on the beneficial owner cannot be ascertained in accordance with Section 122 (4) of the Act, the Contracting Authority, in the notice pursuant to Section 122 (3) of the Act shall invite the selected Supplier to submit an extract from the register similar to records of data on beneficial owners or
 - a) To communicate the identification details of all persons who are the beneficial owners; and
 - b) To provide documents demonstrating that all persons referred to in point (a) have a relationship with the Supplier; these documents include in particular:
 - 1. An extract from the Commercial Register or other similar records;
 - 2. A list of shareholders;
 - 3. The decision of the statutory body on the payment of the profit share;

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4. The Memorandum of Association or Articles of Association.

15. CONTENTS OF THE TENDER DOCUMENTATION

15.1.1. The tender documentation can be freely downloaded from the contracting authority 's profile at <https://zakazky.slu.cz/>.

15.1.2. The tender documentation comprises the following annexes:

Annex No. 1 – Technical specification

Annex No. 2 – Draft purchase contract – CZ

Annex No. 3 – Draft purchase contract – ENG

Annex No. 4 – Editable Annexes

Tender bid cover sheet

Statutory Declaration of Basic Eligibility

List of Significant Deliveries

Slezská univerzita v Opavě

Represented by

PMA Advisory s.r.o.

Mgr. Pavla Matějková