**PROCUREMENT DOCUMENTS**

**for the above-threshold public contract in compl. with the provisions of Section 28 (1) 1 (b) of Act No. 134/2016 Coll., on Public Procurement, as amended   
(hereinafter the Act or “ZZVZ”), for the following public contract:**

**Supply of a technological unit for photoresist deposition, UV photolithographic processes and subsequent adherence of substrates 2019/0121**

**Type of public contract – supply**

1. **Information identifying the Contracting Authority**

Company: Jan Evangelista Purkyně University   
in Ústí nad Labem

Registered office: Pasteurova 1, 400 96

Place of work of Contracting

Authority, the PC is specified for: UJEP

Statutory Representative doc. RNDr. Martin Balej, Ph.D., Rector

Legal status: Public university

Id. No.: 44555601

Tax Id. No.: CZ44555601

Contact person for PC: Zbyněk Tichý

Tel:. +420 475 286 356

Project registration number: CZ.02.2.67/0.0/0.0/16\_016\_002560

Project title: U21 – Quality infrastructure

Operational Programme: Research, Development and Education

These procurement documents have been created as a cumulative of the information, requirements, business terms and technical conditions of the Contracting Authority, specifying the subject-matter of the public contract in the details necessary for the processing and submission of the tender for the performance of a public contract in compliance with the law.

This public contract is awarded in conformity with the rules for the selection of Contractors of the Operational Programme Research, Development and Education.

The tenderer acknowledges that the Contracting Authority shall comply with the requirements for the publishing of Structural Funds programmes specified in the Guidance for beneficiaries of financial contributions of the Operational Programme Research, Development and Education, i.e., in all the relevant documents in relation to the respective procurement procedure or procedure, i.e., particularly in the procurement documents, all agreements and other documents relating to the specific contract.

The tender specifications shall be understood as the procurement documents in a narrower concept, i.e., all written documents comprising the award criteria, notified or made available to the tenderers in the procurement procedure upon the launching of the procurement procedure, to the exclusion of forms subject to the provisions of Section 212 of the ZZVZ and the invitations set forth in Exhibit 6 of the ZZVZ.

Pursuant to Section 96 (1) and (2) of the ZZVZ, the procurement documents are available on the profile of the Contracting Authority https://ezak.ujep.cz

**E-ZAK electronic tool:**

All actions in this procurement procedure as well as all communication between the Contracting Authority and Contractor proceed electronically by means of the E-ZAK electronic tool. All correspondence sent by means of the E-ZAK electronic tool shall be deemed duly served on the day of their delivery to the user account of the correspondence recipient in the E-ZAK electronic tool. Serving of correspondence shall not be affected by whether the recipient has read the correspondence or whether the E-ZAK electronic tool sent a notification to the recipient to his/her contact email address notifying him/her of the fact that a new message was received in his/her user account in the E-ZAK electronic tool, or not.

The Contractor shall always be responsible for making himself/herself familiar with the correspondence sent by the Contracting Authority by means of the E-ZAK electronic tool, as well as for the correctness of the contact details specified for the Contractor.

Terms and conditions and information relating to the E-ZAK electronic tool and information about the use of the electronic signature are available at:

<https://ezak.ujep.cz/data/manual/EZAK-Manual-Dodavatele.pdf>

To log in to the E-ZAK system, the Contractor needs to have a certificate for electronic signature. If the Contractor has not been registered in the E-ZAK system, his/her electronic signature will be required to complete the registration, see the link: <https://ezak.ujep.cz/data/manual/QCM.Podepisovaci_applet.pdf>

The Contracting Authority notifies that the E-ZAK electronic public procurement system can only operate with files of maximum 38 MB. Files of a larger size should be appropriately divided up before they are sent via E-ZAK.

You can use the E-ZAK user support for answers to any questions concerning use of the E-ZAK electronic tool (tel.: +420 538 702 719, email address: [podpora@ezak.cz](mailto:podpora@ezak.cz)), and/or the contact person of the Contracting Authority .

**Information on data processing:**

Subject to Art. 13 of Regulation of the European Parliament and the Council (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter the "GDPR"), the Contracting Authority in the role of the controller of personal data hereby informs tenderers in the procurement procedure about the processing of personal data in order to execute the procurement procedure subject to the ZZVZ. While implementing the procurement procedure, the Contracting Authority can process the personal data of the Contractors and their subcontractors (natural persons doing business), members of statutory bodies and contact persons of Contractors and their subcontractors, persons by means of whom the Contractor proves qualifications, members of the implementation team of the Contractor and beneficial owners of the Contractor. The Contracting Authority shall process personal data only to the extent necessary for the implementation of the procurement procedure, and only for such a period as specified by legal regulations, particularly the ZZVZ. Data subjects are authorised to exercise their rights subject to Art. 13 to 22 of the GDPR in written form to the address of the registered office of the Contracting Authority.

1. **Subject-matter of the public contract**
   1. **Subject-matter of the public contract**

Supply of new, unused, integrated technology for the deposition of thin photoresist films, UV photolithography and material adherence which can be used in the preparation of microfluid systems and micro (nano) structured substrates of varied materials. The technology will be based on three mutually compatible process-related facilities:

1. **semiautomatic deposition and fusion system for photoresist deposition**
2. **semiautomatic UV photolithography with the mask fitting function and adhered materials**
3. **wafer connection system**.

The facilities will use compatible tools for fixing and transferring wafers/substrates during specific steps of the general process of preparation of a specimen/unit.

The unit will be delivered subject to the specification which forms Annex 1 to these procurement documents.

By submission of the tender, the Contractor guarantees that the supply will contain all devices, connecting components, cables and SW to allow complete functionality of the unit.

The Contractor shall supply complete documentation in the Czech or English language as part of the supply.

In the tender, the Contractor shall specify the offered technical parameters required in the technical specification, which forms Annex 3 to these procurement documents. The offered technical parameters must at least comply with the requirements of the Contracting Authority.

The individual components of the system as well as the whole unit must comply with the requirements of the applicable safety standards and legal requirements of the Czech Republic.

The price quotation of the Contractor must contain:

* the price of all devices and equipment;
* the costs associated with the transport of the unit to the installation site;
* supervision in unpacking the unit and its placement in a clean room;
* installation, setting and checking all parts of the unit and its functions after the installation, including connection to prepared infrastructure at the place of installation (e.g., vacuum, technical gas, compressed air, electricity manifolds, etc.);
* final acceptance test at the place of installation;
* all travel allowance costs of technicians taking part in the installation of the unit;
* basic training for operators of all devices and equipment at the place of installation for 5 persons (min. 1 day).
* requirements specified in the Agreement

The classification of the subject-matter of the public contract is specified by the CPV (NIPEZ) code:

38000000-5

* 1. **Business terms, payment terms and objective conditions under which the tender price can be exceeded; requirement for the tender price processing method**

The procurement documents contain a draft of the business terms (a draft of a purchase agreement) to become the content of the contractual arrangements with the Contractor. The Binding business terms form Annex 1 to these procurement documents.

The price quotation subject to Art. 2.1. of these procurement documents shall be understood as the price for performance of the subject-matter of this public contract. The tender price must contain all the necessary costs to properly execute the subject-matter of the public contract, including any related costs (fees and charges, customs duties, ancillary cost, etc.)

The tender price must be specified considering the price development in the specific industry up to the time the respective contract has been completed.

The payment terms specified by the Contracting Authority for this public contract are shown in detail in the Binding business terms (See Annex 1 to the procurement documents).

The tenderer **shall not submit** a draft Agreement in the tender. The binding text of the draft Agreement will be filled in prior to its conclusion with the selected Contractor. All necessary data (particularly the identification of the Contractor, bid price, name of the contact person, payment terms, etc.) will be provided then.

However, the tenderer shall make a statutory declaration in his/her tender (Annex 2 to these procurement documents) that he/she fully accepts the binding text of the draft Agreement without reservations.

Should any uncertainties occur related to the content of the business terms or the draft Agreement, the Contractor can clarify these during the time limit for the submission of tenders.

* 1. **Clarification/modification/additions to the procurement documents**

The Contractor may request clarification of the procurement documents from the Contracting Authority. The Contracting Authority recommends that requests for clarification are submitted **by means of the E-ZAK UJEP public procurement electronic tool, within the time limit subject to the provisions of Section 98 (3) of the ZZVZ, at the latest 8 business days prior to the expiry of the time limit for the submission of tenders**. Should the Contracting Authority provide the clarification upon a request for clarification which is not served timely, it does not need to comply with the time limits subject to Section 98 (1) of the ZZVZ.

The Contracting Authority shall provide written clarification upon a request for clarification of the procurement documents not later than 2 business days from the delivery of the Contractor´s request. The clarification as well as the accurate text of the request shall be published on the profile of the Contracting Authority within the time limit specified for the provision of clarification of the procurement documents.

Subject to the provisions of Section 98 (1) of the Act, the Contracting Authority can provide clarification of the procurement documents to Contractors even without their prior request. Subject to the provisions of Section 99, the Contracting Authority can also publish any modification of or additions to the procurement documents and adequately extend the time limit for the submission of tenders depending on the character of the modification or additions.

1. **Time limit and site of performance of the public contract**

The Contracting Authority shall specify the following time limits for the performance of the public contract:

* Compliance with the subject-matter of the public contract – subject to Art. III., para. 1 of the Agreement

The place of performance is the Jan Evangelista Purkyně University in Ústí nad Labem

1. **Qualifications of the Contractor**
   1. **Compliance with the qualification requirements**

**The Contractor shall meet the qualification requirements by proving the following:**

* basic qualifications in accordance with the provisions of Section 74 of the ZZVZ
* professional qualifications in accordance with the provisions of Section 77 of the ZZVZ

Should the tenderer fail to prove that he/she fulfils the required qualification criteria to the fullest extent, he/she can be eliminated from participation in the procurement procedure subject to S. 48 (2) of the ZZVZ.

* + - * 1. **Basic qualifications subject to S. 74 of the ZZVZ**

The tenderer shall provide evidence of his/her basic qualifications specified in Section 74 (1) of the ZZVZ by submitting the documents specified in Section 75 of the ZZVZ.

The Contracting Authority recommends that tenderers use Section 45 (4) of the ZZVZ to prove their qualifications and to do it by reference to the corresponding information held in the information system of the public administration or a similar system administered in another Member State which enables unlimited remote access. Such a reference must contain the Internet address and data for login and search for the required information, if such data are necessary.

In accordance with Section 86 of the ZZVZ, the tenderer is entitled to submit a statutory declaration (Annex 2) to prove he/she fulfils all the qualification criteria.

The genuineness and age of documents shall be governed by Section 45 and Section 86 of the ZZVZ.

* + - * 1. **Professional qualifications subject to S. 77 of the ZZVZ**
        2. The tenderer shall provide evidence of his/her professional qualifications subject to S. 77 of the ZZVZ by submitting:
* an extract from the Commercial Register or statement from other similar records, as long as he/she is registered there.

The genuineness and age of documents shall be governed by Section 45 and Section 86 of the ZZVZ.

The Contracting Authority recommends that tenderers use Section 45 (4) of the ZZVZ to prove the qualifications and to do it by reference to the corresponding information held in the information system of the public administration or a similar system administered in another Member State which enables unlimited remote access. Such a reference must contain the Internet address and data for login and search for the required information, if such data are necessary.

In accordance with Section 86 of the ZZVZ, the tenderer is entitled to submit a statutory declaration (Annex 2) to prove he/she fulfils **all** the qualification criteria.

1. **Instructions for tender processing**

The tenderer shall submit the full **electronic format of the tender**, i.e., using the electronic tool as specified in item 6. of these procurement documents.

The tender will be drawn up in the Czech, English or Slovak language. Documents in a foreign language (except for English or Slovak) shall be submitted with a translation into Czech by the tenderer in the procurement procedure. Documents on achieved education provided in Latin and complete technical documentation in the English language (for tenders submitted in other than the English language) shall be submitted without a translation.

The tender shall not contain any rewritings or corrections which might be misleading for the Contracting Authority.

The tenderer shall use the order of documents specified in the following items of these instructions for tender processing (recommendations of the Contracting Authority):

* **Documents to prove fulfilment of the required qualification criterion subject to Art. 4 of these procurement documents (with possible use of Annex 2 to the procurement documents)**
* **The tender alone of the Contractor with complete technical specification of the tendered subject of performance with a breakdown of the tender price into items a) b) c) for the specific supplies as listed in Article 2.1 a) b) c) in these procurement documents**
* **Other documents**

1. **Time limit, venue and manner of submission of tenders**

The Contracting Authority does not accept tenders submitted in paper form.

The tenderer shall submit the tender in electronic form by the end of the time limit for the submission of tenders, by way of the E-ZAK electronic tool to the specified electronic address (profile of the Contracting Authority):

For detailed information necessary for submission of the electronic tender, see  [https://ezak.ujep.cz/](%20https://ezak.ujep.cz/) in the user guidebook and manual for the electronic signature.

**Time limit for submission of tenders:**

The time limit for the submission of tenders is available on the profile of the Contracting Authority <https://ezak.ujep.cz/> and the Bulletin of public contracts.

1. **Estimated value of the public contract**

The estimated value of the public contract, which is also the maximum price which cannot be exceeded, amounts to a total of EUR 720,000 excluding VAT, or an identical amount in CZK, at the exchange rate valid on the last day of the time limit for the submission of tenders, see the link below:

[*https://www.cnb.cz/cs/financni-trhy/devizovy-trh/kurzy-devizoveho-trhu/kurzy-devizoveho-trhu/*](https://www.cnb.cz/cs/financni-trhy/devizovy-trh/kurzy-devizoveho-trhu/kurzy-devizoveho-trhu/)

1. **Other conditions of the procurement procedure**
   1. **Tender options**

The Contracting Authority excludes any optional tender solutions beforehand.

* 1. **Description of opening, assessment and evaluation of tenders**

Opening of electronic tenders

The Contracting Authority informs that the tenders will not be opened subject to Section 110 (1) of the Act because they are only submitted in electronic form.

Tenders in electronic form shall be opened by the Contracting Authority upon expiry of the time limit for the submission of tenders. When opening electronic tenders, the Contracting Authority shall check whether the tender was delivered within the specified time limit, whether it is authentic, and whether nobody handled the data message comprising the tender prior to its opening.

Evaluation of tenders

**Procedure for evaluation of tenders:**

The Contracting Authority shall specify the ranking of tenders according to the quoted tender price in CZK, excluding VAT, from the lowest (1st ranking) up to the highest one. Should a tender be submitted with a tender price in EUR, excluding VAT, an up-to-date market foreign exchange rate shall be used for the purpose of the evaluation as of the last day of the time limit for the submission of tenders in CZK/EUR.

*(*[*https://www.cnb.cz/cs/financni-trhy/devizovy-trh/kurzy-devizoveho-trhu/kurzy-devizoveho-trhu/*](https://www.cnb.cz/cs/financni-trhy/devizovy-trh/kurzy-devizoveho-trhu/kurzy-devizoveho-trhu/)*)*

*An example of an evaluation submitted by a tenderer with a tender price in EUR:*

*The tender was submitted by the tenderer on 19 October 2019 with a tender price of EUR 56,420 excluding VAT. The end of the time limit for the submission of tenders is 21 October 2019. As of 21 October 2019, the FX rate of the CNB is CZK/EUR 25.630. For the purpose of tender evaluation, this tender will be evaluated with a tender price of CZK 1,446,044.60 excluding VAT.*

The most advantageous tender is the tender containing the lowest tender price in CZK, excluding VAT, of all tenders.

* 1. **Cancellation of the procurement procedure**

The Contracting Authority shall have the right to cancel the procurement procedure in the cases and for the reasons set out in the ZZVZ.

1. **Other conditions of the Contracting Authority**

* Should any disputes arise, the Czech law and Czech version of the documents shall be applicable.
* By submitting the tender, the Contractor accepts the conditions of the procurement documents.
* The Contracting Authority shall not pay any costs of tender processing or any other costs incurred by tenderers ancillary to this invitation. Tenderers submit their tenders free of charge and cannot make any claims against the Contracting Authority.
* The Contracting Authority can verify the credibility of the provided information and documents, and it can also arrange for them alone, for example, in case of third parties or from publicly available resources. Tenderers shall provide the Contracting Authority with all the necessary assistance and cooperation.
* Subject to Section 48 (9) of the ZZVZ, the Contracting Authority must check for joint stock companies if the reason for excluding the companies subject to S. 48 (7) of the ZZVZ upon the information shown in the Commercial Register have been met. Such a selected Contractor (i.e., the one who shall sign the agreement), who fails to have issued exclusively certificated shares, must be excluded by the Contracting Authority.
* Should any business names of manufacturers or products be shown in the documentation, as well as direct or indirect references to them or photographs of any products, these shall be shown only as an illustrative example of the specific standard for greater awareness of the Contractors.
* Technical parameters of the technical specification are shown as minimum requirements, the Contractor can offer a supply with better parameters while respecting the purpose and sense of use.

1. **List of appendices:**

Annex 2 Binding contractual terms

Annex 2 Specimen of the Statutory declaration

Annex 3 Technical specification

In Ústí nad Labem, date.……………

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**doc. RNDr. Martin Balej, Ph.D., Rector**