**Invitation to tender and proof of qualifications
in a simplified below-threshold tender procedure**

**subject to the provisions of Section 53 (1) of Act No. 134/2016 Sb.,**

**on Public Procurement, as amended
(hereinafter the “Act” or “ZZVZ”)**

Contracting Authority:

|  |  |
| --- | --- |
| **Name of the Contracting Authority:**  | **Jan Evangelista Purkyně University in Ústí nad Labem** |
| **Registered office of the Contracting Authority:**  | Pasteurova 1, 400 96 Ústí nad Labem |
| **Name and surname of the person authorized to act on behalf of the Contracting Authority** | doc. RNDr. Martin Balej, Ph.D. – Rector |
| **ID of the Contracting Authority** | 44555601 |
| **Contact person of the Contracting Authority** | Zbyněk TichýDepartment for Public Contracts Tel.: 475286356  |

*Public contract title:*

**Laser lithography system 2020/0007**

(hereinafter the “public contract“)

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

Project title: U21 – High-quality infrastructure

Operational programme: Research, Development and Education

The Contracting Authority of this public contract hereby

invites

the Contractor subject to the provisions of Section 53 (1) of the Act to submit tenders for performance of the public contract and to prove he/she fulfils the required qualification criteria.

1. **Procurement documents and access to them:**

**The procurement documents, including all their appendices, are freely accessible in electronic form on the profile of the Contracting Authority in the E-ZAK system, under public contract procurement documents (Zadávací dokumentace veřejné zakázky).**

Access to the system is via https://ezak.ujep.cz

To log in to the E-ZAK system, the Contractor needs to have an electronic signature certificate.

If the Contractor is not 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>

For detailed information about the E-ZAK system management, go to: <https://ezak.ujep.cz/data/manual/EZAK-Manual-Dodavatele.pdf>

1. **Final date for submission of tenders:**

**Date:** The final date for submission of tenders is shown in Annex 1 (Procurement documents) and begins on the day following the day the invitation was published on the profile of the Contracting Authority.

1. **Manner of tender submission**

The Contracting Authority requests that tenders be submitted via the e-procurement system (E-ZAK). Further information and requirements for the manner of submission of tenders, including the information about the language in which the tenders should be prepared, are specified in the procurement documents, which constitute Annex 1 to this invitation.

1. **Specification of requirements of the Contracting Authority for proving qualifications, including the required documents:**

The requirements of the Contracting Authority for proving qualifications are specified in the procurement documents which constitute Annex 1 to this invitation.

1. **Tender assessment rules subject to Section 115 of the Act:**

The rules for tender assessment are shown in the procurement documents, which constitute Annex 1 to this invitation.

Annexes:

Annex 1 – Procurement documents

In Ústí nad Labem, date ……………….

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

**PROCUREMENT DOCUMENTS**

**for a below-threshold public contract in compl. with the provisions of Section 53 of Act No. 134/2016 Sb., on Public Procurement, as amended (hereinafter the “Act” or “ZZVZ”), for the below-stated public contract:**

**Laser lithography system 2020/0007**

**Type of public contract – delivery**

1. **Information identifying the Contracting Authority**

Name: Jan Evangelista Purkyně University
in Ústí nad Labem

Registered office: Pasteurova 1, 400 96

Worksite the PC

is specified for: UJEP

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

Legal status: Public university

Identification number: 44555601

Tax Id. No.: CZ44555601

Contact person regarding the PC: Zbyněk Tichý

Tel.: 475 286 356

(hereinafter the “public contract”)

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

Project title: U21 – High-quality infrastructure

Operational programme: Research, Development and Education

These procurement documents have been created to sum up 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 tenders for the performance of a public contract in compliance with legal regulations.

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 publication 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 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 procurement documents in the narrower meaning, i.e., all written documents comprising the award criteria, notified or made available to the tenderers in the procurement procedure at launch of the procurement procedure, to the exclusion of forms subject to the provisions of Section 212 of the ZZVZ and invitations set forth in Exhibit 6 of the ZZVZ.

The procurement documents are available on the profile of the Contracting Authority <https://ezak.ujep.cz> in accordance with Section 96 ( (1) and (2) of the ZZVZ

**Information on data processing:**

Subject to Art. 13 of the Regulation of the European Parliament and of 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 contractors and their subcontractors (natural persons doing business), members of statutory bodies and contact persons of contractors and their subcontractors, persons through 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, 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 at the address of the registered office of the Contracting Authority.

**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 the recipient a notification 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 familiarising him/herself 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 an electronic signature certificate. If the Contractor is not 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 maximum 38 MB in size. 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 to get answers to any questions concerning use of the E-ZAK electronic tool (tel.: +420 538 702 719, email address: podpora@ezak.cz), and/or the contact person of the Contracting Authority.

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

The subject-matter of the public contract is supply of the ”**Laser lithography system“** subject to the technical specification (Annex 3 to these TD)

The classification of the subject-matter of the public contract is specified by CPV (NIPEZ) codes: 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 (draft of a Contract of Purchase) which will 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 Paragraph 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 costs, 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 Contract of Purchase in the tender. The binding text of the draft Contract of Purchase 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, tenderers shall provide a statutory declaration in their tender (Annex 2 to these procurement documents) that they fully accept the binding text of the draft Contract of Purchase without reservations.

Should any uncertainties arise relating to the content of the business terms or the draft Contract of Purchase, the Contractor can clarify these during the time limit for 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 be submitted **by means of the 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 clarification upon a request for clarification which is not served in a timely fashion, 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 of the procurement documents upon a request for clarification no later than 2 business days after delivery of the Contractor´s request. The clarification as well as the precise wording 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 place of performance of the public contract**

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

* The performance of the subject-matter of the public contract is anticipated to commence once the agreement has been published in the Register of agreements of the Ministry of the Interior of the Czech Republic
* The time limit and place where the subject-matter of the public contract is to be performed are specified in the Binding contractual terms (Annex 3 to these TD)
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 tenderers fail to prove they fulfil the required qualification criterion to the fullest extent, they can be excluded from participation in the procurement procedure subject to S. 48 (2) of the ZZVZ.

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

Tenderers shall provide evidence of their 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 so 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, tenderers are entitled to submit a statutory declaration (Annex 2) to prove they fulfil all the qualification criteria.

The genuineness and age of documents are governed by the ZZVZ.

* + - * 1. **Professional qualifications subject to S. 77 of the ZZVZ**
				2. Tenderers shall provide evidence of their 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 are governed by the ZZVZ.

The Contracting Authority recommends that tenderers use Section 45(4) of the ZZVZ to prove the qualifications and to do so 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, tenderers are entitled to submit a statutory declaration (Annex 2) to prove they fulfil **all** qualification criteria. (Annex 2)

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) can 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):

* **Price quotation of the tenderer and detailed technical specification of the subject of performance.**
* **Documents to prove fulfilment of the required qualification criteria subject to Art. 4 of these procurement documents (with possible use of Annex 2 to the 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.

Tenderers shall submit their tender in electronic format 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%3A//ezak.ujep.cz/) in the user guidebook and manual for the electronic signature.

**Time limit for submission of tenders:**

**Date: 06.03.2020** **time: 10:00**

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 CZK 4,958,677 excluding VAT, or an identical amount in EUR, 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/>

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

The Contracting Authority excludes any tender solutions options 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.

Tenders in electronic format shall be opened by the Contracting Authority upon expiry of the time limit for 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 anybody handled the data message comprising the tender prior to its opening.

**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, VAT exclusive, 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.

**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.

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

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.
* Submitted tenders shall not be returned to tenderers.
* Should a tenderer fail to meet the award criteria, the Contracting Authority is entitled to exclude him/her from further participation in the procurement procedure.
* If a tenderer submits a tender upon an invitation, it shall be understood that he/she consents to the conditions of the Contracting Authority specified in the invitation, in the procurement documents and its annexes.
* 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.
* Subject to the provisions of Section 53(5) of the Act, the Contracting Authority reserves the right to notify the decision to eliminate a tenderer from the procurement procedure by publishing the decision on the profile of the Contracting Authority.
* Subject to Section 48(9), the Contracting Authority must check for joint stock companies if the reason for excluding the companies subject to Section 48(7) of the ZZVZ upon the information shown in the Commercial Register has been met. Such a selected Contractor (i.e., the one who shall sign the Contract of Purchase) who fails to have issued exclusively certificated shares must be excluded by the Contracting Authority.
* Subject to the provisions of Section 53(5) of the Act, the Contracting Authority reserves the right to publish the information about the selected Contractor on the profile of 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.
* The agreement must be signed in electronic format using the advanced electronic signature of the authorised person.
1. **List of annexes:**

Annex 1 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**