



EVROPSKÁ UNIE
EVROPSKÝ FOND PRO REGIONÁLNÍ ROZVOJ
INVESTICE DO VAŠÍ BUDOUCNOSTI



PROCUREMENT DOCUMENTS

small-scale public supply contract

“Magnetometer for the project CARLA“

Masaryk University

Žerotínovo nám. 617/9, 601 77 Brno

ID No.: 00216224

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I. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name: **Masaryk University**
Registered office: Žerotínovo nám. 617/9, 601 77 Brno
ID No.: 00216224
Tax ID No.: CZ00216224
Represented by: Ing. Martin Veselý, bursar
Contracting authority's profile: <http://zakazky.muni.cz>
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II. PREAMBLE

- 1) The public contract shall be assigned as a small-scale public contract under Act No. 137/2006 Coll., on Public Procurement, as subsequently amended, (**hereinafter the "Act"**) pursuant to the provisions of Section 12 (3) of the Act and in compliance with the contract assignment terms and conditions of the Operational Program Research and Development for Innovation ("**OP RDI**"), relating to the project entitled "Center for the Advancement of Research in the Liberal Arts - CARLA", reg.č. CZ.1.05/4.1.00/04.0196, (**hereinafter the "Project"**).

In compliance with Section 18 (5) of the Act the contracting authority is not obligated to award this small-scale public contract in accordance with the Act; the contracting authority shall, however, be obligated to comply with the principles set out in § 6 of the Act.

- 2) **Electronic instrument E-ZAK**

Tender procedure in question is administered and procured using the electronic instrument E-ZAK from this site: <https://zakazky.muni.cz> (**hereinafter "electronic instrument E-ZAK"**).

Therefore all actions are performed through the electronic instrument E-ZAK unless the contracting authority determines otherwise.

The contracting authority hereby calls upon the suppliers to register in the electronic instrument E-ZAK so that they can be automatically informed of the course of the tender procedure, including any additional information relating to the tender conditions etc.

All information and requirements on use of the electronic instrument E-ZAK are provided on following links:

<https://zakazky.muni.cz/data/manual/EZAK-Manual-Dodavatele.pdf>

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

In case of any inquiry about the use the function of the electronic instrument E-ZAK, please, do not hesitate to contact the contact person of the contracting authority.

- 3) **Procurement documents**

This procurement documents consist of a set of documents, data, requirements and technical conditions of the contracting authority specifying the subject of the public contract in the details necessary for the preparation and submission of the tender (**hereinafter the "tender documentation"**). The rights or obligations not specified in this procurement documents shall be governed terms and conditions of the OP RDI and the associated implementation regulations.

The procurement documents are provided both, in Czech and English version. In the event of any discrepancies between the language versions, the Czech version shall prevail.

III. PUBLIC CONTRACT SUBJECT MATTER

- 1) The public contract subject matter is the purchase of **magnetometer for nondestructive locating and identifying extinct anthropological and historical-cultural movable and immovable monuments and other objects hidden beneath the current surface (hereinafter "subject matter")** and performance of related obligations.

A detailed description and specification of the subject matter are stated in technical specifications which constitutes Annex No. 1 of the procurement documents.

2) **Technical specification of the subject-matter**

Tenderers shall provide, as Annex No. 1 to a draft contract, **a filled out Annex No. 1, Technical specification of the subject matter, of the procurement documents.** Annex No. 1, Technical specification of the subject matter, of the procurement documents **shall be filled out properly with relevant required information and provide in tender.** Tenderers may provide also own technical documentation of the offered performance. In case that the offered device fails to meet the technical requirements specified by the contracting authority, the tender of the supplier as well as the tenderer shall be excluded from the tender procedure.

- 3) If the tender conditions and, in particular, technical specifications, contain any requirements or refers to business names, or names and surnames of individuals, specific indication of products and services which is distinctive for a certain person or, where appropriate, for an organisational branch thereof, to patents of inventions, utility models or industrial designs, trademarks or indication of origin, with the effect of favouring or eliminating certain economic operators or certain products, the contracting authority allows for the use of qualitatively and technically equivalent solutions for the performance of the public contract.

- 4) The preceding paragraph shall not apply in the case if the contracting authority determines specific business name in order to maintain compatibility between current and new device. Especially, the compatibility of new device with system Foerster Ferex is required. The reason for compatibility demand is the need to use Foerster type probes which are already in possession of department of the contracting authority and will become an integral part of the newly acquired device, the result of what will be a compact magnetometer with 10 probes. The contracting authority strongly requires full compatibility between the existing and obtaining equipment.

5) **Estimated value of the public contract**

The estimated value of the public contract equals **1.950.000.- CZK excluding VAT.**

6) **Time and place of the public contract performance**

- a) **The time of the public contract performance** is specified in the binding model draft contract attached to this procurement documents as Annex No. 2. Expectation is August 2015, according to the conclusion of the award procedure.
- b) **The place (site) of the public contract performance** shall be Department of archaeology and museology, Faculty of Arts, Masaryk University, registered office Arna Nováka 1/1, 60200 Brno.

IV. VISIT TO SITE OF PERFORMANCE

It is **not indispensable** for the performance of a public contract to visit to the site of performance.

V. ADDITIONAL INFORMATION

- 1) The supplier shall be entitled to request in writing additional information relating to the tender conditions from

the contracting authority. The request for additional information shall be submitted to the contracting authority **no later than 5 business days prior to the expiry of the time limit for submission of the tenders** through the electronic instrument E-ZAK.

- 2) Upon request for the additional information relating to the tender conditions, the contracting authority shall provide the supplier with additional information through the electronic instrument E-ZAK, **no later than within 3 business days as from the date of delivery of the supplier's request**. Such additional information, including the precise wording of the relevant supplier's request, shall also be provided by the contracting authority to all the other suppliers who have applied for or who have received the procurement documents. At the same time, such additional information, including the precise wording of the supplier's request, shall be published by the contracting authority through the electronic instrument E-ZAK
- 3) The contracting authority may provide the suppliers with the additional information relating to the tender conditions even without the suppliers' prior request.

VI. QUALIFICATION REQUIREMENTS

- 1) The precondition for the assessment and evaluation of the tenders submitted by the tenderers in the tender is demonstrating the fulfilment of the qualification requirements within the scope prescribed by the contracting authority. Fulfilment of the qualification requirements shall mean documenting of the fulfilment of
 - a) basic qualification requirements and
 - b) professional qualification requirements.

2) Basic qualification requirements

Basic qualifications prerequisites shall be met by the tenderer that

- a) has not been finally convicted of a criminal offence committed for the benefit of an organized crime group, of a criminal offence of participation in an organized crime group, legalisation of proceeds of criminal activity, accessoryship, taking bribes, bribery, indirect corruption, fraud, loan fraud, including the cases where they involve preparation for and attempts of complicity in such a criminal offence, or if the conviction on committing such a criminal offence has been expunged; this prerequisite shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by the statutory body or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, besides the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the economic operator both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,
- b) has not been finally convicted of a criminal offence, where the facts of the case are related to the object of business activities of the economic operator under separate legal regulations or where the conviction on committing such a criminal offence has been expunged; this condition shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by both such a legal person as well as the statutory body thereof or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, in addition to the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the economic operator both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,
- c) has not accomplished elements of unfair competition practices in the form of bribery under separate

legal regulation in the preceding 3 years,

- d) is not or has not been subject to insolvency proceedings involving its assets, in which the declaration of bankruptcy has been issued or insolvency petition has not been rejected due to lack of assets on the part of the economic operator to cover the costs of insolvency proceedings, or the declaration of bankruptcy has not been set aside because of the economic operator's insufficient property or in respect of which the receivership has been imposed on under separate legal regulation in the preceding 3 years,
- e) is not being wound up,
- f) has no outstanding tax arrears registered in tax records, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
- g) has no outstanding arrears in respect of payments and penalties of public health insurance, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
- h) has no outstanding arrears in respect of payments and penalties of the social security insurance and contribution to the State employment policy, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
- i) has not been found guilty for grave professional misconduct in the preceding 3 years or has not been imposed a disciplinary punishment on under separate legal regulations, where demonstration of professional qualifications under separate legal regulations is required; when the economic operator pursues such an activity through a person in authority or any other person liable for the activity of an economic operator, this prerequisite shall be applicable to those persons,
- j) is not enrolled on the black list of persons banned to participate in the performance of public contracts and
- k) has not been imposed any effective penalty on in the preceding 3 years for facilitating the performance of illegal work under separate legal regulation.

3) Professional qualification requirements

Fulfilment of the professional qualification requirements shall be demonstrated by submitting the following:

- a) extract from the Commercial Register, if the tenderer is registered therein, or extract from any other similar register in which the tenderer is registered;
- b) document certifying the tenderer's authorisation to carry out business pursuant to special legal regulations within the scope corresponding to the subject of the public contract, in particular a document certifying the relevant trade licence or permit.

4) Fulfilment of the basic and professional qualification requirements

- a) The fulfilment of qualifications prerequisites shall be demonstrated by producing **a solemn declaration from the content of which it shall be clear the tenderer fulfils the qualifications requirements required by the contracting authority.**
- b) The contracting authority recommends that the tenders contain the solemn declaration prepared by the tenderers in compliance with the **recommended sample attached to the procurement documents as Annex No. 3.**
- c) The contracting authority reserves the right to ask to demonstrate the evidence demonstrating the fulfilment of qualifications. Failure to satisfy this obligation shall be deemed as the failure to render collaboration to conclude the contract and the contracting authority is entitled to conclude the framework agreement with another tenderer, whose tender has been evaluated.

5) Requirements regarding the fulfilment of qualifications prerequisites

- a) The tenderer shall produce a **copy of evidence demonstrating the fulfilment of qualifications** unless the contracting authority determines otherwise (including required solemn declaration).

- b) The documents proving the meeting of qualification requirements must be prepared fully in **Czech or English language**. Documents drafted in any other language must be accompanied with their **sworn translation** to the Czech or English language; this shall not apply to documents drafted in the Slovak language.
- c) The documents proving the meeting of basic qualification prerequisites together with a copy of an entry in the Commercial Register **must not be older than 90 calendar days on the last date for tender submission**.

VII. COMMERCIAL AND PAYMENT TERMS AND CONDITIONS

- 1) The commercial and payment terms and conditions of this public contract are set out in the **binding model draft contract attached to this procurement documents as Annex No. 2**.
- 2) The tenderers shall be **obliged to use model draft contract** attached to this procurement documents as Annex No. 2.
- 3) The tenderers shall be obliged to properly filled out model draft contract exclusively in relevant required provisions and provide it with relevant annex of the contract.
- 4) Tenderers shall provide draft contract **signed by a person authorized to act on behalf on the tenderer**.

VIII. REQUIREMENTS REGARDING THE METHOD OF THE TENDER PRICE CALCULATION

- 1) The tender price shall mean the **price for the performance of the subject matter**.
- 2) The tender price must be specified in the tender **in the Czech excluding VAT or in the EUR excluding VAT**.
- 3) The tender price must be a fixed amount, independent on any changes of circumstances in the course of the public contract performance. The tender price must include all costs and expenses necessary for due implementation of the subject of the public contract, including associated costs (fees, custom duties, ancillary costs, etc.); this price shall be determined as the maximum permissible price.
- 4) The tender price must **be filled out in relevant provision of draft contract which constitutes Annex No. 2 of the procurement documents**.

IX. REQUIREMENTS REGARDING THE TENDER PREPARATION

- 1) The contracting authority **recommends** the supplier preparing the tender in compliance with the following recommendations, with the possibility of using the model documents attached to the procurement documents. However, if a tenderer does not prepare its tender formally in compliance with the contracting authority's recommendations, it shall not constitute a reason for disqualifying the tenderer from the tender procedure.
- 2) **Documents provide in tender**
 - a) In the event of any discrepancies between the information stated in document required by the contracting authority in compliance with the procurement documents and the information stated in any other documents provided in tender, information stated in document required by the contracting authority shall prevail. In the case of confusion, the contracting authority is entitled to require of the tenderer the explanations to the tender in writing.
 - b) In the event of any discrepancies between the information stated in document non-required by the

contracting authority in compliance with the procurement documents and dates stated in the procurement documents, dates stated in the procurement documents shall prevail. In the case of confusion, the contracting authority is entitled to require of the tenderer the explanations to the tender in writing.

- c) The contracting authority shall not be obliged to take account of any documents and information provided in tender beyond the requirements stated in the procurement documents.

3) Form of the tender

- a) **The tender shall be submitted in printed (paper) form or in electronic form.**
- b) The tenders must be prepared **fully in writing, in Czech or English language**. Documents drafted in any other language must be accompanied with their sworn translation to the Czech or English language; this shall not apply to documents drafted in the Slovak language. The tender may not contain any re-writing or corrections that might be misleading for the contracting authority.
- c) **Tenders submitted in printed form**

In the case of tenders submitted in printed form, the contracting authority recommends the tenderers submitting the tenders in two printed counterparts, of which one shall be marked as the "ORIGINAL" and the other as the "COPY", as well as in one electronic version on a CD or DVD data carrier attached to the printed counterparts (recommended format: PDF). In the event of any discrepancy between the original and the copies or the electronic version of the tender, the original counterpart shall be decisive.

The contracting authority recommends that all the pages of the tender be numbered at the bottom right in an uninterrupted ascending sequence starting from number 1 and that each counterpart of the tender (both the original and the copy) be secured against any tampering with individual pages.

The tender is to be submitted in properly closed envelope (package) bearing the tenderer's ID and clearly visible name of the public contract, address to which notifications that the tender was submitted after the expiry of the period for tenders submission) and the contracting authority also recommends that the envelope also bear the sign

**"DO NOT OPEN – TENDER - TENDER PROCEDURE –
Magnetometer for the project CARLA"**

- d) **Tenders submitted in electronic form**

In the case of tenders submitted by electronic means, the tenderers shall be obliged to use the electronic instrument E-ZAK.

Electronic submission of the tenders: <https://zakazky.muni.cz/vz00003770>.

4) Content and structure of the tender

The contracting authority recommends compiling the tenders in the following structure:

- a) a document confirming the fulfilment of the qualification requirements (see Annex No. 3);
- b) draft contract for the purchase of the device signed by a person authorized to act on behalf on the tenderer, including Annex No. 1, Technical specifications (see Annex No. 1 and 2);
- c) any other documents, if required in the procurement documents.

X. ASSIGNMENT PERIOD

The contracting authority hereby determines a period of **3 months** after the date of expiry of the time limit for the submission of tenders, for which the tenderers shall be bound by their tenders.

XI. TIME LIMIT AND PLACE FOR THE SUBMISSION OF TENDERS

- 1) The time limit for the submission of the tenders has been set by the contracting authority **on 14 August 2015 by 10 AM CET at the latest.**
- 2) The tenders shall be submitted within the above period in printed form delivered at the address: Masaryk University, Žerotínovo nám. 9, 601 77 Brno, or in electronic form through the electronic instrument E-ZAK: <https://zakazky.muni.cz/vz00003770>.

XII. OPENING OF ENVELOPES CONTAINING THE TENDERS

- 1) The envelopes containing the tenders shall be opened on **14 August 2015 starting from 10 AM** CET in the meeting room of headquarters of Masaryk University, Žerotínovo nám. 9, 601 77 Brno, The Czech Republic.
- 2) The tenderers may be present at the envelopes opening or their representatives, up to the maximum of 1 person per tenderer.

XIII. CONTRACT AWARD CRITERIA

- 1) The contracting authority bases the award of public contract on the basic evaluation criterion of the **lowest tender price**. The tender shall be ranked based on the tender price **in CZK, excluding VAT**. The conversion of the tender price in EUR excluding VAT to CZK will be made by official exchange rate of Czech National Bank at the date of the expiry of the time limits the submission of the tenders. **The tender with the lowest tender price in CZK excluding VAT shall be evaluated as the most suitable tender.**
- 2) In compliance with the provisions of Section 7.4.4 of the terms and conditions of the OP RDI, the contracting authority is entitled to make known the decision on the selection of the most suitable tenderer by its publication on the contracting authority profile (i.e. through the electronic instrument E-ZAK). In such a case the notice of the selection of the most suitable tender shall be considered to be delivered at the point of time of publication on the contracting authority profile.

XIV. OTHER CONDITIONS

1) Alternative solutions

Alternative solutions shall not be accepted.

- 2) In compliance with the provisions of Section 7.4.4 of the terms and conditions of the OP RDI, the contracting authority is entitled to make known the decision on the exclusion of a tenderer by its publication on the contracting authority profile (i.e. through the electronic instrument E-ZAK). In such a case the decision on the exclusion of the tenderer shall be considered to be delivered at the point of time of publication on the contracting authority profile.

3) Cancellation of tender procedure

The contracting authority shall be entitled to cancel the tender for the public contract without stating reasons until the contract has been concluded. The contracting authority hereby determines, if the lowest tender price within the meaning of the provision of article XIII. of the procurement documents exceeds the estimated value of the public contract, it shall be understood as the merit particular consideration for which the contracting authority cannot be reasonably required to continue with the tender procedure. The contracting authority hereby determines, if the provision of financial resources intended for covering the expenses associated with the Project implementation is terminated, it shall be understood as the merit particular consideration for which the contracting authority cannot be reasonably required to continue with

the tender procedure, because of the end of financing the investment by OP RDI.

- 4) The contracting authority reserves the right to retain all the received tenders properly delivered within the time period for the tenders' submission.
- 5) The contracting authority shall not reimburse the tenderers for any costs associated with their participation in the tender procedure.
- 6) This tender procedure shall not be obligated to award this small-scale public contract under the Act.
- 7) The tenderers acknowledge that pursuant to Section 2 e) of Act No. 320/2001 Coll., on Financial Control in Public Administration, as subsequently amended, the selected supplier shall be obliged to provide its co-operation in the course of financial control activities. This obligation also applies to those parts of the tenders, agreement and relating documents that are subject to protection pursuant to special legal regulations (e.g. business secrets, classified facts), provided that the requirements stipulated in applicable legal regulations are met (e.g. Section 11 c) and d), Section 12 (2) f) of Act No. 552/1991 Coll., on State Control, as subsequently amended). The tenderers acknowledge that the selected tenderer shall be obliged to contractually bound its subcontractors to a similar extent in this respect.
- 8) The tenderer acknowledges that the contracting authority is obliged to fulfil the requirements regarding publicity within the framework of the structural fund programmes, as set out in Art. 9 of the Commission Regulation (ES) no. 1828/2006 and the publicity rules of the OP RDI in all the relevant documents relating to the given tender procedure or procedures, i.e. in particular in the procurement documents, in all agreements and other documents pertaining to the given public contract.
- 9) By submitting the tender, the tenderer acknowledges and is aware of the fact that the subject of the public contract performance shall be financed from the OP RDI within the framework of the Project. Should the contracting authority not receive the financial resources to cover the expenditures associated with the implementation of the entire Project within the framework of the OP RDI or should these expenditures be classified as non-eligible, the contracting authority shall be entitled to unilaterally withdraw from the agreement.

XV. SUPPLY OF THE PROCUREMENT DOCUMENTS

The procurement documents in full are published on the contracting authority profile (i.e. through the electronic instrument E-ZAK) <https://zakazky.muni.cz/vz00003770> from the date of publication of the invitation to submit tenders.

XVI. ANNEXES TO THE PROCUREMENT DOCUMENTS

- 1) Annex No. 1 – Technical specification of the subject matter,
- 2) Annex No. 2 – Model draft contract,
- 3) Annex No. 3 – Model solemn declaration.

In Brno on 30 July 2015

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Ing. Martin Veselý
bursar