

TENDER DOCUMENTATION

pertaining to
public contract entitled

“Instrument for automated in situ localization of proteins and RNA”

assigned in open tender pursuant to the provisions of Act No. 137/2006 Coll., on Public Procurement, as subsequently amended, and in compliance with the contract assignment terms and conditions of the Operational Program Research and Development for Innovation (“OP RD1”), relating to the project entitled “CEITEC – Central European Institute of Technology” project reg. no. **CZ.1.05/1.1.00/02.0068**.

Client:

Masarykova univerzita
with its registered office at: Žerotínovo nám. 9,
601 77 Brno,
ID No: 00216224

In Brno, on 21. 5. 2012

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I. IDENTIFICATION DATA OF THE CLIENT

Name: Masarykova univerzita
Client's legal form: public univerzity
Registered office: Žerotínovo nám. 9, 601 77 Brno
ID No.: 00216224
Tax ID No.: CZ00216224
Represented by: Mgr. et Mgr. Tomáš Hruda, director of central management structure of CEITEC
address of the client's profile: <https://zakazky.muni.cz/>

Contact person with respect to the public contract issues: Petr Jelinek
Tel/Fax: +420 549 495 285
e-mail: petr.jelinek@ceitec.cz

II. PREAMBLE

- 1) The client is a researcher of the project entitled "CEITEC – Central European Institute of Technology" (hereinafter the "Project") and recipient of the grant from the Operational Program Research and Development for Innovation (hereinafter "OP RDI"). The goal of the Project, prepared jointly by the major universities and research institutes in Brno, is the creation of a European centre of excellence in the field of life sciences and advanced materials and technologies. The subject of this open tender is the assignment of a public contract for supplies in the sense of Section 7 of Act No. 137/2006 Coll., on Public Procurement, as subsequently amended.
- 2) This tender documentation consists of a set of documents, data, requirements and technical conditions of the Client specifying the subject of the tender in the details necessary for the preparation and submission of the applicants' bids (hereinafter the "Tender Documentation") in the open tender proceedings conducted in compliance with the provisions of Act No. 137/ 2006 Coll., on Public Procurement, as subsequently amended (hereinafter the "Act"). The rights, obligations or conditions not specified in this Tender Documentation shall be governed by the Act and the associated implementation regulations.
- 3) **Electronic tool for public contracts assignment**

This public contract is to be assigned electronically, through the electronic tool E-ZAK available at <https://zakazky.muni.cz/> Any and all terms and conditions and information regarding the electronic tool, including the dynamic purchase system, are available at: <https://zakazky.muni.cz/data/manual/EZAK-Manual-Dodavatele.pdf> https://zakazky.muni.cz/data/manual/QCM.Podepisovaci_applet.pdf .

Should you have any questions regarding the user control of the electronic tool available at the above web address, please contact Petr Jelinek, public contracts department, e-mail: petr.jelinek@ceitec.cz, tel.: +420 549 495 285
- 4) **Provision of the Tender Documentation**

The Tender Documentation is provided exclusively in electronic form by means of unlimited remote access through the electronic tool E-ZAK at the web address <https://zakazky.muni.cz>.

The Client hereby calls upon the suppliers to register in the electronic tool E-ZAK, or to ask the Client's contact person to register them so that they can be automatically informed of the course of the tender, including any additional information relating to the tender conditions etc.

III. SUBJECT OF THE PUBLIC CONTRACT

- 1) The subject** of the public contract is the supply of **Instrument for automated in situ localization of proteins and RNA** (mentioned also as device or supply) specified in detail in this Tender Documentation. The supply also includes provision of services consisting of the device installation and launching it into operation, as well as other services listed in the Business Terms and Conditions in the form of a binding model agreement (see Annex No. 2 of the Tender Documentation).
- 2) For more information concerning the subject specification please see Annex 1 (Technical Terms and Conditions) of the Tender Documentation.
- 3) Classification of the public contract subject based on the Common Procurement Vocabulary code list:**

Type of supply	CPV code
Analysers	38434000-6
Biochemical analysers	38434500-1

- 4) If the tender conditions contain any requirements or references to business names, or names and surnames of individuals, specific names of goods and services applicable as distinctive to any specific entity or its organisational unit, any patents relating to inventions, utility or industrial designs, trademarks or specifications of origin, the bidder shall be entitled to propose also any other solution, similar in terms of its technical parameters and quality, that must comply with the technical and functional requirements of the client set out in this Tender Documentation.
- 5) The expected value of the public contract equals CZK **1.600.000,00** excluding VAT.

IV. ADDITIONAL INFORMATION REGARDING THE TENDER CONDITIONS, INSPECTION OF THE PLACE OF PERFORMANCE

1) Additional information regarding the tender conditions

The supplier shall be entitled to request in writing additional information from the Client regarding the tender conditions. The Client hereby appeals to the suppliers to submit all their requests for additional information exclusively **through the electronic tool for public contracts assignment**.

Upon request for additional information regarding the tender conditions, the Client shall provide the supplier with additional information through the electronic tool for public contracts assignment, no later than within 5 business days after the delivery of the supplier's request (application). Such additional information, including the precise

wording of the relevant supplier's request, shall also be provided by the Client to all the other suppliers who have applied for or who have received the Tender Documentation. At the same time, such additional information, including the precise wording of the supplier's request, shall be published by the Client through the electronic tool for public contracts assignment.

The Client may, in compliance with Section 49 (4) of the Act, provide the suppliers with additional information regarding the tender conditions even without the suppliers' prior request.

V. TIME AND PLACE OF THE PUBLIC CONTRACT PERFORMANCE

- 1) The client hereby prescribes the following times for the public contract performance:
 - a) Performance commencement date: immediately after the agreement execution, expected date: end of July.
 - b) The delivery shall take place so as to ensure that the devices are launched into operation no later than 10 weeks after concluding the contract.
- 2) The place of the public contract performance shall be Masaryk University campus Bohunice, Kamenice 753/5, Brno.

VI. QUALIFICATION REQUIREMENTS

- 1) The precondition for the assessment and evaluation of the bids submitted by the bidders in the tender is documenting the fulfilment of the qualification requirements within the scope prescribed by the client. Fulfilment of the qualification requirements shall mean documenting of the fulfilment of
 - a) basic qualification requirements set out in Section 53 (1) of the Act;
 - b) professional qualification requirements set out in Section 54 of the Act and in the notification on the tender commencement and specified in more detail in this Tender Documentation;
- 2) **Basic qualification requirements**

The basic qualification requirements shall be fulfilled by a bidder who documents the fulfilment of the conditions set out in Section 53 (1) a) through m) of the Act.

The basic qualification requirements shall be documented by the bidder in the manner set out in Section 53 (3) of the Public Procurement Act, i.e. by means of submitting:

- extract from the Criminal Register [requirements pursuant to Section 53 (1) a) and b) of the Act]¹,
- confirmation of a competent tax authority and an affidavit with respect to excise tax [requirements pursuant to Section 53 (1) f) of the Act],

¹ The Client hereby informs the bidders of the fact that in connection with the adoption of the Act on Criminal Liability of Legal Entities, the clean record in the Criminal Register in relation to the crimes set out in Section 53 (1) a) and b) of the Act must be documented not only by the individuals – statutory bodies, or by each member of a statutory body, but also by the bidder as a legal entity (if the bidder is a legal entity). Therefore, it is also necessary to submit an extract from the Corporate Criminal Register.

- confirmation of a competent authority or institution [requirements pursuant to Section 53 (1) h) of the Act],
- an affidavit [requirements pursuant to Section 53 (1) c) through e) and g), i) through m) of the Act].

3) Professional qualification requirements

Professional qualification requirements are fulfilled by a bidder who submits simple copies of the following documents:

extract from the Commercial Register, if the bidder is registered therein, or extract from any other similar register in which the bidder is registered, not older than 90 calendar days as of the last day of the bid submission;

document certifying the bidder'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) Authenticity and age of the documents confirming the qualifications fulfilment and time of documenting the qualifications fulfilment

The documents confirming the qualifications fulfilment shall be submitted by the bidders in copies in compliance with the Act and this Tender Documentation. The Client reserves the right to request that the selected bidder submit originals or officially verified copies of the relevant documents prior to the execution of the agreement.

The documents confirming the fulfilment of the basic qualification requirements and the extract from the Commercial Register may not be older than **90 calendar days** on the last day of the bids submission.

5) Documenting the qualifications fulfilment through a subcontractor

If the supplier is not able to document the fulfilment of a certain part of the qualification requirements prescribed by the client to the full extent, it shall be entitled to document the fulfilment of the missing scope through a subcontractor. In such a case, the supplier shall be obliged to submit the following documents to the client:

c) documents confirming the subcontractor's fulfilment of the basic qualification requirement pursuant to Section 53 (1) j) and the professional qualification requirement pursuant to Section 54 a) of the Act, i.e. the subcontractor's extract from the Commercial Register; and

agreement concluded with the subcontractor containing the subcontractor's undertaking to render the performance intended for the implementation of the public contract by the supplier or to provide the items or grant the rights that the supplier will be entitled to use for the purpose of the public contract implementation, at least to the extent of the subcontractor's documented fulfilment of the qualification requirements.

6) Joint bid submitted by several suppliers

If the bid is submitted jointly by several bidders (Section 51 (5) of the Act), each of the bidders must document the fulfilment of the basic qualification requirements pursuant to Section 50 (1) a) of the Act and of the professional qualification requirement pursuant to Section 54 a) of the Act, i.e. the extract from the Commercial Register, to the full extent. The fulfilment of the qualification requirements pursuant to Section 50 (1) b) and d) of the Act must be documented jointly by all the suppliers submitting the joint bid.

In the case of joint submission of a bid, the suppliers are obliged to attach to the bid an original or a verified copy of the agreement containing an undertaking that all the suppliers shall be jointly and severally liable to the Client and/or any third parties under any and all legal relations established in connection with the relevant public contract for the entire term of the public contract performance, as well as for the term of any other obligations arising from the public contract.

7) Documentation of qualifications fulfilment by a foreign supplier

A foreign supplier (entity with their place of residence or registered office outside the territory of the Czech Republic) shall document the qualifications fulfilment in the manner described in Section 51 (7) of the Act, within the scope, in the manner and at the level corresponding to the minimum prescribed by the Act and required by the client in the tender terms and conditions.

Foreign entities shall submit the documents confirming the qualifications fulfilment in the original language, together with their sworn translation to the Czech or English language; documents drafted in the Slovak language need not be translated to Czech.

The information regarding documents used in the Czech Republic for documenting the qualifications fulfilment is available for foreign suppliers at the web of the European Commission: <http://ec.europa.eu/markt/ecertis/login.do>²

8) Use of an extract from the List of Qualified Suppliers

The suppliers registered in the List of Qualified Suppliers (Section 125 and following of the Act) may document the fulfilment of a part of their qualifications by means of an extract from the List of Qualified Suppliers. Such extract may not be older than 3 months on the last day as of which the qualifications fulfilment is to be documented (i.e. as of the last day of the bids submission). This extract documents the qualifications fulfilment within the scope set out in Section 127 of the Act.

9) Use of a certificate from the System of Certified Suppliers

The suppliers who have obtained a certificate in the System of Certified Suppliers (Section 133 and following of the Act) may document the fulfilment of a part of their qualifications by means of submitting a valid certificate (see Section 140 (1) of the Act). This certificate documents the qualifications fulfilment within the scope set out in Section 134 of the Act.

VII. ASSIGNMENT PERIOD

In compliance with the provisions of Section 43 of the Public Procurement Act, the Client hereby determines a period of **3 months** after the end of the bids submission period, for which the bidders shall be bound by their bids.

VIII. REQUIREMENTS REGARDING THE METHOD OF THE BID PRICE CALCULATION

The payment terms prescribed by the Client with respect to this public contract are set out in detail in the business terms and conditions contained in the model purchase agreement (see **Annex No. 2** to this Tender Documentation). The bidders are obliged to respect these terms and conditions without any reservations.

² Foreign supplier may also consult Manual for the demonstration of fulfilment of qualifications downloadable from: <https://docs.google.com/open?id=0B6TssODbdNfCaENfODRma1hPdTQ>

IX. REQUIREMENTS REGARDING THE BID PREPARATION

1) Form of the bid

The Client **recommends** the supplier preparing the bid in compliance with the following recommendations, with the possibility of using the model documents attached to the Tender Documentation. However, if a bidder does not prepare its bid formally in compliance with the Client's recommendations, it shall not constitute a reason for disqualifying the bidder from the tender.

The bids must be prepared fully in writing, in the Czech or English language. Documents drafted in any other language must be accompanied with their sworn translation to the Czech language; this shall not apply to documents drafted in the Slovak language and supporting documents containing technical specifications of the offered device (e.g. technical sheets, drawings, official brochures of the manufacturer, etc.) that may be submitted in English. The bid may not contain any re-writing or corrections that might be misleading for the Client.

The client requires, in compliance with Section 69 (5) of the Act, submitting the bids in printed form. the Client recommends the bidders submitting the bids 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). The Client recommends that the bidders produce the counterparts of their bids by means of copying the initialled and signed original counterpart of the bid. In the event of any discrepancy between the original and the copies or the electronic version of the bid, the original counterpart shall be decisive.

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

The bids are to be submitted in properly closed envelopes (packages) bearing the bidder's stamp and clearly visible name of the public contract, address to which notifications pursuant to Section 71 (6) of the Act can be sent (i.e. notification that the bid was submitted after the expiry of the period for bids submission) and the Client also recommends that the envelopes also bear the sign "NEOTVÍRAT – AUTOMAT PRO IN SITU LOKALIZACI PROTEINŮ A RNA – NABÍDKA".

2) Content and structure of the bid

For the sake of operative and transparent course of the envelopes opening, the Client recommends that the bids contain a cover sheet as their first page, prepared by the bidders in compliance with the recommended sample attached to the Tender Documentation as **Annex No. 3**; in the event of any discrepancies between the information stated in the cover sheet and the draft purchase agreement, the information stated in the draft agreement shall prevail.

The Client recommends compiling the bids in the following structure:

d) cover sheet (see **Annex No. 3**);

- e) content of the bid;
- f) documents confirming the fulfilment of the basic qualification requirements,
- g) documents confirming the fulfilment of the professional qualification requirements,
- h) draft agreement signed by a person authorised to act on the bidder's behalf, including
 - Annex No. 1 to the agreement – detailed technical specifications;
 - Annex No. 2 to the agreement – itemised budget;
 - if applicable, Annex No. 3 to the agreement – agreement pursuant to Section 51 (6) of the Act, if the bid is submitted jointly by several bidders;
- i) any other documents, if required in the Tender Documentation.

3) Draft agreement

In the bid, the bidder shall present the draft agreement signed by the person(s) authorised to act on the bidder's behalf or as the bidder's representative; if the bidder acts through a representative, the Client requires, in order to ensure legal certainty, that the legal title for representation be explained in the bid (e.g. power of attorney, managing position, etc.), unless the legal title is evidenced by any other submitted documents (e.g. proxy evidenced by the extract from the Commercial Register). In the case of a joint bid submitted by several bidders, the bid must be signed in compliance with the agreement pursuant to Section 51 (6) of the Act. An unsigned draft agreement or a draft agreement signed by a person not authorised to act on the bidder's behalf shall constitute a reason for disqualifying the bid and the bidder from the tender in compliance with Section 71 (11) of the Act.

4) Technical specification of the performance and itemised budget

The bidders shall submit in their bids, as Annex No. 1 to the draft agreement, a detailed technical specification of the offered performance, making it clear that the Client's requirements regarding the subject of the public contract will be fulfilled, as well as any other requirements set out in this Tender Documentation; the bidders shall further submit a transparent itemised budget including all the supplier's costs and expenses associated with the public contract performance in compliance with the requirements set out in this Tender Documentation; the itemised budget shall be submitted as Annex No. 2 to the draft agreement.

X. DEADLINE AND PLACE FOR THE BIDS SUBMISSION

The end of the period for bids submission has been determined by the Client by **13/07/2012, by 11:30 o'clock at the latest.**

The bids may be submitted within the above period in printed form delivered by a person operating in the area of cargo shipment (courier service) or through a postal service licence holder pursuant to special legal regulations, or by means of personal delivery at the filing room of Masaryk University at the address: Žerotínovo nám. 9, 601 77 Brno.

The Client shall send a notification pursuant to Section 71 (6) of the Act to the bidders whose bids will be submitted after the expiry of the period for bids submission. The Client shall not accept any envelopes that are damaged to such extent that any part of their content can be taken out.

XI. BUSINESS AND PAYMENT TERMS AND CONDITIONS

The business and payment terms and conditions enabling exceeding the contractual price for the purposes of this public contract are set out in the binding draft agreement attached to this Tender Documentation as Annex No. 2. The bidders shall be obliged to respect these terms and conditions without any reservations in the form of submitting the draft agreement signed by a person authorised to act on the bidder's behalf.

XII. EVALUATION CRITERIA AND MANNER OF THE BIDS EVALUATION

The submitted bids shall be evaluated, in compliance with Section 78 (1) b) of the Public Procurement Act, based on the fundamental evaluation criterion of the **lowest bid price**. The bids shall be ranked based on the bid price in CZK, excl. VAT.

XIII. EXTRA WORKS, SUPPLIES AND SERVICES

Should it become necessary in the course of the public contract performance to carry out any extra works or provide any extra supplies or services necessary for the public contract completion that were not included in the agreed subject of the public contract performance, these shall be assigned in compliance with the Act.

XIV. OTHER CONDITIONS

1) Alternative solutions

The Client does not permit any alternative solutions.

2) Opening of envelopes containing the bids

The envelopes containing the bids shall be opened on **13/07/2012, starting from 12:00 o'clock** CET in the meeting room CEITEC at Masaryk university at the address Žerotínovo nám. 9, Brno. The bidders may be present at the envelopes opening or their representatives authorised to act on the bidder's behalf who present their authorisation to represent the bidder, up to the maximum of 1 person per bidder. The bid envelopes shall be opened by the Client in the order of the date and time of their respective delivery.

3) The Client reserves the right to retain all the received bids properly delivered within the time period for the bids submission.

4) Cancellation of the tender

The Client shall be entitled to cancel the tender for the public contract for reasons set out in the Act.

5) The client shall not reimburse the bidders for any costs associated with their participation in the tender.

6) The bidders 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 bids, 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 bidders acknowledge that the selected bidder shall be obliged to contractually bound its subcontractors to a similar extent in this respect.

- 7) The bidder acknowledges that the client 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 proceedings or procedures, i.e. in particular in the Tender Documentation, in all agreements and other documents pertaining to the given public contract.
- 8) By submitting the bid, the bidder acknowledges and is aware of the fact that the subject of the public contract performance shall be financed from the Operational Program Research and Development for Innovation within the framework of the project “**CEITEC – Central European Institute of Technology**”, project reg. number CZ.1.05/1.1.00/02.0068. Should the client 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 client shall be entitled to unilaterally withdraw from the agreement. In the event of the client’s withdrawal from the agreement, the supplier shall be entitled to the remuneration corresponding to the scope of its performance rendered as of the withdrawal date.

XV. ANNEXES TO THE TENDER DOCUMENTATION

- Annex No. 1 – Technical Terms and Conditions
- Annex No. 2 – Business Terms and Conditions (Model Purchase Agreement)
- Annex No. 3 – Model Cover Sheet Form
- Annex No. 4 – Model Bidder’s Declaration on Qualifications Fulfilment

In Brno on 21.5.2012

Mgr. et Mgr. Tomáš Hruša
director of central management
structure of CEITEC