

PROCUREMENT DOCUMENTS

public supply contract

“Multinuclear coil for CEITEC MU“

**Masaryk University, CEITEC - Central European
Institute of Technology**
Kamenice 753/5, 625 00 Brno
ID No.: 00216224

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I. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

| | |
|----------------------------------|---|
| Name: | Masaryk University, CEITEC - Central European Institute of Technology |
| Registered office: | Kamenice 753/5, 625 00 Brno |
| ID No.: | 00216224 |
| Tax ID No.: | CZ00216224 |
| Represented by: | prof. RNDr. Jaroslav Koča, DrSc., director of CEITEC MU |
| Contracting authority's profile: | http://zakazky.muni.cz |
| Contact person: | Mgr. Jana Zikmundová |
| Tel: | +420 549 49 3411 |
| E-mail: | zikmundova@rect.muni.cz |

II. PREAMBLE

- 1) The public contract shall be assigned in simplified below-the-threshold procedure pursuant to the provisions of Section 21 (1) f) of Act No. 137/2006 Coll., on Public Procurement, as subsequently amended, (**hereinafter 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 "CEITEC – Central European Institute of Technology" project reg. no. CZ.1.05/1.1.00/02.0068, (**hereinafter the "Project"**). 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.

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"**) in the simplified below-the-threshold procedure conducted in compliance with the Act. The rights or obligations not specified in this procurement documents shall be governed by the Act, 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 **multinuclear volume head coil 31P/1H for MR imaging and spectroscopy compatible with Siemens Magnetom Prisma 3T MR scanner** for Multimodal and Functional Imaging Laboratory, CEITEC MU (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 devices. Especially, the compatibility of multinuclear coil with Siemens Magnetom Prisma 3T scanner is required. The reason is performing human studies with our 3T MR scanner Siemens Magnetom Prisma, mainly measurement of MR spectroscopy and spectroscopic imaging using this scanner. Magnetom Prisma is the only type of MR scanner within the contracting authority and the only possible equipment which can be used with required multinuclear coil. Therefore, this coil has to fit perfectly both hardware (e.g. connectors/plugs) and software compatibility requirements. The contracting authority strongly requires full compatibility between the existing and obtaining equipment.

5) **Classification of the subject matter based on the Common Procurement Vocabulary code list:**

| Type of supply | CPV code |
|--------------------------------------|------------|
| Medical equipments | 33100000-1 |
| Magnetic resonance imaging equipment | 33113000-5 |

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

The estimated value of the public contract equals CZK **1.800.000,- CZK excluding VAT**.

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

- a) The contracting authority hereby prescribes the **time for the public contract performance to 3 months from the date of conclusion of the contract** (expectation is June 2015, according to the conclusion of the award procedure).
- b) **The place (site) of the public contract performance** shall be room of Masaryk University, CEITEC - Central European Institute of Technology, at the street Kamenice 753/5, 625 00 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, in compliance with Section 49 (4) of the Act, 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 set out in Section 53 (1) of the Act; and
 - b) professional qualification requirements set out in Section 54 a) and b) of the Act.
- 2) **Basic qualification requirements**

The basic qualification requirements shall be fulfilled by a tenderer who fulfil the conditions set out in Section 53 (1) a) through k) of the Act.

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

 - a) extract from the Criminal Register [requirements pursuant to Section 53 (1) a) and b) of the Act],
 - b) confirmation of a competent tax authority and an affidavit with respect to excise tax [requirements pursuant to Section 53 (1) f) of the Act],
 - c) confirmation of a competent authority or institution [requirements pursuant to Section 53 (1) h) of the Act],
 - d) an affidavit [requirements pursuant to Section 53 (1) c) through e) and g), i) through k) of the Act].
- 3) **Professional qualification requirements**

Fulfilment of the professional qualification requirements set out in section 54 a) and b) of the Act 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 in simplified below-the-threshold procedure**

- a) In compliance with Section 62 (3) of the Act, in simplified below-the-threshold procedure 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 tenderer that the contract pursuant to Section § 82 of the Act is to be concluded with, shall be, prior to its conclusion, obligated to produce the evidence demonstrating the fulfilment of qualifications in original or in an officially authenticated copy. Failure to satisfy this obligation shall be deemed as the failure to render collaboration to conclude the contract within the meaning of the provision of Section § 82(4) of the Act.
- 5) The documents proving the meeting of qualification requirements must be prepared fully in the 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.
- 6) 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.

7) **Documentation of qualifications fulfilment by a foreign supplier**

A foreign tenderer shall document the qualifications fulfilment in the manner described in Section 51 (7) of the Act, within the scope, in a manner under the legal order in force in the country of registered office, place of business or place of residence thereof, invariably to the extent required by this Act and required by the contracting authority 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; this shall not apply to documents drafted in the Slovak language.

The information regarding documents used in the Czech Republic for documenting the qualifications fulfilment is available for foreign tenderers at the web of the European Commission: <http://ec.europa.eu/markt/ecertis/login.do>. Tenderers may also use the CEITEC manual for proving of qualifications available on <http://www.ceitec.cz/procurement>.

However, the contracting authority feels obliged to notify the contractors that the manual is merely of subsidiary and methodical character.

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 pursuant to Section 68 (2) of the Act.
- 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**.
- 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. The tender price must be determined also with consideration to the price development in the given industry, including the development of the exchange rates between the Czech currency and foreign currencies, until the time of the public contract completion.
- 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) Form of the tender

- a) In compliance with Section 69 (5) of the Act **the tender shall be submitted in printed (paper) form or in electronic form**.
- b) The tenders 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 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 pursuant to Section 71 (5) of the Act can be sent (i.e. notification 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 –
MULTINUCLEAR COIL FOR CEITEC MU".**

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. The tender in electronic form shall be submitted in accordance with the requirements stated in Section 149 of the Act.

Electronic submission of the tenders: <https://zakazky.muni.cz/vz00003659>.

3) **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 (a solemn declaration from the content of which it shall be clear the supplier fulfils the qualifications prerequisites required by the contracting authority; see Annex No. 3);
- b) a list of the statutory bodies or members of statutory bodies who were employed by the tenderer, exercised an office for the tenderer or had any other similar relationship with the tenderer in the past 3 years prior to the end of the period for the tenders submission (see Annex No. 3);
- c) if the tenderer is a joint-stock company, a list of shareholders holding shares the aggregate nominal value of which exceeds 10% of the registered capital drafted within the period for the tenders submission (see Annex No. 3);
- d) declaration of the tenderer that it has not concluded and will not conclude any prohibited agreement in the sense of special legal regulations in connection with the assigned public contract (see Annex No. 3);
- e) 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);
- f) any other documents, if required in the procurement documents.

X. ASSIGNMENT PERIOD

In compliance with the provisions of Section 43 of the Act, 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 17 June 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 in compliance with Section 149 of the Act: <https://zakazky.muni.cz/vz00003659>.

XII. OPENING OF ENVELOPES CONTAINING THE TENDERS

- 1) The envelopes containing the tenders shall be opened on **17 June 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) In compliance with Section 78 (1) b) of the Act, the contracting authority bases the award of public contracts 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 tender with the lowest tender price shall be evaluated as the best tender.
- 2) In compliance with the provisions of Section 81 (4) of the Act, the contracting authority make known the decision on the selection of the most suitable tenderer by its publication on the contracting entity 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 entity profile.

XIV. OTHER CONDITIONS

1) Alternative solutions

Alternative solutions shall not be accepted.

- 2) In compliance with the provisions of Section 60 (2) of the Act and Section 76 (6) of the Act, the contracting authority make known the decision on the exclusion of a tenderer by its publication on the contracting entity 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 entity profile.

3) Cancellation of tender procedure

The contracting authority shall be entitled to cancel the tender for the public contract for reasons set out in the Act. 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 pursuant to Section 84 (2) e) of the Act. 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 pursuant to Section 84 (2) e) of the Act, 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) 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.
- 7) 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.
- 8) 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

In compliance with Section 48 (1) of the Act, the procurement documents in full is published on the contracting entity profile (i.e. through the electronic instrument E-ZAK) <https://zakazky.muni.cz/vz00003659>, 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 29 May 2015


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prof. RNDr. Jaroslav Koča, DrSc.,
director of CEITEC MU

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