

DECISION ON THE EXCLUSION

Contracting authority: **Masaryk University, CEITEC - Central European Institute of Technology**,
registered office Kamenice 753/5, 625 00 Brno, ID No.: 00216224,
represented by prof. RNDr. Jaroslav Koča, DrSc., director of CEITEC MU

Public supply contract: **Multinuclear coil for CEITEC MU**

Project: CEITEC – Central European Institute of Technology

Project reg. no.: CZ.1.05/1.1.00/02.0068

- 1) In accordance with provision of section 76 (6) of the Act No. 137/2006 Coll., on Public Procurement, as subsequently amended, (hereinafter the "Act"), the contracting authority decided to exclude your company, **RAPID Biomedizinische Geräte, RAPID Biomedical GmbH**, registered office Kettelerstr. 3-11 Technologiepark, Pavillon 4, 97222 Rimpfing, Germany, **from the participation in the tender procedure.**
- 2) In compliance with the article VIII. (2) of the procurement documents the contracting authority prescribed that the tender price must be specified in the tender **in the Czech excluding VAT.**

In compliance with the article VIII. (3) of the procurement documents the contracting authority prescribed that 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.

In article 4.1 of Annex No. 2, Model draft contract, of the procurement documents you specified the tender price in EUR with notice that the tender price in EUR is binding and that the tender price in CZK, 1.155.000 CZK exclusive of VAT, is informative only. In Quotation-No.-2015-06-4083 document attached to your tender you specified that informative price as of June 2015 is 1.161.000 CZK. Therefore your tender has failed to meet requirements of the contracting authority indicated in article VIII. of the procurement documents and moreover the contracting authority shall not accept alternative tender price.

- 3) In compliance with the article III. (2) of the procurement documents you shall provide Annex No. 1, Technical specification of the subject matter, of the procurement documents.

In Annex No. 1, Technical specification of the subject matter, of the procurement documents the contracting authority required compatibility of multinuclear coil with MR scanner Siemens Magnetom Prisma 3T, software version VD13D.

In Annex No. 1, Technical specification of the subject matter attached to your tender you declared that the offered device will comply with all the requirements of the contracting authority; inter alia you declared that the offered device will be compatible with MR scanner Siemens Magnetom Prisma 3T, software version VD13D. Nevertheless in Quotation-No.-2015-06-4083 document attached to your tender you pronounced that the offered device is for Siemens Prisma, software version VD13A. You also stated that any future software upgrade of the MR system (independent of the delay between coil delivery and software upgrade) will need new coil files and in consequence starts a CE-relevant process at RAPID Biomedical that must be ordered separately. For a better transparency of possible follow-up costs, you informed us that the current price of 400,00 EUR per coil includes the upgrade to the next higher version and an update of CE certification. It means that the offered device has failed to meet the technical requirements specified by the contracting authority in the procurement documents.

- 4) In accordance with provision of section 76 (1) of the Act the evaluation committee shall assess the tenders submitted by tenderers from the point of view of the fulfilment of statutory requirements and of requirements of the contracting entity indicated in tender conditions, and, in addition, whether the tender submitted by the tenderer is admissible pursuant to § 22(1)(d). The tenders that fail to meet such requirements shall be rejected.


In accordance with provision of section 76 (6) of the Act the tenderer, whose tender has been rejected by the evaluation committee in the course of the assessment of tenders, shall be forthwith excluded by the contracting authority from the participation in the tender procedure.

In accordance with the above the contracting authority decided to exclude your company from the participation in the tender procedure.

Guidance for lodging objections

In accordance with provision of section 110 (4) of the Act objections against the decision of the contracting authority on the exclusion from the participation in the tender procedure shall be delivered by the complainant to the contracting authority within 10 days from the date of delivery of the decision of the exclusion from the participation on the tender procedure.

In Brno on 29 June 2015



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

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