



Invitation to tender

for a public contract of a small extent, placed in accordance with the Rules for applicants and recipients – general part, version 5, as a part of the Operation Programme for Research, Development and Education (hereinafter referred to as the "Invitation")

Name of the public contract	Freeze granulation device
Type of the public contract	for deliveries
Type of invitation	open invitation
Co-financed from the	Operation Programme for Research, Development and Education
Project name	Infrastructure support of the strategic FMME VŠB-TUO doctoral study programmes
Project registration number	CZ.02.1.01/0.0/0.0/16_017/0002668

Customer name	Mining University – Technical University of Ostrava, Faculty of Metallurgy and Materials Engineering
Customer address	17. listopadu 2172/15, 708 00 Ostrava - Poruba
Business Identification Number of the customer	61989100
Authorised person of the customer	prof. Ing. Jana Dobrovská, CSc., Dean of the Faculty of Metallurgy and Materials Engineering
Customer URL	http://www.vsb.cz
Customer profile	https://zakazky.vsb.cz
Contact person of the customer	Mgr. Marcel Pobořil
Phone number	+ 420 597 329 211
Email	marcel.poboril@vsb.cz

PART I. SPECIFICATION OF THE SUBJECT OF THE PUBLIC CONTRACT

- 1.1. The subject of the public contract is the supply of equipment for granulation of multi-component powder materials (e.g. production of diamond tools, where the powder mixture contains metal binder, synthetic diamonds, or graphite) and other substances by freezing and a freeze drying device (lyophilizator).

The principle is based on spraying the powder suspension into liquid nitrogen, where immediate freezing of the spray droplets and forming of granules takes place. Spraying of the suspension will be carried out with nitrogen gas or air. Subsequently, the granules are dried by sublimation of "ice" without any segregation effect, i.e. drying takes place under vacuum by sublimation of water vapour from the frozen sample.

This technology ensures creation of high quality granules with homogeneous distribution of all material components and spherical shape, having excellent technological properties (fluidity, bulk density, compressibility, sinterability, etc.). The granules may be moulded/compacted by compression in matrices or isostatic pressing, but are also very suitable for technologies such as extrusion, powder injection moulding or additive manufacturing. The device is applicable in the field of ceramics, powder metallurgy, processing of nanomaterials, preparation of materials for the manufacture of diamond tools, catalytic materials, biomaterials, etc.

The subject of performance also includes transportation to the place of performance, execution of all other activities conditional on the connection and putting into operation of the goods and

demonstration of its proper functioning (installation) and training of the operator of the device for at least 8 hours.

A detailed specification of the subject of the public contract is given in Appendix No. 1 Technical Specification. Fulfilment conditions are set out below in the commercial terms and conditions (draft purchase contract) that form Appendix No. 2 to this Invitation.

- 1.2. The subject of the public contract is co-financed from the Operation Programme for Research, Development and Education (hereinafter referred to "OP RDE") within the scope of the "Infrastructural support of the strategic FEI VŠB-TUO study programmes", project reg. No. CZ.02.1.01/0.0/0.0/16_017/0002668.
- 1.3. **Delivery deadline:** the subject of the delivery will be delivered **within 60 calendar days** after the contract concluded with the selected contractor comes into effect.
- 1.4. **The place of performance** (delivery) of the public contract is the Mining University – Technical University of Ostrava, Mining University CAIT (Centre for Advanced Innovation Technology) building, (room No. RF211), 17. listopadu 2172/15, 708 00 Ostrava - Poruba.
- 1.5. **Expected value of the public contract amounts to: 1 255 500.00 CZK excl. VAT.** The estimated value is set as the maximum value and cannot be exceeded by the participants.
- 1.6. The tender in question is not a tender pursuant to Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as the "Act"). When this Invitation and its appendices refer to the Act, it is assumed that this public contract is governed by the given stipulation adequately and that the reference to the Act is stated for more detailed specification of the conditions.
- 1.7. This Invitation is simultaneously a notice of an open invitation within the meaning of Article 12.3.2 Rules for Applicants and Beneficiaries - General. A reference made to the Invitation or an announcement of an open invitation in the terms and conditions it refers to this document and its appendices.
- 1.8. Where this Invitation or its appendices contain requirements or references to individual trade names, specific designations of an undertaking, special designations of products, performances or commercial materials or patents and utility models which are specific to the particular undertaking or organizational unit, these are provided for clarification and approximation of technical parameters only and the customer also allows the use of qualitatively and technically similar solution(s).

PART II. EXPLANATION OF THE CONTRACTUAL CONDITIONS

- 2.1. The contractor has the right to request a written explanation of the contractual terms and conditions from the customer. Such written application have to be delivered to the customer **no later than 4 working days** prior to the expiry of the deadline for submitting the offers. The written request must be delivered **solely via the E-ZAK electronic tool available at <https://zakazky.vsb.cz>** (URL of the public contract: <https://zakazky.vsb.cz/vz00000202>).
- 2.2. The customer sends the corresponding explanation of the contractual terms and conditions and, if applicable, related documents no later than 2 working days after the delivery of the application pursuant to the previous paragraph. Should the customer provide an explanation as a reply to an application that is not delivered by the deadline specified above, the customer is not obliged to comply with the deadline specified in the previous sentence.
- 2.3. An explanation of the terms and conditions specifications, including the exact wording of the requirement under paragraph 2. 1 of this Invitation will be at the same time sent by the customer to all to-date known suppliers through the E-ZAK electronic tool and published on the customer's profile.
- 2.4. The customer may also provide an explanation of the terms and conditions without prior request. Paragraphs 2. 2. and 2.3. of the Invitation should be applied analogously.
- 2.5. The terms and conditions contained in the Invitation and their appendices may be amended or supplemented by the customer before the deadline for submission of tenders. Any amendments or supplements to the terms and conditions must be published or notified to suppliers in the same way

as the terms or conditions, which have been amended or supplemented. If the nature of the amendment or supplement so requires, the customer will extend the time limit for the submission of tenders accordingly. In the event of such an amendment or supplement, which may extend the range of potential tenderers, the customer will extend the tender submitting deadline so that the length of time to submit the tenders is at least equivalent to the original tender submission deadline.

- 2.6. The customer asks the contractors to deliver their applications for an explanation in a timely manner, thus leaving a sufficient space for the customer to answer them and for the contractors to consider the answers in their offers!

PART III. REQUIREMENTS FOR DEMONSTRATING COMPLIANCE WITH THE REQUIRED QUALIFICATION

- 3.1. As a part of demonstrating compliance with the required qualification, the customer requires that the contractors fulfil the below stated qualifications.

3.2. Basic qualification pursuant to Section 74 of the Act:

- 3.2.1. The customer requires that the contractor complies with the basic qualification criteria pursuant to Section 74, paragraph 1) of the Act. Suppliers **who fail to meet** these basic qualification criteria include a supplier who:

- a) has been effectively convicted in the country of its business seat for a criminal act included in Appendix 3 to Act, or for a similar criminal act pursuant to the law of the country where the contractor has its registered seat, during the last 5 years that precede the commencement of the tender proceedings; removed convictions are not taken into account,
- b) is in default with a tax payment in the Czech Republic or in the country of its registered seat,
- c) is in default with a health insurance payment or with a payment of related penalties in the Czech Republic or in the country of its registered seat,
- d) is in default with a social security insurance payment and contribution to the state employment policy or with a payment of related penalties in the Czech Republic or in the country of its registered seat,
- e) is subject to bankruptcy proceedings (Section 187 of the Civil Code), subject to insolvency proceedings (Section 136 of Act No. 182/2006 Coll., on Bankruptcy and Its Settlement Methods (Insolvency Act), as amended) or subject to enforced administration pursuant to another legal regulation (such as Act No. 21/1992 Coll., on Banks, as amended, Act No. 87/1995 Coll., on Savings and Loan Associations and Certain Related Measures and on the Amendment of Czech National Council Act No. 586//1992 Coll., on the Income Tax, as amended, Act No. 363/1999 Coll., on Insurance Companies and Amendment to Some Related Laws), or that is in a similar situation pursuant to the legal order of the country where the contractor has its registered seat.

- 3.2.2 Where the supplier is a legal person, the condition referred to in paragraph 3.2.1. point a) of the Invitation must be fulfilled by this legal entity as well as by each member of the statutory body. When a legal entity is a member of the statutory body, the condition pursuant to paragraph 3.2.1. point a) must be fulfilled by:

- a) this legal entity,
- b) all members of the statutory body of this legal entity, and
- c) persons who represent this legal entity in the statutory body of the contractor.

- 3.2.3 If a participant in the tender is a branch factory:

- a) of a foreign legal entity, the condition pursuant to paragraph 3.2.1. point a) must be fulfilled by this legal entity as well as the given company branch manager,
- b) of a Czech legal entity, the condition pursuant to paragraph 3.2.1. point a) must be fulfilled by persons mentioned in paragraph 3.2.2. as well as the company branch manager,

The contractor should demonstrate its compliance with the basic qualification criteria **by submitting a statutory declaration (the contractor can use Appendix 4 of this Invitation)**. Documents

proving the compliance with the basic qualification criteria shall not be older than 3 months at the time of submission of the offer.

3.3. Professional competence criteria pursuant to Section 77 of the Act:

To fulfil the conditions of the professional competence, the customer requires the supplier to submit:

- a) in relation to the Czech Republic, an **extract from the Commercial Register** or other similar register, if a legal regulation requires registration in such register.

The supplier does not need to submit the above document if the the law in his country of residence does not require a similar professional competence.

Proof of professional competence under point a) of this paragraph must demonstrate compliance with the required professional competence eligibility criterion no later than 3 months before the date of submission of the tender.

3.4. Technical qualification pursuant to Section 79 of the Act:

The customer requires as the proof of fulfilment of the technical qualification:

- a) **submission of a list of significant deliveries provided in the last 3 years (Section 79 par. (2) point b) of the Act)** prior to the start of the tender selection procedure, including the price and time of provision and identification of the order party.

Minimum level for the fulfilment of this qualification criteria defined by the customer is to submit at least **one delivery**, a subject of which was the supply of freeze granulation, and the financial value of which delivery amounted to **at least 600 000.00- CZK excluding VAT**.

- b) submission of **description of products intended for the delivery (Section 79, paragraph 2 point k) of the Act** from which it will be evident that whether the performance offered fulfils parameters required by the customer by fully completing Appendix No. 1 of the Invitation. The supplier shall also provide technical descriptions of the equipment (e.g. by technical sheets or by other appropriate form).

3.5. Conditions applicable to the proof of the fulfilment of the qualification are governed similarly by the provisions of Section 81-85, Section 87 and Section 88 of the Act.

3.6. The contractors should submit copies of the related qualification documents as a part of their offers. They can substitute them with a statutory declaration or a unified European certification for public contracts pursuant to Section 87 of the Act.

3.7. The customer has the right to request submission of the corresponding originals, copies or officially verified copies of the given qualification documents during the tender proceedings.

PART IV. REQUIREMENTS FOR THE STRUCTURE OF THE OFFER PRICE

4.1. The participant's offer price will be determined as the total price for the whole fulfilment of the subject matter of the public contract required by the customer in accordance with this Invitation or other documents containing the definition of the subject-matter of the public contract.

4.2. The offer price for the entire performance of the public contract will be stated in Czech currency broken down as follows: the offer price excl the Value Added Tax (VAT), the VAT separately and the total offer price including VAT.

4.3. Total offer price in the above-mentioned structure will be listed on the cover sheet of the offer - see Appendix No. 3 of this Invitation and in the draft purchase contract. In the event of a discrepancy between the offer price specified in the cover sheet and the price in the draft purchase contract the price given in the draft purchase contract will apply.

4.4. The offer price will be set as the "the highest admissible" price and must include all costs associated with the implementation of the subject matter of the public contract.

- 4.5. Estimated value of the public contract 1 255 500.00.00 excl. VAT) is the the maximum value and must not be exceeded by the offers of the participants. Exceeding the anticipated value by a participant's offer gives grounds to exclude a participant from this tender selection procedure.

PART V. METHOD OF EVALUATING OFFERS ACCORDING TO EVALUATION CRITERIA

- 5.1. Tenders will be evaluated in terms of their **economic advantage**. The economic advantage will be evaluated according to the **lowest offer price**. The best evaluated offer price will be the lowest price of the all offers evaluated.
- 5.2. The decisive evaluated offer price will be the total price in CZK excluding VAT for the whole subject matter of the public contract referred to in the draft purchase contract (Article IV of this Invitation). The offers will be compiled in ascending order from lowest to highest offer price.

PART VI. OFFER DEADLINE AND LOCATION FOR ITS SUBMISSION

- 6.1. **Place to submit offers** - The offers shall be submitted only in electronic form, via the electronic tool E- ZAK available at the following address <https://zakazky.vsb.cz>. The public contract URL: <https://zakazky.vsb.cz/vz00000202>.
- 6.2. The deadline for submitting the offers set by the customer **6. 6. 2019 by 10:00 am**. If the offer is submitted after the deadline specified in the previous sentence, the customer's electronic tool will not accept the offer.
- 6.3. All terms and conditions regarding the electronic tool, including information about the use of the electronic signature, are available in the user manual and the electronic signature manual at: <https://zakazky.vsb.cz/manual.html> (especially in the User Manual document, clause "Registration of the supplier" and the clause "Electronic offers and Requests for participation")

Technical support of E-ZAK electronic tool operator - tel.: +420 538 702 719, e-mail: support@ezak.cz, web: <https://www.ezak.cz/>.

PART VII. BUSINESS TERMS AND CONDITIONS, INCLUDING PAYMENT TERMS

- 7.1. As a part of this Invitation, the customer presents business terms and conditions , including payment terms, which are binding for the performance of the public contract in question, in the form of a binding draft purchase contract (hereinafter referred to as the "draft contract"). The draft contract is enclosed under Appendix No. 2 hereof.
- 7.2. The draft contract defines the future framework of the contractual relationship. The written draft contract must accept the Invitation text or other documents containing the scope of the subject matter of the contract. **The written draft of the contract must fully accept the text of the Terms and Conditions, which form Appendix No. to this Invitation, and cannot be departed from (the Participant only fills out the designated parts of the draft contract or, as the case may be, only appropriately amends the draft contract).** Failure to comply with this condition shall be deemed a breach of the Terms and Conditions resulting in the exclusion of a participant from further participation in the tender selection procedure. Data given in the draft contract may not differ from the other parts of the participant's offer. In case of discrepancies the draft written contract is always decisive. Should the contract include appendices that are also appendices to some of the documents stated in the participant's offer, such appendices should be attached to the contract only upon signing this contract, i.e. they do not have to be attached in duplicate to the draft contract.

PART VIII. CONDITIONS, UNDER WHICH THE OFFER PRICE MAY BE EXCEEDED

The conditions, under which the offer price can be exceeded are stated in an appendix to this Invitation (see Appendix No. 2 - Terms and Conditions).

PART IX. VARIATION REQUIREMENTS

The customer does not allow alternative solutions.

PART X. OTHER REQUIREMENTS FOR THE IMPLEMENTATION OF THE PUBLIC CONTRACT

By submitting the offer the participant agrees with providing the content of the offer to the grant provider for the purpose of the tender selection procedure control.

PART XI. CONDITIONS AND REQUIREMENTS RELATED TO THE PROCESSING AND SUBMITTING THE OFFER

- 11.1. Each contractor may submit only one offer.
- 11.2. The participant shall provide his/her identification data in his/her offer within the following scope:- name of the company, registered office/place of business/residence, name of the person authorized to act on behalf of the participant , ID No. of the Company (IČ), Tax No. of the Company (DIČ), telephone and e-mail - see Appendix No. 3 to this Invitation.
- 11.3. The participant shall include a draft contract as a part of his/her offer. The proposal has to be signed by a person authorized to act in the name or on behalf of the participant. Should the draft contract be signed by an authorized person, the participant's offer has to also include an appropriate and valid Power of Attorney (submitting a copy of the Power of Attorney will suffice).
- 11.4. **The offer shall also include other documents requested by the Customer, including documents and information proving the qualifications requirements.**
- 11.5. The offer will be submitted in the **Czech, Slovak or English Language**. Documents submitted in other language than mentioned in previous sentence must be accompanied by a translation into the Czech or English Language.
- 11.6. The participant's offer may not contain transcripts or corrections that may lead the customer to false conclusions.
- 11.7. The customer recommends (optionally) to use the following offer structure:
 - Cover sheet of the offer - the sample pursuant to Appendix 3 of this Invitation can be used,
 - Documents that demonstrate compliance with the basic qualification requirements – Appendix 4 of this Invitation can be used for this purpose,
 - Evidence of professional competence (extract from Commercial Register),
 - Evidence of Compliance with Technical Qualification (List of Major Deliveries, Description of Products Intended for delivery),
 - Duly signed contract proposal, including its appendix (see Appendix 2 of this Invitation)
 - Other documents that the contractor considers relevant.

PART XII. OTHER STIPULATIONS

- 12.1. The customer does not compensate the contractors for any expenses arising from their participation in the tender.
- 12.2. By submitting an offer the participant gives the customer consent to check and verify the data referred to in the offer. The customer will exclude any participant from the tender selection procedure if the participant gives false information in its bid.
- 12.3. The customer hereby reserves the right to have the device demonstrated at the supplier or at another site where the device would be installed to verify compliance of the offered device with the technical parameters (e.g. according to the List of Major Deliveries).
- 12.4. The customer reserves the right to cancel this public contract at any time prior to the conclusion of the contract.
- 12.5. The customer conveys that the selected supplier is a person obliged to cooperate in the performance of financial control pursuant to Section 2 point e) of Act No. 320/2001 Coll., on Financial Control in Public Administration, as amended.
- 12.6. **The customer hereby reserves the right to publish the notice of exclusion of the participant and the result of the tender selection procedure on the Customer's profile. Such notice shall be deemed to have been delivered at the moment of publication on the Customer's profile.**

PART XIII. APPENDICES OF THE INVITATION

- Appendix 1: Technical specification
Appendix 2: Terms and Conditions
Appendix 3: Cover sheet of the offer (sample)
Appendix 4: Statutory declaration sample
Appendix 5: List of major deliveries

Ostrava, on _____

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