



Invitation to Tender

Including Tender Specifications for a public contract to a maximum value of CZK 2,000,000

Name of public contract	Inkubátorový fermentační systém (incubator fermentation system)
Type of public contract	deliveries
Co-financed by	European Union - Just Transition Fund within the Operational Programme Just Transition
Name and number of project	REFRESH – Research Excellence For REgion Sustainability and High-tech Industries (CZ.10.03.01/00/22_003/0000048)

Name of Contracting Entity	Vysoká škola báňská – Technická univerzita Ostrava, Institut environmentálních technologií (VSB - Technical University of Ostrava, Institute of Environmental Technology)
Address of the Contracting Entity	17. listopadu 2172/15, 708 00 Ostrava – Poruba
Company Number of the Contracting Entity	61989100
Authorised representative of the Contracting Entity	prof. Ing. Lucie Obalová, Ph.D., Director of the IET
Profile of the Contracting Entity	https://zakazky.vsb.cz/
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ČÁST I. DEFINITION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT

- 1.1. The subject-matter of the public contract is the delivery of an **incubator fermentation system**, including accessories and software.

Detailed technical specifications are presented in Appendix 1 to this Invitation. The terms and conditions of performance are further specified in the Commercial Terms and Conditions (Draft Contract), which constitutes Appendix 2 to this Invitation.
- 1.2. **The place of performance** (delivery) is the premises of the Contracting Entity - Vysoká škola báňská – Technická univerzita Ostrava, 17. listopadu 2172/15, 708 00 Ostrava – Poruba.
- 1.3. The **term of performance is a maximum of 60 calendar days** following the date on which the contract with the selected Economic Operator enters into effect.
- 1.4. The subject-matter of the public contract is co-financed by the European Union - Just Transition Fund within the Operational Programme Just Transition (hereinafter referred to as "OP JT"), this as part of the project "REFRESH – Research Excellence For REgion Sustainability and High-tech Industries", reg. no. CZ.10.03.01/00/22_003/0000048".
- 1.5. The **estimated value** of the public contract is **CZK 820,000.00** not including VAT.
- 1.6. This is not procurement procedure according to Act No. 134/2016 Sb. on public procurement (hereinafter referred to as the "Act"). Should this Invitation and the appendices thereto make reference to the Act, it is deemed that this public contract is governed by the relevant provisions, mutatis mutandis, and that the reference to the Act is stated for more precise specification of the terms and conditions.

- 1.7. This document is at the same time an Invitation to Tender and the Tender Specifications. If the Invitation or the Tender Specifications are mentioned in the tender conditions, this is a reference to this document and the appendices thereto.
- 1.8. If this Invitation or the appendices thereto (save designation of the Contracting Entity's existing equipment) contain requirements or references to individual trade names, the special designation of an enterprise, the special designation of products, execution, or commercial materials which stand for a certain enterprise or organisational unit as significant, as the case may be patents and utility models, these are stated merely for the sake of specification and explication of the technical parameters, and the Contracting Entity permits the use of other qualitatively and technically similar solutions.

ČÁST II. EXPLANATIONS OF TENDER CONDITIONS

- 2.1. An Economic Operator may ask the Contracting Entity for a written explanation of the tender conditions. A written request must be delivered to the Contracting Entity **not later than 4 business days** before the passing of the deadline for submitting tenders. Such request must be delivered to the Contracting Entity in electronic format (for example, via the Contracting Entity's electronic tool, by e-mail to the contact person, etc.). The Contracting Entity may also provide explanations of tender conditions even without prior request or on the basis of a request which is delivered late. The Contracting Entity makes public, sends, or hands over explanations of tender conditions, and as the case may be related documents, not later than 2 business days following the delivery of a request. Should the Contracting Entity provide an explanation in relation to a request for an explanation which is not delivered on time, it need not adhere to this time limit.
- 2.2. If a request for an explanation of tender conditions is delivered on time, but the Contracting Entity fails to provide an explanation within 2 business days, the deadline for submitting tenders is extended by a minimum of the number of business days exceeding the two-day time limit from the delivery of the request for an explanation of tender conditions to the provision of an explanation.
- 2.3. The Contracting Entity concurrently sends an explanation of tender conditions, without identifying the Economic Operator that requested the explanation and including the precise wording of the request, to all Economic Operators which it invited to tender in a closed call, or makes public that explanation in the same way as it made public the Invitation to Tender in an open call.
- 2.4. The Contracting Entity may amend or supplement the tender conditions prior to the passing of the deadline for submitting tenders. An amendment or supplementation of the tender conditions shall be published or reported to Economic Operators in the same way as a tender condition which has been amended or supplemented. **The Contracting Entity invariably publishes explanations in the Contracting Entity's profile. The Contracting Entity therefore recommends that all Economic Operators regularly monitor the Contracting Entity's profile.**
- 2.5. Should the nature of supplementation or amendment of the tender conditions require as such, the Contracting Entity shall at the same time extend the deadline for submitting tenders in a commensurate manner. In the case of an amendment or supplementation of the tender conditions that could broaden the circle of possible participants in procurement, the Contracting Entity shall extend the deadline for submitting tenders in such a way that this deadline lasts the entirety of its original length beginning the time of sending the amendment or supplementation of the tender conditions.
- 2.6. The Contracting Entity appeals for the timely delivery of requests for an explanation, so that there is sufficient room for the Contracting Entity to provide answers and to incorporate answers by individual Economic Operators.

ČÁST III. REQUIREMENTS FOR PROVING SATISFACTION OF QUALIFICATION

- 3.1. The Contracting Entity requires that Economic Operators satisfy the qualifications specified hereunder in order to prove satisfaction of qualification.
- 3.2. In order to satisfy qualification, the Contracting Entity requires:
- a) a **list of significant deliveries** provided within the three years immediately preceding the initiation of this public contract, including a statement of the price and the term of provision thereof, and identification of the customer.

The execution of at least **3 devices of similar nature and scope** as the subject-matter of this public contract must be clear from this **list**. For the purposes of this public contract, a device of similar nature and scope is understood to be a **gas meter or gas analyser or apparatus for fermentation tests of a minimum value** (including SW and accessories) of **CZK 500,000.00 not including VAT**;
 - b) a **description of the products intended for delivery**, from which the manufacturer and type of **incubator fermentation system** being offered are clear (for example, technical sheet, or other appropriate form).
- 3.3. Economic Operators submit documents regarding qualification in their tenders as copies, and may substitute them with a solemn declaration or a European Single Procurement Document. The Contracting Entity may, in the course of procurement procedure, demand the submission of the originals, copies, or officially-authenticated copies of documents regarding qualification. The conditions of proving qualification are further governed, mutatis mutandis, by the provisions of Section 81, 83 (save subsection 1(a) and (c)), 87, and 88 of the Act.
- 3.4. Satisfaction of the Contracting Entity's requirements shall be unambiguously clear from the list specified in subparagraph 3.2(a) of this Invitation. Therefore, the list shall unambiguously state the values of reference devices of a similar nature (stating whether the value includes or does not include VAT), data, or information such that the Contracting Entity is able to judge from them, ipso facto, whether the Economic Operator satisfies the relevant qualification condition. Should a reference contract contain deliveries other than a device of similar nature (i.e., a gas meter or gas analyser or apparatus for fermentation tests), the financial value of devices of similar nature which the reference contract contains shall be stated separately.

ČÁST IV. REQUIREMENTS ON THE METHOD OF COMPILING THE TENDER PRICE

- 4.1. The total tender price shall be stated as the total price for the entire subject-matter of the public contract. The total tender price shall be stated in the Draft Contract (see Appendix 2 to this Invitation).
- 4.2. The tender price shall be stated in Czech currency not including value added tax (VAT).
- 4.3. The total tender price shall be stated in the cover sheet for the tender - see Appendix 3 to this Invitation.
- 4.4. The tender price shall be set as the "maximum possible" price and must include therein all costs associated with the full execution of the subject-matter of the public contract.

ČÁST V. METHOD OF EVALUATING TENDERS ACCORDING TO EVALUATION CRITERIA

- 5.1. The criterion for the award of this public contract is the **value for money of the tender**.

- 5.2. A scoring method shall be used for evaluation. Each individual tender shall be allocated a points value according to a sub-criterion that reflects the success of the relevant tender in relation to that sub-criterion.
- 5.3. The Contracting Entity has set the evaluation sub-criteria and ordered them according to level of importance as follows:

No.	Evaluation sub-criterion	Weight in %
1.	Tender price	75
2.	Technical standard of offered equipment	25

1. Tender price

The crucial factor when evaluating the tender price is its total size in CZK not including VAT stated in the Draft Contract (see paragraph V(1)).

The tender price for the entire subject-matter of the public contract shall be evaluated.

Within the bounds of this criterion, the evaluated tender shall be awarded a points value which is produced with a multiple of 100 and the ratio of the value of the best tender to the valued tender.

2. Technical standard of offered equipment

The sub-criteria specified hereunder shall be evaluated within the bounds of this criterion:

No.	Sub-criterion	Number of distributed points
2.1	Volume of bioreactors	40
2.2	Additive dosing port	20
2.3	Gas sample accumulation	20
2.4	Possibility of upgrade	20

Evaluation sub-criterion 2.1 is numerical and is evaluated using the ratio of the evaluated tender to the best tender.

2.1 Volume of bioreactors

This sub-criterion evaluates the volume of the individual bioreactors (fermenters) with which the offered equipment is fitted. The value in litres specified in Appendix 1 to the Draft Contract shall be evaluated.

The volume of the individual bioreactors (fermenters) with which the offered equipment is fitted must be a minimum of 1.0 litres and a maximum of 2.0 litres, whereby the Contracting Entity favours a larger volume for bioreactors.

The evaluated tender shall be awarded a points value within the bounds of this sub-criterion which is created using a multiple of 40 and the ratio of the value of the evaluated tender and the best tender.

For the sake of completeness, it is specified that the higher the value of the volume of individual bioreactors (fermenters) the better.

Evaluation sub-criteria 2.2 through 2.4 are rated with either YES or NO. If the offered equipment satisfies the relevant condition, i.e., the answer to the question is "YES", the specified number of points is awarded for the relevant sub-criterion. If the offered equipment fails to satisfy the relevant condition, i.e., the answer to the question is "NO", then it is not awarded any points for the relevant sub-criterion. Answers shall be stated in Appendix 1 to the Draft Contract of the tender.

2.2 Additive dosing port

Does the offered equipment contain a port in each bioreactor for dosing liquid or suspension additives during a test?

YES = 20 points

NO= 0 points

2.3 Gas sample accumulation

Does the offered equipment facilitate the accumulation of gas samples at the outlet of the gas meter using a user-supplied polymer sampling bag of a volume of 1-10 litres?

YES = 20 points

NO= 0 points

2.4 Possibility of upgrade

Does the offered equipment facilitate the later upgrade of the system with modules containing analysers (sensors) of the concentration of gases (CH₄ 0-100 % by volume, CO₂ 0-100 % by volume, H₂ 0-100 % by volume or 0-1000 ppmv, O₂ 0-25 % by volume, H₂S 0-5000 ppmv)?

YES = 20 points

NO= 0 points

Within the bounds of evaluation criterion 2, "*Technical standard of offered equipment*", the evaluated tender is awarded the number of points equalling the sum of points for all of the sub-criteria specified above (2.1 through 2.4). A tender may be awarded a maximum of 100 points for this criterion.

- 5.4. The overall evaluation of tenders shall be undertaken in such a way that the individual points evaluations of the tenders according to the sub-criteria (i.e., criterion 1 "*Tender price not including VAT*" and criterion 2 "*Technical standard of offered equipment*") shall be multiplied by the relevant weight for the particular criterion (i.e., for criterion 1 - 75% and for criterion 2 - 25%). Based on the sum of the resulting values of individual tenders, the individual tenders shall be ordered by success rate such that the tender which achieves the highest values is designated the best.

ČÁST VI. TERMS AND CONDITIONS OF AND REQUIREMENTS ON COMPILING A TENDER

- 6.1. A participant shall submit in its tender a Draft Contract signed by a person authorised to act in the name of or on behalf of the participant. If the Draft Contract is signed by an authorised person, the participant's tender must also include the relevant valid power of attorney. The written Draft Contract must fully honour the commercial terms and conditions (see Appendix 2 to the Invitation - Commercial Terms and Conditions) and must comply with the text of the Invitation or with other documents which contain a definition of the subject-matter of the public contract. **It is not possible to diverge from the commercial terms and conditions, which constitute Appendix 2 to this Invitation.** The information stated in the Draft Contract may not diverge from the information stated in other parts of the participant's tender. In the case of divergence, the Draft Contract is invariably decisive.
- 6.2. **An Economic Operator shall specify in its tender the parts of the public contract which it intends to assign to one or multiple subcontractors** and shall provide the identification data of each subcontractor (if known to the Economic Operator) and the anticipated extent of its work. The Economic Operator may use Appendix 4 to the Invitation - List of subcontracts.
- If the Economic Operator intends to perform the subject-matter of the public contract on its own, it shall state this in its tender in the form of a solemn declaration and shall not complete the appendix.

- 6.3. In light of the impact of international sanctions on the sphere of public contracts, the Contracting Entity requires that an Economic Operator **solemnly declare** in its tender **that no international sanctions impact on the Economic Operator**; for example, in relation to Russian/Belarusian entities. The Economic Operator may use Appendix 5 to this Invitation to do so.
- 6.4. The Contracting Entity is, according to Section 4b of Act No. 159/2006 Sb. on conflicts of interests, as amended (hereinafter referred to as "ZSZ"), prohibited from awarding a public contract to an Economic Operator that is a business corporation in which a public official specified in Section 2(1)(c) ZSZ or a company which he/she controls owns a stake equalling at least 25% of the participation of a member in the business corporation.
- For this reason, the Contracting Entity requires that **the Economic Operator solemnly declare that it is not an Economic Operator to which the prohibition specified above would apply** (Appendix 5 to this Invitation may be used).

ČÁST VII. DEADLINE AND PLACE FOR SUBMITTING TENDERS

- 7.1. **Where to submit tenders** - Tenders must be submitted in electronic format via the E-ZAK electronic tool, accessible at <https://zakazky.vsb.cz>.
- 7.2. **The Contracting Entity has set the deadline for submitting tenders as being to 22nd April 2024 by 10:00 am.** If a tender is submitted following the deadline specified in the preceding sentence, the Contracting Entity's electronic tool will not accept the tender.
- 7.3. All terms and conditions and information to concern the electronic tool, including information on the use of an electronic signature, are/is available in the user guide and the electronic signature manual at:
<https://zakazky.vsb.cz/manual.html> (particularly in the document Contractor User Guide, "Contractor sign-up" and "Electronic bids and participation requests").
- 7.4. Technical support of the operator of the E-ZAK electronic tool - tel.: +420 538 702 719, e-mail: podpora@ezak.cz, web: <https://www.ezak.cz/>.

ČÁST VIII. SUBMITTING A TENDER AND THE FORMAL REQUIREMENTS ON A TENDER

- 8.1. An Economic Operator may only submit one tender.
- 8.2. **The tender shall be translated into the Czech language or into the English language.** This Invitation and the appendices thereto have been written in the Czech language and in the English language. For documents and instruments submitted in a language other than the Czech language or the English language, a translation thereof into the Czech language or into the English language must be appended. The obligation to submit a translation does not apply to documents in the Slovak language.
- 8.3. The Contracting Entity recommends using the following segmentation of the tender (although this is not mandatory):
- 1) Cover sheet for the tender (Appendix 3 to this Invitation may be used);
 - 2) **Documents to prove satisfaction of qualification** (see part III of this Invitation);
 - 3) **A signed and completed Draft Contract** (see Appendix 2 to this Invitation), **including appendices**;
 - 4) A **list of subcontracts** (Appendix 4 to the Invitation may be used);
 - 5) Solemn declarations according to paragraph 6.3 and 6.4 (See Appendix 5 to this Invitation);
 - 6) Other documents at the discretion of the participant.

ČÁST IX. OTHER PROVISIONS

- 9.1. The Contracting Entity shall not pay to Economic Operators the costs incurred from their participation in the procurement procedure.
- 9.2. The Contracting Entity does not permit any alternative solutions.
- 9.3. The Contracting Entity's commercial terms and conditions, including the terms and conditions of payment and the conditions under which it is possible to exceed the size of the tender price, are presented in an appendix to this Invitation (see Appendix 2 - Commercial Terms and Conditions).
- 9.4. The selected Economic Operator is a person obliged to cooperate in the execution of financial control according to Section 2(e) of Act No. 320/2001 Sb. on financial control in public administration, as amended.
- 9.5. The Contracting Entity reserves the right to publish an announcement of the disqualification of a participant and an announcement of the result of the selection procedure in the Contracting Entity's profile. Such announcement is deemed to have been delivered at the time of publication in the Contracting Entity's profile.
- 9.6. The Contracting Entity hereby reserves the right:
 - to ask for the clarification of submitted data or documents or for the supplementation of other or lacking data, documents, samples, or models (mutatis mutandis in accordance with Section 46 of the Act);
 - to proceed, mutatis mutandis, in accordance with Section 113 of the Act (the institute of abnormally-low tender price);
 - to proceed, mutatis mutandis, in accordance with Section 48 of the Act;
 - to cancel the public contract at any time before entering into a contract.

ČÁST X. APPENDICES TO THE INVITATION

- Appendix 1: Technical Specifications
Appendix 2: Commercial Terms and Conditions
Appendix 3: Cover sheet for the tender (specimen)
Appendix 4: List of subcontracts
Appendix 5: Solemn declarations

Done in Ostrava on

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prof. Ing. Lucie Obalová, Ph.D.
Director of the IET