



Procurement Documents

to an Above-Threshold Public Contract Awarded in an Open Procedure pursuant to Act No. 134/2016 Sb., on public procurement, as amended (hereinafter referred to as "the Act")

Name of public contract	Evaluation Unit for the Optical "Distributed Temperature Sensor" (DTS) and Supply of Measuring Optical Cables
Type of public contract	supply
CPV	38000000-5 Laboratory, Optical And Precision Equipment (Excluding Glass) 38540000-2 Testing and Measuring Devices
Co-funded by	European Union - Just Transition Fund, the Operational Programme Just Transition
Project name and number	REFRESH - Research Excellence For REgion Sustainability and High-tech Industries (CZ.10.03.01/00/22_003/0000048)

Identification details for the Procurement Documents

Preliminary market consultation	Not conducted
Availability of procurement documents	Published on the profile of the Contracting Authority

PART I. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority	VSB - Technical University of Ostrava
Headquarters of the Contracting Authority	17. listopadu 2172/15, 708 00 Ostrava-Poruba, Czech Republic
Contracting Authority's ID number	61989100
Person authorised to act for the Contracting Authority:	prof. RNDr. Václav Snášel, CSc., Rector
Contact person	Ing. Jan Juřena
Electronic address	jan.jurena@vsb.cz
Telephone	+420597329579
Profile of the Contracting Authority	https://zakazky.vsb.cz/

PART II. DEFINITION OF THE SUBJECT OF THE CONTRACT

- 2.1. The public contract provides for **supply of an evaluation unit for an optical distributed temperature sensor** including software and accessories.

The detailed technical specifications are set out in Annex 1 to this Procurement Documents. The terms and conditions of the performance are further specified in the Terms and Conditions (draft contract) which form Annex 2 to this Procurement Documents.

- 2.2. **The place of performance** (delivery) is the premises of the Contracting Authority - University of Mining and Metallurgy - Technical University of Ostrava, 17. listopadu 2172/15, 708 00 Ostrava-Poruba, Czech Republic.

- 2.3. **The period of performance is a maximum of 4 months** from the effective date of the contract with the selected economic operator.

- 2.4. The public contract is co-funded by the European Union - Just Transition Fund, the Operational Programme Just Transition (hereinafter referred to as "OP JT"), within the "REFRESH - Research Excellence For REgion Sustainability and High-tech Industries" project, reg. No. CZ.10.03.01/00/22_003/0000048.
- 2.5. **The estimated value of the public contract is CZK 2,547,025 without VAT, i.e. CZK 2,987,785.24 incl. VAT.**
- The estimated value of the public contract was determined on the basis of the data obtained from the market survey, or rather from indicative offers.
- 2.6. If the award criteria contain requirements or any references to individual trade names, special company designations, special designations of products, performances or commercial materials that are considered to be characteristic of a particular company or organisational unit, or patents and utility models (except for the designation of any existing equipment of the Contracting Authority), they are only to clarify and to give an idea of the technical parameters, and the Contracting Authority allows the use of a qualitatively and technically similar solution.

PART III. ADDITIONAL INFORMATION ON THE AWARD CRITERIA AND EXPLANATION OF THE PROCUREMENT DOCUMENTS

- 3.1. Explanation of the Procurement Documents
- For an above-threshold public contract, the Contracting Authority will publish an explanation of the Procurement Documents at least 5 working days before the expiry of the deadline for submission of tenders.
- 3.2. Amendments or Supplements to the Procurement Documents
- The award criteria contained in the Procurement Documents may be amended or supplemented by the Contracting Authority before the deadline for submission of tenders. Any amendment or supplement to the Procurement Documents/award criteria will be published or notified to economic operators in the same way as the award criteria that have been amended or supplemented.
- 3.3. Economic operators are entitled to request the Contracting Authority to clarify the Procurement Documents in writing. This request must be delivered to the Contracting Authority in electronic form in accordance with Section 211 of the Act via the electronic tool of the Contracting Authority's profile. The written request must be received by the Contracting Authority no later than 3 working days before the expiration of the deadline referred to in 3.1 of the Procurement Documents.
- 3.4. Since the entire Procurement Documents is freely accessible on the profile of the Contracting Authority, the Contracting Authority does not know and cannot know which economic operators have taken advantage of the unrestricted remote access to the Procurement Documents and therefore does not know all the addresses to which it should provide explanations. However, the Contracting Authority will always publish any clarification, including the exact wording of the request, on the Contracting Authority's profile. **For these reasons, the Contracting Authority recommends that all economic operators regularly check the Contracting Authority's profile.**

PART IV. PROOF OF QUALIFICATION AND QUALIFICATION REQUIREMENTS

The Contracting Authority prefers to prove compliance with the required qualifications by means of a tender form that takes into account all the requirements for proving the qualifications. The tender form is attached as Annex 3 to this Procurement Documents. Further information on the preparation of the tender form is in 11.5 of this Procurement Documents.

If the economic operator does not use the tender form to prove the fulfilment of the qualification, the Contracting Authority offers a list of legally recognised forms of proofs of the qualification in Annex 4 to this Procurement Documents.

In their tenders, tenderers must meet and submit documents proving the qualification set out below as required by law and by the Contracting Authority.

4.1. **Basic Qualification:**

4.1.1. An economic operator **is not** qualified if it

- a) has been convicted of an offence listed in Annex 3 to the Act or a similar offence under the law of the country of its registered office in the past five years before the start of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears in the Czech Republic or in the country of its registered office,
- c) is in arrears on insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office,
- d) is in arrears on payments and penalties of social security contributions and state employment policy contributions in the Czech Republic or in the country of its registered office,
- e) is in liquidation (Section 187 of the Civil Code), has been declared insolvent (Section 136 of Act No. 182/2006 Sb., on bankruptcy and methods of its resolution (Insolvency Act), as amended), against which receivership has been ordered under another legal regulation (e.g. Act No. 21/1992 Sb., on banks, as amended, Act No. 87/1995 Sb., on credit unions and certain related measures and on the amendment of the Czech National Council Act no. 586/1992 Sb., on income taxes, as amended, Act No. 363/1999 Sb., on the insurance sector and on amendments to certain related acts), or is in a similar situation under the law of the country of the economic operator's registered office.

4.1.2. If the economic operator is a legal entity, both this legal entity and every member of its governing body must meet the condition under 4.1.1(a) of this Procurement Documents. Where a legal entity is a member of the governing body of the economic operator, the condition set out in paragraph 4.1.1(a) of the Procurement Documents must be met by:

- a) this legal entity,
- b) each member of the governing body of that legal entity; and
- c) the person representing that legal entity in the governing body of the economic operator.

4.1.3. If a branch of a business participates in the procurement procedure of

- a) a foreign legal entity, the condition referred to in 4.1.1(a) of the Procurement Documents must be fulfilled by that legal entity and the head of the branch,
- b) a Czech legal entity, the condition referred to in 4.1.1(a) of the Procurement Documents must be fulfilled by the persons referred to in 4.1.2. of the Procurement Documents and the head of the branch.

4.1.4. Proof of Basic Qualification

The economic operator proves compliance with the basic qualification requirements in relation to the Czech Republic by submitting

- a) an extract from the Criminal Records in respect of 4.1.1(a) of the Procurement Documents,
- b) a confirmation from a competent tax authority in respect of 4.1.1(b) of the Procurement Documents,
- c) a written affirmation regarding excise duty in respect of 4.1.1(b) of the Procurement Documents,
- d) a written affirmation in respect of 4.1.1(c) of the Procurement Documents,
- e) a confirmation from a relevant district social security administration in respect of 4.1.1(d) of the Procurement Documents,
- f) an extract from the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of 4.1.1(e) of the Procurement Documents.

In accordance with Article 86(2) of the Act, the Contracting Authority allows economic operators to provide proof of the basic qualification in the Tender **by means of an affirmation**.

4.2. **Professional Qualification**

The economic operator proves its professional qualification in relation to the Czech Republic by submitting an **extract from the Commercial Register** or other similar register, if another legal regulation requires entry in such a register.

The economic operator is not obliged to provide the above-mentioned document if the legal regulations in the country of its registered office do not require similar professional qualification.

4.3. **Technical Qualification**

A tenderer proves compliance with the technical qualification by submitting

a) a list of significant supplies provided over the last 5 years prior to the commencement of the procurement procedure.

The list must include at least 2 contracts for the supply of instrumentation where:

- the volume of funds of at least one supply was at least CZK 1,000,000 (at the rate without VAT (incl. SW and accessories),
- at least one contract involved the supply of an optical fibre sensor system or an optical fibre sensor system evaluation unit,

For the sake of completeness, the Contracting Authority adds that the requirement for the volume of funds of the reference supply and the requirement for the supply of an optical fibre sensor system can be fulfilled cumulatively within one reference supply.

b) a description of the products to be supplied, in the form of a fully completed Technical Specification (see Annex 1 of the Procurement Documents), which the economic operator will attach as an annex to the completed tender form.

The Contracting Authority does not accept an affirmation instead of the aforementioned documents proving fulfilment of the technical qualification, which does not explicitly contain information relevant for the assessment of fulfilment of the required qualification.

PART V. REQUIREMENTS FOR THE METHOD OF PROCESSING THE TENDER PRICE

- 5.1. In the tender form attached as Annex 3 to the Procurement Documents, the economic operator indicates the total price for the implementation of the contract. The tender price must be determined on the basis of and in accordance with the Procurement Documents in CZK, broken down into VAT exclusive, VAT amount, and VAT inclusive.
- 5.2. If the economic operator provides a discount to the Contracting Authority, such a discount must be included directly in the tender price (it is not acceptable to provide it as a single item reducing the tender price).
- 5.3. The tender price will be set as the 'maximum allowable' price and must include all costs associated with the full implementation of the public contract.

PART VI. METHOD OF EVALUATION OF TENDERS ON THE BASIS OF THE EVALUATION CRITERIA

- 6.1. The Contracting Authority will evaluate tenders on the basis of the criterion of an economically advantageous tender.
- 6.2. In accordance with Section 114(1) of the Act, the Contracting Authority has determined that tenders will be evaluated on the basis of an economically advantageous tender. The economically advantageous tender is evaluated on the basis of the best quality/price ratio.

- 6.3. An economically advantageous tender will be evaluated on the basis of the scores for the following criteria, to which the Contracting Authority assigns the following criteria weighting:

Tender price	60%
DTS operating characteristics	40%

6.3.1. Tender Price

The evaluation will be based on the total tender price in CZK excluding VAT as indicated in the tender form in field 3.1 Total Tender Price.

For this criterion, the following applies: the most advantageous tender has the minimum value of the criterion and the evaluated tender will be awarded a point value resulting from the multiplication by 100 times and the ratio of the value of the tender with the lowest tender price to the evaluated tender.

The total score for the tender price criterion will be calculated by multiplying the individual tender scores by the weighting of the criterion, i.e. 60 % (or 0.6).

6.3.2. DTS Operating Characteristics

In order to meet the needs of the Contracting Authority in relation to the subject matter of the public contract, i.e. to achieve the required measurement results and to take into account the operation of the DTS even outside laboratory conditions (e.g. outdoor, mobile measuring sites, etc.), the Contracting Authority will take into account the following parameters of the DTS in the evaluation, by means of which the technical requirements for the public contract are set out in Annex 1 of the Procurement Documents:

a) Smallest sampling spatial interval

b) Maximum power at full operation

c) Weight of the whole device (i.e. including all accessories required for the operation of the device)

Within the sub-evaluation criteria under a) - c), the relevant parameters listed in the tender form in field 3.2 Operating Characteristics of the DTS, a) - c) will be evaluated. The names of the parameters are identical throughout the Procurement Documents

For these sub-evaluation criteria, the most advantageous tender is the one that has the lowest value of the parameter concerned and the evaluated tender will be awarded a point value resulting from the multiplication of 100 times and the ratio of the value of the tender with the lowest value of the parameter concerned to the evaluated tender.

In the event that the economic operator indicates a parameter value in the tender that does not comply with the mandatory requirements of the Contracting Authority set out in Annex 1 of the Procurement Documents in relation to the technical conditions, the tender will be excluded from the evaluation.

The overall score for each sub-criterion will be made in such a way that the individual scores of the tenders will be multiplied by the weight of the individual criterion. The weighting for each individual criterion under (a) to (c) is set at 8 % (or 0.08).

d) Dimensions (including all accessories required for the operation of the device)

The gross volume (V) of the device offered will be evaluated and which is obtained by multiplying the data on the dimensions of the device given in mm in box 3.2 Operating Characteristics of the DTS, d) Dimensions, expressed in litres (l) or dm³.

$$V = \frac{\text{height mm} * \text{width mm} * \text{depth mm}}{0.01 * 10^3}$$

For this criterion, the following applies: the most advantageous tender has the minimum value of the criterion, and the evaluated tender will be awarded a point value resulting from the multiplication by 100 times and the ratio of the value of the tender with the lowest value of gross volume (V) to the tender evaluated.

The overall score for the Dimensions criterion will be made in such a way that the individual scores of the tenders will be multiplied by the weight of the criterion, i.e. 8% (or 0.08).

e) Operating temperature

For this evaluation criterion, the Contracting Authority will award a tender 8 points in the evaluation if the device offered allows sub-zero operation (below 0 °C). If the device allows operation at least within the operating temperature range specified in Annex 1 to the Procurement Documents, i.e. from 0 °C to +40 °C, the Contracting Authority will award zero points for this sub-criterion. Otherwise, the tender will be excluded.

The evaluation will include this evaluation criterion as stated in the tender form in field 3.2 Operating Characteristics technical parameters of the DTS, (e) Operating Temperature.

f) Power supply

For this evaluation criterion, the Contracting Authority will proceed by awarding 8 points to the tender if the equipment meets the power supply interval requirement specified in Annex 1 of the Procurement Documents, i.e. from 12 to 24 VDC, and at the same time does not require the use of any additional equipment to adjust the supply voltage when meeting the mandatory power range requirements. I.e. no mains AC supply voltage shall enter the supply circuit.

In case the device allows working at least within the power supply interval specified in Annex 1 of the tender documentation, i.e. from 12 to 24 VDC and at the same time requires the use of a device for changing the supply voltage, the contracting authority shall award zero points to the tender in the evaluation of this sub-criterion.

Otherwise, the tender will be excluded.

The evaluation will include this evaluation criterion as stated in the tender form in field 3.2 Operating Characteristics technical parameters of the DTS, (f) Power Supply, taking into account the information on the need to use the device to change the supply voltage.

- 6.4. In addition, the economic operator will provide a link to a publicly available source from which the parameter can be independently verified (typically the DTS manufacturer's website) or attach to the tender form a document from the device manufacturer to prove that the declared parameters are met. Such a document may be including without limitation a technical specification (datasheet), manufacturer's certificate, written confirmation of the manufacturer, etc.
- 6.5. The overall score for each tender will be determined as the sum of the points achieved under each evaluation (individual) criteria.
- 6.6. The Contracting Authority will not carry out an evaluation of tenders if it has to evaluate a tender of only one tenderer.

PART VII. TERMS AND CONDITIONS, INCLUDING PAYMENT TERMS AND CONDITIONS

- 7.1. The Contracting Authority's terms and conditions, including the payment terms and conditions, are set out in the binding draft contract in Annex 2 to the Procurement Documents.
- 7.2. The economic operator will not submit a draft contract as part of the tender, but by submitting a tender, the economic operator agrees to the wording of the binding draft contract set out in Annex 2 to the Procurement Documents.

PART VIII. TERMS AND CONDITIONS UNDER WHICH THE TENDER PRICE MAY BE EXCEEDED

The terms and conditions under which the tender price may be exceeded are contained in the terms and conditions of the Contracting Authority, which are set out in Annex 2 to the Procurement Documents.

PART IX. REQUIREMENTS FOR VARIANTS

The Contracting Authority does not accept any alternative solutions.

PART X. OTHER REQUIREMENTS FOR THE PERFORMANCE AND COURSE OF THE PUBLIC CONTRACT

- 10.1. By submitting a tender, the tenderer agrees to provide the funder with the contents of its tender for the purpose of controlling the procurement procedure.
- 10.2. The Contracting Authority may exclude a tenderer that is a joint-stock company or has a legal form similar to a joint-stock company and does not have exclusively book shares.
- 10.3. The Contracting Authority will verify the selected economic operator's fulfilment of the grounds for exclusion pursuant to 10.2. of the Procurement Documents on the basis of the information recorded in the Commercial Register. If the information recorded in the Commercial Register shows that the grounds for exclusion pursuant to 10.2. of the Procurement Documents are fulfilled, the Contracting Authority will exclude the tenderer from the procurement procedure.
The provisions of 10.2. and 10.3. will not apply to the tenderers referred to in Section 48(10) of the Act.
- 10.4. A selected economic operator with a registered office abroad which is a joint-stock company or has a legal form similar to that of a joint-stock company will be requested by the Contracting Authority to submit, within a reasonable time limit, a written affirmation stating which persons are the owners of the shares whose aggregate nominal value exceeds 10 % of the tenderer's registered capital, indicating the source on which the information on the size of the shareholders' share is based; this request is deemed to be a request pursuant to Section 46 of the Act.
- 10.5. In its tender, the economic operator specifies the parts of the public contract which it intends to subcontract to one or more subcontractors, the identification details of each subcontractor (if known) and the scope of their expected work. The economic operator indicates the (non-)use of a subcontractor in point 5. of the tender form (Annex 3 to the Procurement Documents).

PART XI. TERMS AND CONDITIONS AND REQUIREMENTS FOR THE PREPARATION OF THE TENDER

- 11.1. By submitting a tender, the economic operator confirms that it agrees with all the formalities set out in the Procurement Documents and that it has understood them and that this information will be used as a basis for the performance of the subject matter of the public contract and is the basis for setting the tender price. It further declares that it has been thoroughly acquainted with the Procurement Documents, including all attachments, and that it accepts all the terms and conditions, including the commercial terms and conditions (binding draft contract), which are set out in the Procurement Documents.
- 11.2. **The tender will be submitted in Czech or English.** The language of this procurement procedure is Czech. Any documents submitted in a language other than Czech or English in accordance with Section 45(3) of the Act may be replaced by the economic operator with similar documents in accordance with the laws of the country in which the document is issued; such a document is submitted with a translation into Czech or English. The translation requirement does not apply to documents relating to a leaflet, technical descriptions and technical data sheets of the products offered. The obligation to include a translation into Czech also does not apply to documents in Slovak and documents of education in Latin.
- 11.3. The economic operator's tender must not contain any overwriting or corrections that could mislead the Contracting Authority.

11.4. All prices will be quoted in CZK.

11.5. **Tender Form**

The Contracting Authority submits a sample tender form, as Annex 3 to the Procurement Documents, containing pre-filled requirements of the Contracting Authority, which are used as a condition for the participation of the economic operator in the procurement procedure.

The economic operator will prove compliance with all the requirements of the Contracting Authority, i.e. requirements for the subject matter of the tender, for qualification or for the submission of data relevant for the evaluation, by submitting the tender form including any relevant annexes or other equivalent documents.

The Contracting Authority strongly recommends that economic operators use the tender form in Annex 3 to the Procurement Documents to submit their tender.

In the event that the economic operator chooses not to use the tender form for submission of its tender, it is the responsibility of the economic operator to ensure that the tender contains the complete information, data and documents required by the Contracting Authority in the Procurement Documents.

PART XII. ABNORMALLY LOW TENDER PRICE

- 12.1. The Contracting Authority reserves the possibility to assess (through the evaluation committee) whether the tenderers' tenders contain an abnormally low tender price in accordance with Section 113 of the Act.
- 12.2. The Contracting Authority does not set out a precise algorithm for determining an abnormally low tender price pursuant to Section 113(2) of the Act, but it reserves the possibility to assess the tender price or costs as abnormally low even in cases not specified pursuant to Section 113(2) of the Act.

PART XIII. TENDER SUBMISSION

- 13.1. **Place for submission of tenders - Tenders** shall be submitted in electronic form only, using the electronic tool E-ZAK available at <https://zakazky.vsb.cz/>.
- 13.2. **The deadline for receipt of tenders is set by the Contracting Authority by 14/04/2025 by 9:00 AM.** If a tender is submitted after the deadline specified in the previous sentence, the Contracting Authority's electronic tool will not accept the tender.
- 13.3. All terms and conditions, and information regarding the electronic tool, including information on the use of electronic signatures, are available in the User Guide and the Electronic Signature Manual at:
<https://zakazky.vsb.cz/manual.html> (especially in the User Guide document under "Economic Operator Registration" and "Electronic Tenders and Requests for Participation")
Technical support of the operator of the E-ZAK electronic tool - tel.: +420 538 702 719, e-mail: podpora@ezak.cz, website: <https://www.ezak.cz/>.
- 13.4. An economic operator may submit only one tender.
- 13.5. An economic operator who has submitted a tender in a procurement procedure must not also be the person through whom another economic operator proves qualification in the same procurement procedure. The Contracting Authority will exclude a tenderer who has submitted multiple tenders, either individually or jointly with other economic operators, or who has submitted a tender and is also the person through whom another tenderer in the same procurement procedure proves qualification.

PART XIV. OTHER PROVISIONS

- 14.1. The Contracting Authority does not reimburse the economic operators the costs incurred from their participation in the procedure.
- 14.2. By submitting a tender, the economic operator grants the Contracting Authority its consent to verify and check the information given in the tenders. The Contracting Authority may exclude an economic operator from the procurement procedure if the economic operator provides false information in its tender.
- 14.3. The Contracting Authority acknowledges that the selected economic operator is a person obliged to cooperate in the performance of financial control pursuant to Section 2(e) of Act No. 320/2001 Sb., on financial control in public administration, as amended.
- 14.4. With regard to the administrative requirements related to the publication of information on the procurement procedure in the Public Procurement Bulletin, the Contracting Authority requests economic operators to use the information provided in the document Application Interpretation for the Definition of Small, Small and Medium-Sized Enterprises and Procedures for Classifying Entrepreneurs into Individual Categories available on the website https://www.mpo.cz/assets/cz/podnikani/dotace-a-podpora-podnikani/oppik-2014-2020/spolecne-prilohy-dotacnich-programu-op-pik/2023/8/Aplikacni-vyklad-MSP_od-24-5-2023.pdf to indicate in the tender form whether it is a small or medium-sized enterprise to the extent of the relevant rules (SME).
- 14.5. The Contracting Authority informs the economic operator that to the extent of Section 219 of the Act and pursuant to Section 2 of Act No. 340/2015 Sb., on special conditions of effectiveness of certain contracts, publication of such contracts and on the register of contracts (Act on the Register of Contracts), as amended, the Contracting Authority is obliged to publish the full text of the concluded contract, including any amendments and supplements thereto, within the time limits specified by law, and also the amount of the price actually paid for the performance of the contract after completion of performance.

PART XV. ANNEXES TO THE PROCUREMENT DOCUMENTS

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| Annex 1: | Technical Specifications |
| Annex 2: | Terms and Conditions |
| Annex 3: | Tender Form |
| Annex 4: | List of Possibilities to Prove Qualification in an Open Procedure |

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Rector