**CALL FOR TENDER**

to a small-scale public procurement pursuant to Section 27 of the Act No. 134/2016 Coll.,

on public procurement (hereinafter also referred to as the Act)

Name of public procurement: **Electrospinning device**

Type of public procurement: supply

CPV of the public procurement: 39300000-5 Miscellaneous Equipment

Call type: open call

The subject of performance of this public procurement is co-financed by the European Union - the Fair Transformation Fund under the Fair Transformation Operational Programme

Project name: REFRESH - Research Excellence For Region Sustainability and High-tech Industries

Project number: CZ.10.03.01/00/22\_003/0000048

**Identification data of the contracting authority**

Name of the contracting authority: Vysoká škola báňská - Technical University of Ostrava

 Nanotechnology Centre

Registered office: Studentská 11, 708 00 Ostrava-Poruba

Business ID.: 619 89 100

VAT ID: CZ61989100

Represented by: prof. Ing. Simha Martynková Gražyna, Ph.D., Director

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Contracting authority profile: <https://zakazky.vsb.cz/>

**Content of the call for tender**

 Identification data of the contracting authority

 Content of the call for tender

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**Preamble**

The general principles and provisions of the Act governing the relationships closest in terms of content and purpose to those governed by this call for tender shall apply mutatis mutandis to the procedures of the contracting authority in the award of small-scale contracts.

Any written communication between the contracting authority and the contractor must be electronic, by means of an electronic tool or data mailbox, or a data message within the meaning of the conditions laid down in Section 211(8) of the Act. Within the meaning of the provisions of Article 103(1)(c) of the Act, the contracting authority stipulates that bids may only be submitted electronically in the public procurement, as further regulated below. In this regard, the Contracting Authority notes that any submissions made by the Contractor to the Contracting Authority in paper form within this public procurement are ineffective against the Contracting Authority in relation to the above terms and conditions of the public procurement.

This call for tender is a set of documents, data, requirements and technical conditions of the Contracting Authority defining the subject of the public procurement in the details necessary for the bid preparation. The contracting authority has determined the tendering terms and conditions to the best of its knowledge and experience in order to ensure transparent and non-discriminatory award of the public procurement, with the aim to fulfil the principles of efficiency, economy and effectiveness in the use of public funds.

This document is both the Call for Tender and the tender documentation. Where the call for tender or the tender documentation is mentioned in the tender conditions, it is meand to include this document and its annexes.

The public procurement is not divided into sections.

**Article I**

**Definition of the subject of the contract**

1. **The subject of the public procurement** is the supply of the device for the electrostatic spinning using needle. The subject of performance includes transport to the place of performance, installation, commissioning of the device at the place of performance and training of the operator at the place of performance. For a detailed technical specification of the subject of supply see Annex 1.
2. When submitting a bid, it is necessary to comply with all binding technical parameters listed in the Annex 1 - Technical Specification of the contract in order to participate in the public procurement. The exclusion of a contractor for failure to comply with the terms of the tendering documentation will lead to a situation when not all binding technical parameters of the required performance are met.
3. **The estimated value of the public procurement is CZK 850,000 excluding VAT**. The estimated value of the contract is set as the maximum value of the contract performance.
4. **The place of delivery of the subject of the public procurement** is the headquarters of the contracting authority, Vysoká škola báňská - Technical University of Ostrava, at 17. listopadu 2172/15, 708 00 Ostrava-Poruba, CPIT building.

1. **The period of performance of the public procurement is up to 8 weeks from the entry of the purchase agreement into force.**
2. If this call for tender contains requirements or references to individual trade names, special designations of the company, 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, they only are indicated for the purpose of specifying and approximating technical parameters and the contracting authority allows the use of a qualitatively and technically similar solution by analogy in accordance with the provisions of Section 89(6) of the Act.
3. The call for tender is available at: <https://zakazky.vsb.cz/>

**Article II**

**Deadline for bids submission**

1. Bids shall be submitted by **07. 04.** **2025 at 09:00;** after the deadline for submission bids will be disclosed.
2. Disclosure of bids shall not be public.
3. If a bid is not delivered to the contracting authority within the time limit or in the manner specified in the tendering documentation, it shall not be deemed to have been submitted and shall not be taken into account during the tendering procedure.

**Article III**

**Method of bids submission**

1. Bids may only be submitted **electronically**, using the E-ZAK electronic tool available at <https://zakazky.vsb.cz/>.

**Article IV**

**Requirements for proving qualifications**

1. The contracting authority requires proof of basic qualification **by means of an affidavit in** accordance with Annex 3, i.e. that the contractor is not a contractor, who:
2. has been convicted of a criminal offence listed in Annex 3 to the Act or a similar offence under the law of the country of the contractor's place of establishment within the last 5 years prior to the start of the public procurement procedure, whereas any spent convictions shall not be taken into account,
3. has a tax arrears due in the Czech Republic or in the country of its registered office,
4. is in arrears on insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office,
5. is in arrears in the Czech Republic or in the country of his/her domicile in respect of social security contributions and state employment policy contributions,
6. is being wound up or has been the subject of a bankruptcy order, has been placed under administration under another legal provision or is in a similar situation under the law of the country of the supplier's domicile.

Where the supplier is a legal person, the condition referred to in point (a) must be fulfilled by that legal person and by each member of the statutory body. Where a legal person is a member of the supplier's statutory body, the condition referred to in point (a) must be fulfilled by that legal person, by each member of the statutory body of that legal person and by the person representing that legal person on the supplier's statutory body.

1. **The professional qualification** shall be fulfilled by a contractor, who **submits copies of the following document**:

**an extract from the commercial register** or other similar register if another legal regulation requires entry in such a register or a trade licence unless the contractor has been incorporated in the commercial register or other similar register.

The contracting authority prefers to prove the qualification by reference to the relevant information held in the public administration information system, i.e. a link to a website containing the required document, for example the website of the Commercial Register (the Contractor shall include a link to the current extract from the Commercial Register in Annex 3 of the Cover Sheet of the bid).

The contractor may replace the required documents with the Single European Procurement Certificate.

1. **The technical qualification** shall be fulfilled by a contractor, who **submits copies of the following document**:

**List of major supplies provided in the last 3 years prior to the launch of this tendering procedure.**

**This list must clearly indicate that at least one device has been supplied,** the technical specification of which is similar in nature and scope to the subject of this public procurement. For the purposes of this public procurement a device of a similar nature and scope is defined as a device for electrostatic spinning using a needle, with a minimum amount of **CZK 800,000 excluding VAT for each made supply.**

The list of significant supplies will be prepared in the form of an affidavit, in the following scope: designation of the contract, identification data of the client, price of the delivery in CZK excluding VAT, time and place of delivery, description of the delivery, contact person (name, phone, e-mail) with whom the performance of the contract by the contractor can be verified.

**Article V**

**Requirements for the preparation of the bid price and rules for the bids assessment**

1. The Contractor shall determine the total bid price in CZK in the breakdown of excluding VAT, VAT and including VAT, which shall be included in the draft agreement.
2. The tender price will be set as the 'maximum allowable' price and must include all costs associated with the full implementation of the contract.
3. The fundamental assessmen criterion of the public procurement is the economic benefit of the bid according to Section 114 of the Act.
4. The contracting authority sets the following assessment criterion:

Total bid price in CZK excluding VAT - weighting **factor 100 %.**

The contracting authority will rank the bids according to the total bid price in CZK, excluding VAT, so that the bid with the lowest bid price is selected as the most suitable and the bid with the highest bid price will be selected as the least suitable.

 **Article VI**

**Inspection of the place of performance**

1. Considering the nature of the subject of the public procurement, the contracting authority does not provide for a place of performance inspection.

**Article VII**

**Explanation of the call for tender**

1. The Contractor is entitled to request the Contracting Authority to clarify the tender conditions in writing. The written request must be received by the contracting authority no later than 4 working days before the deadline for the submission of bids.
2. The contracting authority shall publish, send or forward the clarification of the tender specifications, or related documents, as appropriate, no later than 2 working days after receipt of the request referred to in the preceding paragraph. If the contracting authority provides an explanation in response to a request for clarification that is not received in time, it does not have to comply with the time limit set out in the preceding sentence. If a request for clarification of the terms and conditions is received in time and the contracting authority fails to publish, send or transmit the clarification within 2 working days, it shall extend the deadline for submission of bids by at least as many working days as the time elapsed between the receipt of the request for clarification of the terms and conditions and the publication, sending or transmission of the clarification.
3. If an explanation of the terms and conditions is not provided without identifying the contractor, who requested the explanation, including the exact wording of the request pursuant to Section 1, the contracting authority shall publish the explanation of the terms and conditions, including the exact wording of the request, in the same way as it published the notice of the open call for tender.
4. The Contracting Authority may provide an explanation of the tender conditions without prior request. Sections 2 and 3 of this Article shall apply mutatis mutandis.
5. The award criteria contained in the Tender Documentation may be amended or supplemented by the Contracting Authority before the deadline for submission of tenders. An amendment or addition to the terms of reference shall be published or notified to suppliers in the same manner as the amended or added terms of reference.
6. If the nature of the addition or amendment to the tendering documentation requires so, the contracting authority shall at the same time extend the deadline for submission of bids accordingly. In the event of such an amendment or addition to the tendering documentation, which may extend the range of possible tenderers, the contracting authority shall extend the deadline so that it is at least its full original length from the publication or notification of the amendment or addition to the tendering documentation.
7. Since the entire tender documentation is freely accessible on the contracting authority's profile, the contracting authority does not know and cannot know which suppliers have used the unrestricted remote access to the tender documentation and therefore does not know all the addresses to which it should provide explanations of the tender documentation. However, the contracting authority will always publish an explanation of the tender documentation, 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.**

**Article VIII**

**Business Terms and Conditions**

1. The business terms and conditions of the public procurement are set out in the draft agreement. The draft agreement is attached as the Annex 2 to this tendering documentation. The Contractor shall fill in the relevant required data in the draft agreement, and the contractor shall not be entitled to make any other modifications to the draft agreement, not even to other documents annexed to the Agreement. The Technical Specification (Annex 1) shall be a mandatory annex to the Agreement.

**Article IX**

**Requirements for variants, security**

1. The Contracting Authority does not accept any alternative solutions.
2. The Contracting Authority does not require the provision of a security.

**Article X**

**Conditions and requirements for the processing of the bid**

1. The Contractor only shall submit one bid. The bid shall be submitted in the Czech language.
2. The Contractor shall include in its bid its identification data in the following scope - name of the company, registered office/place of business/residence, name of the person authorized to act on behalf of the Contractor, Business ID, VAT ID, phone number, e-mail (for communication during the procurement process) - see Annex 3 - Cover Sheet of the bid. By signing the cover sheet of the bid the contractor confirms that the submitted bid is binding.
3. The bidr shall also include other documents required by the Contracting Authority, including documents and information demonstrating the compliance with the qualifications in accordance with the provisions of Part IV of this call. The Contractor shall submit **technical data sheets** (in Czech or English) or a reference to their location in the bid, which will prove compliance with all minimum technical parameters required by the Contracting Authority in the tendering conditions.
4. The bid of the contractor must not contain any overwriting or corrections that might mislead the contracting authority.
5. The contracting authority requires that the contractor's bid includes at least the following documents:

- a fully completed Cover Sheet of the bid in the structure set out in Annex 3,

- draft Agreement as per Annex 2

* incl. Annex 1 Technical Specification,

- a signed affidavit of basic qualification in compliance with Annex 4,

- proof of professional qualification,

- proof of technical qualification,

- other documents the contractor intends to submit.

1. A contractor, who has submitted a bid in a public procurement, shall not at the same time be a person, through whom another contractor in the same public procurement proves the qualification. The Cover Sheet of the bid shall include a declaration by the contractor that he is not a subcontractor through whom another contractor in the same public procurement proves the qualification.
2. If a contractor submits multiple bids, either individually or jointly with other contractors, or has submitted a bid and is at the same time a person, through whom another tenderer within the same public procurement proves qualification, the contracting authority shall disqualify such an tenderer.
3. In an event of a joint bid submitted by several contractors, the contracting authority shall require a written document signed by all contractors (e.g. an agreement) showing the division of responsibilities for the performance of the public procurement. The contracting authority requires that all contractors submitting a joint bid are jointly and severally liable.
4. **Submitting a bid:**

A bid may only be submitted in electronic form, via an electronic instrument, and must be submitted in accordance with the requirements set out in Section 107 of the Act, provided that the provisions of Section 107(1) on the paper form of the tender shall not apply. Electronic address for the submission of bids (contracting authority profile): <https://zakazky.vsb.cz/>**.**

A bid cannot be submitted via data mailbox.

The tenderer shall submit in its bid a draft agreement signed by a person authorised to act on behalf of the Tenderer. If the draft Agreement is signed by an authorised person, the tenderer's offer must also include a valid power of attorney (a copy of the power of attorney is sufficient).

**Article XI**

**Other communications of the contracting authority**

1. The contracting authority shall not reimburse any costs incurred by the participants in the public procurement.
2. By submitting a bid, the tenderer grants the contracting authority consent to verify and check the information provided in the bid. The contracting authority shall exclude a tenderer from the public procurement if the tenderer provides false information in its bid.
3. The contracting authority reserves the right to verify the information contained in the tenderer's bid with third parties and the tenderer is obliged to provide any necessary assistance in this respect.
4. By submitting a bid, the tenderer agrees to provide the contents of its bid to the funder for the purpose of controlling the tendering procedure.
5. The selected contractor is obliged to cooperate in the performance of financial control, within the meaning of Section 2(e) and Section 13 of the Act No. 320/2001 Coll., on financial control in public administration and on amendments to certain acts, as amended, i.e. to provide the inspection body with any documents relating to the implementation of the project, paid from public expenditure or financial support to the extent necessary to verify the particular operation. The subcontractor of the contractor has the same obligation.
6. The contracting authority reserves the right to cancel the public procurement without giving any reason.
7. The contracting authority reserves the right to proceed in accordance with Section 113 of the Act.
8. The contracting authority reserves the right to publish the contracting authority's decisions related to the procurement process (decision on the exclusion of a tenderer and the decision on the selection of a contractor) on the contracting authority's profile website<https://zakazky.vsb.cz/>in such a case, the decision to exclude a tenderer and the decision to select a contractor shall be deemed to have been notified to all contractors concerned at the moment of publication on the contracting authority's profile.
9. The contracting authority is obliged to process personal data for the purpose of the proper award of a public procurement in cases where the law expressly requires or allows the contracting authority to do so. In addition, the contracting authority may also process personal data, the processing of which is not expressly required by law, but the processing of which is necessary for the fulfilment of the contracting authority's legal obligation, i.e. for the proper award of the public contract. When processing personal data, the contracting authority shall always proceed in accordance with the applicable legislation.
10. For all terms and conditions and information regarding the electronic tool seethe User Guide at: [**https://zakazky.vsb.cz/manual.html**](https://zakazky.vsb.cz/manual.html)**.**
11. Technical support of the operator of the **E-ZAK** electronic tool **, on working days: 8:00 - 17:00, Phone: +420 538 702 719, e-mail:** **podpora@ezak.cz****, website:** [**https://www.ezak.cz/**](https://www.ezak.cz/)
12. The contracting authority informs the contractor that the E-ZAK electronic tool is connected to the Central Supplier Database (CDD) of the FEN.cz portal, where the registration and administration of supplier accounts also takes place. In an event the contractor has already had an account (registration) in E-ZAK, but has not yet been linked to the Central Contractor Database of the FEN platform, then he can use the account linking directly in E-ZAK. Please note that registration is not instantaneous and the registration process may take up to 48 hours (counted in working days).
13. The Contracting Authority has prepared this tendering documentation to the best of its knowledge and experience in the field of public procurement with the aim of ensuring a transparent, non-discriminatory, proportionate and cost-effective procurement. The contracting authority cannot exclude that the future opinion of the supervisory authority on the facts and processes set out in the tender documentation may differ from that of the contracting authority, despite the best care taken.
14. The contracting authority also draws the attention of the contractor to the fact that the tendering documentation is a summary of the contracting authority's requirements rather than a final summary of all requirements arising from generally binding standards. The contractor must therefore always follow not only the requirements contained in the tendering documentation but also the provisions of the relevant generally binding standards when preparing its bid.
15. The Contractor is obliged to submit all documents required in this call throughout the tendering procedure.
16. Pursuant to Section 4b of the Act No. 159/2006 Coll., on Conflict of Interest, as amended (hereinafter referred to as the "Conflict of Interest Act"), the contracting authority must not awarding a public contract to a contractor that is a company, in which a public official referred to in Section 2(1)(c) of the Conflict of Interest Act or a person controlled by him/her owns a share representing at least 25% of the shareholder's participation in the company. The contracting authority therefore requires the contractor to declare on oath that it is not a contractor, to whom the above prohibition would apply - see Annex 3 o the Cover Sheet of the bid.
17. Pursuant to the provisions of Section 48a of the Act No. 134/2016 Coll., on Public Procurement, the contracting authority shall not award a public contract to a contractor if it is contrary to international sanctions pursuant to the Act No. 69/2006 Coll., on the Implementation of International Sanctions, as amended. The contracting authority therefore requires the contractor to declare on oath that it is not a contractor, to whom the above prohibition would apply - see Annex 3 o the Cover Sheet of the bid.

**Article XII**

**Annexes to the call for tender**

Annex 1: Technical Specifications

Annex 2: Draft Agreement

Annex 3: Cover Sheet of the bid

Annex 4: Affidavit on the basic qualiication

In Ostrava (date in electronic signature)

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prof. Ing. Simha Martynková Gražyna, Ph.D.

Nanotechnology Centre

Director