



Procurement Documentation

for an above-the-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 the public contract	Laboratory stand for syngas conversion and catalytic transformation of gaseous mixtures into hydrogen
Type of public contract	delivery
Public contract CPV	38970000-5 Research, testing and scientific engineering simulators 38000000-5 Laboratory, optical and precision instruments and equipment (excluding glass)
Co-funded by	European Union - Just Transition Fund with 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 Documentation

Preliminary market consultation	Not conducted
Procurement documentation availability	Published on the Contracting Authority's profile

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
Contracting Authority's ID number	61989100
Person authorised to act for the Contracting Authority:	prof. RNDr. Václav Snášel, CSc., Rector
Contact person	Ing. Miroslav Jílek
Email address	miroslav.jilek@vsb.cz
Telephone	+420597329131
Profile of the Contracting Authority	https://zakazky.vsb.cz/

PART II. DEFINITION OF THE SUBJECT OF THE CONTRACT

- 2.1. The subject of the public contract is the delivery of **a laboratory stand for syngas conversion and catalytic transformation of gaseous mixtures into hydrogen, including accessories.**

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

- 2.2. The **place of performance** (delivery) is the premises of the Contracting Authority - VSB - Technical University of Ostrava, CEETe building, Studentská 6246/21, 70800 Ostrava-Poruba.

- 2.3. The **performance period shall not exceed 180 calendar days** from the effective date of the contract with the selected economic operator.
- 2.4. The subject of the public contract is co-funded by the European Union - Just Transition Fund within 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 3,200,000.00 excluding VAT.**
- 2.6. If the procurement 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 PROCUREMENT CRITERIA AND EXPLANATION OF THE PROCUREMENT DOCUMENTATION

- 3.1. Explanation of the Procurement Documentation
For an above-the-threshold public contract, the Contracting Authority will publish an explanation of the Procurement Documentation at least 5 working days before the expiry of the deadline for the submission of tenders.
- 3.2. Amendments or supplements to the Procurement Documentation
The procurement criteria contained in the Procurement Documentation may be amended or supplemented by the Contracting Authority before the deadline for the submission of tenders. Any amendment or supplement to the Procurement Documentation/procurement criteria will be published or notified to economic operators in the same manner as the procurement criteria that have been amended or supplemented.
- 3.3. Economic operators are authorised to ask the Contracting Authority to clarify the Procurement Documentation in writing. This request must be delivered to the Contracting Authority in electronic form in accordance with Section 211 of the Act (e.g. via the Contracting Authority's electronic tool, etc.). 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 paragraph 3.1 of the Procurement Documentation.
- 3.4. Since the entire Procurement Documentation is freely accessible on the Contracting Authority's profile, the Contracting Authority does not know and cannot know which economic operators have taken advantage of the unrestricted remote access to the Procurement Documentation 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

In their tenders, tenderers must meet and submit documents proving the qualifications set out below as required by the Act 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 laws 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) has outstanding arrears on insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears on premiums or penalties for 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), has been ordered into receivership 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 laws 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 paragraph 4.1.1(a) of this Procurement Documentation. 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 Documentation must be fulfilled by:

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

4.1.3. If the participant in the procurement procedure is the branch of

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

4.1.4. Proof of basic eligibility

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

- a) an extract from the Criminal Records in respect of paragraph 4.1.1(a) of the Procurement Documentation,
- b) a confirmation from the competent tax authority in respect of paragraph 4.1.1(b) of the Procurement Documentation,
- c) a written sworn affidavit regarding excise duty in respect of paragraph 4.1.1(b) of the Procurement Documentation,
- d) a written sworn affidavit in respect of paragraph 4.1.1(c) of the Procurement Documentation,

- e) a confirmation from the relevant district social security administration in respect of paragraph 4.1.1(d) of the Procurement Documentation,
- f) an extract from the Commercial Register, or a written sworn affidavit in the event that the economic operator is not incorporated in the Commercial Register, in respect of paragraph 4.1.1(e) of the Procurement Documentation.

In the tenders, the Contracting Authority accepts the substitution of the above documents with a written sworn affidavit, e.g. using Annex 6 to this Procurement Documentation.

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.

In the tenders, the Contracting Authority accepts the substitution of the above document with a written sworn affidavit.

4.3. **Technical qualification**

To prove the technical qualification criteria, the Contracting Authority requires:

- a) **a description of the products to be supplied**, specifically documentation of **the equipment diagram (the laboratory stand)**.

The Contracting Authority does not accept a sworn affidavit in lieu of the aforementioned documents proving fulfilment of the technical qualification, which does not contain information relevant for the assessment of fulfilment of the required qualification.

PROVING ELIGIBILITY, QUALIFICATIONS AND SUBMISSION OF DOCUMENTS:

- 4.4. If the Act or the Contracting Authority requires the submission of a document, the economic operator shall submit copies of the document in the tender, unless provided otherwise by the Act.
- 4.5. In order to prove qualifications, the Contracting Authority preferably requires documents recorded in a system that identifies the documents to prove compliance with the qualification requirements (e-Certis system).
- 4.6. The economic operator may always replace the required documents with the Single European Public Procurement Certificate.
- 4.7. The Economic operator is not obliged to submit to the Contracting Authority documents certifying the facts contained in the Single European Public Procurement Certificate, provided it informs the Contracting Authority, in which other public procurement procedure it has already submitted them.
- 4.8. If the Contracting Authority requires the submission of a document and the economic operator is unable, for reasons not attributable to it, to produce the required document, it is entitled to produce an equivalent document.
- 4.9. If the Act or the Contracting Authority requires the submission of a document under the legal system of the Czech Republic, the economic operator may submit a similar document under the legal system of the state in which the document is issued; this document shall be submitted including a translation into the Czech language. Documents in Slovak and proof of education in Latin are to be submitted without translations. If the required document is not issued under the applicable law, it may be replaced by a written sworn affidavit.

- 4.10. The obligation to submit a document may be met by the economic operator by reference to the relevant information held in a public administration information system or in a similar system held in another Member State which allows for unrestricted remote access. Such a link must include the internet address and details for logging in and retrieving the requested information, if such details are necessary.
- 4.11. If the qualification was obtained abroad, it shall be proven by means of documents issued in accordance with the legal system of the country in which it was obtained, to the extent required by the Contracting Authority.
- 4.12. Proof of basic eligibility as specified in paragraph 4.1 of this Procurement Documentation must prove that the required eligibility criterion has been met no later than 3 months prior to the date of initiation of this public procurement procedure.
- 4.13. In case of joint participation of economic operators, each economic operator shall prove its basic eligibility and professional qualification under paragraph 4.2. of this Procurement Documentation separately, and other parts of the qualification and eligibility requirements jointly.
- 4.14. If the economic operator is unable to fully prove its compliance with the qualifications required by the Contracting Authority under paragraph 4.3. of this Procurement Documentation, it is authorised to prove its compliance with the qualifications in the missing scope **via other parties**. In this case, the economic operator is obliged to submit:
- a) documents proving that the professional qualifications referred to in paragraph 4.2 of this Procurement documentation have been met by another party,
 - b) documents proving that the missing part of the qualification is met by another party,
 - c) proof of meeting basic eligibility referred to in paragraph 4.1 of this Procurement Documentation by another party; and
 - d) an agreement or a certificate of its existence signed by another party, the content of which is an undertaking by another party to provide the performance intended for the performance of the public contract or to provide goods or rights, which the economic operator will be entitled to dispose of in the performance of the public contract, at **least to the extent that the other party has proven its qualifications as an economic operator**.
- This agreement or the confirmation of its existence is further subject to the conditions of Section 83(2) and (3) of the Act.

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

- 5.1. The total tender price will be determined as the aggregate price for the entire subject of the public contract. The total tender price will be quoted in the draft contract (see Annex 2 to this Procurement Documentation).
- 5.2. The tender price will be quoted in Czech currency excluding value added tax (VAT).
- 5.3. The total tender price will be indicated on the tender cover sheet - see Annex 3 to this Procurement Documentation.
- 5.4. 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 BASED ON THE EVALUATION CRITERIA

- 6.1. **The lowest tender price for the entire subject hereof is the sole evaluation criterion (100 %) for this public contract.**

- 6.2. When evaluating the tender price, its total amount in CZK excluding VAT, as stated in the draft contract (in Art. V.1) will be decisive.

PART VII. TERMS AND CONDITIONS, INCLUDING PAYMENT TERMS

The terms and conditions of the Contracting Authority, including payment terms, are set out in the Annex 2 to this Procurement Documentation.

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

The 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 Documentation.

PART IX. REQUIREMENTS FOR VARIANTS

The Contracting Authority does not accept any variant 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-entered shares.
- 10.3. The Contracting Authority will verify the selected economic operator's fulfilment of the grounds for exclusion pursuant to paragraph 10.2. of the Procurement Documentation 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 paragraph 10.2. of the Procurement Documentation are fulfilled, the Contracting Authority will exclude the tenderer from the procurement procedure.

The provisions of paragraph 10.2. and paragraph 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 sworn affidavit stating which persons are the owners of 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. The Contracting Authority requires the selected economic operator to behave in a socially responsible manner during the implementation of the subject of the public contract and to minimise the negative environmental impacts caused by its activities. The Contracting Authority requires that the bid includes a **sworn declaration on social and environmental responsibility in the implementation of the subject of the public contract** (Annex 5 to this Procurement Documentation may be used).

- 10.6. Pursuant to Section 4b of Act No. 159/2006 Coll., on Conflict of Interests, as amended (hereinafter referred to as the "Conflict of Interests Act"), the Contracting Authority must not awarding a public contract to a economic operator that is a company, in which a public official referred to in Section 2(1)(c) of the Conflict of Interests Act or an entity controlled by them owns a share representing at least 25% of the shareholder's participation in the company.
- For this reason, the Contracting Authority requires the economic operator to **declare on oath that it is not a economic operator, to whom the above ban would apply** (Annex 5 to this Procurement Documentation may be used).
- 10.7. With regard to the impact of international sanctions in the field of public procurement, the Contracting Authority requires that the economic operator **declare on oath** in its bid (Annex 5 to this Procurement Documentation may be used) that **the economic operator is not subject to any international sanctions** pursuant to the Act No. 69/2006 Coll., on the Implementation of International Sanctions, as amended, in particular (but not exclusively) within the meaning of Council Regulation (EU) No. 269/2014, as amended, and Council Regulation (EU) No. 833/2014, as amended.
- 10.8. In its tender, the economic operator specifies the parts of the public contract which it intends to subcontract to one or more economic sub-operators, the identification details of each economic sub-operator (if known) and the scope of their expected work. The economic operator may use Annex 4 to the Procurement Documentation - List of Subcontracts. If the economic operator performs the subject of the contract itself, it shall state this in the tender in the form of a sworn affidavit and shall not fill in the annex.

PART XI. CONDITIONS AND REQUIREMENTS FOR DRAFTING THE TENDER

- 11.1. In its tender, the tenderer shall specify its identification data in the following scope - trade name, registered office/place of business/permanent residence, name of the person authorised to act on behalf of the tenderer, business ID number, phone number and email - see Annex 3 to this Procurement Documentation .
- 11.2. The tenderer shall submit in its tender a draft contract signed by a person authorised to act on behalf of the tenderer. If the draft contract is signed by an authorised person, the relevant valid power of attorney must also be included in the tender.
- 11.3. **The draft contract must accept the text of this procurement documentation or other documents containing the definition of the subject of the contract . The written draft contract must fully accept the text of the Business Terms and Conditions, which form Annex 2 to this Procurement Documentation, and shall not deviate from them (the tenderer shall complete the indicated parts of the draft contract - business terms and conditions, if applicable, according to the notes and only shall modify the draft contract to the extent appropriate).** The information given in the draft contract must not differ from the information given in any other part of the tenderer's tender. In an event of a conflict, the draft contract will always prevail.
- 11.4. The tender will also include other documents required by the Act and the Contracting Authority, including documents and information proving that the qualifications have been met.
- 11.5. **The tender will be submitted in Czech or English.** This Procurement Documentation and its annexes are available in Czech and English. Documents and deeds submitted in a language other than Czech or English must be accompanied by a translation into Czech or English. The obligation to attach a translation does not apply to documents in the Slovak language.
- 11.6. **The Contracting Authority recommends (optionally) that the tenderer uses the following order of documents (content) in its tender:**
- 1) **Tender cover sheet** (Annex 3 to this Procurement Documentation may be used),
 - 2) **Proof that qualification criteria have been met (see Part IV of this Procurement Documentation):**
 - a. **Basic eligibility** (specimen sworn affidavit may be used, see Annex 6),

b. Professional qualifications

c. Technical qualifications

- 3) **Duly completed and signed draft contract** (see Annex 2 to this Procurement Documentation) **including the annex**,
- 4) **Sworn affidavits pursuant to paragraphs 10.5, 10.6 and 10.7** (see Annex 5 to this Procurement Documentation),
- 5) **List of subcontracts** or declaration of non-use of economic sub-operators (see Annex 4 to this Procurement Documentation),
- 6) Other documents at the tenderer's discretion (e.g. association agreement, information on economic sub-operators).

PART XII. ABNORMALLY LOW TENDER PRICE

- 12.1. The Contracting Authority reserves the option 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 a precise algorithm for determining an abnormally low tender price pursuant to Section 113(2) of the Act, but it reserves the option of assessing 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 the submission of tenders is set by the Contracting Authority at 1st July 2025 by 10:00 a.m.** 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 - phone: +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 simultaneously be a party through which another economic operator proves its qualifications 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 party through which another tenderer in the same procurement procedure proves its qualifications.

PART XIV. MISCELLANEOUS PROVISIONS

- 14.1. The Contracting Authority does not reimburse the economic operators for the costs incurred from their participation in the procedure.
- 14.2. Opening of tenders - In accordance with Section 109(1) of the Act, individual tenders will be opened after the expiry of the deadline for the submission of tenders. As only electronic tenders are to be submitted, there will be no public opening of tenders. The opening of tenders will take place on 1st July 2025 from 10:00 a.m. at the address of VSB - Technical University of Ostrava, Business Centre of the VSB - Technical University of Ostrava, Studentská 17/6202, 708 00 Ostrava and in the electronic tool environment.
- 14.3. The Contracting Authority reserves the right to exclude a tenderer from the procurement procedure if the grounds for exclusion stipulated by the Act are met.
- 14.4. 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.
- 14.5. The Contracting Authority acknowledges that the selected economic operator is an entity 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.

PART XV. ANNEXES TO THE PROCUREMENT DOCUMENTATION

- Annex 1: Technical Specifications
- Annex 2: Terms and Conditions
- Annex 3: Cover Sheet (specimen)
- Annex 4: List of Subcontracts
- Annex 5: Sworn Affidavits
- Annex 6: Specimen Sworn Affidavit of Basic Eligibility

In Ostrava

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prof. RNDr. Václav Snášel, CSc.
Rector