



## Procurement Documents

for an above-threshold public contract awarded in an open procedure pursuant to Act No. 134/2016 Sb., Public Procurement Act, as amended (hereinafter referred to as "the Act")

Title of public contract	<b>Delivery of ALD system with inductively coupled plasma</b>
Type of public contract	supply
CPV	38000000-5 Laboratory, optical and precision instruments and equipment (excluding glass) 42990000-2 Other special-purpose machinery 48461000-7 Analysis and science software package
Co-funded by	European Union - Just Transition Fund, the Operational Programme Just Transition
Project title 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

Procurement Documentation availability	Published on the profile of the Contracting Authority
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### PART I. IDENTIFICATION OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority	<b>VSB - Technical University of Ostrava</b>
Registered office of the Contracting Authority	17. listopadu 2172/15, 708 00 Ostrava-Poruba, Czech Republic
Business ID No. of the Contracting Authority	61989100
Person authorised to act for the Contracting Authority:	prof. Ing. Igor Ivan, Ph.D., Rector
Contact person	Ing. Miroslav Jílek
Email address	miroslav.jilek@vsb.cz
Telephone	+420597329131
Profile of the Contracting Authority	<a href="https://zakazky.vsb.cz/">https://zakazky.vsb.cz/</a>

### PART II. DEFINITION OF THE SUBJECT OF THE CONTRACT

- 2.1. The subject of the public contract is the delivery of an **atomic layer deposition (ALD) system, including software and accessories**.

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

- 2.2. The **place of performance**:

- Place of delivery of Goods (system): the premises of the Contracting Authority – VSB – Technical University of Ostrava, parking lot in front of the Materials Research Centre building, Studentská 6202/17, 70800 Ostrava-Poruba.

- Place for system commissioning, basic operator training, and other activities: the premises of the Contracting Authority – VSB – Technical University of Ostrava, Materials Research Centre building, Studentská 6202/17, 70800 Ostrava-Poruba.
- 2.3. **The performance deadline is max. 330 calendar days** from the effective date of the contract with the selected contractor.
  - 2.4. The public contract is co-funded by the European Union - Just Transition Fund, Operational Programme Just Transition (hereinafter referred to as "OPJT"), 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 18,200,000.00 excluding VAT.**
  - 2.6. **Preliminary Market Consultation:** During the preparation of the procurement documents, a preliminary market consultation was conducted with Oxford Instruments plc (registered office - Oxford Instruments, Halifax Road, High Wycombe, United Kingdom, HP12 3SE, Comp. No. - GB 00775598). The aim of the preliminary market consultation was to set the delivery sequence that would suit the customs of the given market. Based on this consultation, the delivery is arranged as follows: the selected contractor will deliver the Goods (system) to the area in front of the Materials Research Centre (CMV); the Contracting Authority will subsequently place the system in the prepared room and connect it to utilities; afterwards, the selected contractor will commission the system and provide basic training. Based on these preliminary market consultations, Sections 2.2 and 2.3 of this Procurement Documents were created, and in the Contracting Authority's Terms and Conditions (Annex 2 to this Procurement Documents), Sections 1 and 2 of Article III, Section 6 of Article IV, and Section 5 of Article V were created.
  - 2.7. If the award criteria contain requirements or any references to individual trade names, special company designations, special designations of products, performance 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 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 time limit 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 time limit for submission of tenders. Any amendment or supplement to the Procurement Documents / award criteria will be published or notified to contractors in the same manner as the award criteria that have been amended or supplemented.
- 3.3. Contractors 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 (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 expiry of the deadline referred to in 3.1 of the Procurement Documents.

- 3.4. Since the complete Procurement Documents are freely accessible on the Contracting Authority's profile, the Contracting Authority does not know and cannot know which contractors 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 contractors regularly check the Contracting Authority's profile.**

#### **PART IV. PROOF OF ELIGIBILITY AND QUALIFICATION REQUIREMENTS**

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

##### **4.1. Basic eligibility:**

4.1.1. An contractor **is not** eligible 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) has outstanding arrears on 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 and 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 law of the country of the contractor's registered office.

4.1.2. If the contractor 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 the Procurement Documents. Where a legal entity is a member of the contractor's governing body, the condition under 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 contractor's governing body.

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

- a) a foreign legal entity, the condition under paragraph 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 under paragraph 4.1.1(a) of the Procurement Documents must be fulfilled by the persons under paragraph 4.1.2 of the Procurement Documents and the head of the branch.

#### 4.1.4. Proof of basic qualification

The contractor proves conformity with the basic qualification 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 Documents,
- b) confirmation from a competent tax authority in respect of paragraph 4.1.1(b) of the Procurement Documents,
- c) a written affidavit regarding excise duty in respect of paragraph 4.1.1(b) of the Procurement Documents,
- d) a written affidavit in respect of paragraph 4.1.1(c) of the Procurement Documents,
- e) confirmation from a relevant district social security administration in respect of paragraph 4.1.1(d) of the Procurement Documents,
- f) an extract from the Commercial Register, or a written affidavit in the event that the contractor is not incorporated in the Commercial Register, in respect of paragraph 4.1.1(e) of the Procurement Documents.

The Contracting Authority accepts the substitution of the above documents in the tenders with a written affidavit, e.g. using Annex 6 to the Procurement Documents.

#### 4.2. Professional qualification

The contractor 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 contractor 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.

The Contracting Authority accepts the substitution of the above document in the tenders with a written affidavit.

#### 4.3. Technical qualification

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

- a) **a list of major contracts** supplied in the 5 years preceding the start of this procurement procedure, including the price and duration of supply and identification of the client.

From this **list** it must be clear that at least **5 instruments of a similar nature and scope** to the subject of this public contract have been supplied. For the purposes of this public contract, an instrument of a similar nature and scope is defined as an **ALD system with inductively coupled plasma** valued at (incl. SW and accessories) **min. CZK 9,000,000.00 excluding VAT**.

- b) **a description of the products to be delivered, at least to the following extent:**

- I. description of the **atomic layer deposition (ALD) system** showing its manufacturer and type (e.g. technical data sheet or other appropriate form); and
- II. **a technical drawing or photograph** showing the concept of access to the electrodes within the reaction chamber.

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

## **PROOF OF ELIGIBILITY, QUALIFICATION AND SUBMISSION OF DOCUMENTS:**

- 4.4. The list under paragraph 4.3(a) of the Procurement Documents will clearly show that the requirements of the Contracting Authority have been met. Thus, the list will clearly indicate the values of reference instruments of a similar nature (indicating whether these values include or exclude VAT), dates or information, so that the Contracting Authority is able to assess directly whether the contractor meets the given qualification requirement. If the reference contract includes supplies other than instruments of a similar nature (i.e. deliveries of ALD systems with inductively coupled plasma), the financial value of the instruments of a similar nature included in the reference contract shall be indicated separately.

If the data in the tender (in the section proving qualifications) are stated in a currency other than CZK, the exchange rate of the foreign exchange market published by the Czech National Bank on the day of initiation of this procurement procedure shall be used for conversion to CZK (i.e. the dispatch of the initiation form for publication in the Public Procurement Journal and the Official Journal of the European Union – TED).

- 4.5. If the law or the Contracting Authority requires the submission of a document, the contractor shall submit copies of the document in the tender, unless provided otherwise by law.
- 4.6. In order to prove qualifications, the Contracting Authority preferably requires documents recorded in a system that identifies the documents proving conformity with the qualification criteria (e-Certis system).
- 4.7. The contractor may always replace the required documents with the Single European Public Procurement Certificate.
- 4.8. The contractor 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.
- 4.9. If the Contracting Authority requires the submission of a document and the contractor is unable, for reasons not attributable to it, to produce the required document, it is entitled to produce an equivalent document.
- 4.10. If the law or the Contracting Authority requires the submission of a document under the law of the Czech Republic, the contractor may submit a similar document under the law 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 affidavit.
- 4.11. The obligation to submit a document may be met by the contractor 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.
- 4.12. If the qualification was obtained abroad, it shall be proven by means of documents issued in accordance with the law of the country in which it was obtained, to the extent required by the Contracting Authority.
- 4.13. Proof of basic eligibility as specified in paragraph 4.1 of the Procurement Documents must demonstrate that the required eligibility criterion has been met no later than 3 months prior to the date of initiation of this public procurement procedure.
- 4.14. In case of joint participation of contractors, each contractor shall prove its basic eligibility and professional qualification under paragraph 4.2. of the Procurement Documents separately, and other parts of the qualification and eligibility requirements jointly.

- 4.15. If the contractor is unable to fully prove its compliance with the qualification criteria required by the Contracting Authority under paragraph 4.3. of the Procurement Documents, it is authorised to prove its compliance with the qualifications in the missing scope **via other parties**. In this case, the contractor is obliged to submit:
- a) documents proving that the professional qualification criteria under paragraph 4.2 of the Procurement Documents have been met by another party,
  - b) documents proving that the missing part of the qualification criteria is met by another party,
  - c) proof of meeting basic eligibility criteria under paragraph 4.1 of the Procurement Documents by another party; and
  - d) an agreement or confirmation of its existence signed by another party, the content of which is the commitment of the other party to provide the performance intended for the performance of the public contract or to provide goods or rights, which the contractor 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 a contractor**.
- This agreement or 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 the Procurement Documents).
- 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 the Procurement Documents.
- 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 EVALUATING 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 EUR 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 Annex 2 to the Procurement Documents.

#### **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 Documents.

## 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 subsidy provider 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 contractor's fulfilment of the grounds for exclusion under paragraph 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 under paragraph 10.2. of the Procurement Documents are fulfilled, the Contracting Authority will exclude the tenderer from the procurement procedure.

The provisions of paragraphs 10.2. and 10.3. will not apply to the tenderers referred to in Section 48(10) of the Act.

- 10.4. A selected contractor with its 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 affidavit stating the identity of 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 contractor 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 tender includes an **affidavit on social and environmental responsibility in the implementation of the subject of the public contract** (Annex 5 to the Procurement Documents may be used).
- 10.6. 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 award a public contract to a contractor that is a company in which a public official under Section 2(1)(c) of the Conflict of Interest Act or a person controlled by them owns a share amounting to at least 25% of the shareholder's participation in the company.  
For this reason, the Contracting Authority requires the contractor to **declare in an affidavit that it is not a contractor, to whom the above prohibition would apply** (Annex 5 to the Procurement Documents 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 contractor **declare in an affidavit** within its tender (Annex 5 to the Procurement Documents may be used) that **neither the contractor nor its subcontractors are not subject to any international sanctions** pursuant to 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 contractor 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 contractor may use Annex 4 to the Procurement Documents - List of Subcontracts. If the contractor performs the subject of the contract itself, it shall state this in the tender in the form of an 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 the Procurement Documents.
- 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 the Procurement Documents 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 the Procurement Documents, and cannot deviate from them (the tenderer shall fill in the marked parts of the draft contract - terms and conditions, if applicable, according to the notes and shall only 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 law and the Contracting Authority, including documents and information proving that the qualification criteria have been met.
- 11.5. **The tender will be submitted in Czech or English.** This Procurement Documents and annexes thereto are available in Czech and English. Documents and certificates 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 use the following order of documents (contents) in its tender:**
- 1) **Tender cover sheet** (Annex 3 to the Procurement Documents may be used),
  - 2) **Proof of qualification criteria (see Part IV of the Procurement Documents):**
    - a. **Basic eligibility** (the specimen affidavit may be used, see Annex 6),
    - b. **Professional qualification**
    - c. **Technical qualification**
  - 3) **Duly completed and signed draft contract** (see Annex 2 to the Procurement Documents) **including the annex,**
  - 4) **Affidavits pursuant to paragraphs 10.5, 10.6 and 10.7** (see Annex 5 to the Procurement Documents),
  - 5) **List of subcontracts** or declaration of non-use of subcontractors (see Annex 4 to the Procurement Documents),
  - 6) Other documents at the tenderer's discretion (e.g. association agreement, information on subcontractors).



## 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 stipulate 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 time limit for delivery of tenders is set by the Contracting Authority until the 14<sup>th</sup> January 2026 by 10:00 am.** If a tender is submitted after the time limit 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 under "Contractor Registration" and "Electronic Tenders and Requests for Participation")  
Technical support from the operator of the E-ZAK electronic tool - phone: +420 538 702 719, e-mail: [podpora@ezak.cz](mailto:podpora@ezak.cz), website: <https://www.ezak.cz/>.
- 13.4. A contractor may submit only one tender.
- 13.5. A contractor who has submitted a tender in a procurement procedure must not also be the party through which another contractor proves qualification criteria in the same procurement procedure. The Contracting Authority will exclude a tenderer who has submitted multiple tenders, either individually or jointly with other contractors, or who has submitted a tender and is also the party through which another tenderer in the same procurement procedure proves qualification criteria.

## PART XIV. MISCELLANEOUS PROVISIONS

- 14.1. The Contracting Authority does not reimburse the tenderers 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 time limit 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 the 14th January 2026 by 10:00 am at the address of VSB - Technical University of Ostrava, Materials Research Centre building, 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 law are fulfilled.

- 14.4. By submitting a tender, the contractor grants the Contracting Authority its consent to verify and check the information given in the tenders. The Contracting Authority may exclude a contractor from the procurement procedure if the contractor provides false information in its tender.
- 14.5. The Contracting Authority acknowledges that the selected contractor 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 DOCUMENTS**

Annex 1:	Technical Specification
Annex 2:	Terms and Conditions
Annex 3:	Cover Sheet
Annex 4:	List of Subcontracts
Annex 5:	Affidavits
Annex 6:	Specimen Affidavit of Basic Eligibility

In Ostrava

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prof. Ing. Igor Ivan, Ph.D.  
Rector