



Call for Tender

to a small-scale public contract awarded under the Rules for Applicants and Beneficiaries – General Section, Version 5 of the Operational Program Research, Development and Education (hereinafter referred to as the “Call”)

Title of the public contract	Measuring platform for analysis of radio interface and signaling in 5G technology
Type of public contract	for supply
Type of procedure	open procedure
Co-financed from the	Operational Program Research, Development and Education
Name of project	Infrastructure support of strategic study programs at FEI VŠB-TUO
Project registration number	CZ.02.2.67/0.0/0.0/16_016/0002497

Name of the contracting authority	VŠB – Technical University of Ostrava, Faculty of Electrical Engineering and Computer Science
Contracting authority's address	17. listopadu 2172/15, 708 00 Ostrava - Poruba
Contracting authority's Comp. ID no.	61989100
Contracting authority's authorized person	prof. Ing. Pavel Brandštetter, CSc., Dean of the Faculty of Electrical Engineering and Computer Science
Contracting authority's URL	http://www.vsb.cz
Contracting authority's profile	https://zakazky.vsb.cz
Contracting authority's contact person	Mgr. Marcel Pobořil
Telephone number	+ 420 597 329 211
E-mail address	marcel.poboril@vsb.cz

PART I DEFINITION OF THE SUBJECT OF THE PUBLIC CONTRACT

- 1.1.** The subject of the public contract is the supply of hardware and software part of measuring platform for analysis of radio interface and signaling in 5G technology.
The subject of performance also includes transportation to the place of performance.
A detailed specification of the subject of the public contract is given in Annex no. 1 Technical Specifications. The terms and conditions of performance are further specified in the Terms and Conditions (draft purchase agreement), which form Annex no. 2 to this Call.
- 1.2.** The subject of the public contract is co-financed from the Operational Program Research, Development and Education (hereinafter referred to as “OP RDE”) within the project “Infrastructure support of strategic study programs at FEI VŠB-TUO”, project registration number CZ.02.2.67/0.0/0.0/16_016/0002497.
- 1.3.** **Term of performance:** the subject of performance will be delivered within **3 months** from the effective date of the agreement with the selected supplier.
- 1.4.** **The place of performance** (delivery) of the public contract is the VŠB – Technical University of Ostrava, building of the Faculty of Electrical Engineering and Computer Science (building EA), 17. listopadu 2172/15, 708 00 Ostrava - Poruba
- 1.5.** **The estimated value of the public contract is: 495.000,- CZK excl. VAT.**

- 1.6. This is not a tender procedure pursuant to Act No. 134/2016 Coll., On Public Procurement, as amended (hereinafter referred to as the "Act"). Where reference is made in this Call and its annexes to the law, this public contract shall be governed by the provision to a reasonable extent and reference to the law shall be given to specify the terms more precisely.
- 1.7. This Call is also an open procedure within the meaning of Article 12.3.2 of the Rules for Applicants and Beneficiaries – General Section. If a Call or announcement of an open procedure is mentioned in the tender specifications, it refers to this document and its annexes.
- 1.8. If this Call or its annexes contain requirements or references to individual business names, special business designations, special product designations, performance and/or business materials which apply to a particular business or organizational unit as appropriate, or patents and utility models, these are stated only for specification and approximation of the technical parameters and the contracting authority allows the use of a qualitatively and technically similar solution.

PART II EXPLANATION OF THE TENDER CONDITIONS

- 2.1. The supplier is entitled to request from the contracting authority in writing an explanation of the tender conditions. The written request must be delivered to the contracting authority **no later than 4 working days** before the deadline for the submission of tenders. The written application must be delivered **exclusively through the electronic tool E-ZAK available at the address <https://zakazky.vsb.cz>** (public procurement URL: <https://zakazky.vsb.cz/vz00000526>).
- 2.2. The contracting authority shall send an explanation of the tender conditions, or any related documents, no later than 2 working days after receipt of the request under the preceding paragraph. If the contracting authority provides an explanation to a request for an explanation that is not delivered in time, it need not comply with the deadline specified in the previous sentence.
- 2.3. An explanation of the tender conditions, including the exact wording of the requirement under paragraph 2.1. of this Call, shall simultaneously be sent by the contracting authority to all known suppliers through the electronic tool E-ZAK and published on the contracting authority's profile.
- 2.4. The contracting authority may provide an explanation of the tender conditions without prior request. Paragraphs 2.2 and 2.3 of the Call shall apply mutatis mutandis.
- 2.5. The tender conditions contained in this Call and its annexes may be supplemented or amended by the contracting authority before the deadline for the submission of tenders. A supplementation or amendment of the tender conditions shall be published or announced to the suppliers, as well as the tender condition that has been amended or supplemented. At the same time, where the nature of the amendment or supplementation of the conditions requires it, the contracting authority shall extend the time limit for the submission of tenders accordingly. In the event of such a supplementation or amendment to the tender conditions, which may extend the range of potential tenderers (hereinafter referred to as the "Participant"), the contracting authority shall extend the deadline by at least its original length since the publication of the amendment or supplementation.
- 2.6. The contracting authority appeals to the timely delivery of requests for explanations, so that there is sufficient time for the contracting authority's reply and incorporation of responses by individual suppliers!

PART III REQUIREMENTS FOR DEMONSTRATING COMPLIANCE WITH QUALIFICATIONS

- 3.1. In order to prove the fulfillment of qualifications, the contracting authority requires the suppliers to meet the eligibility and qualifications listed below.
- 3.2. Basic eligibility according to Section 74 of the Act:
 - 3.2.1. The contracting authority requires that the supplier fulfill basic eligibility within the meaning of Section 74 (1) of the Act, i.e. the supplier is **not** eligible if:
 - a) it has been lawfully convicted of an offense listed in Annex no. 3 to the Act or a similar offense under the law of the country of the supplier's registered office in the last 5 years prior to the

- commencement of the procurement procedure; effaced convictions are disregarded,
- b) it has payable tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
 - c) it has an outstanding balance of premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office,
 - d) it has outstanding arrears in insurance premiums or penalties for social security and contributions to the state employment policy in the Czech Republic or in the country of its registered office,
 - e) it is in liquidation (Section 187 of the Civil Code) against which a bankruptcy decision was issued (Section 136 of Act No. 182/2006 Coll., on Insolvency and Methods of its Resolution (Insolvency Act), as amended), against which forced administration under another legal regulation was ordered (for example, Act No. 21/1992 Coll., on Banks, as amended, Act No. 87/1995 Coll., on Credit Unions and Certain Related Measures and on the Amendment of the Act of the Czech National Council No. 586/1992 Coll., on Income Tax, as amended, Act No. 363/1999 Coll., on Insurance and on Amendments to Certain Related Acts) or in a similar situation according to the law of the country of the supplier's registered office.
- 3.2.2 If the supplier is a legal entity, the condition under paragraph 3.2.1 a) of the Call must be met both by the legal entity and each member of the statutory body. If a member of the supplier's statutory body is a legal entity, the condition under paragraph 3.2.1 a) of the Call must be met:
- a) by that legal entity;
 - b) by any member of the statutory body of that legal person; and
 - c) by the person representing that legal entity in the supplier's statutory body.
- 3.2.3 If the Participant in the tender procedure is a branch:
- a) of a foreign legal entity, the condition under paragraph 3.2.1 a) of the Call must be met by this legal entity and the manager of the branch,
 - b) of a Czech legal entity, the condition under paragraph 3.2.1 a) of the Call must be met by the persons referred to in paragraph 3.2.2. and the branch manager.

The supplier demonstrates the fulfillment of basic eligibility by **submitting an affidavit (Annex no. 4 of this Call may be used)**. Documents demonstrating the fulfillment of basic eligibility must not be older than 3 months at the date of submission of the offer.

3.3. Technical qualification according to Section 79 of the Act:

In order to demonstrate the fulfillment of the technical qualification, the contracting authority requires the submission of a **description of the products to be delivered (Section 79 of the Act, paragraph 2 k) of the Act)**. The supplier shall also provide technical descriptions of the equipment (e.g. technical sheets or another appropriate form).

- 3.4.** The conditions for demonstrating the qualification are similarly governed by the provisions of Sections 81 to 85, and Sections 87 and 88 of the Act.
- 3.5.** Certificates of qualification shall be submitted by suppliers in copies and may be replaced by an affidavit or a unified European public procurement certificate pursuant to Section 87 of the Act.
- 3.6.** The contracting authority may request the submission of originals, copies or certified copies of qualification documents during the tender procedure.

PART IV REQUIREMENTS FOR OFFER PRICE PROCESSING

- 4.1.** The offer price of the Participant shall be determined as the aggregate price for the entire subject of the public contract requested by the contracting authority in accordance with this Call, or other documents containing the definition of the subject of the public contract.
- 4.2.** The offer price for the entire performance of the public contract will be provided in Czech currency and broken down as follows: offer price excluding value added tax (VAT), VAT separately and total offer price including VAT.

- 4.3.** The total offer price in the aforementioned breakdown shall be stated on the cover sheet of the offer – see Annex no. 3 to this Call and the draft purchase agreement. In case of any discrepancy between the offer price stated in the cover sheet and the draft agreement, the price stated in the draft purchase agreement shall apply.
- 4.4.** The offer price will be determined as the “maximum allowable” price and must include all costs associated with the realization of the subject matter of the public contract.

PART V METHOD OF EVALUATING OFFERS BY EVALUATION CRITERIA

- 5.1.** Bids will be evaluated according to their **economic advantageousness**. The economic advantage will be evaluated according to the **lowest offer price**. The best offer will be the lowest offer price of all of the offers.
- 5.2.** When evaluating the offer price, the total amount in CZK excl. VAT for the entire subject of performance of the public contract stated in the draft purchase agreement (Article IV of this Call) will be decisive. The order of offers will be listed in ascending order from lowest to highest.

PART VI DEADLINE AND PLACE FOR SUBMITTING BIDS

- 6.1. Place for the submission of offers** – Bids shall be submitted only in electronic form through the electronic tool E-ZAK available at <https://zakazky.vsb.cz>. The URL of the public contract is: <https://zakazky.vsb.cz/vz00000526>.
- 6.2. The deadline for the submission of offers shall be set by the contracting authority to 24th February 2020 by 10:00 am.** If the offer is submitted after the deadline specified in the previous sentence, the contracting authority's electronic tool will not accept the offer.
- 6.3.** All conditions and information regarding the electronic tool, including information on the use of the electronic signature, are available in the user's manual and electronic signature manual at: <https://zakazky.vsb.cz/manual.html> (in particular in the User Guide, section "Supplier Registration" and section "Electronic offers and requests for participation")

Technical support of the operator of the electronic tool E-ZAK – tel. no.: +420 538 702 719, e-mail: podpora@ezak.cz, website: <https://www.ezak.cz/>.

PART VII TERMS AND CONDITIONS, INCLUDING PAYMENT TERMS

- 7.1.** As part of this Call, the contracting authority submits terms and conditions, including payment terms, which are binding for the performance of the public contract in question, in the form of a binding draft purchase agreement (hereinafter referred to as the “Draft Agreement”). The Draft Agreement is attached as Annex no. 2 to this Call.
- 7.2.** The Draft Agreement defines the future framework of the contractual relationship. The written Draft Agreement must accept the wording of the Call or other documents containing the definition of the subject of the public contract. **The written Draft Agreement must fully accept the wording of the terms and conditions, which form Annex no. 2 to this Call, and must not depart from it (the Participant only fills in the marked parts of the Draft Agreement or appropriately modifies the Draft Agreement according to the notes and only within their extent).** Failure to meet this condition is considered to be a breach of the tender conditions resulting in the exclusion of the Participant from further participation in the tender procedure. The data stated in the Draft Agreement must not differ from the data stated in another part of the Participant's offer. In the case of discrepancies, the written Draft Agreement is always decisive. If the agreement contains annexes, which are at the same time some of the documents listed in the Participant's offer, these annexes will be attached to the agreement only at the moment of signature of this agreement, i.e. they need not be an annex to the Draft Agreement in duplicate.

PART VIII CONDITIONS UNDER WHICH THE OFFER PRICE MAY BE EXCEEDED

The conditions under which the offer price may be exceeded are specified in the annex to this Call (see Annex no. 2 – Terms and Conditions)

PART IX REQUIREMENTS FOR ALTERNATIVES

The contracting authority does not allow alternative solutions.

PART X OTHER REQUIREMENTS FOR THE PERFORMANCE OF THE PUBLIC CONTRACT

By submitting an offer, the Participant agrees to provide the content of its offer to the subsidy provider for the purpose of tender inspection.

PART XI CONDITIONS AND REQUIREMENTS FOR BID PROCESSING AND SUBMISSION

- 11.1.** A supplier may submit only one offer.
- 11.2.** The Participant shall include the following identification data in the offer – name of the business company, registered office/place of business/residence, name of the person authorized to act on behalf of the Participant, Company ID no., Tax ID no., telephone number, e-mail address.
- 11.3.** The Participant shall submit in its offer a Draft Agreement signed by a person authorized to act on behalf of or for the Participant. If the Draft Agreement is signed by an authorized person, the relevant valid power of attorney must also be included in the Participant's offer (it is sufficient to submit a copy of the power of attorney).
- 11.4.** **The offer shall also include other documents required by the contracting authority, including documents and information demonstrating the fulfillment of qualifications.**
- 11.5.** The offer shall be submitted in the **Czech, Slovak or English language**. Documents and papers submitted in a language other than that referred to in the previous sentence shall be accompanied by a translation into Czech or English.
- 11.6.** The Participant's offer shall not contain transcripts or corrections that could mislead the contracting authority.
- 11.7.** The contracting authority recommends (optional) to use the following subdivision of the tender:
 - Bid cover sheet – the sample according to Annex no. 3 to this Call may be used,
 - Documents demonstrating the fulfillment of basic eligibility – Annex no. 4 to this Call may be used,
 - Documents demonstrating technical qualifications (Description of products to be supplied),
 - A duly signed draft purchase agreement, including its annex (see Annex no. 2 to this Call)
 - Other documents the supplier deems appropriate.

PART XII OTHER ARRANGEMENTS

- 12.1.** The contracting authority shall not reimburse the suppliers for costs arising from participation in the tender procedure.
- 12.2.** By submitting an offer, the Participant grants the contracting authority the authorization to check and verify the data stated in the offers. The contracting authority shall exclude the Participant from the tender procedure if the Participant submits false data in its offer.
- 12.3.** The contracting authority reserves the right to cancel this public contract at any time prior to the conclusion of the contract.

- 12.4.** The contracting authority acknowledges that the selected supplier is an entity obliged to cooperate in the performance of a financial inspection pursuant to Section 2 (e) of Act No. 320/2001 Coll., on Financial Control in Public Administration, as amended.
- 12.5. The contracting authority hereby reserves the right to publish the notice of exclusion of a Participant and the notice of the result of the tender procedure on the contracting authority's profile. Such notice shall be deemed delivered at the moment of its publication on the contracting authority's profile.**

PART XIII INFORMATION ON THE PROCESSING OF PERSONAL DATA

- 13.1.** The contracting authority, as the administrator of personal data, hereby informs the Participants of the processing of personal data for the purpose of the selection procedure within the meaning of Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
- 13.2.** The contracting authority may process the personal data of suppliers and their subcontractors (including natural persons doing business), members of statutory bodies and contact persons of suppliers and their subcontractors, persons through which the supplier demonstrates its qualifications, members of the supplier's realization team and owners of the supplier.
- 13.3.** The contracting authority will process personal data only to the extent necessary for the realization of the tender procedure and only for the period stipulated by legal regulations, especially by law. Data subjects shall be entitled to exercise their rights under Articles 13 to 22 of the GDPR in writing at the address of the contracting authority.

PART XIV ANNEXES TO THE CALL

- Annex no. 1: Technical specifications
Annex no. 2: Terms and Conditions
Annex no. 3: Cover Sheet of the Bid (sample)
Annex no. 4: Statutory declaration sample

In Ostrava on 10th February

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prof. Ing. Pavel Brandštetter, CSc.,
Dean of the Faculty of Electrical Engineering and Computer Science