



Above-threshold public contract for supplies

"EURO_IT4I Supercomputer"

Contracting Authority:

VSB – Technical University of Ostrava

Registered office Ostrava – Poruba, 17. listopadu 2172/15, Postal code: 708 00,

Company Registration Number: 61989100,

Represented by prof. RNDr. Václav Snášel, CSc., Rector,

Profile of the Contracting Authority: <https://zakazky.vsb.cz/>

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INVITATION TO THE FOURTH ROUND OF THE PRELIMINARY MARKET CONSULTATION

Pursuant to Section § 33 of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as "PPA")

VŠB – Technical University of Ostrava, registered office Ostrava – Poruba, 17. listopadu 2172/15, Postal code: 708 00, Company Registration Number: 61989100, as the Contracting Authority for the public contract titled

"EURO_IT4I Supercomputer"

with regards to the section 2 of the invitation published on July 1st 2019 hereby invites the Economic Operator who submitted their proposal for the petascale system EURO_IT4I

to participate in the 4th round of the preliminary market consultation hereinafter referred to as "PMC". The Contracting Authority provides an updated requirement specification.

1. Introduction

The contracting authority provides all the PMC participants with an up-to-date version of the requirements for the subject matter of the public contract.

The method of processing the provided material that is called “Technical requirements specification for EURO_IT4I system”, corresponds to the contracting authority's idea of laying down the technical specifications defining the subject-matter of the public contract. In a similar form they will be part of the final procurement documents used for the subsequent procurement procedure.

2. Petascale supercomputer design

The updated Petascale supercomputer proposal shall contain a technical solution design for the public contract subject matter, based on the information contained in **Annex 1** of this invitation. The proposal of the design of the Petascale supercomputer, structured according to **Annex 2**, shall contain at least:

- The design of the Petascale supercomputer technical solution, in particular compute partitions, high speed compute network, data storages, non-compute nodes, networks, power and cooling equipment as well as a software solution.
- Indicative parameters of the designed solution – in particular the performance and capacity parameters of the solution, and power consumption.
- A description of the supercomputer cooling system.
- A description of the functionality and properties of the designed solution.
- A description of the reliability and availability of the designed solution.
- The estimated time availability of the proposed technologies.
- Comments, ideas and propositions regarding the information contained in Annex1, possibly including an introduction of an alternative design along with justification of the difference with respect to Annex 1.
- A proposal for warranty and maintenance services.
- Estimated financial costs associated with procuring the proposed Petascale supercomputer.

The proposal can be an update of the previous one with highlighted changes, but forming a clear well-structured and understandable document. It is necessary to address all the required technological, functional and logical parts as well as required performance and capacity parameters to be able to further participate in the consultation.

The Contracting Authority appreciates that suppliers offer different variants of the solution of individual components of the system. In this case, please provide us an estimated financial costs associated with all the provided variants.

The Contracting Authority requires the Economic Operator to submit their Petascale supercomputer proposal by 10th January 2020 via e-mail to the following address: Superpocit4I@vsb.cz.

2.1 Suppliers' comments on technical requirements

We ask the suppliers to comment on the submitted document “Technical requirements specification for EURO_IT4I system”. You can submit your comments in the form of revisions or comments directly into the submitted material.

In particular, we ask you to answer the following questions:

1. Do you have any reservations or comments on the EURO_IT4I system technical solution?
2. Do you consider the requirements stated in the technical specification feasible? In particular, please pay close attention to SPECs 53, 54, 60, 68, 69, 115, 116, 150, 187, 281, 313, and 336.

3. Do you consider the technical specification of the tender to be sufficiently specified, clear, and unambiguous?

Please state explicitly any uncertainties or absence of the technical specification.

4. Do you have any reservations or comments on the method of performing the benchmarks listed in Chapters 4.3 and 4.12.9 – 4.12.13?

5. Do you consider the description of the contracting authority's infrastructure sufficient to submit a tender? Please state any need to specify the contracting authority's infrastructure required to prepare and submit a tender.

3. Information relating to proof of qualification

The objective of the Contracting Authority is to make Economic Operators familiar with the options for proving the qualification during calls for tenders, which can positively affect the administrative burden associated with the relevant documents measures. The Contracting Authority does not prioritize any legally-recognised qualification proving forms, and therefore allows Economic Operators to choose the most appropriate mean of proof, be it the “traditional” mean consisting in submission of real documents themselves or their certified copies or in adopting the below-mentioned legal options serving to replace these documents during calls for tenders.

3.1 Proving qualification in an open procedure

An Economic Operator shall prove that it fulfils the basic qualification requirements by submitting the copy of the relevant documents. When conducting the procurement procedure, the Contracting Authority may request the submission of the originals or certified copies of the qualification documents.

Documents demonstrating basic qualifications under Section 74 of the PPA and professional qualifications under Section 77 (1) of the PPA shall demonstrate the fulfilment of the required qualification criterion under Section 86 (5) of the Act not later than 3 months before the date of the submission of the tender.

Before the conclusion of the public contract, the Contracting Authority shall always request the submission of the originals or certified copies of the qualification documents under Section 86 (3) of the PPA, where these have not already been submitted within the procurement procedure.

3.2 Submission of documents

Where a request for submission of the document pursuant to the legal order of the Czech Republic is stipulated in the procurement documents, an Economic Operator may submit a similar document in accordance with Section 45 (3) of the PPA under the legal order of the state where this document is issued¹; this document shall be submitted along with its translation into the Czech language (despite the remaining parts of the tender being submitted in English language). Where the Contracting Authority has doubts regarding the correctness of the translation, it may require the submission of a certified translation of the document into the Czech language made by a court appointed interpreter/translator registered in the list of court appointed experts and interpreters/translators. A document in the Slovak language and a certificate of education in the Latin language shall be submitted without a translation. Where pursuant to the relevant legal order the required document is not issued, it may be substituted by an affirmation.

The Contracting Authority notifies foreign economic operators, in particular, that they may comply

¹ An information system serving to help identify different qualification proving certificates requested in the procurement procedure for Economic Operators from the European Union member states is available using the following link: <https://ec.europa.eu/tools/ecertis/#/search>.

with the duty to submit a document by making a reference to relevant information kept in the public administration information system or in a similar system kept in another Member State that enables unlimited long-distance access (typically, a website link). Such a reference shall contain the internet address, credentials and data for the lookup of the requested information, where such data is necessary.

3.3 Proving of qualification obtained abroad

Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting Authority.

3.4 Joint proving of qualification

In the case of joint participation of Economic Operators, the basic and professional qualifications pursuant to Section 74 of the PPA shall be proved by each Economic Operator separately.

In the case of joint participation of Economic Operators, the basic and professional qualifications pursuant to Section 77 (1) of the PPA shall be proved by each Economic Operator separately.

Pursuant to Section 103 (1f) of the PPA, the Contracting Authority requests that the Economic Operators participating jointly demonstrate in their tender joint and several liability for the public contract performance.

3.5 Proving of qualification through other persons

An economic operator may prove a certain part of the economic qualification, technical qualification, or professional qualification, with the exception of the criterion set out in Section 77 (1) of the PPA, requested by the contracting authority through other persons.

In that case, the economic operator is obliged to submit to the Contracting Authority:

- a) documents proving that the professional qualification pursuant to Section 77 (1) of the PPA has been fulfilled by the other person,
- b) documents proving that a missing part of the technical or professional qualification has been fulfilled by the other person,
- c) documents proving that the basic qualification was fulfilled pursuant to Section 74 of the PPA by the other person,
- d) a written commitment of the other person to provide performance intended for the performance of the public contract or to provide things or rights which an economic operator is entitled to use when performing the public contract, at least to the extent to which the other person has proved its qualification instead of the Economic Operator. Such written commitment shall fulfil the conditions laid down in Section 83 (2) of the PPA.

With reference to the content of the written commitment pursuant to (d), the Contracting Authority further states that this issue was already solved on their sides in the past. In this matter, no single wording of such commitment can be defined. Every such commitment shall be assessed according to the real extent of qualification proving process and associated need for adequate real participation of the subcontractor in fulfilling the public contract subject matter.

3.6 Other means of proof

3.6.1 European Single Procurement Document

An Economic Operator may replace the documents and data proving fulfilment of the qualification conditions with the European Single Procurement Document in accordance with Section 87 of the PPA (hereinafter referred to as certificate). The specimen certificate reflecting the particular qualification proving conditions shall be provided as part of the procurement documents. This specimen shall also

be accompanied with the instructions for the completion thereof along with the website link to the recommended electronic tool for the procession thereof.

The objective of this certificate is to reduce the administrative burden and replace many other certificates, forms, and other documents.

The certificate is a formal declaration, i.e. a preliminary document to prove fulfilment of the qualification and other participation conditions. The Contracting Authority gives notice that in cases when an Economic Operator states either seriously distorted information or no information in the certificate including the cases when an Economic Operator is not able to submit other supporting documents, such Economic Operator may be excluded from the procurement procedure or even be subjected to prosecution.

Where an Economic Operator aims to prove the qualification through other persons, then such Economic Operator shall submit a certificate for each person in the tender to fulfil the required qualification conditions.

3.6.2 Use of the Extract from the List of Approved Economic Operators

Where an Economic Operator submits the extract from the list of approved Economic Operators within the period for proving the qualification, this extract serves to prove the basic qualification under Section 74 of the Act and professional qualification under Section 77 of the PPA to the extent to which the qualification proving documents fulfil the professional qualification conditions of the public Contracting Authority to perform a public contract.

The contracting authority shall accept an extract from the List of Approved Economic Operators provided that on the last day on which the basic qualification or professional qualification is to be proved, the extract is not older than three months.

3.6.3 Proving qualification by a certificate

Where an Economic Operator submits a valid certificate issued within the system of approved economic operators containing the requisites laid down in Section 239 of the PPA, such certificate may serve as a substitute of the qualification proving documents to the extent of the data included therein.

4. Information relating to business terms or other contractual conditions

Finally, we would like to inform you about specific contractual conditions which were adopted because of specific requirements set by the subsidy provider.

Be sure to inform us if there are any circumstances resulting from evaluation of the conditions below that would prevent your participation in the subsequent procurement procedure.

Please, send us your feedback by 10th January 2020 via e-mail to the following address: Superpocitact4l@vsb.cz.

4.1 The nature of the Contract

The Contract itself contains two contracting parties (the supercomputer Supplier and the Client). However, the Client is a term that is used for two different legal entities (which together form one contracting party – the Client), which are VŠB-Technical University of Ostrava and the European High-Performance Computing Joint Undertaking. Thus, in most cases, the individual rights and obligations arising from the Contract apply to those two entities. For example, the Client becomes the owner of the supplied supercomputer, and the ownership ratio will be the same as the ratio of payment for its acquisition. On the other hand, only VŠB-TUO will be responsible for some of the obligations or can have claims on the Supplier's obligations. In such cases, this is always stated in the Contract.

4.2 Financial provisions

Finally, we would like to inform you about specific contractual conditions which were adopted because of specific requirements set by the subsidy provider and according to the fact that contracting authority intends to set a fixed price and evaluate solely the quality of the proposed performance.

Be sure to inform us if there are any circumstances resulting from evaluation of the conditions below that would prevent your participation in the subsequent procurement procedure.

1. Payment of the price for the Work under the contract shall be made by bank transfer based on two invoices (tax documents), which the Supplier is entitled to issue under the conditions specified in the contract. The first invoice will be issued at EuroHPC JU and the second invoice will be issued at VŠB-TUO.

The invoice to EuroHPC JU will be issued for 5 130 000 EUR without VAT and the invoice to VŠB-TUO will be issued in CZK by conversion of EUR 9 725 000 without VAT at the exchange rate of the Czech National Bank (exchange rate on the date of acceptance of the work), up to the amount of CZK 251,800,000 without VAT.

2. The due date of the invoice will be 30 calendar days from the date of the invoice issued by the Supplier in the case of VŠB-TUO and 60 calendar days from the date of the invoice issued by the Supplier in the case of EuroHPC JU.

3. Both invoices must contain the particulars of the tax document referred to in Act No. 235/2004 Coll., On Value Added Tax (VAT), as amended, must state the number of the Contract, and must be accompanied by a signed acceptance protocol confirming the protocol acceptance of the Work or the relevant Statement of Performance.

The invoice issued to VŠB-TUO will include the tax base, tax rate and tax amount.

The invoice issued to EuroHPC JU will not contain a quantification of VAT. EuroHPC JU is exempt from all taxes and duties, including VAT, in accordance with Articles 3 and 4 of the Protocol 7 of the Treaty on the Functioning of the European Union on the privileges and immunities of the European Union. According to requirements of the subsidy provider the contractor must complete the necessary formalities with the relevant authorities to ensure that the supplies and services required for performance of the contract are exempt from taxes and duties, including VAT.

Please, send us your feedback by 10th January 2020 via e-mail to the following address: Superpocitact4I@vsb.cz.

In Ostrava

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VSB – Technical University of Ostrava
prof. RNDr. Václav Snášel, CSc.

Annexes:

Annex 1 – Technical requirements specification for EURO_IT4I system

Annex 2 – EURO_IT4I Supercomputer Proposal

Annex 3 - Specification of requirements for PROJECT data storage expansion