



Spolufinancováno
Evropskou unií



TENDER DOCUMENTATION

**for a public contract awarded in an open above-limit procedure pursuant to Section 56 of the Act
no. 134/2016 Sb. on public procurement (hereinafter also referred to as the Act)**

Contract name: 3D printer for silicate materials
Contract type: supply
CPV of the contract: 42962000-7
42900000-7

The performance of this procurement will be co-financed by the Operational Programme Jan Amos Komenský, project: Materials and Technologies for Sustainable Development, Reg. No. CZ.02.01.01/002/22_008/0004631.

Identification data of the contracting authority

Name of the contracting authority: Vysoká škola báňská - Technická univerzita Ostrava
/Mining University – Technical University Ostrava/
Headquarters
of the contracting authority: 17. listopadu 2172/15, 708 00 Ostrava-Poruba
Reg. No: 619 89 100
Tax Reg. No.: CZ61989100
Represented by: prof. RNDr. Václav Snášel, CSc. - Rector
Contact person: Bc. Marie Kubešová, phone: +420 597325602,
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Sponsor's profile: <https://zakazky.vsb.cz/>

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Preamble

This tender documentation is prepared in accordance with Act No. 134/2016 Sb. on public procurement, as amended by later regulations, and in accordance with other binding legal regulations. Rights and obligations not specified in these tender documents are governed by law.

The tendering procedure is launched in accordance with Section 211(5) of the Act. Written communication between the contracting authority and the supplier shall be electronic. In accordance with Section 103(1)(c) of the Act, the contracting authority stipulates that tender may only be submitted electronically in the tendering procedure, as further specified in the tender documentation. In this connection the Authority points out that any submissions made by a supplier to the Authority in paper form in the context of this procurement procedure shall be ineffective against the Authority in the light of the above-mentioned conditions of the procurement procedure.

This tender documentation consists of a set of documents, data, requirements and technical specifications of the contracting authority defining the subject matter of the tender in the details necessary for the preparation of the tender. The contracting authority has established the terms and conditions of the tender to the best of its knowledge and experience in order to ensure a transparent and non-discriminatory award of the contract, taking care to comply with the principles of efficiency, economy and effectiveness in the use of public funds. In accordance with Section 6(4) of the Public Procurement Act, the contracting authority has set the terms and conditions with the utmost emphasis on environmentally and socially responsible procurement.

Article I

Definition of the subject-matter of the contract and technical conditions

The subject of the public contract (hereinafter referred to as the PC) is the delivery of a delta 3D printer, LDM technology, designed for printing porcelain, ceramics, refractories with nozzle sizes from 1 to 8 mm. The printer includes a continuous filling unit, a manual filling unit for materials, all compatible with the printer.

The estimated value of the public contract is CZK 1,100,000.00 without VAT (CZK 1,331,000.00 with VAT).

The place of performance of the public contract is the workplace of the Department of Thermal Engineering, Faculty of Materials Technology at the address 17. listopadu 2172/15, 708 00 Ostrava-Poruba.

The period of performance of the public contract is subject to evaluation.

If the requirements or references to individual trade names, special designations of the undertaking, special designations of products, performances or commercial materials which are considered to be characteristic of a particular undertaking or organisational unit, or patents and utility models are included in this tender documentation, they are given only for the purpose of specifying and approximating the technical parameters and the contracting authority allows the use of a qualitatively and technically similar solution in accordance with the provisions of Section 89(6) of the Act.

The public contract shall not be divided into parts.

Article II
Inspection of the place of performance

In view of the nature of the subject-matter of the public contract, the Contracting Authority does not provide for a site visit.

Article III
Proof of Qualifications Requirements

The contracting authority requires proof of basic **competence in accordance with the provisions of Section 74 of the Act** by the submission of an affidavit.

1. A supplier who is qualified pursuant to the Section 74 of the act.:

(a) was not convicted of a criminal offence listed in Annex 3 to the Act, or a similar offence under the law of the country of the supplier's domicile, within the last 5 years prior to the commencement of the tendering procedure convictions that have been expunged shall not be taken into account/

shall submit an affidavit as set out in Annex 4 in order to demonstrate compliance with the basic eligibility requirements under Section 74(1)(a) of the Act in relation to the Czech Republic.

(b) has no outstanding tax arrears in the Czech Republic or in the country of its registered office,

shall submit an affidavit as set out in Annex 4 in order to demonstrate compliance with the basic eligibility requirements under Section 74(1)(a) of the Act in relation to the Czech Republic.

(c) does not have any outstanding insurance premiums or penalties for public health insurance payable in the Czech Republic or in a country of its office,

shall submit an affidavit as set out in Annex 4 in order to demonstrate compliance with the basic eligibility requirements under Section 74(1)(a) of the Act in relation to the Czech Republic.

(d) does not have any arrears of social security contributions or penalties payable in the Czech Republic or in the country where it is established,

shall submit an affidavit as set out in Annex 4 in order to demonstrate compliance with the basic eligibility requirements under Section 74(1)(a) of the Act in relation to the Czech Republic.

(e) it is not in liquidation, has not been the subject of a bankruptcy order, has not been placed under receivership under another legal provision or is in a similar situation under the law of the country of the supplier's office"

shall submit an affidavit as set out in Annex 4 in order to demonstrate compliance with the basic eligibility requirements under Section 74(1)(a) of the Act in relation to the Czech Republic.

2. If the supplier is a legal person, the condition referred to in paragraph (a) must be fulfilled by that legal person and at the same time by each member of the statutory body. Where a legal person is a member of the supplier's statutory body, the condition referred to in paragraph (a) must be fulfilled by

- that legal person,
- each member of the legal person's statutory body; and
- the person representing that legal person on the supplier's statutory body.

3. where a branch of a factory

- of a foreign legal person participates in the tendering procedure, the condition referred to in paragraph (a) must be fulfilled by that legal person and by the head of the branch plant,
- a Czech legal person participates in the tendering procedure, the condition referred to in paragraph (a) must be fulfilled by the persons referred to in paragraph 2 and by the head of the branch plant.

A model affidavit for Section 74 of the Act is attached as Annex 4 to this tender dossier.

The contracting authority requires a **proof of professional competence in accordance with the provisions of Section 77(1) of the Act** by submitting the following document:

- **an extract from the companies registers** or other similar register, if another legal regulation requires entry in such a register, or a trade licence if the supplier is not entered in the companies register or other similar register.

The contracting authority prefers to demonstrate qualification by reference to the relevant information held in the public administration information system, i.e., a link to a website containing the required document, for example the website of the companies register.

The documents proving the basic eligibility pursuant to Section 74 must prove that the required eligibility criterion has been fulfilled at the latest 3 months before the date on which the tendering procedure was opened.

The supplier may replace the required documents by the Single European Procurement Certificate.

The contracting authority requires demonstration of **technical qualification in accordance with the provisions of Section 79(2)(b) of the Act** by submitting a list of significant deliveries provided by the supplier in the last 3 years prior to the commencement of the procurement procedure, indicating the price and time of their provision and identification of the client with contact details of the relevant person of the client (telephone and e-mail) with whom the reference can be verified by the contracting authority. The list will be drawn up in the form of an affidavit.

In accordance with Section 73(6) of the Act, the contracting authority requires that the list of significant deliveries includes at least two completed deliveries of a 3D printer for silicate materials, where the scope of each delivery exceeded CZK 500,000.00 excluding VAT.

A model list of major supplies for the purposes of Section 79(2)(b) and for the evaluation of tenders is attached as Annex 5 to this tender documentation.

COMMON PROVISIONS ON QUALIFICATION

I. Authenticity and age of documents

Documents proving basic eligibility pursuant to Section 74 of the Act must prove that the required eligibility criterion was met no later than 3 months before the date of the opening of the tendering procedure (Section 86(3) of the Act).

II. List of qualified suppliers

Where a supplier submits an extract from the list of qualified suppliers to the contracting authority according to Section 226 et seq. of the Act within the period for demonstrating compliance with the qualification, this extract from the list of qualified suppliers shall replace the demonstration of compliance:

- (a) professional competence pursuant to Section 77 of the Act to the extent that the information in the extract from the list of qualified suppliers demonstrates compliance with the professional competence criteria; and
- (b) the basic competence pursuant to Section 74 of the Act.

As well as the extract from the list of qualified suppliers, a supplier may prove qualification by means of a certificate originating from another Member State in which the supplier is established and which is equivalent to the extract from the list of qualified suppliers.

III. System of Certified Suppliers

In the event that the supplier submits a certificate issued under the Certified Supplier Scheme to the contracting authority pursuant to Section 233 et seq. of the Act, the supplier shall be deemed to be qualified to the extent indicated on the certificate.

As well as by the certificate, the supplier may prove qualification by a certificate from another Member State in which the supplier has its office, and which is similar to a certificate issued under the certified suppliers scheme.

IV. Qualifications in case of joint participation of suppliers

In the event of joint participation of suppliers, each supplier shall demonstrate the basic eligibility pursuant to Section 74 of the Act and the professional eligibility pursuant to Section 77(1) of the Act separately (provisions of Section 82 of the Act).

V. Requirement to demonstrate the qualification of a subcontractor

The contracting authority does not impose an obligation to prove the qualifications of a subcontractor of a tenderer.

VI. Demonstration of qualifications through other persons

The supplier may prove economic qualification, technical qualification or professional competence, with the exception of an extract from the companies register or other similar register required by the

contracting authority, through other persons. In such a case, the supplier is obliged to submit the following to the contracting authority: documents proving professional competence pursuant to Section 77(1) through another person; documents proving the fulfilment of the missing part of the qualification through another person; evidence of the fulfilment of the basic qualification pursuant to Section 74 by another person and a confirmation of its existence signed by another person, the content of which is an undertaking by the other person to provide the performance intended for the performance of the public contract or to provide the goods or rights which the supplier will be entitled to dispose of in the performance of the public contract, at least to the extent that the other person has demonstrated qualification on behalf of the supplier.

Where the supplier demonstrates qualification through another person and provides the documents referred to in points (a), (b) or (d) of Section 79(2) relating to such a person, the contract or the confirmation of its existence must imply an undertaking to perform the public contract jointly and severally with the supplier, that the other person will carry out the works or services to which the criterion of qualification to be demonstrated relates.

VII. Proof of qualification of a foreign supplier

Where the qualification has been acquired abroad, it shall be proved by documents issued in accordance with the legal system of the country in which it was acquired, to the extent required by the contracting authority. A document drawn up in a language other than Czech shall be translated into English.

VIII. Changes to the tenderer's qualifications

If, after the submission of the documents or declaration of qualifications, the tenderer's qualifications change during the procurement procedure, the tenderer shall notify the contracting authority of the change within 5 working days and shall submit new documents or declaration of qualifications within 10 working days of notification of the change; the contracting authority may extend or waive these time limits. The obligation under the first sentence shall not arise for a tenderer if the qualification is changed in such a way that:

- a) the conditions of qualification are still fulfilled,
- b) the criteria for reducing the number of tenderers or tenders have not been affected; and
- c) the criteria for evaluating tenders are not affected.

Article IV Explanation of the tender documents

The contracting authority may clarify the tender documentation if it publishes such clarification, or related documents, on the contracting authority's profile at least 5 working days before the deadline for submission of tenders.

If supplier requests an explanation of the tender documentation in writing, the contracting authority shall publish, send or transmit the explanation, including the exact wording of the request. The contracting authority shall not be obliged to provide an explanation unless the request for an explanation is received in time, at least 3 working days before the expiry of the time limit referred to in the preceding paragraph. If the contracting authority provides an explanation in response to a

request for clarification which is not received in time, it does not need to comply with the time limit referred to in the preceding paragraph.

Where a request for clarification of the tender documentation is received in time and the contracting authority does not publish, send or transmit the clarification within 3 working days, it shall extend the time limit for the submission of tenders by at least as many working days as the time elapsed between the receipt of the request for clarification of the tender documentation and the publication, sending or transmission of the clarification.

Should the contracting authority amend the tender specifications together with the clarification of the tender documentation, it shall proceed in accordance with Section 99 of the Act.

Since the entire tender documentation is freely accessible on the contracting authority's profile, the contracting authority does not know and cannot know which suppliers have used the unrestricted remote access to the tender documentation and therefore does not know all the addresses to which it should provide explanations of the tender documentation. However, the contracting authority will always publish an explanation of the tender documentation, including the exact wording of the request, on the contracting authority's profile. **For these reasons, the contracting authority recommends that all suppliers regularly monitor the contracting authority's profile.**

Article V

Terms and Conditions

The terms and conditions of the tender are set out in the draft purchase contract. The draft contract is attached as Annex 2 to these tender documents.

The Supplier shall fill in the relevant required information in the draft contract, but the Supplier shall not be entitled to make any other modifications to the draft contract.

Article VI

Requirements for variants, security, time limit for award

The contracting authority does not accept alternative solutions.

The contracting authority shall not require the provision of a security.

The contracting authority shall fix the length of the tendering period at **60 days**. The contracting authority shall apply the procedure laid down in Section 40 of the Act.

Article VII

Requirements for the method of processing the tender price

The Supplier shall determine the total tender price in CZK, broken down into VAT, VAT exclusive and VAT inclusive, which shall be included in the draft contract.

The tender price shall be set as the maximum admissible price and shall include all costs associated with the complete execution of the subject of the public contract.

The supplier is obliged to fix the tender price for the entire scope of the subject-matter of the public contract.

Article VIII

Conditions and requirements for the preparation of the tender

The supplier shall submit one tender. The supplier shall submit a tender in the Czech language.

The Supplier shall include /in its tender/ its identification data, namely the name of the company, registered office/place of business/residence, name of the person authorised to act for the Supplier, registration number, VAT number, telephone number, e-mail (for communication during the procurement process) - see Annex 3 - tender cover sheet. By signing the tender cover sheet, the supplier confirms that the tender submitted is binding.

The supplier shall provide technical data sheets or a reference to their location in the tender, which will demonstrate compliance with all the minimum technical parameters required by the contracting authority in the tender conditions.

The tender shall also include other documents required by law and by the contracting authority, including documents and information demonstrating compliance with the qualifications in accordance with the provisions of Part Four, Title VIII, Section 1 of the Act.

The supplier's tender shall not contain any alterations or corrections which may mislead the contracting authority.

The contracting authority requires that the supplier's tender shall include at least the following documents:

- a fully completed Tender Cover Sheet in the structure set out in Annex 3,
- a draft contract in accordance with Annex 2,
- documents demonstrating that the qualifications have been met,
- a signed affidavit of qualification in accordance with Annex 4,
- any other documents the supplier intends to submit.

A supplier who has submitted a tender in a procurement procedure must not be the person through whom another supplier demonstrates qualification in the same procurement procedure. The tender cover sheet shall include a declaration by the supplier that it is not a subcontractor through which another supplier is demonstrating qualification in the same procurement procedure.

Where a supplier submits multiple tenders, either individually or jointly with other suppliers, or has submitted a tender and is also the person through whom another tenderer in the same procurement procedure demonstrates qualification, the contracting authority shall exclude that tenderer.

The contracting authority shall require that, in the case of a joint tender by several suppliers, a written document signed by all the suppliers (for example, a contract) must be submitted showing the division of responsibilities for the performance of the contract. The contracting authority shall require that all suppliers submitting a joint tender are jointly and severally liable.

Submitting a bid:

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

It is not possible to submit a tender by the means of data mailbox.

Article IX Evaluation of tenders

The basic evaluation criterion shall be the economic advantage of the tender in accordance with Section 114 of the Act.

Sub-criteria for evaluation:

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|---|------|
| 1. total tender price | 80 % |
| <i>(The total tender price in CZK excluding VAT will be evaluated)</i> | |
| 2. delivery time in days | 20 % |
| <i>(The lowest delivery time offered in whole days will be evaluated)</i> | |

Evaluation method:

The tenders will be evaluated by scoring. The evaluation committee will carry out the scoring according to the following rules:

- Evaluation criterion 1 - For a numerical criterion for which the most advantageous tender has a minimum criterion value, the evaluated tender will be awarded a point value which is the product of 100 multiplied by the ratio of the value of the most advantageous tender to the evaluated tender.
- Evaluation criterion 2 - For a numerical criterion for which the most advantageous tender has the minimum value of the criterion, the evaluated tender shall obtain a point value which is obtained by multiplying 100 times the ratio of the value of the most advantageous tender to the evaluated tender.

The evaluation according to the scoring method will be carried out by multiplying the individual scores of the tenders according to the criteria by the respective weight of the criterion. On the basis of the sum of the resulting values for the individual tenders, the ranking of the successful tenders will be determined, with the tender with the highest value being determined as the most successful.

Article X Other communications from the contracting authority

The Contracting Authority hereby gives notice that no part of this tender documentation has been prepared by a third party in accordance with Section 36(4) of the Act.

Except as provided for in Section 40(4) of the Act, the contracting authority shall not reimburse the costs incurred by participants in the procurement procedure.

By submitting a tender, the tenderer grants the contracting authority permission to verify and check the information given in the tender. The contracting authority shall exclude a tenderer from the tendering procedure if the tenderer provides false information in its tender.

The awarding authority reserves the right to verify the information contained in the tenderer's tender with third parties and the tenderer shall provide all necessary cooperation in this respect.

The contracting authority is obliged to process personal data for the purpose of the proper award of a public contract in cases where the law expressly requires or allows the contracting authority to do so. In addition, personal data may also be processed by the contracting authority, the processing of which is not expressly required by law, but the processing of which is necessary for the fulfilment of the contracting authority's legal obligation, i.e. for the proper award of the public contract. When processing personal data, the contracting authority shall always proceed in accordance with the applicable legal regulation.

All conditions and information concerning the electronic tool are available in the user manual at: <https://zakazky.vsb.cz/manual.html>.

Technical support of the operator of the E-ZAK electronic tool - tel.: +420 538 702 719, e-mail: podpora@ezak.cz, web: <https://www.ezak.cz/>.

The contracting authority has prepared this tender dossier to the best of its knowledge and experience in the field of public procurement with the aim of ensuring a transparent, non-discriminatory, proportionate and cost-effective procurement. The contracting authority, despite its best endeavours, cannot exclude that a future opinion of the Supervisory Authority of the facts and processes set out in the tender documentation may differ from that of the contracting authority.

The contracting authority also draws the attention of the contractor to the fact that the tender documentation is a summary of the contracting authority's requirements and not a definitive summary of all requirements arising from generally binding standards. The supplier must therefore always follow not only the requirements contained in the tender documentation but also the provisions of the relevant generally binding standards when preparing its tender.

Pursuant to the provisions of Section 4b of Act No. 159/2006 Sb. on Conflict of Interest, as amended by later regulations (hereinafter referred to as the "CPA"), the contracting authority is prohibited from awarding a public contract to a supplier that is a company in which a public official referred to in Section 2(1)(c) of the CPA or a person controlled by it owns a share representing at least 25% of the shareholder's participation in the company.

For this reason, the contracting authority requires the supplier to declare on oath that it is not a supplier to whom the above prohibition would apply - see Annex 3, Tender Cover Sheet.

Pursuant to the provisions of Section 48a of Act No. 134/2016 Sb. on Public Procurement, the contracting authority is prohibited from awarding a public contract to a supplier if it is contrary to international sanctions pursuant to Act No. 69/2006 Sb. on the Implementation of International Sanctions, as amended by later regulations.

For this reason, the contracting authority requires the supplier to declare on oath that it is not a supplier to whom the above prohibition would apply - see Annex 3, Tender Cover Sheet.

The supplier is obliged to submit all documents required by this tender documentation, the invitation to tender or by law throughout the tendering procedure.

Article XI

Deadlines for submission and access to tenders

The deadline for the submission of tenders shall end on 08. 10. 2024 at 9:00 a.m., and tenders shall be made available after the deadline for submission.

Access to tenders shall not be public.

If a tender is not received by the contracting authority within the time limit or in the manner specified in the tender documentation, it shall not be deemed to have been submitted and shall not be taken into account during the tendering procedure.

Article XII

Annexes to the tender documents

- | | |
|----------|---|
| Annex 1: | Itemised price list/Technical documentation |
| Annex 2: | Draft contract |
| Annex 3: | Tender Cover Sheet |
| Annex 4: | Affidavit of Qualification |
| Annex 5: | List of major supplies |

In Ostrava

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Rector