



Spolufinancováno
Evropskou unií



VŠB TECHNICKÁ
UNIVERZITA
OSTRAVA

CALL FOR TENDERS

for a small-scale public contract pursuant to Section 27 of Act No. 134/2016 Coll.,
Public Procurement Act (hereinafter also referred to as the "Act")

Contract title: **SW ThermoCalc**
Contract type: Supply
CPV: 48100000-9 Industry-specific software package

Identification of the Contracting Authority

Name of the Contracting Authority: VSB - Technical University of Ostrava
Faculty of Materials Science and Technology (FMST)
Registered office of the Contracting Authority:
17. listopadu 2172/15, 708 00 Ostrava-Poruba, Czech Republic
Business ID No.: 619 89 100
VAT No.: CZ61989100
Represented by: Prof. Ing. Kamila Janovská, Ph.D., Dean of the FMST
Contact person: Bc. Marie Kubešová, Phone: +420 597325602,
Email: marie.kubesova@vsb.cz
Profile of the Contracting Authority: <https://zakazky.vsb.cz/>

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Preamble

The general principles and provisions of the Act governing the relationships as similar as possible in content and purpose to those governed by this call for tenders apply mutatis mutandis to the procedures of the Contracting Authority in the awarding of small-scale contracts.

Written communication between the Contracting Authority and the contractors must be electronic, by means of an electronic tool or data mailbox, or a data message to the extent of the conditions set out in Section 211(5) of the Act. In the meaning of Article 103(1)(c) of the Act, the Contracting Authority stipulates that tenders may be submitted only electronically in the procurement procedure, as further regulated below. In this context, the Contracting Authority notes that any submissions made by a contractor to the Contracting Authority in hardcopy format within in this procurement procedure are ineffective vis-a-vis the Contracting Authority with respect to the above procurement conditions.

This call for tenders is a set of documents, information, requirements and technical specifications of the Contracting Authority defining the subject of the public contract in the details necessary to draft the tender. The Contracting Authority has defined the procurement conditions to the best of its knowledge and experience in order to ensure the transparent and non-discriminatory awarding of the public contract, taking care to fulfil 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 defined the procurement conditions with maximum emphasis on environmentally and socially responsible procurement under the conditions set out in this call for tenders and its annexes.

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

Article I

Definition of the subject of the contract

The subject of the public contract (hereinafter the “PC”) is to upgrade the currently used SW Thermo-Calc: Academic M&SS for NWL-99 Users, in compliance with the technical specification. The contractor will upgrade all the existing permanent licenses in the required scope.

The technical specification of the subject of the public contract is attached as Annex 1 to this call for tenders.

The **expected value of the public contract** is EUR 58,550.

The **place of performance of the public contract** is the workplace of the Department of Chemistry and Physico-Chemical Processes, Faculty of Materials Science and Technology, at the Contracting Authority's registered office address.

The **period of performance of the public contract** is 21 days from the effective date of the contract; the contractor will provide permanent SW licenses.

The call for tenders is available at: <https://zakazky.vsb.cz/>.

Article II

Time limit for submission of tenders

The time limit for submission of tenders ends on 22. June 2025 at 9:30 a.m., and the tenders will be opened after the passing of the time limit for their submission.

Opening of the tenders shall not be public.

If a tender is not delivered to the Contracting Authority within the time limit or in the manner specified in the procurement documents, it is not be deemed to have been submitted and is not be taken into account in the procurement procedure.

Article III

Method of submitting tenders

Tenders may only be submitted **electronically**, using the E-ZAK electronic tool available at <https://zakazky.vsb.cz/>.

Article IV

Requirements for proving qualifications

The Contracting Authority requires proof of basic eligibility **by means of an affidavit** according to Annex 4, i.e. that the contractor is not a contractor who:

- 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, is the subject to a bankruptcy order, has been placed under receivership under any other law or is in any similar situation under the law of the country of the contractor's registered office.

If the contractor is a legal entity, the condition under paragraph (a) is met by this legal entity and by each member of its governing body. If a legal entity is a member of the contractor's governing body, the condition referred to in clause (a) must be met by that legal entity, by each member of the governing body of that legal entity and by the person representing that legal entity in the contractor's governing body.

The contractor proves its **professional qualification by submitting an affidavit** according to Annex 4, declaring that the contractor has:

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

The contractor may replace the required document with the European Single Procurement Document.

The Contracting Authority will also accept proof of qualification criteria in the form of a 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 commercial register.

Article V

Requirements for preparing the tender price and rules for evaluating tenders

The contractor will determine the total tender price in EUR, broken down into VAT exclusive, VAT, and VAT inclusive, the amount of which will be included in the draft contract.

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.

The Contracting Authority will evaluate the economic benefits of the tender according to the following criteria:

- | | |
|--|------|
| 1. Total tender price | 100% |
| <i>(the total tender price in EUR will be evaluated)</i> | |

Description of evaluation:

The Contracting Authority will rank the tenders so that the tender with the lowest tender price is selected as the most favourable and the tender with the highest tender price will be selected as the least favourable.

Article VI

Inspection of the place of performance

Given the nature of the subject of the public contract, the Contracting Authority does not provide for an inspection of the place of performance.

Article VII

Explanation of the call for tenders

Requests for clarification of the procurement conditions must be delivered to the address of the Contracting Authority at least 4 working days before the time limit for the submission of tenders.

The Contracting Authority recommends e-mail communication.

The Contracting Authority will provide an explanation of the procurement conditions within 3 working days of receipt of the contractor’s request. The Contracting Authority will provide all contractors with the explanation, including the exact wording of the request, and publish it on the Contracting Authority’s profile.

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 explanation of the procurement documents, 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.**

Article VIII

Business terms and conditions

The tenderer submits its draft contract in the tender. The draft contract will include the mandatory provisions, which are listed below. Failure to include even one of the provisions at least to the minimal extent is a reason for exclusion of the tender.

Business terms and conditions:

- Identification of the contracting parties,
- Subject of the contract,
- Performance deadline,
- Price in EUR,
- Payment conditions - maturity of the invoice - tax document within 30 days from delivery to the Contracting Authority,
- Provision of necessary licenses to use the subject of performance of the contract,
- Execution of the performance - method and form of delivery,
- Warranty period - minimally 24 months,
- Sanctions for failure to fulfil the contract by both parties - 0.05% of the total price (contractor's delay in delivery, default on the invoice maturity period),
- Contractor's declaration that it does not allow the performance of illegal labour and does not receive any performance from a party that would allow the performance of illegal labour. It simultaneously declares that it respects the environment and human rights in its activities,
- Contractor's declaration that the price for the work includes all of its costs associated with performing the work (in particular costs of insurance, ensuring OHS, environmental protection measures, increased costs for work overtime and on days off, all costs associated with storing the materials required to perform the work, including their transport to the place of performance, installation and assembly materials, etc.), including its profit.
- Annexes:
 - Contracting Authority's requirements stipulated in Annex 1 to this call,
- Contact person for resolving technical matters:
 - Prof. Ing. Bedřich Smetana, PhD., email: bedrich.smetana@vsb.cz , phone: +420 596 991 594,
- Contractor's contact person in technical matters: name, surname, email, phone:
 - , email: , phone: +421

Article IX

Requirements for variants, security, award deadline

The Contracting Authority does not accept any variant solutions.

The Contracting Authority does not require the provision of a security.

The Contracting Authority does not stipulate an award deadline.

Article X

Conditions and requirements for drafting the tender

The contractor submits only one tender. The contractor submits the tender in the Czech or English language.

In its tender, the contractor 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 contractor, business ID number, VAT number, phone number, email (for communication in the course of awarding the contract) - see Annex 2 - Tender Cover Sheet. By signing the tender cover sheet, the contractor confirms that the submitted tender is binding.

The tender also includes other documents required by the Contracting Authority, including documents and information proving compliance with the qualification criteria in accordance with the provisions of Part IV of this call.

The contractor's tender must not contain any overwriting or corrections that could mislead the Contracting Authority.

The Contracting Authority requires the contractor's tender to include at least the following documents:

- a fully completed tender cover sheet in the structure set out in Annex 2,
- a draft contract in accordance with Article VIII of this call,
- a signed affidavit regarding the qualification criteria pursuant to Annex 3,
- other documents that the contractor intends to submit.

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 tender cover sheet will include a declaration by the contractor that it is not a subcontractor through which another contractor proves qualification criteria in the same procurement procedure.

If the contractor submits multiple tenders, either individually or jointly with other contractors, or submits a tender and is also the party through which another tenderer in the same procurement procedure proves the qualification criteria, the Contracting Authority will exclude that tenderer from the procurement procedure.

In the case of a joint tender by several contractors, the Contracting Authority requires a written document signed by all the contractors (e.g. a contract) showing the division of responsibilities for the performance of the public contract. The Contracting Authority requires that all contractors submitting a joint tender are jointly and severally liable.

Tender submission:

Tenders may only be submitted in electronic form, via an electronic instrument, in compliance with the requirements set out in Section 107 of the Act, provided that the provisions of Section 107(1) on hardcopy format of a tender will not apply. Electronic address for the submission of tenders (Contracting Authority's profile): <https://zakazky.vsb.cz/>.

Tenders cannot be submitted via data mailbox.

Article XI **Other communications by the Contracting Authority**

The Contracting Authority will not reimburse the costs incurred by the tenderers from their participation in the procurement procedure.

By submitting a tender, the tenderer grants the Contracting Authority its consent to verify and check the information given in the tender. The Contracting Authority will exclude a tenderer from the procurement procedure if the tenderer provides false information in its tender.

The Contracting Authority reserves the right to verify the information contained in the tenderer's tender with third parties and the tenderer is obliged to provide all necessary assistance in this respect.

The Contracting Authority reserves the right to cancel the procurement procedure without giving any reason.

The Contracting Authority reserves the right to publish the Contracting Authority's decisions related to the procurement procedure (decision on the exclusion of a tenderer and decision on the selection of a contractor) on the Contracting Authority's profile <https://zakazky.vsb.cz/>. In this case, the decision to exclude a tenderer and the decision on the selection of a contractor are deemed to have been disclosed to all the contractors concerned at the time of publication on the Contracting Authority's profile.

The Contracting Authority is obliged to process personal data for the purpose of properly awarding the public procurement in cases where the law expressly requires or allows the Contracting Authority to do so. In addition, the Contracting Authority may also process personal data, the processing of which is not expressly required by law, but which is necessary for the fulfilment of the Contracting Authority's legal obligation, i.e. for the proper awarding of the public contract. When processing personal data, the Contracting Authority shall always proceed in accordance with the applicable legislation.

All terms and conditions and information regarding the electronic tool are available in the User Guide at: <https://zakazky.vsb.cz/manual.html>.

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

The Contracting Authority has drafted these procurement documents to the best of its knowledge and experience in public procurement with the aim of ensuring transparent, non-discriminatory, proportionate and cost-effective public procurement. Despite its best endeavours, the Contracting Authority cannot exclude that the future opinion of the overseeing authority on the facts and processes set out in the procurement documents may differ from the Contracting Authority's view.

The Contracting Authority also draws the attention of the contractors to the fact that the procurement documents are a summary of the Contracting Authority's requirements and not a definitive summary of all requirements arising from generally binding standards. Contractors must therefore always follow not only the requirements contained in the procurement documents but also the provisions of the relevant generally binding standards when drafting their tenders.

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 - see Annex 2, Tender Cover Sheet.

Pursuant to the Section 48a of Act No. 134/2016 Coll., Public Procurement Act, the Contracting Authority is prohibited from awarding a public contract to a contractor if this is contrary to international sanctions pursuant to Act No. 69/2006 Coll., on the Implementation of International Sanctions, as amended.

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 - see Annex 2, Tender Cover Sheet.

The contractor is obliged to submit all documents required in this call for tenders throughout the procurement procedure.

Article XII
Annexes to the call for tenders

Annex 1: Technical Specification of the Subject
Annex 2: Tender Cover Sheet
Annex 3: Affidavit on Qualification

In Ostrava

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Prof. Ing. Kamila Janovská, Ph.D.
Dean of the FMST