



UNIVERZITA KARLOVA
I. lékařská fakulta

DEAN OF THE FACULTY

CALL FOR TENDERS FOR A SMALL-SCALE PUBLIC SUPPLY CONTRACT
according to Sections 6 and 27 of Act No. 134/2016 Coll., on Public Procurement,
as amended (hereinafter referred to as the “Act”)

Contracting authority: Charles University, with its registered office at Ovocný trh 560/5, Old Town, 116 36 Prague 1, in the matter of its constituent: First Faculty of Medicine, Kateřinská 1660/32, Nové Město, 121 08 Prague 2, hereby invites you to submit a tender and to prove your qualification.

1. NAME AND TYPE OF THE PUBLIC CONTRACT, INITIATION OF THE PROCUREMENT PROCEDURE

Name of the public contract:	Videoculography device/eye-tracker + MRI-compatible pupillometer
Public procurement type and regime:	Small-scale public supply contract – open call
Address public contract:	https://zakazky.cuni.cz/vz00005947
Initiation of procurement procedure:	9.6.2022

2. CONTRACTING AUTHORITY IDENTIFICATION DATA

Business name or name of organization:	Charles University
Registered office:	Ovocný trh 560/5, Staré město, 116 36 Prague 1
In re the constituent:	First Faculty of Medicine Kateřinská 1660/32, Nové Město, 121 08 Prague 2
Company ID No., TIN:	00216208, CZ00216208
Person authorized to represent the contracting authority (hereinafter referred to as the Contracting Authority):	prof. MUDr. Martin Vokurka, CSc., Dean of the First Faculty of Medicine of Charles University
Contracting Authority's contact person for the procurement procedure:	Martina Patočková, Public Procurement Department, e-mail: martina.patockova@lf1.cuni.cz
Electronic address of the Contracting Authority's profile:	https://zakazky.cuni.cz/profile_display_7.html

3. INFORMATION ON SUBJECT MATTER OF THE PUBLIC CONTRACT

3.1. Type of the public contract:

A small-scale public supply contract (hereinafter referred to as the “Public Contract”) is awarded by the Contracting Authority in accordance with the provisions of Sections 27 and 31 of the Act, in the procedure outside the scheme of the Act, while complying with principles laid down in Section 6 of the Act. The procurement procedure for this Public Contract is not a procurement procedure in the sense of Section 3 of the Act, even though the Contracting Authority uses this term in this invitation as well as in other written documents relating to this Public Contract.

3.2. Subject and description of the required performance within the Public Contract

The subject of the Public Contract is the supply of **1 unit of videoculography device/eye-tracker + MRI-compatible pupillometer for the Clinics of Neurology of the First Faculty of Medicine, Charles University and General University Hospital in Prague** (hereinafter also referred to as the “Equipment” or “Product”) . A detailed technical specification of the subject of the Public Contract is set in Annex 1 to this Invitation - in the wording sample of the purchase contract or in the Annex 1 thereto (Technical Specification of the Subject of Performance). Suppliers submitting tenders in this Procurement Procedure are obliged to comply with all technical requirements set out in this Annex. **The tenders shall also include technical and illustrative documentation of the product - e.g. a copy of the manufacturer's technical sheet or a copy of the product catalog, brochure or manual, etc.**

The participants shall prove fulfillment of the technical conditions required by the Contracting Authority by proper and full completion of the document designated Technical Specification of the Subject of Performance attached to the tender (duly completed and signed) as Annex 1 to the draft purchase contract and by submission of relevant technical and illustrative documentation of the product. Failure to meet the Contracting Authority’s requirements defined by the technical conditions shall result in exclusion of the tender participant from further participation in the procurement procedure.

Transport of the subject of performance to the place of performance; installation of product at the place of performance; commissioning and (successful) testing; training of operators and delivery of relevant documentation to the Product, in particular documents needed for the product takeover and use by the buyer, including operating instructions, user manual and warranty card, form integral parts of the performance of the Public Contract.

If the specifications include trade names of certain products or supplies, or other designations related to a particular supplier, these only define the expected characteristics and parameters, and the participants can propose another, technically and qualitatively comparable solution, nevertheless meeting fully the minimum technical and functional requirements set by the Contracting Authority.

In accordance with Section 6 (4) of the Act, the Contracting Authority has considered the option of the socially responsible procurement, environmentally responsible procurement and innovations within the scope of this public contract, and identified the following relevant aspects that are taken into account in the specifications of this public contract:

Identified aspects of responsible public procurement or innovations that can be taken into account in the public contract	Measures taken or justification why the contracting authority has not taken the aspect into account in the specifications
Possibility of research and development	The equipment in question shall be suitable for research or development.

3.3. Classification of the subject of the public contract according to CPV

33124110-9 – Diagnostic systems

3.4. Estimated value of the Public Contract

The estimated value of the Public Contract is **EUR 41,000.00 excluding VAT.**

The Contracting Authority stipulates that the estimated value in EUR, VAT excl. is at the same time the maximum eligible price, and the tenders bidding prices in EUR, VAT excl. higher than the maximum eligible price shall be excluded from the procurement procedure as well as the bidder’s participation therein.

3.5. Time of performance of the Public Contract

Delivery of the Product: **no later than 9 weeks** from the day following the day of publication of the purchase contract in the Register of Contracts pursuant to Act No. 340/2015 Coll., On the Register of Contracts, as amended. The participant’s (seller’s) obligation shall be deemed fulfilled upon delivery of the Product to the place of performance, its demonstration, installation at the place of performance, commissioning, successful testing, training of operators and delivery of relevant

documentation (operating instructions, user manual in Czech or English language, warranty card, declaration of conformity, etc.) and upon acceptance of the Product by the Contracting Authority without reservations.

3.6. Place of performance of the Public Contract

Place of performance of the Public Contract is the **Clinic of Neurology, of the First Faculty of Medicine, Charles University and General University Hospital, Kateřinská 30, Prague 2, EXPY Laboratory, 1st floor.**

Contact person of the Contracting Authority authorized to take delivery of the subject of the Public Contract: : Dr. Tereza Serranová, Ph.D., tel: +420 224 965 539, e-mail: tereza.serranova@vfn.cz

Inspection of the place of performance of the Public Contract is omitted with regard to the specific subject of performance thereof.

3.7. Terms and Conditions

The terms and conditions relating to the subject of the Public Contract are set by the wording of the sample purchase contract (hereinafter also referred to as the “Contract”), attached hereto as Annex 1, which the participants are obliged to apply in the draft contract forming a part of the tender. **The participant shall only add the missing required data to the wording of the sample Contract; they are not entitled to otherwise change or supplement the Contract wording.**

The draft contract shall be signed by the participant or their statutory body or a duly authorized person; for reasons of legal certainty, the Contracting Authority recommends suppliers that the original or a copy of the power of attorney be in such a case part of their tender or be annexed to the draft contract.

Submission of a duplicate of the draft contract, of an unsigned draft contract, or of a draft contract signed by a person not authorized to act on behalf of the participant poses grounds for rejecting of the tender and for excluding of the participant from participation in the procurement procedure.

4. REQUIREMENTS FOR PROOF OF QUALIFICATION AND SOLEMN DECLARATION ON ABSENCE OF CONFLICT OF INTEREST

4.1. Basic qualification

The Contracting Authority requires basic qualification by analogy in accordance with Section 74 (1) through to (3) of the Act.

The participants prove fulfillment of the basic qualification by submitting an original of written affirmation signed by a person authorized to act on behalf of the participant and clearly documenting that the participant meets requirements of the basic qualification.

The written affirmation of basic qualification shall prove fulfillment of the qualification by analogy with Section 86 (5) of the Act, thus no later than 3 months prior to the date of commencement of the procurement procedure. For the purpose of the affirmation inclusion into the tender, the Contracting Authority recommends that the participants use Annex 2 to this invitation - Wording Samples of Affirmations (Affirmation of Basic Qualification).

Instead of the above-mentioned affirmation, the participants may prove their basic qualification also by analogy according to Section 75 of the Act by submitting the documents specified by the provisions of Section 75 (1) of the Act, i.e. by submitting:

- a) a copy of an entry in the Criminal Records in respect of Section 74 (1) a) of the Act;
- b) a confirmation from a relevant tax office in respect of Section 74 (1) b) of the Act;
- c) a written affirmation regarding excise duty in respect of Section 74 (1) b) of the Act;
- d) a written affirmation in respect of Section 74 (1) c) of the Act;
- e) a confirmation from a relevant district social security administration in respect of Section 74 (1) d) of the Act;
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the participant is not incorporated in the Commercial Register, in respect of Section 74 (1) e) of the Act.

If, instead of a solemn affirmation, the participant decides to submit the above-mentioned documents to prove their fulfillment of the basic qualification requirements, simple copies thereof shall be sufficient.

In order to prove their basic qualification, the participants may alternatively submit:

- by analogy with Section 228 of the Act, an extract from the List of Approved Economic Operators, or an equivalent thereof according to the registered office of the supplier, if as of the last day on which the basic qualification is to be proved (i.e. on the day of the procurement procedure commencement), such document is not older than 3 months;
- by analogy with Section 234 of the Act, a valid certificate issued within an approved System of Certified Economic Operators, or an equivalent certificate according to the supplier's registered office.

4.2. Professional qualification

The Contracting Authority requires that the participants prove their professional qualification by analogy in accordance with Section 77 (1) of the Act by submitting a copy of an entry in the Commercial Register (if the participant is incorporated therein) or other similar register provided that registration in such a register is required pursuant to another legal regulation. It is sufficient to provide a simple copy of the document without a verification clause. The copy of an entry in the Commercial Register shall prove fulfillment of the qualification by analogy with Section 86 (5) of the Act, thus no later than 3 months prior to the date of commencement of the procurement procedure.

4.3. Technical qualification

The Contracting Authority requires fulfillment of the technical qualification by analogy **according to Section 79 (2) l) of the Act:**

The participants shall prove their technical qualification by submitting a simple copy of the declaration of conformity in re the bidden product. The Contracting Authority requires that the bidden product features the conformity symbol “CE” (documenting conformity of the product with the relevant EU regulations).

4.4. Solemn declaration on absence of conflict of interest

The tender shall also include the original of a solemn declaration signed by a person authorized to act on behalf of the participant that:

- no employee of the Contracting Authority, no member of the statutory body of the Contracting Authority, the statutory body of the Contracting Authority, no member of the managing body of the Contracting Authority, no member of the implementation team or a person who took part in awarding of the procurement procedure for this public contract was involved in preparation of the tender;
- that the participant or the participant acting in an association is not an employee of the Contracting Authority or a member of the implementation team or a person who, on the basis of a contractual relationship, participated in awarding of the procurement procedure for this public contract,
- that no participant’ subcontractor is an employee of the Contracting Authority or a member of the implementation team or a person who, on the basis of a contractual relationship, participated in awarding of the procurement procedure for this public contract,
- that the participant is not a commercial company in which a public official referred to in Section 2 (1) c) of Act No. 159/2006 Coll., on Conflict of Interests, as amended, or a person controlled thereby owns a share representing at least 25 % of the partner’s share in such commercial company, and that no subcontractor through whom the supplier proves their qualification is such a commercial company.

For the purpose of the affirmation inclusion into the tender, the Contracting Authority recommends that the participants use Annex 2 to this invitation - Wording Samples of Affirmations (Solemn Declaration on Absence of Conflict of Interest).

5. PARAMETERS OF THE TENDER PRICE PROCESSING

The Participants shall set the tender price as an absolute value in EUR and shall indicate it in the provisions of Article II, paragraph 1 of the sample contract. The tender price shall be set as the maximum permissible and not-to-exceed value and shall include all costs needed for proper performance of the subject of the Public Contract, including all related costs (including in particular: costs of the product acquisition, costs of the product transport to the place of performance including handling costs, costs of the product insurance and guarding until its handover and takeover, taxes and fees associated with the product delivery and costs of accompanying documents).

The tender price shall be indicated broken down into:

- the tender price in EUR, VAT exclusive;
- VAT rate in %;
- VAT amount in EUR;
- the tender price in EUR, VAT inclusive.

6. 6. EVALUATION OF TENDERS

The tenders shall be evaluated according to their economic advantageousness. The evaluation of the economic advantageousness shall be performed by analogy according to Section 114 (2) of the Act - **on the basis of the lowest tender price in EUR VAT exclusive**. The order of tenders will be determined according to the amount of the tender price in EUR, VAT exclusive, from the lowest to the highest price. **The tender with the lowest tender price in EUR, VAT exclusive, shall be assessed as the most economically advantageous one.**

The participants are not entitled to subject the evaluated data proposed thereby to any conditions. Any conditionality or indication of various values shall pose reason for rejection of the tender and for exclusion of the participant from the procurement procedure.

7. PARAMETERS OF THE TENDER PROCESSING

In their tenders, the participants shall document at least the following information:

- a) Participant identification data (including a contact person and an e-mail address for communication during the procurement procedure - for recommended sample see Annex 3 to this invitation);
- b) Proofs of basic qualification (see Article 4.1. and Annex 2 to this invitation);
- c) Proofs of professional qualification (see Article 4.2 to this invitation);
- d) Proofs of technical qualification (see Article 4.3 to this invitation);
- e) The original of the Solemn Declaration on Absence of Conflict of Interests (see Article 4.4. and Annex 2 to this invitation);
- f) Draft contract including Appendix 1 (Technical specification of the subject of performance) - original;
- g) Technical and illustrative documentation to the product (see Article 3.2. of this invitation herein);
- h) Other documents at the participant's discretion.

In the event of failure to submit documents or to meet the requirements set out in a) through to g) above, the Contracting Authority shall consider the tender incomplete and shall have right to exclude the participant from further participation in the procurement procedure.

Each tender shall be submitted as an original paper document in the Czech language. If a participant submits the tender and the Contract in different language, they shall also attach the translation thereof into the Czech language. This does not apply to any catalogs, brochures, technical sheets, etc. If the Contracting Authority doubts about accuracy of the translation, it may request submission of a sworn translation of the tender or a part thereof into Czech provided by an interpreter registered in the list of experts and interpreters.

If any solemn declaration is requested by the Contracting Authority in the invitation, it must be submitted in the original version, dated and signed by a person authorized to act on behalf of or for the participant.

All pages of the tender, including annexes, shall be properly numbered in the ascending numerical order and the tender shall be secured against unauthorized manipulation by binding or stapling.

As part of the tender, the participant also shall submit a suitable medium (CD, DVD, USB disk) containing a scan of the complete tender in .pdf format, as well as the draft contract and the annexes thereof in an open and machine readable format (i.e. with extensions .pdf, .doc, .docx, .rtf, .odt or .txt). The cover of the medium shall indicate the participant's identification data and the name of the Public Contract.

8. EXPLANATIONS, AMENDMENTS OR SUPPLEMENTS TO TENDER CONDITIONS

The explanation of the tender conditions shall be provided on the basis of a written request by the supplier delivered to the Contracting Authority no later than **3 working days** before the deadline for submission of tenders. Questions may be sent to the Contracting Authority's contact person for the purposes of the procurement procedure, Martina Patočková, as follows:

- by post to the address of the Contracting Authority: **Charles University, First Faculty of Medicine, Public Procurement Department, Kateřinská 1660/32, 121 08 Prague 2;**
- by e-mail to: martina.patockova@lf1.cuni.cz;
- by EZAK electronic tool,
- via a data box (ID: pijj9b4 with the indication "1. LF UK OVZ" in the subject of the data message);
- or by personal delivery to the mail room of the Contracting Authority.

The Contracting Authority shall send an explanation of the tender conditions, including the exact wording of the request, within **1 working day** upon receipt of the request.

The Contracting Authority may also provide explanations of tender conditions and/or amend or supplement the tender conditions on its own initiative.

9. DEADLINE AND PLACE FOR SUBMISSION OF TENDERS

The time limit for the submission of tenders shall begin on the day following that on which the invitation is sent.

Deadline for submission of tenders: Date: 22. 6. 2022 At: 9:00 a.m.

Address for submission of tenders: First Faculty of Medicine, Charles University
Kateřinská 1660/32, 121 08 Prague 2
OVZ – Martina Patočková

Specifically: Podatelna 1 (Mail Room No. 1). First Faculty of Medicine, Charles University, 1st floor, room No. 1.011

Mail room office hours: Mon - Fri from 08:00 a.m. to 12:00 a.m.

The tenders in electronic form may be submitted in person to the Contracting Authority's mail room or by post, courier or other shipping service so that they are delivered by the deadline for submission of tenders to the Contracting Authority to the above address. **At all times, i.e. even in the case of the tender delivery by post, courier or other shipping service, the decisive moment is the time of the tender receipt by the Contracting Authority (actual receipt of the tender by an employee of the Contracting Authority's mail room).**

the tenders may be submitted either in an electronic or paper form.

Requirements on submission of a tender in paper form:

If the tender is submitted to the Contracting Authority in paper form, it shall be delivered thereto in a properly sealed envelope indicating the full name of the Public Contract. For the purposes of this procurement procedure, a sealed envelope or package means that the seal of the envelope or packaging is provided with the signature and, where appropriate, the stamp of the participant, so that the envelope cannot be unduly opened in any manner without damaging the above-mentioned protective elements.

If a tender is delivered to the Contracting Authority after the deadline for submission of tenders, while the data on its envelope suggest that the shipment contains a supplier's tender for this Public Contract, the Contracting Authority shall not open the tender, shall treat it as if not submitted and shall notify the supplier about the late delivery (if the envelope indicates identification data allowing such notification).

Recommended designation of tender envelopes:

Business name or name of the participant
legal form, address
... to be filled in by the supplier...

DO NOT OPEN before the time of opening of tender envelopes!

Public Contract "Videoculography device/eye-tracker + MRI-compatible pupillometer"

Charles University, First Faculty of Medicine
OVZ – Martina Patočková
Kateřinská 1660/32
121 08 Prague 2

Requirements on submission of a tender in electronic form via electronic tool:

The Contracting Authority also allows submission of tenders via E-ZAK electronic tool available at: https://zakazky.cuni.cz/profile_display_7.html (hereinafter also referred to as the "Electronic Tool"). **It is not allowed to submit electronic tenders in any other manner.**

Detailed instructions for submitting of a tender via the Electronic Tool can be found in the "Suppliers User Manual", which is available at: <https://zakazky.cuni.cz/data/manual/EZAK-Manual-Dodavatele.pdf>

A test of the Internet browser and system settings can be found at: https://zakazky.cuni.cz/test_index.html.

The supplier shall insert the tender in electronic form into the electronic bidding sheet created in the certified E-ZAK Electronic Tool, which guarantees fulfillment of all conditions of security and confidentiality of the data entered, including absolute inaccessibility of tenders on the part of the Contracting Authority before the expiry of the deadline set for their protocol-based opening.

The Supplier shall attach all documents that the Contracting Authority requires as part of the bidding procedure (see Article 7 of this invitation) into the Electronic Tool.

The size of each file must not exceed 50 MB.

The Contracting Authority is not liable for the technical conditions on the part of participants. The Contracting Authority recommends that participants take into account, in particular, the speed of their Internet connection when submitting a tender **so that it is submitted within the deadline for submission of tenders** (submission of a tender shall mean completed sending of the tender to the Electronic Tool after uploading all attachments).

In the case of the submission of a tender in electronic form, the Contracting Authority does not require electronic signature of the tender nor electronic signature of individual tender documents.

10. TIME AND PLACE OF OPENING OF TENDER ENVELOPES

In case of this Public Contract, there is no public opening of tender envelopes, as it is not a public contract awarded pursuant to the law.

11. OTHER CONDITIONS OF THE PUBLIC CONTRACT

The Contracting Authority hereby notifies the suppliers that they are obliged entities within the meaning of Act No. 106/1999 Coll., on Free Access to Information, as amended, and are therefore obliged to provide information in compliance with this act. The Contracting Authority's obligation to provide information applies to this Public Contract in full.

The Contracting Authority also informs the suppliers that, according to Section 219 of the Act, it will publish the Contract including any amendments thereof in the register of contracts pursuant to Act No. 340/2015 Coll., on special conditions for the effectiveness of some contracts, the publication of these contracts and the register of contracts, as amended, (Contracts Register Act) and/or on the Contracting Authority's profile.

The Contracting Authority also points out that, according to Section 2 e) and Section 13 of Act No. 320/2001 Coll., on Financial Control in Public Administration, as amended, the selected supplier (and its potential subcontractors) shall be a person obliged to cooperate in the performance of financial control. This obligation also applies to those parts of the tender, contract and related documents that are subject to protection under specific legislation (e.g. as trade secrets, classified information), provided that the requirements imposed by legal regulations under Act No. 255/2012 Coll., on Inspection (Inspection Order), as amended, are met. The selected supplier shall be obliged to contractually bind potential subcontractors thereof to this obligation.

The Contracting Authority also reserves the following rights and conditions:

- a) The Contracting Authority excludes the option of submitting variant tenders.
- b) The Contracting Authority reserves the right to change or amend the tender conditions.
- c) The participants shall bear all costs incurred thereto in connection with their participation in the procurement procedure. They are not entitled to reimbursement of costs incurred thereto in connection with participation in the procurement procedure.
- d) The participants are obliged to refrain from any actions that could disrupt transparent and non-discriminatory course of the procurement procedure, in particular to refrain from any actions potentially breaching the participants competition within the scope of the procurement procedure.
- e) The Contracting Authority reserves the right to exclude from participation in the procurement procedure any participant whose tender does not meet the conditions set out in the invitation.
- f) The Contracting Authority reserves the right to apply in the procurement procedure the rules in re abnormally low tender price by analogy according to Section 113 of the Public Procurement Act.
- g) The Contracting Authority reserves the right to cancel the procurement procedure at any time while pending. In the event the procurement procedure is cancelled, the Contracting Authority shall immediately notify (electronically) of the fact all the participants who submitted their tenders by the deadline for their submission. In the event the procurement procedure is cancelled before the deadline for submission of tenders, the Contracting Authority shall publish the information on the procurement procedure cancellation on the profile thereof.
- h) The actual selection of their tender does not incur to the participant a contractual relationship with the Contracting Authority.
- i) The Contracting Authority does not award this Public Contract in the regime of the Public Procurement Act, though referring herein by analogy to some provisions thereof. Pursuant to Section 241 of the Act, no objections may be filed in the case of a small-scale public contract.
- j) The Contracting Authority shall notify electronically of the procurement procedure result all the participants who submitted their tenders by the deadline for tenders submission and whose tender has not been rejected. The Contracting Authority shall send electronically to the participant in question a notification of late submission of their tender or notification of the exclusion thereof from the procurement procedure. The notification of the result of the procurement procedure or the notice of the rejection of a tender and/or the exclusion of a participant may be published by the Contracting Authority only in the Contracting Authority's profile, in which case such notice is deemed delivered to all the participants at the time of its publication in the profile.
- k) If a contractual obligation is changed or terminated, the Contracting Authority shall proceed by analogy in accordance with Sections 222 through to 223 of the Public Procurement Act, or in accordance with the arrangements set out in the draft contract.
- l) By analogy with the provisions of Section 100 (1) of the Public Procurement Act, the Contracting Authority reserves the right to change a contractual obligation if, during the term of the contract, production of a product specifically indicated in the participant's tender is terminated or if such a product becomes unavailable. In that case, the selected supplier shall propose to the Contracting Authority delivery of an adequate replacement product, without changing the nature of the public contract and the unit price of the goods replaced.

m) The Contracting Authority further reserves the following rights:

- to reject all the submitted tenders;
- not to return the submitted tenders;
- to specify in more detail the conditions of the Public Contract;
- to request from the participants written explanation or supplementing of the tender and to verify the information provided by the participant in the tender;
- that the submission of a tender does not give the participant any entitlement to the conclusion of the Contract with the Contracting Authority.

12. ANNEXES

Annex 1 – Purchase Contract Wording Sample including Appendix 1 thereof

Annex 2 - Wording Samples of Affirmations

Annex 3 – Identification Data

In Prague on 9.6.2022

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prof. MUDr. Martin Vokurka, CSc.,