



UNIVERZITA KARLOVA
3. lékařská fakulta

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Technická univerzita v Liberci
Výzkum a vývoj v oblasti zdravotnictví
a biomedicíny

**Third Faculty of Medicine, Charles University
(3. lékařská fakulta, Univerzita Karlova)**

with registered office at: Ruská 2411/87, 100 00 Praha 10
identification number (IČ): 00216208

hereby sets out

TENDER DOCUMENTATION

for a sublimit public contract with the name of:

“Patch-Clamp System for Cellular Electrophysiology”

*being awarded in a simplified sublimit procedure under the provisions of Art. 53 of Act No. 134/2016
Coll., the Public Procurement Act (hereinafter the “PPA”)*

The contract is being implemented within the scope of the project “National Institute for Research in Metabolic and Cardiovascular Illnesses”, registration number: LX22NPO5104, under the EXCELES program for the support of excellent research in priority areas of public interest in healthcare



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1. Contracting Authority Identification Details

Contracting Authority:

Name: **Third Faculty of Medicine, Charles University
(3. lékařská fakulta Univerzity Karlovy)**

Registered Office: Ruská 2411/87, 100 00 Praha 10

IČ: 00216208

DIČ: CZ00216208

Represented by: prof. MUDr. Petr Widimský, DrSc., Dean

Contact Person: Pavel Šmolík

Contracting Authority Profile: https://zakazky.cuni.cz/profile_display_9.html

2. Tender Documentation

This tender documentation sets out the tender conditions in such a way so that it does not guarantee certain suppliers, directly or indirectly, an unwarranted competitive advantage or does not create unwarranted impediments to competition.

The Contracting Authority alerts the supplier to the fact that the tender documentation is a totality of the contracting authority's documents, information, requirements and technical conditions defining the object of the public contract, and not a final totality of all requirements arising from the generally valid regulations. The supplier must thus, in drawing up its bid, always abide not just by the requirements contained in the tender documentation, but also by the provisions of the relevant generally binding regulations.

Annexes to the tender documentation are samples for the clear definition of the requirements as well as for accurate (easy) orientation in the suppliers' bids. The contracting authority only allows modifications as specified below, i.e. the addition of missing information. In order to comply with the requirements arising under the tender documentation, the supplier must, among other things, fully comply with the conditions set out in these annexes.

3. Classification of the Object of the Public Contract

Part:	Name:	CPV Code:
1.	Complete equipment for measuring with the patch-clamp method	38300000-8 – Measuring instruments
2.	Inverted fluorescent microscope for described applications	38634000-8 – Optical microscopes

- 3.1. The anticipated value of the public contract, as determined by the contracting authority through the procedure under Art. 16 et seq. of the PPA, is a total of € 99,174 not including VAT, in words: ninety-nine thousand one hundred and seventy-four euros, for both parts.

Name of the Part of the PC	Anticipated value in € not including VAT
Part 1 of the PC – Complete equipment for measuring with the patch-clamp method	€ 82,645, in words: eighty-two thousand six hundred and forty-five euros
Part 2 of the PC – Inverted fluorescent microscope for described applications	€ 16,529, in words: sixteen thousand five hundred and twenty-nine euros

- 3.2. In accordance with the provisions of Art. 35 of the PPA, the public contract is divided up into 2 parts:

Part 1 of the PC – Complete equipment for measuring with the patch-clamp method

Part 2 of the PC – Inverted fluorescent microscope for described applications

4. Object of the Public Contract

- 4.1. The object of the public contract under the name “Patch-Clamp System for Cellular Electrophysiology” (hereinafter the “public contract”) is the supply of a complete system for cellular electrophysiology with the patch-clamp method + fluorescent imaging of live cells. The supply shall be carried out as a single functional unit with all of the components necessary for the execution of the defined methods. A detailed description of the object of performance is set out in the technical specification, which constitutes Annex No. 1 to this tender documentation.

4.2. Contracting Authority's Requirements

The goods must comply with all requirements under the technical and safety standards valid in the Czech Republic for the type of product in question. The performance shall also include the provision of complete documentation if such exists.

The warranty conditions are set out in detail in Annex No. 2.1 and No. 2.2 to this tender documentation – Binding Draft Contract.



The time of performance of the public contract is conditional upon the proper completion of the procurement procedure and the signing of the relevant purchase contract. The delivery term is set out in the relevant draft contract.

- 4.3. The object of performance of the public contract must be new, unused, non-refurbished, unpledged, non-loaned, unencumbered with a leasing contract or other legal defects, and must not infringe upon any third party rights to a patent or to any other form of intellectual property.
- 4.4. The scope of the object of performance and the technical specification are specified in detail in Annex No. 1 to this tender documentation. The contracting authority expressly states that such defined conditions constitute requirements as to the qualities of the object of the contract, as set out by the contracting authority under Art. 89 of the PPA. The contracting authority also expressly states that, in the event of a reference to regulations, technical documents, requirements as to performance or function in Annex No. 1, the contracting authority may be obligated to proceed in accordance with Art. 91 of the PPA, and, in regard to each such case, the contracting authority states and allows for a bid for an equivalent solution.
- 4.5. The contract is divided up into 2 parts in accordance with Art. 101 of the PPA. The supplier is entitled to submit a bid for one or both parts of the public contract.
- 4.6. The object of performance shall also include:
 - 4.6.1. the execution of all prescribed tests including the issuance of documents on the execution thereof in accordance with the manufacturer's instructions, and, in regard to medical devices under Act No. 268/2014 Coll., on Medical Devices, the submission of clearances, certificates, declarations of conformity in accordance with Act No. 22/1997 Coll., on Technical Requirements for Products, as amended, and the relevant implementation regulations issued by the Cabinet, harmonized Czech technical standards and other ČSN standards, etc., and the submission thereof to the contracting authority in the Czech language;
 - 4.6.2. the execution of individual testing of all elements and devices comprising the object of performance including the drawing up of a handover record in the Czech language in 1 counterpart; at the handover, the supplier must prove, in an appropriate manner, compliance with technical parameters for the goods being supplied;
 - 4.6.3. procuring and submitting technical documentation pertaining to operation, primarily including a complete user manual, operating and maintenance manual for the instrumentation, and maintenance documentation, in data form (on CD ROM, or USB disk);
 - 4.6.4. certificated handover of the equipment into operation by the user.

5. Time and Place of Performance

- 5.1. The place of performance is the contracting authority's building: Third Faculty of Medicine of Charles University (3. LF UK), Building A (budova A), Ruská 87, Praha 10
- 5.2. Delivery Date/Time: the date/time is specified in the binding draft contract – Annex No. 2.1 and No. 2.2 to the Tender Documentation.

6. Qualification of Suppliers

The qualification conditions for suppliers are included in this tender documentation as its Annex No. 3 – Qualification Documentation.

7. Requirements as to the Manner of Processing the Bid Price and Payment Terms

- 7.1. The bid price shall be drawn up in accordance with the tender documentation including all of its annexes, and shall include all work, deliveries and activities arising from the tender documentation, as well as deliveries and activities in regard to which the supplier should have been aware, in view of its professional knowledge, that they are necessary for proper performance and handover of the supply. The bid price includes the anticipated trends in prices within the given field as well as the anticipated trends in exchange rates between the Czech crown and foreign currencies. The price shall include all of the supplier's costs for supply and installation at the contracting authority's registered address including those which were not known at the time when the bid was drawn up and the need for payment of which did not arise until the time of performance. The price shall include all copyright costs, costs of licensing and documentation, as well as all personnel arrangements for any servicing. The bid price must include taxes, customs charges, fees, and any other costs associated with the execution of the contract. The bid price shall be stated in €.

The bid price shall be stated under the following itemization:

- bid price for the supply in € not including VAT,
- enumeration of VAT, and
- bid price for the supply including VAT.

- 7.2. The bid price shall be stated in the relevant draft contract and on the bid cover sheet, the draft of which constitutes Annex No. 4 to this tender documentation. The bid price shall be set as the highest permissible price and as final with the inclusion of all costs, risks, profits and financial influences (e.g. inflation) for the entire duration of the execution of the contract in accordance with the conditions set out in the tender documentation.
- 7.3. The bid price can be exceeded only and exclusively under the conditions set out in the draft contract, which is an integral part of this tender documentation as its Annex No. 2.1 or No. 2.2.

7.4. Payment conditions are set out in the draft contract, which is an integral part of this tender documentation as its Annex No. 2.1 and 2.2.

8. Manner of Submitting Bids, Bid Submission Deadline, and Place of Performance Inspection Deadline

8.1. Bids must be delivered to the contracting authority by way of the E-ZAK electronic tool, available at https://zakazky.cuni.cz/profile_display_9.html

8.2. The deadline for submitting bids: **the date of 26. 10. 2022 by 10:00 a.m.** The supplier is responsible for the bid submission time. Bids submitted after the deadline shall not be taken into consideration.

8.3. The opening of a bid in electronic form is understood to mean the accessing of its content by the contracting authority. Bids in electronic form shall be opened by the contracting authority after the elapse of the deadline for submission of bids. When opening bids in electronic form, the contracting authority shall check whether the bid was delivered within the stated deadline, whether it is authentic, and whether or not the data message containing the bid was tampered with prior to being opened. In accordance with Art. 109 of the PPA, the opening of bids in electronic form is not public and thus cannot be attended by suppliers who have submitted a bid in the procurement procedure.

8.4. In consideration of the nature of the object of performance, a viewing of the place of performance will not be held.

8.5. If a supplier is submitting a bid for multiple parts of the public contract, it shall be obligated to submit a separate bid for each part.

9. Requirement Regarding Formal Layout, Structure and Content of Bid

9.1. Bids shall be submitted by way of the E-ZAK electronic tool, available at https://zakazky.cuni.cz/profile_display_9.html. The recommended order in which to upload documents is set out below, whereby detailed instructions for submitting a bid by way of the electronic tool may be found in the "User Manual for Suppliers", which is available at <https://zakazky.cuni.cz/data/manual/EZAKManual-Dodavatele.pdf>. The computer system requirements in order to submit bids and electronic signatures in the E-ZAK application can be found at <http://www.ezak.cz/faq/pozadavky-na-system>:

a. **Bid cover sheet** (Annex No. 4 to this Tender Documentation). The supplier shall complete the fields marked in yellow.

b. **Bid content**

c. **Documents by which the supplier is to prove eligibility and compliance with qualification requirements** – to the extent and in the form as required under the PPA and this tender documentation.



d. Draft contract: The supplier shall utilize the binding sample draft Contract relevant to the given part of the PC and shall complete it so as to include the required information, including all annexes.

e. Any other annexes and additions to the bid.

The contracting authority expressly states that, in terms of the submission of a bid, it does not require the submission of information regarding the ownership structure of the participant of the procurement procedure under Art. 103 (1) (d) of the PPA. The contracting authority shall also, in accordance with the provisions of Art. 48 (9) of the PPA, request for a selected supplier with registered office abroad, which is a joint stock company or has a legal form similar to a joint stock company, to submit, within a reasonable period of time, a written declaration stating which persons are owners of shares the aggregate nominal value of which exceeds 10% of the registered capital of the participant of the procurement procedure, and stating the source upon which the information regarding the size of shareholders' shares are based.

9.2. **The contracting authority requires the submission of the bid in the Czech or English language.**

9.3. In accordance with Art. 122 (4) and (5) of the PPA, the contracting authority shall do as follows:

(4) If a selected supplier is a legal entity, the contracting authority shall ascertain the details of its beneficial owners in accordance with the Act on Certain Measures Against Legalization of Proceeds of Criminal Activity and Financing of Terrorism (hereinafter the "beneficial owners") from a registry of information on beneficial owners under a law regulating public registries of legal entities and natural persons. The contracting authority shall include the ascertained information in documentation regarding the public contract. For such purposes, the Ministry of Justice shall enable the contracting authority to have remote access to information on beneficial owners under a law regulating public registries of legal entities and natural persons; for the purposes of exercising supervision under Section Thirteen of Chapter II, the Ministry of Justice shall also allow the Office for the Protection of Competition to have such access.

(5) If a selected supplier is a legal entity, the contracting authority shall also require such selected supplier, in a notice under paragraph 3, to also submit an extract from a foreign registry similar to a registry of beneficial owners, or, if there is no such registry,

- a) to provide the identification details of all persons who are its beneficial owners, and
- b) to submit documents showing the relationship of all persons under letter a) to the supplier; such documents shall include primarily the following:
 1. an extract from a foreign registry similar to a public registry,
 2. a list of shareholders,
 3. a decision of a statutory body on distribution of a share of profit,
 4. articles of association, memorandum of association, or bylaws.

10. Manner of Evaluating Bids

10.1. The contracting authority has set a single evaluation criterion for the awarding of the public contract, that being the economic favorableness of the bids **based upon the lowest bid price**.

10.2. In evaluating the bid price, the price in € not including VAT shall be decisive. The evaluation committee shall set a ranking of the bids according to the amount of the bid price not including VAT from the lowest to the highest value. The most suitable bid shall be the bid with the lowest bid price. In accordance with Art. 39 (4) of the PPA, the contracting authority shall first conduct an evaluation of the bids, and, in regard to the selected supplier, shall conduct an assessment as to compliance with the conditions for participation in the procurement procedure.

11. Business Conditions

- 11.1. All business conditions including payment conditions, penalty conditions, warranty conditions and delivery conditions are set out in the relevant draft contract, which constitutes Annex No. 2 to the tender documentation, and which shall serve to enter into a contractual relationship with the selected supplier. The draft contract must be included in the supplier's bid. Such draft contract must fully comply with the conditions set out in this documentation. The contracting authority will not allow any modifications to the draft contract with the exception of the completion of parts marked in yellow – the supplier's identification details and the insertion of the price.

12. Further Conditions of the Public Contract

- 12.1. The contracting authority does not allow any variant bids.
12.2. The contracting authority does not require a security sum.
12.3. If a discrepancy arises between the information contained in the individual parts of this tender documentation, the information contained in the draft contract shall be decisive for creating the bid.
12.4. The supplier acknowledges and agrees that, under the provisions of Art. 2 (e) of Act No. 320/2001 Coll., on Financial Control in Public Administration and on Changes to Certain Laws, as amended (hereinafter the "Financial Control Act"), it is a person obligated to cooperate in the execution of financial control being carried out in connection with payment for goods or services from public expenditures.

13. Explanations of the Tender Documentation

- 13.1. If the conditions of the procurement procedure change in the course of the run-up to the bid submission deadline, e.g. if the delivery term changes, a required performance parameter changes, etc., the contracting authority shall publish such information on the contracting authority's profile.

- 13.2. Contracting authority profile:

https://zakazky.cuni.cz/profile_display_9.html

If a bidder requests an explanation in regard to the tender documentation by electronic means (through the contracting authority's profile, data box or email message), the contracting authority shall publish the explanation including the exact text of the request without identifying such supplier. The contracting authority shall proceed in accordance with the PPA. The contracting authority is primarily not obligated to provide explanations if a request for explanation is not delivered in a timely manner. If the contracting authority does provide an explanation upon a request for explanation that is not delivered in a timely manner, it shall not have to comply with the deadline stated above.

14. Public Authority's Rights Under the Public Contract

The contracting authority reserves the right to:

- change the tender conditions,



- not provide compensation of costs that the supplier expends on participation in the procurement procedure, unless provided otherwise in the PPA,
 - verify information contained in the supplier's bid with third parties,
- The contracting authority reserves the right to cancel the procurement procedure if reasons occur as set out in the provisions of Art. 127 of the PPA.

15. Tender Deadline

- 15.1. The contracting authority has set a tender deadline during which a participant of the procurement procedure cannot withdraw from the procurement procedure, this being a period of **3 months** from the date of elapse of the deadline for the submission of bids. The tender deadline shall not run during the time when the contracting authority cannot enter into a contract under Art. 246 of the PPA.

16. Annexes to the Tender Documentation

1. Annex No. 1 – Technical Specification for Each Part of the PC
2. Annexes No. 2.1 and No. 2.2 – Binding Draft Contract for Each Part of the PC
3. Annex No. 3 – Qualification Documentation
4. Annex No. 4 – Sample Cover Sheet

In Prague on 07. 10. 2022


prof. MUDr. Petr Widimský, DrSc., Dean