

INVITATION TO TENDER (HEREINAFTER REFERRED TO AS THE "INVITATION") FOR A SMALL-SCALE PUBLIC PROCUREMENT
pursuant to Sections 6 and 27 of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter referred to as "the Act")

The public procuring entity Charles University, with its registered office at 560/5 Ovocný trh, Staré Město, 116 36 Prague 1, in the matter of the unit: the 1st Faculty of Medicine, 1660/32 Kateřinská Street, Nové Město, 121 08 Prague 2 (hereinafter referred to as the "Procuring Entity"), hereby invites you to submit a tender and to demonstrate your qualifications.

1. NAME AND TYPE OF PUBLIC CONTRACT, LAUNCH OF THE TENDER PROCEDURE

Name of public contract:	UK 1st Faculty of Medicine - Preclinical optical imager
Classification of the subject of the public contract according to CPV:	33110000-4 Imaging apparatus for medical, dental or veterinary purposes
Type and mode of procurement:	Small public supply contract - open call for tenders
Public Contract No. (DBID):	6879
Address of the public contract:	https://zakazky.cuni.cz/vz00006879
Opening of the tender procedure:	06.06.2023

2. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Business name or name:	Charles University
Headquarters:	Ovocný trh 560/5, Staré Město, 116 36 Prague 1
Relates to the organization part:	1st Faculty of Medicine Kateřinská 1660/32, Nové Město, 121 08 Prague 2
ID NUMBER, VAT NUMBER:	00216208, CZ00216208
Person authorized to represent the contracting authority (hereinafter referred to as the contracting authority):	prof. MUDr. Martin Vokurka, CSc., Dean of the 1st Faculty of Medicine, Charles University
Contact person of the contracting authority for the purposes of the tender procedure:	Ing. Jitka Jankolová, Public Procurement Department, E-mail: jitka.jankolova@lf1.cuni.cz
Electronic address of the contracting authority's profile:	https://zakazky.cuni.cz/profile_display_7.html

3. INFORMATION ON THE SUBJECT OF THE PUBLIC CONTRACT

3.1. Type of public contract

Small-scale public supply contract (hereinafter referred to as "public contract") awarded by the contracting authority in accordance with the provisions of § 27 and § 31 of the Act in accordance with the procedure outside the regime of the Act, respecting § 6 of the Act. The tender procedure for this public contract is not a tender procedure within the meaning of Section 3 of the Act, although this term is used by the contracting authority in this invitation and in other written documents prepared for this public contract.

3.2. Material scope

The subject of performance of the public contract is the supply of 1 piece of preclinical optical imager for the Centre for Advanced Preclinical Imaging, 1st Medical Faculty of Charles University (hereinafter also referred to as "goods" or "subject of performance").

The parameters of the goods (detailed technical specification of the subject of the public contract) are given in Annex 1 of the draft purchase agreement (hereinafter referred to as "the Agreement"), which is part of this invitation (Annex 1 of the invitation). Suppliers submitting an offer under this invitation to tender shall comply with all the technical requirements set out in this Annex.

The participants offer shall also include technical and visual documentation of the goods - e.g. a copy of the manufacturer's technical data sheet or manual of the goods, etc. containing the technical parameters of the offered goods.

The participant shall demonstrate compliance with the technical conditions set by the contracting authority by duly and fully completing Annex 1 of the Agreement (Technical Specification of the Subject of Performance), i.e. submit **Annex 1 of the Agreement** in the bid, in which they shall add all technical parameters and data from which it will be evident that the minimum required technical conditions of the contracting authority are met.

Failure to meet the requirements of the contracting authority as defined in the technical conditions shall lead to the exclusion of the participant from further participation in the tender procedure.

The performance of the public contract includes the transport of the subject of performance to the place of performance, installation of the subject of performance at the place of performance, commissioning, testing and successful trials of the subject of performance, professional training of the operator and delivery of relevant documentation for the goods in Czech or English, in particular documents necessary for the acceptance and use of the goods by the contracting authority, including the instruction manual, user manual or handbook, warranty card, maintenance instructions, etc.

If trade names of certain products or supplies or other designations related to a specific supplier appear in the tender conditions, this is merely a definition of the expected characteristics and the participant is entitled to propose other, technically and qualitatively comparable solutions, which must, however, fully meet the minimum technical and functional requirements of the contracting authority.

3.3. Estimated value of the public contract

The estimated value of the public contract is CZK 1,650,000 excluding VAT.

3.4. Period of performance of the public contract

Delivery of the goods: **no later than 4 months** from the date of publication of the purchase agreement in the Register of Contracts pursuant to Act No.340/2015 Coll., on Special Conditions of Effectiveness of Certain Contracts, Publication of Such Contracts and on the Register of Contracts, as amended (hereinafter referred to as the "Register of Contracts" and the "Act on the Register of Contracts").

The Participant's (Seller's) obligation is fulfilled by delivery of the goods to the place of performance, installation at the place of performance, commissioning, testing and successful trials, training of the operator and delivery of the relevant documentation for the goods and acceptance of the goods by the Buyer without reservation.

3.5. Place of performance of the subject of the public contract

The place of performance of the public contract is the Centre for Advanced Preclinical Imaging, 1st Faculty of Medicine, Charles University, U Nemocnice 478/5, Prague 2, basement, room No. 089.

3.6. Terms and Conditions

The commercial terms and conditions relating to the subject of the tender are defined in the draft Purchase Agreement (hereinafter also referred to as the "Draft Agreement" and "Agreement"), which forms Annex 1 to

this invitation. The Agreement contains all the terms and conditions, including payment, invoicing and other terms and conditions. **The participant is not required to include a Draft Agreement in the tender, but only a duly completed Annex 1 to the Agreement in addition to the completed Tender Form. A signed draft of the entire Agreement corresponding to the draft Agreement with the data completed in the indicated places must only be submitted by the selected contractor following the participant's invitation, i.e. before signing the Agreement. The participant is obliged to read the text of the Draft Agreement thoroughly before submitting the offer and to follow Article 8 of this invitation in case of any ambiguity. The draft Agreement is binding on the participants and by its submission it is accepted by the participant.**

If the participant makes the draft Agreement part of the offer, the participant may add to the draft Agreement only in the places indicated - no other changes or additions to the Agreement are permissible.

3.7. Responsible procurement

The Agreement is suitable for small and medium-sized enterprises. Aspects of working conditions, human rights, and environmental responsibility are incorporated in Article VIII of the Draft Agreement.

4. REQUIREMENTS FOR THE DEMONSTRATION OF QUALIFICATIONS AND OTHER REQUIREMENTS

4.1. Basic eligibility

The contracting authority requires fulfilment of the basic competence by analogy with Section 74(1) to (3) of the Act.

A participant shall demonstrate compliance with the basic eligibility by submitting an affidavit from which it must be unequivocally clear that the participant fulfils the basic eligibility.

The affidavit of basic competence must prove the fulfilment of the qualification by analogy according to Section 86

(5) of the Act no later than 3 months prior to the date of opening of the tender procedure. **The Affidavit of Basic Qualification is part of the Tender Form, i.e. the supplier only needs to fill in the Tender Form to prepare the affidavit for the tender.**

The contracting authority reserves the possibility (but not the obligation) to request the participant to submit originals or certified copies of the qualification documents pursuant to Section 74(1) of the Act at any time during the tender procedure.

4.2. Professional competence

The contracting authority requires that the participant demonstrate professional competence by analogy to Section 77(1) of the Act by submitting an extract from the Commercial Register, if the participant is registered in it, or other similar register if another legal regulation requires entry in such a register. The extract from the commercial register must prove that the qualifications were met, by analogy with Article 86(5) of the Act, no later than 3 months before the date of the opening of the tender procedure.

It is sufficient to attach a simple copy of this document without a verification clause on authorized conversion or an electronic original of this document generated by the public administration information system as an attachment to the Tender Form, or to include in the Tender Form a reference to the corresponding information maintained in the public administration information system - (Act No. 365/2000 Coll., on public administration information systems and on amendments to certain other acts, as amended) or in a similar system maintained in another Member State, which allows unrestricted remote access. Such a link must contain the Internet address and the details for logging in and retrieving the requested information, if such details are necessary.

4.3. Technical qualifications

The participant shall demonstrate compliance with the technical qualification by **analogy with Section 79(2)(b) of the Act as follows:**

The participant shall demonstrate compliance with the technical qualification as follows

- by submitting a **list of significant supplies (reference contracts) provided by the supplier in the last 3 years prior to the start of the tender procedure.** For the sake of completeness, the contracting authority

states that these must be supplies completed within the time limit specified. **The contracting authority defines the minimum level of compliance with this technical qualification criterion as follows:**

The supplier meets this criterion of technical qualification if it has performed at least 3 reference contracts of similar nature and scope in the last 3 years since the commencement of the tender procedure (i.e. since the publication of the invitation to tender on the profile of the contracting authority pursuant to Section 214 of the Act).

A supply of a similar nature and scope means the supply of a preclinical optical imager worth at least CZK 500,000 excluding VAT for 1 piece.

The participant shall demonstrate compliance with this technical qualification criterion by means of an affidavit in the Tender Form. The information given must show that the specified level of the technical qualification criterion is met.

If the reference order was executed in a currency other than CZK, the bidder shall indicate in the Bid Form the price of the reference order in this currency and the exact date of execution of the reference order (delivery of the preclinical optical imager). The value of the reference contract in CZK will be calculated according to the CNB exchange rate in force on the date of performance of the reference contract.

4.4. Affidavit of no conflict of interest

The participant must prove the absence of a conflict of interest within the meaning of Section 4b of Act No. 159/2006 Coll., on Conflict of Interest, as amended. The model of the affidavit of the tender and of the absence of conflict of interest is included in the Tender Form, i.e. for the preparation of the affidavit in the tender, the supplier shall only fill in the Tender Form, which is Annex 2 to this invitation.

4.5. Affidavit on international sanctions

The contracting authority is bound by Article 5k of EU Council Regulation No. 2022/576 of 8 April 2022 amending Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's activities destabilising the situation in Ukraine (hereinafter referred to as "EU Council Regulation").

The contracting authority will require compliance with the provisions of Article 5k of the EU Council Regulation also for this procurement, even though it is not a public contract under the Directives.

The contracting authority may also not award a public contract to a participant if this is contrary to international sanctions under the law governing the implementation of international sanctions.

The template of the affidavit regarding international sanctions is included in the Tender Form, i.e. for the preparation of the affidavit in the tender, the Supplier shall only truthfully fill in the Tender Form, which is Annex 2 to this Invitation to tender (Tender Form).

Failure to comply with the aforementioned tender conditions or a false affidavit shall be grounds for the exclusion of the selected supplier from the tender procedure.

4.6. Supplier's affidavit on the use of subcontractors

In the offer, the participant is obliged to specify (indicate) which parts of the performance of the public contract it intends to perform through subcontractors known to it at the time of submission of the tender and to provide their identification data. The participant shall provide the data in question in a declaration, a specimen of which is in Annex 2 to this invitation (Tender Form). The participant shall also indicate in this affidavit its beneficial owners within the meaning of Section 2(e) of Act No 37/2021 Coll, on the registration of beneficial owners, and the beneficial owners of its subcontractors who will participate in the subject of performance of this offer for more than 10 % of the estimated value of the offer and who are known to the participant at the date of submission of its offer. The subcontractor that the supplier is required to fill in this table may also be a natural person, e.g. a self-employed person (OSVČ).

5. REQUIREMENTS FOR THE METHOD OF PROCESSING THE OFFER PRICE

The participant shall set the absolute price in EUR for the entire subject of the tender and enter it in the Tender Form (see Annex 2 to this invitation). The offer price shall be set as the maximum admissible and not to be exceeded and shall include all costs necessary for the proper performance of the subject-matter of the tender, including all related costs (i.e. in particular the cost of the acquisition of the goods, the cost of transporting the goods to the place of performance, including the cost of handling mechanisms, if any, the cost of insuring the goods, the cost of guarding the goods until handover and acceptance, taxes and charges associated with the delivery of the goods and the cost of accompanying documentation, etc.).

The offer price will be broken down as follows:

- Offer price in EUR excluding VAT,
- VAT rate in % and VAT amount in EUR,
- Offer price in EUR including VAT.

The foreign participant shall indicate the price in EUR excluding VAT.

6. EVALUATION OF OFFERS

Offers will be evaluated on the basis of their economic merit by analogy with Section 114(2) of the Act, according to the lowest offer price. The ranking of the offers will be determined according to the amount of the offer price in EUR excluding VAT indicated in the Tender Form, from the lowest to the highest. The offer with the lowest offer price in EUR excluding VAT will be evaluated as the most economically advantageous.

The Participant is not entitled to make the data proposed by them subject to evaluation conditional. Conditionality or the indication of several different values shall be grounds for elimination of the offer and exclusion of the participant from the tender procedure.

7. REQUIREMENTS FOR TENDER PREPARATION

In its bid, the bidder must provide at least:

- a) Duly completed Tender Form;
- b) An extract from the commercial register or other similar register to prove professional competence (see Article 4(4.2) of this invitation to tender);
- c) Technical and pictorial documentation of goods;
- d) Other documents at their discretion.

In case of failure to submit documents or to meet the requirements mentioned above under a) to c), the contracting authority will consider the offer incomplete and may exclude the participant from further participation in the tender procedure.

The offer shall be submitted in Czech or English in one original in written documentary or electronic form (the requirement for Czech or English language does not apply to documents in Slovak language). If the participant submits the required documents in another language, it shall also provide a translation into Czech or English. If the contracting authority has doubts about the accuracy of the translation, it may request the participant to submit an officially certified translation of the offer or part of the offer into Czech or English by an interpreter registered in the list of experts and interpreters.

In the case of a paper offer:

The completed Tender Form must be submitted in original, dated and signed by a person authorized to act on behalf of the participant.

The offer will not contain any overwriting or corrections which could mislead the contracting authority.

All sheets of the offer, including attachments, shall be properly numbered in ascending numerical order and the offer shall be secured against tampering by binding or stapling.

In the case of an electronic offer:

In the case of electronic submission of the offer via a certified electronic tool, the Contracting Authority does not require an electronic signature of the Tender Form or an electronic signature of individual tender documents (see Article 9 of this invitation).

8. CLARIFICATION, AMENDMENT OR SUPPLEMENT TO THE TERMS OF REFERENCE

Clarification of the terms and conditions will be provided on the basis of a written request from the supplier delivered to the contracting authority no later than **4** working days before the deadline for submission of offers. Questions may be sent to the contracting authority's contact person for the purposes of the tender procedure, Ing. Jitka Jankolová, namely:

- via the E-ZAK tool;
- by e-mail to the following e-mail address: jitka.jankolova@lf1.cuni.cz;
- via databox (ID: piyj9b4 with the indication "**1. LF UK OVZ**" in the subject line).

An explanation of the terms and conditions, including the exact wording of the request, will be sent by the contracting authority within **2** working days of receipt of the request. The contracting authority may also provide an explanation of the terms and conditions, or an amendment or supplement to the terms and conditions on its own initiative.

9. DEADLINE AND PLACE FOR SUBMISSION OF OFFERS

The deadline for the submission of offers shall begin on the day following the date of the opening of the tender procedure, i.e. after publication of this invitation on the profile of the contracting authority.

If the offer is not delivered to the contracting authority within the time limit or in the manner specified in this invitation, it shall not be deemed to have been submitted and shall not be taken into account during the tender procedure.

The deadline for the submission of offers is indicated on the profile of the contracting authority at the address of the public contract (see Article 1 of this invitation to tender) in the section '**Information on the public contract**'.

There will be no public opening of offers for this offer as it is not a public contract awarded under the Act.

The offer can be submitted in paper or electronic form:

- a) **In paper form**, the offer will be submitted in a properly sealed envelope marked with the full title of the offer. For the purposes of this invitation to tender, sealing of the envelope or package shall mean the provision of a signature and, where appropriate, the stamp of the participant on the envelope or package to ensure that it cannot be opened in any way without damaging the aforementioned protective features.

If a offer is received by the contracting authority after the deadline for submission of offers and the information on the envelope identifies it as a offer from a supplier for this procurement, the contracting authority will not open the offer, it will be treated as if it had not been submitted and the contracting authority will send the supplier information about its late receipt (provided that the envelope contains identifying information that allows it to do so).

Recommended envelope marking:

Business name or name of the participant
address
...to be completed by the supplier...

Public contract "UK 1. LF - Preclinical optical imager"

DO NOT OPEN before the deadline for opening offers!

1st Faculty of Medicine, Charles University
Public Procurement Department
Kateřinská 1660/32
121 08 Prague 2

Address for submission of the offer: 1st Medical Faculty of Charles University
Public Procurement Department
Kateřinská 1660/32, 121 08 Prague 2

More precise destination: Podatelna 1. LF UK, 1.NP, No. room 1.011

Office hours of the mailroom: Mon - Fri from 08:00 to 12:00

The offer may be submitted in person at the office of the contracting authority or by post, courier or other carrier so that it is delivered to the contracting authority at the above address by the end of the deadline for submission of offers. **In all cases, i.e. also in the case of delivery of the offer by post, courier or other carrier, the moment of delivery of the offer to the contracting authority (i.e. the actual receipt of the offer by an employee of the contracting authority's mailroom) is decisive.**

- b) The offer can also be submitted electronically via the E-ZAK electronic tool** available at: https://zakazky.cuni.cz/profile_display_7.html.

Suppliers can find detailed instructions for submitting a offer via the electronic tool in the 'Supplier User Guide', available at: <https://zakazky.cuni.cz/data/manual/EZAK-Manual-Dodavatele.pdf>.

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

The offer will be submitted by the supplier in electronic form in an electronic tender sheet, created in the certified electronic tool E-ZAK, which guarantees compliance with all the conditions of security and confidentiality of the data entered, including absolute inaccessibility of the offer on the part of the contracting authority before the expiry of the deadline for their protocol access. The supplier shall insert as annexes in the electronic tool all documents required by the contracting authority to be submitted as part of the offer. The size of a single file shall not exceed 50 MB. The contracting authority shall not be responsible for technical conditions on the part of the participant.

The Contracting Authority recommends that participants take into account in particular the speed of their internet connection when submitting their offer so that it is submitted within the deadline for submission of offers (submission of the offer means the final submission of the offer to the electronic tool after uploading all attachments).

In the case of electronic submission of a offer, the contracting authority does not require an electronic signature of the offer or an electronic signature of individual tender documents.

10. OTHER TERMS AND CONDITIONS OF THE PUBLIC CONTRACT

The contracting authority informs the supplier that it is an obliged entity within the meaning of Act No. 106/1999 Coll., on free access to information, as amended, and is obliged to provide information in accordance with this Act. The contracting authority's obligation to provide information applies in full to this public contract.

The contracting authority also informs the supplier that, pursuant to Section 219 of the Act, it will publish the contract and any amendments thereto in the Register of Contracts in accordance with the Act on the Register of Contracts.

The contracting authority also draws attention to the fact that pursuant 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 possible subcontractors) will be obliged to cooperate in the performance of financial control. This obligation shall also apply to those parts of the offer, contract and related documents which are subject to protection under special legislation (e.g. as trade secrets, classified information), provided that the requirements imposed by the legislation pursuant to Act No 255/2012 Coll., on control (Control Regulations), as amended, are met. The selected supplier will also be obliged to contractually oblige its subcontractors, if any, to this obligation.

The Contracting Authority further reserves the rights and conditions set out below:

- a) The contracting authority excludes the possibility of submitting variant bids.
- b) The contracting authority reserves the right to make changes to the terms and conditions.
- c) Participants shall bear all their own costs associated with participation in the tender procedure; a participant shall not be entitled to reimbursement of costs incurred in connection with participation in the tender procedure.
- d) The participant is obliged to refrain from any actions that could impair the transparent and non-discriminatory conduct of the tender procedure, in particular actions that could result in distortion of competition between the participants in the procurement.
- e) The contracting authority reserves the right to exclude from participation in the tender procedure any participant whose offer does not meet the conditions set out in the invitation.
- f) The contracting authority reserves the right to apply the rules applicable to the institute of exceptionally low tender price during the tender procedure by analogy with Section 113 of the Act.
- g) The contracting authority reserves the right to cancel the tender procedure at any time during the procedure. In the event of cancellation of the tender procedure, the contracting authority shall immediately inform (electronically) all participants who submitted a tender within the deadline for submission of tenders. In the event of cancellation of the tender procedure within the time limit for the submission of tenders, the contracting authority shall publish information on cancellation of the tender procedure on the profile of the contracting authority.
- h) The selection of the offer does not create a contractual relationship with the contracting authority.
- i) The contracting authority does not award this public contract under the Act, although it refers to certain provisions of the Act by analogy in this invitation. No objections may be lodged in the case of a small-scale public contract within the meaning of Section 241 of the Act.
- j) The contracting authority shall send a notification of the outcome of the tender procedure electronically to all participants who submitted the offer within the deadline for submission of tenders and whose offer was not excluded from the tender procedure. The contracting authority shall send a notice of late submission of a tender or a notice of exclusion of a participant electronically to the participant concerned. The contracting authority may only publish a notice of the outcome of the tender procedure, or a notice of the elimination of a tender and exclusion of a participant, on the contracting authority's profile, in which case the notice is delivered to all participants at the moment of its publication on the contracting authority's profile.
- k) In the event of a change in the contractual obligation and termination of the contractual obligation, the contracting authority will proceed by analogy under Sections 222 and 223 of the Act, or proceed in accordance with the provisions set out in the Agreement.
- l) The contracting authority further reserves the right to:
 - reject all offers submitted;
 - not to return offers submitted;
 - specify the terms of the offer;

- request written clarification or completion of the tender from the participants and verify the information provided by the participants in their offer;
- that the submission of an offer does not confer on the participant any rights to conclude a contract with the contracting authority.

11. ATTACHMENTS

Annex No. 1 - Draft purchase agreement including its Annex No. 1 (it is not necessary to submit a signed draft of the entire Agreement as part of the offer, but only a duly completed Annex No. 1 to the Agreement - see Article 3, paragraph 3.6. of this invitation)

Annex No. 2 - Tender Form - for completion by the participant and submission in the tender

Prague 02.06.2023

v z. prof. MUDr. Jana Dušková, MBA, DrSc., v.r.
prof. MUDr. Martin Vokurka, CSc.
Dean of the 1st Faculty of Medicine, Charles University