



UNIVERZITA
KARLOVA

INVITATION TO TENDER

for a below-the-threshold public supply contract
entered in a simplified below-the-threshold procedure
pursuant to Section 53 of Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter referred to as "***the Act***")

Name of the public contract:

Atomic force microscope

(hereinafter referred to as the "***public contract***")

The tender procedure was commenced with the publication of an invitation to tender on the
Contracting Authority's profile on:

26.03.2024

The Contracting Authority:

Univerzita Karlova
Company Reg. No: 00216208
registered office: Ovocný trh 560/5, 116 36 Praha 1

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1. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority:	Univerzita Karlova
Company Reg. No.:	00216208
Registered office:	Ovocný trh 560/5, 116 36 Praha 1
Person authorized to represent the Contracting Authority:	doc. RNDr. Mirko Rokyta, CSc. dean of the Faculty of Mathematics and Physics
Profile of the Contracting Authority at:	https://zakazky.cuni.cz/profile_display_15.html

Representation of the Contracting Authority

1.1 The representative of the Contracting Authority to carry out acts related to this procurement procedure is **KOUKAL LEGAL, advokátní kancelář, s.r.o.** (law office), Company Reg. No.: 10800387, registered office: Brno, Příkop 834/8, postcode 602 00, e-mail: vz@koukallegal.cz, phone: +420 721 084 271, Data Box ID: gnqnuj2 (hereinafter referred to as "**the representative of the Contracting Authority**").

1.2 The representative of the Contracting Authority ensures all communication of the Contracting Authority with the economic operators (without prejudice to the authorization of the person authorized to represent the Contracting Authority or other delegated entities of the Contracting Authority) and in accordance with the Section 43 of the Act is authorized to carry out actions under the Act related to this procurement procedure, including the acceptance of any objections.

Communication

1.3 The Contracting Authority (the representative of the Contracting Authority) communicates with economic operators in accordance with Section 211 (1) of the Act only in writing. Written communication between the Contracting Authority and the economic operator shall be carried out by electronic means (with the exception of cases pursuant to Section 211 (5) of the Act), especially through a **certified electronic tool E-ZAK** (hereinafter referred to as "**electronic tool**").

1.4 For communication with the Contracting Authority (the representative of the Contracting Authority) via electronic tool is the economic operator required to register at the internet address of electronic tool: https://zakazky.cuni.cz/profile_display_15.html.

2. DEFINITION OF SOME TERMS

2.1 Award criteria in accordance with Section 28 (1) (a) of the Act mean all of the following requirements, conditions, criteria and rules laid down by the Contracting Authority including:

- a) requirements for the conduct of the procurement procedure,
- b) conditions for participation in the procurement procedure,
- c) rules for reduction of the number of participants or reduction of the number of tenders and solutions,

- d) evaluation criteria,
- e) other requirements for awarding the public contract pursuant to Section 104.

2.2 Procurement documents in accordance with Section 28 (1) (b) of the Act mean all written documents containing award criteria that are communicated or made available to participants at the moment of launching the procurement procedure including forms pursuant to Section 212 of the Act.

2.3 Invitation to tender is understood to be this document entitled as "***Invitation to tender***".

2.4 Documentation of procurement procedure is understood to be the document entitled as "***Documentation of procurement procedure***".

3. SUBJECT OF THE PUBLIC CONTRACT

Subject-matter of the public contract

3.1 The subject-matter of the public contract is the supply of atomic force microscope.

3.2 The subject-matter of the public contract is further specified in the draft purchase contract (annex of the Documentation of the procurement procedure) and in the specification of the public contract subject (annex of the Documentation of the procurement procedure).

Classification of the subject of the public contract

3.3 The Contracting Authority has defined the subject of the public contract according to the main vocabulary of the single classification system for public procurement purposes (Common Procurement Vocabulary):

CPV code:

38000000-5	Laboratory, optical and precision equipments (excl. glasses)
38424000-3	Measuring and control equipment
38540000-2	Machines and apparatus for testing and measuring

Estimated value of the public contract

3.4 Estimated value of the public contract determined by the Contracting Authority pursuant to Section 16 et seq. of the Act is **2.950.413,- CZK without VAT**.

3.5 The maximum permissible value of the tender price for a public contract is 2.950.413,- CZK without VAT. Exceeding the maximum permissible value of the tender price means non-compliance with the conditions of this tender procedure.

Financing of the public contract

3.6 The public contract will be (co)financed from the Czech Science Foundation funds – i. e. from project named: Tunable graphene/SiC optoelektronics, registration number of project: 24-11702M.

Other conditions

3.7 The Contracting Authority does not allow to condition submitted tender by any conditions other than those stipulated in this procurement procedure.

4. ACCESS TO TENDER DOCUMENTS

4.1 The Contracting Authority published procurement documents in accordance with Section 96 (1) of the Act on the profile of the Contracting Authority, with the exception of forms pursuant to Section 212 of the Act.

5. TIME LIMIT FOR THE SUBMISSION OF TENDERS

5.1 Time limit for the submission of tenders: **15.04.2024, up to 9:00 o'clock.**

5.2 The tender must be submitted no later than the end of the time limit for submission of tenders set out above. The participant is fully responsible for the timely delivery of the tender.

6. CONDITIONS FOR DRAWING UP AND SUBMISSION OF TENDERS

6.1 Tenders shall be submitted in writing in electronic form.

6.2 Electronic tenders shall be submitted via **electronic tool E-ZAK**.

6.3 Tenders may be submitted **only in the English language**.

7. REQUIREMENTS FOR PROVING QUALIFICATION

7.1 The Contracting Authority in accordance with Section 73 of the Act requires proof of:

- a)** basic qualification pursuant to Section 74 of the Act,
- b)** professional qualification pursuant to Section 77 of the Act,
- c)** technical qualification pursuant to Section 79 of the Act.

7.2 The Contracting Authority pursuant to Section 73 of the Act does not require proof of:

- a)** economic qualification pursuant to Section 78 of the Act.

8. BASIC QUALIFICATION

Basic qualification pursuant to Section 74 of the Act

8.1 An economic operator pursuant to Section 74 (1) of the Act shall not be qualified if it:

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the past 5 years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or it is in a similar situation pursuant to the law of the country of its registered office.

8.2 If the economic operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in paragraph 8.1 of the Invitation to tender documentation. Where a legal person is a member of the governing body of the economic operator, the condition specified in paragraph 8.1 of the Invitation to tender documentation shall be met by

- a) this legal person,
- b) every member of the governing body of this legal person, and
- c) the person representing this legal person in the governing body of the economic operator.

8.3 If a participant in the procurement procedure is a branch of a business of:

- a) a foreign legal person, the condition specified in paragraph 8.1 of the Invitation to tender shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in paragraph 8.1 of the Invitation to tender shall be met by the persons referred to in paragraph 8.2 of the Invitation to tender as well as the head of the branch.

8.4 The economic operator shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic by submitting:

- a) a copy of an entry in the Criminal Records in respect of paragraph 8.1a) of the Invitation to tender,
- b) a confirmation from a relevant tax office in respect of paragraph 8.1b) of the Invitation to tender,
- c) a written affirmation regarding excise duty in respect of paragraph 8.1b) of the Invitation to tender,

- d) a written affirmation in respect of paragraph 8.1c) of the Invitation to tender,
- e) a confirmation from a relevant district social security administration in respect of paragraph 8.1d) of the Invitation to tender,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of paragraph 8.1e) of the Invitation to tender.

8.5 The Contracting Authority recommends processing the written affirmation for proving the criteria according to paragraph 8.4 letter 8.4c), 8.4d) and possibly 8.4f) of the Invitation to tender according to the draft (Annex No. 1 of the Invitation to tender).

9. PROFESSIONAL QUALIFICATION

Professional qualification pursuant to Section 77 (1) of the Act

9.1 The economic operator shall prove its professional qualification in relation to the Czech Republic by submitting a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.

Professional qualification pursuant to Section 77 (2) (a) of the Act

9.2 The Contracting Authority in accordance with Section 77 (2) (a) of the Act requires the economic operator to submit a document demonstrating that it has a license to undertake business within a scope corresponding to the subject-matter of the public contract provided that such license is required pursuant to other legal regulations.

9.3 The Contracting Authority requires the economic operator to submit:

a) **relevant trade authorization or license**, at least for trades or activities:

1. **Production, trade and services not listed in Annexes 1 to 3 of the Trade Act**

Branch of activity: Wholesale and retail, or Intermediation of trade and services¹

or another similar trade or activity corresponding to the subject of the public contract.

10. ECONOMIC QUALIFICATION

Economic qualification pursuant to Section 78 of the Act

10.1 The Contracting Authority does not require proof of economic qualification.

¹ Translated into Czech language: Výroba, obchod a služba uvedené v přílohách 1 až 3 živnostenského zákona, obor činnosti: Velkoobchod a maloobchod, nebo Zprostředkování obchodu a služeb.

11. TECHNICAL QUALIFICATION

11.1 To prove the technical qualification criteria, the Contracting Authority requires:

Technical qualification criterion pursuant to Section 79 (2) (b) of the Act

11.2 In accordance with Section 79 (2) letter (b) of the Act the Contracting Authority requires the economic operator to submit a list of significant supplies provided **over the past three years before the commencement of the procurement procedure**, including the prices and dates of their provision and the identification of the clients.

11.3 The list of significant supplies must prove that the economic operator has provided **at least 2 significant supplies** within the specified period.

11.4 For the purposes of the previous paragraph, a significant supply is considered to be **the supply of atomic force microscope with a financial volume of at least 1.500.000,- CZK without VAT (for each significant supply)**.

11.5 The Contracting Authority recommends processing the list of significant supplies according to the draft (Annex No. 3 of the Invitation to tender).

Common provisions for technical qualification

11.6 For the conversion of financial data in a foreign currency (i. e. in a currency other than CZK) submitted to prove technical qualification, there shall be used the currency exchange rate of the Czech National Bank declared on the date of termination of the performance.

12. COMMON PROVISIONS FOR QUALIFICATION

Proving of qualification obtained abroad

12.1 Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting Authority.

Qualification in the case of joint participation of economic operators

12.2 In the case of joint participation of economic operators, the basic and professional qualifications pursuant to Section 77 (1) of the Act shall be proved by each economic operator separately.

Proving of qualification through other persons

12.3 An economic operator may prove the economic qualification, technical qualification or professional qualification, with the exception of the criterion set out in Section 77 (1) of the Act, requested by the Contracting Authority through other persons. In that case, the economic operator is obliged to submit to the Contracting Authority:

- a) documents proving that the professional qualification pursuant to Section 77 (1) of the Act has been fulfilled by the other person,
- b) documents proving that a missing part of the qualification has been fulfilled by the other person,
- c) documents proving that the basic qualification was fulfilled pursuant to Section 74 of the Act by the other person and
- d) a contract or a confirmation of its existence signed by other person, the content of which is an obligation to provide performance intended for the performance of the public contract or to provide things or rights which the economic operator is entitled to use when performing the public contract, at least to the extent to which the other person has proved its qualification instead of the economic operator.

12.4 Where, however, the economic operator proves qualification through the other person and submits documents pursuant to Section 79 (2) a) b) or d) of the Act relating to such person, the contract or the confirmation of its existence under the paragraph 12.3d) of the Invitation to tender shall contain a commitment that the other person shall carry out the works or services to which the qualification criterion in question relates.

12.5 It is presumed that the requirement set out in paragraph 12.3d) of the Invitation to tender is met if the contract or a confirmation of its existence according to the paragraph 12.3d) of the Invitation to tender signed by other person contains joint and several liability of such person and the economic operator for the performance of the public contract; this does not apply if the contract or the confirmation of its existence according to the paragraph 12.3d) of the Invitation to tender must meet the requirements according to paragraph 12.4 of the call for tenders.

12.6 The qualification of another person, through whom the qualification is proven, is subject to the rules established by law or the award criteria for the qualification of the economic operator for whom the qualification is proven.

Qualification documents

12.7 **Economic operators shall submit their qualification documents within their tenders in copies and may substitute them by an affirmation** or a European Single Procurement Document pursuant to Section 87. The Contracting Authority recommends processing the affirmation according to the draft (Annex No. 1 of the Invitation to tender).

12.8 The Contracting Authority in accordance with Section 86 (1) of the Act shall require primarily documents registered in the system that helps identify the certificates requested as a proof of qualification (e-Certis).

12.9 When conducting the procurement procedure, the Contracting Authority may request the submission of the originals or officially certified copies of the qualification documents.

12.10 The documents demonstrating basic qualification under Section 74 of the Act (paragraph 8.1 of the Invitation to tender) shall demonstrate the fulfilment of the required qualification criterion not later than 3 months before the date of the submission of the tender.

Changes in qualification of a participant

12.11 If the qualification of a participant changes after the submission of documents or affirmation regarding qualification, the participant is obliged to announce such change to the contracting authority within 5 working days and to submit new documents or affirmation of qualification within 10 working days from the announcement of such change; the contracting authority may extend these time limits or excuse their default. The participant shall not become obliged to announce changes and submit new documents under the first sentence if the qualification is changed in such a manner that

- a) the qualification requirements are still met,
- b) the criteria for the reduction of the number of participants or the number of tenders have not been influenced and
- c) the criteria for evaluation of tenders have not been influenced.

12.12 If the Contracting Authority proves that the economic operator has not fulfilled the duty defined in paragraph 12.11 of the Invitation to tender, the Contracting Authority may exclude such economic operator from the procurement procedure.

Proving qualification by submitting an Extract from the List of Approved Economic Operators

12.13 Where the economic operator submits to the Contracting Authority an extract from the List of Approved Economic Operators pursuant to Section 228 of the Act (hereinafter referred to as the "***extract from the List of Approved Economic Operators***"), such extract shall replace the document attesting to

- a) the basic qualification pursuant to Section 74 of the Act and
- b) the professional qualification pursuant to Section 77 of the Act to the extent to which the data contained in the extract prove the fulfilment of the professional qualification criteria.

12.14 The Contracting Authority shall accept an extract from the List of Approved Economic Operators provided that on the last day on which the basic qualification or professional qualification is to be proved, the extract is not older than 3 months. The contracting authority is not obliged to accept an extract from the List of Approved Economic Operators in which the commencement of proceedings pursuant to Section 231 (3) of the Act is recorded.

12.15 In the same manner as using an extract from the List of Approved Economic Operators, the economic operator may prove its qualification by submitting a certificate issued in another Member State of the European Union, European Economic Area or the Swiss Confederation, in which the economic operator has its registered office, and which is an equivalent of the extract from the List of Approved Economic Operators.

Proving qualification by a certificate from a System of Certified Economic Operators

12.16 A valid certificate pursuant to Section 239 of the Act, issued within an approved System of Certified Economic Operators (hereinafter referred to as the "**certificate**"), may be used to prove qualification during the procurement procedure. The economic operator is presumed to be qualified to the extent recorded in the certificate.

12.17 The Contracting Authority shall not question the data recorded in the certificate without specific reasons. Prior to concluding a contract, the economic operator who has proven its qualification by a certificate may be requested to submit the documents referred to in Section 74 (1) b) to d) of the Act.

12.18 12.16 In the same manner as using a certificate, the economic operator may prove its qualification by submitting a certificate issued in another Member State, in which the economic operator has its registered office, and which is an equivalent to the certificate issued within a System of Certified Economic Operators.

13. EVALUATION OF THE TENDERS

13.1 Tenders will be evaluated in accordance with Section 114 (1) of the Act on the basis of their economic advantageousness.

13.2 The economic advantageousness of tenders will be evaluated in accordance with Section 114 (2) of the Act, first sentence, on the basis of **the most advantageous price-quality ratio**.

Quality criterion

13.3 The Contracting Authority has determined in accordance with Section 116 of the Act following quality criteria:

- a) Delivery period.**

Rules for evaluation of tenders

13.4 The Contracting Authority has determined in accordance with Section 115 (1) (a) of the Act following criteria of evaluation of tenders:

- a) Tender price,**
- b) Delivery period.**

Further information and guidance on the evaluation criterion under letter (a) of this paragraph:

Within this evaluation criterion, the tender price will be evaluated.

The participant shall process the price of the performance accordingly to Article 7 of the Documentation of procurement procedure.

Further information and guidance on the evaluation criterion under letter (b) of this paragraph

Within this evaluation criterion, the Delivery period will be evaluated according to paragraph 44 of the draft purchase contract (Annex No. 2 of the Documentation of the procurement procedure) offered by the participant in his offer submitted to the procurement procedure of the public contract.

The participants are obliged to offer the Contracting Authority the Delivery period according to paragraph 44 of the draft purchase contract of at least 90 calendar days from the effective date of the purchase contract. If the participant in the procurement procedure offers a shorter Delivery period according to paragraph 44 of the draft purchase contract than there is stipulated in the previous sentence, for the purposes of evaluation it is valid that he offered the Contracting Authority the Delivery period according to paragraph 44 of the draft purchase contract for a period of 90 calendar days from the effective date of the purchase contract.

The subject of evaluation within this evaluation criterion will be the number of full calendar days from the effective date of the purchase contract, in which the participant undertakes to deliver the subject of the public contract in accordance with paragraph 44 of the draft purchase contract. According to paragraph 44 of the draft purchase contract, the Contracting Authority set the maximum Delivery period at 180 calendar days from the effective date of the purchase contract. If the participant offers longer Delivery period pursuant to paragraph 44 of the draft purchase contract than is stipulated in the previous sentence, this means non-fulfilment of the award criteria of the public contract. The participant shall state the Delivery period in accordance with paragraph 44 of the draft purchase contract for the purposes of evaluation of tenders in the Cover sheet. The participant is obliged to provide this information in full calendar days.

The participant shall state the Delivery period in the cover sheet of the tender (Annex No. 1 of the Documentation of the procurement procedure).

The Contracting Authority has set in accordance with the Section 115 (1) (b) of the Act the evaluation method of tenders in individual criteria as follows:

A scoring method with a scale from 0 to 100 points will be used for evaluation of the tenders. Each tender will be given a point value that will reflect the participant's success within the applicable criterion of evaluation.

For a numerically evaluable criterion of evaluation, for which the most advantageous tender has the **lowest criterion value**, i.e.:

a) Tender price,

b) Delivery period

the evaluated tender will get a point value that will be created by a multiple of 100 and the ratio of the most advantageous tender to the rated tender.

The score will be calculated using the formula:

$$\text{point value} = \frac{\text{tender with the lowest value}}{\text{rated tender}} \times 100 \text{ (points).}$$

The points calculated by this way will be determined, respectively rounded to 2 decimals and will be further multiplied by the weight of the relevant criterion of evaluation of tenders. The scoring results thus reached will be subsequently also determined, respectively rounded to 2 decimals.

13.5 The Contracting Authority has determined in accordance with § 115 (1) (c) of the Act weighting or another mathematical relation among the criteria as follows:

a) Tender price	weight:	90 %,
b) Delivery period	weight:	10 %.

13.6 The most economically advantageous tender is the tender which receives the highest total score for all the evaluation criteria in total.

13.7 For the evaluation of the tenders are decisive tender prices without VAT.

14. LIST OF ANNEXES

14.1 The following annexes are part of the Invitation to tender:

Annex No. 1 A draft of a written affirmation for basic and professional qualification

Annex No. 2 A draft of significant supplies

In Prague on 26.03.2024

Univerzita Karlova

pp KOUKAL LEGAL, advokátní
kancelář s.r.o.

JUDr. Pavel Koukal, lawyer and
Managing Partner