

EXPLANATION, MODIFICATIONS OF, OR AMENDMENTS TO, THE PROCUREMENT DOCUMENTATION NO. I

Public Contract and Contracting authority Identification Information

PUBLIC CONTRACT:

LF HK – Ph.D. Infra pro UK – Respirometr s vysokým rozlišením/LF HK – Ph.D. Infra for Charles University – High-Resolution Respirometer

Registration number in the Register of Public Contracts: **Z2024-027999**

(**„public contract“**)

CONTRACTING AUTHORITY OF THE PUBLIC CONTRACT:

Charles University, Faculty of Medicine in Hradec Králové

Id No.: 00216208

Registered office: Hradec Králové, Šimkova 870, PSČ 500 03

(**„contracting authority“**)

Under Section 98 of the Act No. 134/2016 Sb., to regulate public procurement, as amended (“Act”) the contracting authority explains the Procurement Documentation on request of supplier, or under Section 99 of the Act the contracting authority change or amend the Procurement Documentation:

Query No. 1

The contracting authority has received a query along the following lines:

File: Procurement documentation

Pt. 6 - Requirements for Proving Qualification Kindly note that in Austria, it is only possible to request a criminal record extract for natural persons, not for legal persons. We can therefore provide a criminal record extract for our CEO or the person signing the tender documents, whichever you prefer. Furthermore, any tax /social security records are only available for legal persons, not natural persons. Lastly, we would like to request that an English translation of the submitted documents is sufficient.

Answer on the query No. 1

The contracting authority hereby responds to the above query as follows:

The tenderer shall provide a criminal record extract for all natural persons who are members of the governing body.

In case the country of the tenderer's seat does not issue a criminal record for legal persons, the tenderer shall submit as part of its tender an affidavit stating that the tenderer (and its governing bodies) has not been convicted of a criminal offence listed in Annex 3 to the Act or a similar offence under the law of the country of the supplier's seat within the last 5 years prior to the start of the tender procedure. The contracting authority recommends that the written affidavit be drawn up in accordance with the model (Annex 2 to the tender documentation).

In addition, the supplier shall state in the tender that no similar document to the extract from the criminal record for legal persons within the meaning of Section 75(1)(a) of Act No. 134/2016 Sb., to regulate public procurement, as amended, is issued in the country of the supplier's registered office.

The supplier proves that it does not have tax arrears in the Czech Republic or in the state where the supplier's registered office is located, and is not in arrears with social security insurance contributions or penalties, or with contributions to the state employment policy in the Czech Republic or in the state where the tenderer's registered office is located, only in relation to a legal entity, not to natural persons. As part of its tender, the Supplier must submit a certificate of no tax arrears issued in its country of residence and also issued by the Financial Authority in the Czech Republic. As part of its tender, the supplier must submit a certificate of no arrears with social security insurance contributions or penalties, or with contributions to the state employment policy issued in its country of residence and also issued by the Czech Social Security Administration.

Based on the addition of paragraph 6.13 to the Procurement Documentation, the contracting authority may waive the obligation to provide translations of documents. If the required document is not issued under the relevant legal regulations, it may be substituted by an affirmation.

Query No. 2

The contracting authority has received a query along the following lines:

File: Procurement documentation

Pt. 16.3: Language

We kindly request that submission in the English language is possible.

Answer on the query No. 2

The contracting authority hereby responds to the above query as follows:

The contracting authority modified the Procurement Documentation in paragraph 16.3 and allows submission of tenders in English as well.

Query No. 3

The contracting authority has received a query along the following lines:

File: Draft Agreement

Delivery and installation (paragraphs 14.3, 14.4, 15.2, 15.5, 24, 41, 42):

Please note that the order will be shipped and delivered by a parcel service such as GLS or UPS to the delivery address indicated in paragraph 35. There will be no on-visit visit, handing over, training or installation by Oroboros personnel. The package offered includes a remote installation and startup session of 8 hours (via videocall), which covers the basic introduction, setting up, calibration and service tasks and training of the users. Time and date of the sessions will be agreed upon mutually with the end user after delivery of the instrument. Before shipping, the instruments are checked on functionality according to the quality control procedure. If required, we can complete and send the hand over protocol in agreement with the end user via e-mail. We kindly ask for the amendment of the respective paragraphs. If it is not possible to amend the document itself, kindly let us know how we should provide these deviations within our tender submission to make sure this is part of the agreement.

Answer on the query No. 3

The contracting authority hereby responds to the above query as follows:

The contracting authority modified Annex No. 7 of the Procurement Documentation - Draft Agreement.

Query No. 4

The contracting authority has received a query along the following lines:

File: Draft Agreement

Manuals, provided documentation (paragraph 14.5):

All our manuals and documentation are solely in the English language and online in their most up-to-date version (no print version available. We can provide the CE declaration of conformity (in English). Could you please confirm that this is acceptable?

Answer on the query No. 4

The contracting authority hereby responds to the above query as follows:

The contracting authority modified Annex No. 7 of the Procurement Documentation - Draft Agreement.

Query No. 5

The contracting authority has received a query along the following lines:

File: Draft Agreement

Packaging (paragraph 14.6):

The packaging is not to be disposed of. It will possibly be required for any potential repair shipment to our workshop. Could you please confirm that this deviation is acceptable?

Answer on the query No. 5

The contracting authority hereby responds to the above query as follows:

The contracting authority modified Annex No. 7 of the Procurement Documentation - Draft Agreement.

Query No. 6

The contracting authority has received a query along the following lines:

File: Draft Agreement

Warranty and post-warranty services (paragraphs 15.4, 51, 59, 108:

Please note that there is no on-site service or repair provided due to technical reasons (the instruments required for re-calibration after opening the instrument and working on the main board are only available in our manufacturer's workshop in Kolsass, Austria). Our warranty terms are (for the complete article, see: <https://www.oroberos.at/index.php/terms-and-conditions/>)

Warranty Coverage and Service

A warranty of three years is offered on all products of Oroboros Instruments GmbH (except consumables and glassware) starting from the date of delivery. If a product becomes defective during the warranty period, Oroboros Instruments GmbH will repair or, if repair is impossible, replace it under warranty without cost for the customer. [...]

Warranty Exceptions

The warranty shall not apply in the following cases:

- Consumables and glassware

- Defects caused by improper handling, use or transport
- Failure to follow the packing instructions
- Failure to make the full payment
- Breaking the warranty seal on the stainless-steel housing of the O2k without prior written authorization from Oroboros Instruments GmbH

Our warranty covers manufacturing defects, but no defects resulting from improper handling or similar. If the instrument or any part thereof (excluding glassware and consumables) is found to be defective during the warranty period, we will repair or, if repair is not possible, replace it free of charge. Upon successful repair, the warranty period for the repaired item will recommence from the date of repair. In case of a replacement, the replaced item comes with the standard warranty. We can confirm availability of spare parts and service/repair for 10 years. Can the respective paragraphs be amended? Alternatively, kindly let us know how we should provide these deviations within our tender submission to make sure this is part of the agreement.

Answer on the query No. 6

The contracting authority hereby responds to the above query as follows:

The contracting authority modified Annex No. 7 of the Procurement Documentation - Draft Agreement.

Query No. 7

The contracting authority has received a query along the following lines:

File: Draft Agreement

Timing of complaints and repairs, language (paragraphs 59, 66, 67)

As our support experts are also involved in the remote installation and startup sessions, kindly note that our usual response time to a complaint or defect is two working days. Furthermore, communication needs to be in English, as we are an international company operating in English worldwide.

As in many cases, the instrument needs to be shipped to our manufacturer's workshop in Austria, the deadline of 15 days for repair is too short. Repair itself usually takes 2-3 weeks. With shipping, the customer should calculate with 4 weekstime until the instrument is being repaired. Before the instrument is being shipped, Oroboros Instruments will evaluate the possible defect and whether a shipment is possible together with the customer, who shall follow the diagnostic procedures described in our O2k-Manual (guided by the Support Team of Oroboros Instruments GmbH). For the complete terms regarding a repair return, please see: <https://www.orooboros.at/index.php/terms-and-conditions> After the warranty period, or if the defect was caused by improper handling, any repair or replacement of defective parts is subject to payment according to the pricelist valid at the time of repair.

Can the respective paragraphs be amended? Alternatively, kindly let us know how we should provide these deviations within our tender submission to make sure this is part of the agreement

Answer on the query No. 7

The contracting authority hereby responds to the above query as follows:

The contracting authority modified Annex No. 7 of the Procurement Documentation - Draft Agreement.

Query No. 8

The contracting authority has received a query along the following lines:

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to the Sales Agreement

B. TRAINING OF THE BUYER'S EMPLOYEES

As indicated further above, training will take place within several weeks after the delivery upon mutual agreement with the end user. Furthermore, the training will be done remotely. Could paragraphs 3 and 5 of the Annex 0 therefore be amended accordingly?

Answer on the query No. 8

The contracting authority hereby responds to the above query as follows:

The contracting authority modified Annex No. 7 of the Procurement Documentation - Draft Agreement.

The Contracting Authority requires the tender to be prepared in accordance with the updated version of the Procurement Documentation, i.e. in the version updated as of 15.07.2024; otherwise the tender does not comply with the procurement terms.

The Procurement Documentation and Annex No. 7 of the Procurement Documentation - Draft Agreement as updated, i.e. as of 15.07.2024, are published together with this Explanation, Amendment or Supplement to Tender Document No I.

CHANGE OF THE DEADLINE FOR SUBMISSION OF TENDERS AND THE DATE OF OPENING OF TENDERS

In view of the above, the contracting authority has decided to extend the deadline for the submission of tenders as follows:

Deadline for submission of tenders: 30.08.2024, 10:00 a.m.

Deadline for the opening of tenders: without undue delay after the deadline for the submission of tenders.

The contracting authority points out that there is no change to the method of submission of tenders or to the method of opening tenders.

In Hradec Králové

Charles University,
Faculty of Medicine in Hradec Králové
prof. MUDr. Jiří Mandáček, Ph.D., dean