



UNIVERZITA
KARLOVA

DOCUMENTATION OF PROCUREMENT PROCEDURE

for an above-threshold public supply contract
entered in an open procedure
pursuant to Section 56 of Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter referred to as "**the Act**")

Name of the public contact:

MFF-KCHFO_Superconducting magnet with optical access

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

The tender procedure was published in the Tenders Electronic Daily under the contract registration
number:

Z2024-056172

The Contracting Authority:

Charles University
Faculty of Mathematics and Physics
Company Reg. No.: 00216208
with registered office: Ovocný trh 560/5, 116 36 Praha 1

The rights and obligations not listed in the documentation of procurement procedure are governed by the Act.

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1. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority: Charles University, Faculty of Mathematics and Physics
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 pursuant to the Act relating to this procurement procedure is **KOUKAL LEGAL, advokátní kancelář, s.r.o.** (law office), Company Reg. No.: 10800387, with registered office: Brno, Příkop 834/8, postcode 602 00, e-mail: vz@koukallegal.cz, tel.: +420 606 113 974, 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 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.

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

2.5 Qualification documentation is understood to be the document entitled as „*Qualification documentation*“ (Annex No. 3 of the 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 superconducting magnet with optical access according to the Contracting Authority's requirements.

3.2 The subject-matter of the public contract is further specified in the draft purchase contract (Annex No. 2 of the Documentation of procurement procedure) and in the technical specification of the public contract subject (Annex No. 4 of the Documentation of procurement procedure).

Classification of the subject of the public contract

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

CPV code:

31630000-1 Magnets

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 **9.500.000,- CZK without VAT**.

3.5 **The highest permissible value of the tender price for a public contract is 9.500.000,- CZK without VAT.** Exceeding the maximum permissible value of the tender price means non-compliance with the conditions of this procurement procedure.

Financing of the public contract

3.6 The public contract will be (co)financed from the EU funds – i. e. from the OP JAK programme, project: "Teraferoika pro ultravysokou kapacitu, rychlost a energetickou úspornost informačních technologií (TERAFIT)", registration number: CZ.02.01.01/00/22_008/0004594.

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.

Socially and Environmentally Responsible Public Procurement

3.8 The contracting authority fully reflected the principles set out in Section 6 of the Act. The contracting authority applies these principles within the public contract mainly through the institutes listed below.

3.9 The principle of socially responsible public procurement is taken into account by the Contracting Authority, for example, by the fact that the Contracting Authority places emphasis on correct subcontracting relationships in the supply chain of the selected economic operator, decent working conditions and adequate remuneration of all workers involved in the fulfillment of the subject of the public contract, and on occupational safety for all workers participating in implementation of the subject of the public contract.

3.10 The principle of environmentally responsible procurement is reflected by the Contracting Authority in the procurement conditions, especially in the draft purchase contract (Annex No. 2 of Documentation of procurement procedure), such as the requirements of the Contracting Authority to minimize the generation of waste or to use recycled or recycled materials, products and packaging, if objectively possible.

3.11 The principle of innovation is already taken into account in the subject of public contract, as the fulfillment of the public contract will increase the international quality of research and the results of a large research infrastructure.

4. DURATION AND PLACE OF PERFORMANCE OF PUBLIC CONTRACT

4.1 Duration and place of performance of public contract are determined in the commercial a payment terms (Annex No. 2 of the Documentation of procurement procedure).

5. REQUIREMENTS FOR PROVING QUALIFICATION

5.1 The Contracting Authority's requirements for proving qualification are specified in the Qualification documentation (Annex No. 3 of the Documentation of procurement procedure).

6. COMMERCIAL AND PAYMENT CONDITIONS

6.1 The Contracting Authority shall establish the terms and conditions of payment in the form of the draft purchase contract (hereinafter referred to as the "**draft purchase contract**"), (Annex No. 2 of the Documentation of procurement procedure).

6.2 **The draft purchase contract is not submitted by the participant. Instead of a signed draft purchase contract, the participant submits an affirmation that he accepts the draft purchase contract and he is bound by it.** The Contracting Authority recommends elaborating the affirmation in accordance with the template (Annex No. 5 of the Documentation of procurement procedure). The participant is not entitled to request changes or additions to the draft purchase contract, except for the additions, which are expressly reserved for addendum by participant, which will be added before signature of the purchase contract based on the tender of the selected economic operator. The purchase contract will be concluded with the selected economic operator in accordance with the Act.

6.3 If several economic operators jointly participate (as a single participant), they are required to attached an original, an officially certified copy or a copy of the contract which will imply that all such economic operators will be jointly and severally liable to third parties in connection with the performance of the purchase contract for the entire duration of the performance of public contract and for the duration of other commitments resulting from a public contract. The relevant contract must also clearly define which of the economic operators is authorized to represent other economic operators in matters relating to the performance of public contractor a particular part thereof and which of the economic operators will be the billing point.

7. REQUIREMENTS FOR METHOD OF PROCESSING OF THE TENDER PRICE

7.1 **The participant will elaborate the tender price for the purpose of evaluation of tenders according to the cover sheet of the tender** (Annex No. 1 of the Documentation of procurement procedure). The tender price will be divided into the price without VAT, VAT and the price including VAT.

7.2 **The tender price means the total price for the supply of the superconducting magnet with optical access according to the draft purchase contract in CZK without VAT** (hereinafter referred to as the "**tender price**"). The participant in the procurement procedure is responsible for the content of the tender submitted by him.

7.3 **The tender price must be determined as binding, maximum permissible and not exceeded (with exceptions specified in the draft purchase contract).** The participant in the procurement procedure is obliged to include in the tender price all costs or fees and other expenses that he incurs or may incur during the implementation of the public contract according to the procurement documentation. Details are set out in the draft purchase contract. The tender price must include all the performance of the economic operator due to the fulfillment of the obligations set out in the draft purchase contract.

7.4 **The tender must contain a duly elaborated tender price. The Contracting Authority reserves the right (not the obligation) to exclude the participant from the procurement procedure, if his tender will contain zero, negative or no value at tender price, or if the template for processing the tender price does not expressly set that out** (in that case instruction in the template for

processing the tender price will be applied). Prior to the possible exclusion of a participant in the procurement procedure, the contracting authority shall fundamentally invite the participant in the procurement procedure to explain or supplement data or documents in accordance with § 46 of the Act.

7.5 Individual numerical data is required to be determined or rounded to two decimal places by the participant.

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

7.7 VAT is a monetary amount, the amount of which corresponds to the value added tax calculated according to Act No. 235/2004 Coll., On Value Added Tax, as amended. If the participant is not a registered VAT payer, he shall explicitly state this fact by a statement in the cover sheet of the tender.

8. EVALUATION OF TENDERS

Economic advantageousness of tenders

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

8.2 The economic advantageousness of tenders will be evaluated in accordance with Section 114 (2) of the Act, second sentence, on the basis **of the lowest tender price.**

Rules for evaluation of tenders

8.3 The Contracting Authority has set in accordance with Section 115 of the Act the **tender price** as the only evaluation criterion, while the **tenders will be evaluated by ranking the tenders** according to the tender price from the tender with the lowest tender price to the tender with the highest tender price.

8.4 The most economically advantageous tender is the tender with the lowest tender price.

8.5 For the evaluation of tenders are decisive tender prices in CZK without VAT.

9. OBLIGATION OF REQUIREMENTS OF THE CONTRACTING AUTHORITY

9.1 Information and data specified in the procurement documents are defining the mandatory requirements of the Contracting Authority for the performance of the public contract. These requirements must be strictly and unreservedly respected by the economic operator when he draws up his tender.

10. VISIT TO THE SITE OF PERFORMANCE

10.1 The Contracting Authority does not organize a visit to the site of performance.

11. EXPLANATION OF PROCUREMENT DOCUMENTS

11.1 In accordance with Section 98 (1) of the Act the Contracting Authority **may explain the procurement documents provided that it publishes such explanation** or, where applicable, **related documents on the Contracting Authority profile not less than five working days before the expiry of the time limit for the submission of tenders.**

11.2 In accordance with Section 98 (3) of the Act economic operators may **request in writing an explanation of the procurement documents.**

11.3 The economic operators shall **send a request for explanation of the procurement documents written in electronic form** to the representative of the Contracting Authority referred to in Article 1 of the Documentation of procurement procedure, i.e. via e-mail or data message to the contact details referred to in paragraph 1.1 of the Documentation of procurement procedure or by the electronic tool.

11.4 The request for explanation of the procurement documents must contain an identification data and contact details of the economic operator and the information about the procurement procedure to which the request relates.

11.5 If an explanation of the procurement documents is requested in writing by the economic operator, the Contracting Authority shall publish, send or transmit the explanation including the accurate wording of the request without identifying the respective economic operator.

11.6 **The Contracting Authority is not obliged to provide an explanation if the request for explanation is not delivered in time, which means not less than 3 working days before the expiry of the time limits defined in paragraph 11.1 of the Documentation of procurement procedure.**

11.7 If the contracting authority provides an explanation upon a request that has not been delivered in time, it is not obliged to observe the time limits under the paragraph 11.1 of the Documentation of procurement procedure.

11.8 If the request for explanation of the procurement documents is delivered in time and the Contracting Authority fails to publish, send or transmit the explanation within 3 working days, it shall extend the time limit for the submission of tenders by at least as many working days as a number of days by which the period between the receipt of the request for explanation and the publication, sending or transmission of the explanation exceeded 3 working days.

11.9 Where the explanation of the procurement documents concerns such parts of procurement documents that are not made public pursuant to Section 96 (2) of the Act, the Contracting Authority shall send or transmit them to all economic operators who have submitted requests for explanation of the respective parts of the procurement documents; in this case paragraph 11.1 of the Documentation of procurement procedure does not apply.

12. ALTERATION OR SUPPLEMENTATION OF THE PROCUREMENT DOCUMENTS

12.1 The Contracting Authority may alter or supplement the award criteria contained in the procurement documents before the expiry of the time limit for the submission of tenders.

12.2 An alteration or supplementation of the procurement documents will be published or announced by the Contracting Authority to economic operators by the same means as the award criterion that has been altered or supplemented.

12.3 Where the nature of the supplementation or alteration of the procurement documents requires so, the Contracting Authority will reasonably extend the time limit for the submission of tenders.

12.4 In cases where the scope of possible participants may be extended by the alteration or supplementation of the procurement documents, the Contracting Authority will extend the time limit to be at least as long from the moment of sending the alteration or supplementation as the original time limit.

13. TIME LIMIT FOR THE SUBMISSION OF TENDERS

13.1 Time limit for the submission of tenders: **time limit for the submission of tenders is set out in the notice of initiation of the procurement procedure published in the Tenders Electronic Daily under the contract registration number: Z2024-056172 and in the electronic tool.**

13.2 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.

14. OPENING OF TENDERS

14.1 The Contracting Authority will open tenders after the expiry of the time limit for the submission of tenders.

14.2 Opening of tenders will be, due to the fact that the Contracting Authority allows submission of tenders only electronically, held without the presence of participants.

14.3 Opening a tender in electronic form shall be understood as granting access to the content of the tender to the Contracting Authority.

15. AWARD PERIOD

15.1 The Contracting Authority does not lay down an award period.

16. SECURITY

16.1 The Contracting Authority does not request participants to provide a security.

17. CHANGES IN QUALIFICATION OF A PARTICIPANT

17.1 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.

17.2 The participant shall not become obliged to announce changes and submit new documents under the paragraph 17.1 of the Documentation of procurement procedure 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,
- c) the criteria for evaluation of tenders have not been influenced.

17.3 If the Contracting Authority proves that the economic operator has not fulfilled the duty defined in paragraph 17.1 of the Invitation to tender, the Contracting Authority may exclude such economic operator from the procurement procedure.

18. CONDITIONS FOR DRAWING UP AND SUBMISSION OF TENDERS

18.1 Tenders shall be submitted **in writing in electronic form**.

18.2 Electronic tenders shall be submitted via **electronic tool**. The economic operator who intends to submit tender in the procurement procedure is required to register at the internet address of electronic tool listed above. Tender submission is possible only after registration and logging into the electronic tool.

18.3 The registration of an economic operator in the electronic tool can be done electronically at the electronic tool address: <https://zakazky.cuni.cz/registrace.html>. More information about the economic operator's registration process can be found on the electronic tool website

(<https://zakazky.cuni.cz/>) in the Manuals category. The procedure for registering a foreign economic operator is available in English.

18.4 The language of the procurement procedure is the English language.

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

18.6 The purchase contract will be concluded in English version, regardless of the country of the selected economic operator.

18.7 If the tender will not be delivered to the Contracting Authority within the time limit or within the manner laid down in the procurement documents, it shall not be considered as submitted and shall not be taken during the procurement procedure.

18.8 The economic operator may submit in the procurement procedure only one tender.

18.9 The economic operator which has submitted a tender in the procurement procedure shall not be at the same time a person through which another economic operator proves qualification in the same procurement procedure.

18.10 The Contracting Authority pursuant to Section 107 (5) of the Act shall exclude a participant which has submitted several tenders either separately or together with other economic operators or a participant which has submitted a tender and is at the same time a person through which another economic operator proves qualification in the same procurement procedure. The Contracting Authority shall send a notice of the exclusion of a participant from the procurement procedure with an explanation to the excluded participant without delay.

18.11 The tender must contain a duly elaborated technical specification of the public contract subject. The participant is not entitled to make any changes in the template for the technical specification (Annex No. 4 of the Documentation of procurement procedure), except the adding the relevant data (description [the participant fills out] or [the participant fills out – YES/NO]). The technical specification submitted by the participant must clearly show that the performance offered by the participant for the performance of the public contract meets the all the requirements of the Contracting Authority set out in the technical specification (Annex No. 4 of the Documentation of procurement procedure).

18.12 The tender must contain an affirmation of acceptance of draft purchase contract signed by the participant.

18.13 The tender must contain a duly elaborated price of performance (the tender price).

18.14 The tender must contain a list of subcontractors, if they are known to the participant, in particular subcontractors with which the participant proved the fulfillment of part of the professional qualification or economic or technical qualification, including an indication of the part of the public contract that each of the subcontractors will perform, or affirmation that the participant is not aware of the subcontractors who will participate in the performance of the public contract (hereinafter referred to as the “*list of subcontractors*”). The Contracting Authority recommends the participants list of subcontractors in accordance with the template (Annex No. 7 of the Documentation of procurement procedure).

18.15 According to Section 4b of Act No. 159/2006 Coll., on conflict of interests, as amended (hereinafter referred to as the “*Act on Conflict of Interests*”), the contracting authority is prohibited from awarding a public contract to the economic operator that is a commercial company in which

the public official listed in Section 2 (1) letter c) of the Act on Conflict of Interests, or a person controlled by him, owns a share representing at least 25 % of the partner's participation in the company.

For this reason, the contracting authority requires the economic operator to honestly declare that he is not an economic operator to which the above prohibition would apply. **These facts the economic operator shall declare in an affirmation on the absence of a conflict of interest** (Annex No. 7 of the Documentation of procurement procedure).

18.16 According to Section 48a (1) of the Act the contracting authority is prohibited from awarding a public contract to an economic operator if he is in conflict with international sanctions according to the act governing the implementation of international sanctions.

For this reason, the contracting authority requires the economic operator to honestly declare that he is not an economic operator that is subject to international sanctions according to the act governing the implementation of international sanctions. **These facts the economic operator shall declare in an affirmation related to international sanctions** (Annex No. 7 of the Documentation of procurement procedure).

18.17 The participant shall submit the tender in electronic form via electronic tool.

18.18 Cover Sheet of the tender must consists of:

- a) identification data of the participant within the scope specified in Section 28 (1) (g) of the Act,
- b) the tender price,
- c) eventually other data.

The Contracting Authority recommends processing the Cover Sheet of the tender according to the template (Annex No. 1 of the Documentation of procurement procedure).

18.19 The submitted tender will have the following structure:

- a) the Cover Sheet of the tender,
- b) documents proving the fulfillment of qualification,
- c) the affirmation of acceptance of the draft purchase contract,
- d) the price of performance in accordance with Article 7 of the Documentation of procurement procedure,
- e) the affirmation of the absence of a conflict of interest and to the international sanctions,
- f) the list of subcontractors,
- g) other documents.

18.20 Requirements for a formal adjustment of the tender specified in paragraph 18.18 and 18.19 of the Documentation of procurement procedure have a recommendatory character.

19. ADDITIONAL TERMS AND RIGHTS OF THE CONTRACTING AUTHORITY

19.1 The costs associated with participation in procurement procedure shall be borne by each participant himself. Tenders or parts of the tenders will not be returned to participants after the end of time limit for the submission of tenders and will remain with the Contracting Authority as part of the procurement procedure documentation.

19.2 In the event of a change in the information given in the tender until conclusion of contract, resp. framework agreement, with the selected economic operator, the selected economic operator shall be obliged to inform the Contracting Authority thereof in writing without undue delay.

19.3 The procurement procedure is not divided into lots pursuant to Section 101 of the Act.

19.4 The Contracting Authority does not allow any variations of the tender pursuant to Section 102 of the Act.

19.5 The Contracting Authority reserves the right to cancel the procurement procedure in accordance with Section 127 of the Act.

19.6 The Contracting Authority reserves the right to verify the information contained in the tender of the participant or third parties in procurement procedure. The participant is obliged to provide all the necessary cooperation.

19.7 The processing of personal data by the Contracting Authority will be done in the manner described in the Information of the processing of personal data collected in procurement procedure (hereinafter referred to as "**Information of processing of personal data**"), which is annexed to the Documentation of procurement procedure (Annex No. 8 of Documentation of procurement procedure). Where an economic operator provides personal data in tender, the subject of such personal data shall be informed of processing of personal data.

20. LIST OF ANNEXES

The following annexes are part of Documentation of procurement procedure:

Annex No. 1 Draft cover sheet of the tender

Annex No. 2 Draft purchase contract

Annex No. 3 Qualification documentation

Annex No. 4 Technical specification

Annex No. 5 Affirmation of acceptance of draft purchase contract

Annex No. 6 Affirmation on the absence of a conflict of interest and to international sanctions

Annex No. 7 Draft of a list of subcontractors

Annex No. 8 Information on the processing of personal data by the Contracting Authority

In Prague on 11.11.2024

Charles University
Faculty of Mathematics and Physics
pp KOUKAL LEGAL, advokátní
kancelář s.r.o.
JUDr. Pavel Koukal, lawyer and Managing
Partner