



**TENDER DOCUMENTATION
TO PUBLIC CONTRACT
GAS ANALYZERS 2019**

I. CONTRACT AWARDING AUTHORITY

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|-------------------|---|
| Name | Ústav výzkumu globální změny AV ČR, v. v. i. (Global Change Research Institute CAS) |
| Registered office | Bělidla 986/4a, 603 00 Brno, Czech Republic |
| Comp. ID No (IČO) | 86652079 |
| Legal form | Public research institute (661) |
| Contact person | Mgr. Michal Minařík, minarik.m@czechglobe.cz , +420 511 192 220 |

II. PUBLIC CONTRACT

| | |
|---|---|
| Subject matter of contract | The subject of delivery is several different types of gas analyzers for laboratories and terrain. |
| Contract classification (CPV) | 38432100-3 Gas analysis devices |
| Contract URL | https://zakazky.czechglobe.cz/vz00000268 |
| Type of public contract | Deliveries |
| Type of tender | above-the-threshold |
| Contract award procedure | Open procedure |
| Estimated total contract value | CZK 11,500,000.00 excl. VAT |
| Estimated value of Part No. 1 – Open-path gas analyzer with 3D sonic anemometer | CZK 1,200,000.00 excl. VAT |

Estimated value of Part No. CZK 2,800,000.00 excl. VAT

2 – Gas exchange
(photosynthesis)
system

Estimated value of Part No. CZK 4,200,000.00 excl. VAT

3 – System for measuring
the exchange of
greenhouse gases

Estimated value of Part No. CZK 3,300,000.00 excl. VAT

4 – Gaseous mercury
analyzer

Source of funding European structural and investment funds
European regional development
Operational programme Research, Development and Education,
priority axis 2.1 Strengthening capacity for high-quality research

It is a public contract divided into parts according to Section 35 of the Act No 134/2016 Coll. on public contracts on the following parts:

Part No. 1: Open-path gas analyzer with 3D sonic anemometer

Part No. 2: Gas exchange (photosynthesis) system

Part No. 3: System for measuring the exchange of greenhouse gases

Part No. 4: Gaseous mercury analyzer

The contract awarding authority further stipulates that each contractor is entitled to bid for one, several or all of the public procurement parts. The contract awarding authority will evaluate each part of the contract separately. The contract awarding authority shall conclude contracts for the performance of each part of the public contract separately.

III. BASIC CONDITIONS

Fulfilment commencement Immediately after the contract is signed
(all parts)

Fulfilment completion:

Part No. 1 Within 5 weeks from the contract conclusion

Part No. 2 Within 5 weeks from the contract conclusion

Part No. 3 Within 5 weeks from the contract conclusion

Part No. 4 Within 8 weeks from the contract conclusion

Place of fulfilment:

| | |
|----------------------------------|---|
| Part No. 1 | Registered office of the contract awarding authority, Bělidla 986/4a, 603 00 Brno, Czech Republic |
| Part No. 2 | Registered office of the contract awarding authority, Bělidla 986/4a, 603 00 Brno, Czech Republic |
| Part No. 3 | Registered office of the contract awarding authority, Bělidla 986/4a, 603 00 Brno, Czech Republic |
| Part No. 4 | National Atmospheric Observatory Křešín u Pacova (dis. Pelhřimov), Czech Republic |
| Business terms (all parts) | They are enclosed to this tender documentation as part of the text of the contract |
| Technical conditions (all parts) | They are enclosed to this tender documentation as part of the text of the contract |

IV. QUALIFICATION (ALL PARTS)

The bidder is obliged to fulfil the following qualification requirements:

1. Basic qualification requirements

The bidder is obliged to fulfil the basic qualification requirements according to the provisions of section 74 (1) to (3) of Act No 134/2016 Coll. on public contracts, as amended (hereinafter referred to as the Act) with documents specified in section 75 (1) of the Act.

The documents proving the basic qualification must prove fulfilment of the required qualification criterion latest 3 months before of the date of submission of bids.

2. Professional qualification requirements

The bidder is obliged to prove fulfilment of the professional qualification requirements pursuant to the provisions of section 77 of the Act in the following extent:

- 2.1. Extract from the commercial register if the bidder is recorded in it, or extract from another similar register if the bidder is recorded in it. The extract may not be older than 3 months from the date of submission of bids.

Proof of qualification

The qualification is proved by the above specified documents. It is sufficient to submit a plain copy of the documents.

In the extent in which the recorded data cover the requirements of the contract awarding authority, documents can be replaced with an extract from the list of qualified suppliers pursuant to section 228 of the Act or a certification from the system of certified suppliers or another certification which corresponds to this certification from another member state of the European Union, European Economic Area or Swiss Confederation where the supplier has its registered office, pursuant to section 234 of the Act. These documents can be replaced with a statutory declaration (it is possible to use e.g. the sample in the annex) or unified European certificate for public contracts pursuant to section 87 of the Act.

The bidders prove their qualification gained abroad pursuant to section 81 of the Act. In case of joint participation of suppliers, section 82 shall be applied. Qualification by means of other persons (subcontractors) is proved pursuant to section 83 of the Act.

If the contract awarding authority requires a document to be submitted and the supplier is not able to submit it due to the reasons which cannot be attributed to it, the supplier can submit another equal proof.

During the contract awarding procedure, the contract awarding authority may ask for originals or officially verified copies of the qualification documents to be submitted.

If a bidder's qualification changes, the procedure is pursuant to section 88 of the Act.

A bidder with whom the contract is supposed to be signed, shall submit originals or verified copies of the documents within 10 working days from the day when asked to do so. If these documents are not submitted within the specified deadline, the contract awarding authority reserves the right to choose the bidder whose bid was the second best and to proceed similarly for all the other bidders if the required documents are not submitted and the required cooperation is not provided.

V. ASSESSMENT

Evaluation criterion The lowest bid price for each part separately

Each part will be evaluated separately.

The assessment will be focused on the total bid price in CZK excluding VAT for the whole fulfilment specified in the draft contract for a given part.

The bid prices will be put in order according to their amount. The most suitable bid is the bid with the lowest bid price.

If more bids have the same bid price, the most suitable bid will be the one which was submitted earlier.

VI. DRAFT CONTRACT

The draft contract must be signed by the person authorised to act on behalf of the bidder.

The draft contract will be prepared on the basis of the text of the contract which is enclosed to this contract award documentation. When preparing a draft contract, the bidder is not entitled to change the text of the contract, except for the following cases:

1. Identification of the bidder and persons authorised to act on behalf of the bidder (introduction and conclusion of the contract).
2. In case of a joint bid, a new provision of article I (3) will be added in the draft contract with the following wording: Suppliers on the side of the seller are liable jointly and severally towards the buyer.
3. Specification of the bid price (article IV par. 1 of the draft contract).
4. Specification of guarantee period duration (article VI par. 2 of the draft contract); the minimum guarantee period duration accepted by the contract awarding authority is for:
 - 4.1. Part No. 1 – 12 months
 - 4.2. Part No. 2 – 12 months
 - 4.3. Part No. 3 – 12 months
 - 4.4. Part No. 4 – 24 months
5. Specification of the representative of the seller (article IX. par. 2 of the draft contract).
6. Specification of the relevant data about the manufacturer and type in Annex No. 1 of the draft contract.

7. The bidder may offer conditions which are more suitable for the contract awarding authority (e.g. a higher contractual penalty etc.)

VII. CONTENT OF THE BID FOR EACH PART

The bid must include at least the following:

1. Identification data of the bidder (business firm or name, registered office, legal form if it is a legal entity and business firm or name or names and surnames if it is a natural person).
2. Documents proving that the qualification requirements have been met (see article IV. of this contract).
3. Draft contract including annexes signed by the person authorised to act on behalf of the bidder.
4. A complete list of items/product/catalogue sheets included in the delivery.
5. Documents proving authorisation of the person who signed the draft contract that this person is authorised to do so.

VIII. SUBMITTING A BID

Deadline 20/02/2019, 10:00

Place Registered office of the contract awarding authority

Way Bids are only submitted in electronic form.

Submitting a bid in the electronic form

To the address <https://zakazky.czechglobe.cz/vz00000268> by means of an electronic tool of the contract awarding authority.

Submitting a bid in the tool is conditioned by registration in the tool and signing up in it. For that it is necessary to have standard office equipment (a computer) with the required connection to the internet. For registration in the tool and performing tasks in the tool, it is required to have an approved electronic signature (i.e. an approved electronic signature based on a qualified certificate). The offer will be signed with a certified electronic signature and encoded.

More information concerning use of the electronic tool is available in the profile of the contract awarding authority, at URL https://zakazky.czechglobe.cz/manual_2/ezak-manual-contractors-pdf

Basic conditions

- a) The size of none of the bid files may not exceed 25 MB.
- b) Documents as well as the bid as a whole, which are to be signed by the person authorised to act on behalf of the supplier or in its name (mainly a draft contract and statutory declarations), have to be signed with a secured electronic signature based on a qualified certificate.
- c) The bid files must be submitted in common formats (especially *.pdf; *.jpg, *.png, *.rtf formats of Microsoft Office (Word, Excel) or Open Office).

Requirements for the tool operation

E-ZAK is a web application and for its operation it is sufficient for the user to have a standard internet browser (Mozilla Firefox, Chrome, MS Edge, MS Internet Explorer), ideally of a newer version, with several settings specified below.

Before final bid submission, the contract awarding authority recommends that the bidder performs a test of electronic bid submission by means of the Test of the browser and system settings which can be found on the first page of the E-ZAK web application. By successful performance of this

test, the bidder checks the ability to submit an electronic offer successfully by means of the E-ZAK web application.

The browsers Chrome, Mozilla Firefox and Edge do not support Java applets any more. In the E-ZAK system, it is possible to run a JAVA application for signing by means of JAVA (for signing from the certificate storage or by means of chip cards) which will activate the Signer component of Java.

To ensure the application functionality, it is necessary to use a browser supporting JavaScript, to have it permitted and to have storing of Cookies permitted.

For working with the electronic signature, which is used when messages and electronic bids are sent, it is also necessary to have Oracle Java (or JRE – Java Runtime Environment) installed and permitted in the browser, ideally in the newest version. There are also alternative versions of Java, but it cannot be guaranteed that encoding and electronic signature will work. For the browsers Chrome from version 45, Mozilla Firefox and Microsoft Edge from version 12, there is an alternative solution available without using a java applet.

Before sending a bid, you may be asked to permit running of the Cipher Java applet intended for encoding of the bid content, or request for the participation in the browser. It is necessary to permit its running by clicking on the “Run” button in the dialogue.

Electronic signature

In compliance with the legal regulations, signing with so-called approved electronic signature is required (i.e. approved electronic signature based on a qualified certificate). At the time when this manual is published, qualified certificates are issued by three accredited certification services providers:

- Česká pošta, s.p. (<http://qca.postsignum.cz>)
- eidentity, a.s. (<http://www.eidentity.cz>)
- První certifikační autorita, a.s. (<http://www.ica.cz>)

The current list can be found on the website <http://www.mvcr.cz/>

Electronic signatures based on a qualified certificate issued by a foreign provider from the list published on <http://euts1.3xasecurity.com/tools/index.jsp> are also accepted.

If a bid does not meet the specified requirements for its submitting or if it is not delivered in time, the bid is not considered to be made and it is not considered in the contract awarding procedure.

IX. OPENING ENVELOPES WITH BIDS

Deadline **20/02/2019, 10:00**

Place Registered office of the contract awarding authority

X. CONTRACT AWARDING PROCEDURE

The contract awarding authority will assess whether the conditions for taking part in the contract awarding procedure are met.

Conditions for taking part in the contract awarding procedure are the following:

- a) Technical conditions,
- b) Business and other contractual conditions and
- c) Fulfilment of requirements for content, form and way in which the bids are made.

To assess whether the conditions for taking part in the contract awarding procedure are met, the bids will be assessed.

XI. OTHER CONDITIONS

1. The contract awarding authority determines the contract award period of 6 months.
2. In case a joint bid is submitted, the contract awarding authority reserves the right to require all the suppliers who submitted the joint offer to be liable jointly and severally.
3. In case of joint participation of suppliers with whom the contract is to be concluded, the suppliers with whom the public contract is to be concluded will submit a contract or another document proving that liability for the public contract fulfilment is held by all the suppliers who submitted a joint bid, jointly and severally.
4. A selected bidder with the registered office abroad, which is a joint-stock company or has a similar legal form, shall submit a written statutory declaration about the persons who own the shares the total nominal value of which exceeds 10 % of the registered capital of the supplier with specification of the source of the information about the size of the share of the shareholders.
5. For the selected supplier, if it is a legal entity, the contract awarding authority will find out the information about its actual owner according to law on certain measures against legalisation of yield from criminal activities and financing of terrorism (hereinafter referred to as the "actual owner") from the records of the data concerning the actual owners pursuant to the act on public registers of legal entities and natural persons. The established data will be specified by the contract awarding authority in the public contract documentation. If the data concerning the actual owner cannot be established using the specified procedure, the contract awarding authority will ask the selected supplier to submit also an extract from a register of similar data concerning actual owners or
 - a) notify the identification data concerning all the persons who are its actual owners and submit the documents proving the relationships of all the persons specified in a) to the supplier.
6. Bids including variants are not permitted.
7. The contract awarding authority only accepts bids in Czech, Slovak, English or German.
8. The contract awarding authority reserves the right not to conclude a contract with any of the participants, refuse all the bids and cancel the tender.
9. The contract awarding authority reserves the right to change, add or specify more details in the contact award conditions during the period for bidding.

XII. ANNEXES

1. Text of the contract – Open-path gas analyzer with 3D sonic anemometer (Gas Analyzers 2019, Part No. 1)
2. Text of the contract – Gas exchange (photosynthesis) system (Gas Analyzers 2019, Part No. 2)
3. Text of the contract – System for measuring the exchange of greenhouse gases (Gas Analyzers 2019, Part No. 3)
4. Text of the contract – Gaseous mercury analyzer (Gas Analyzers 2019, Part. No. 4)
5. Statutory declaration sample

Brno, on 18/01/2019

prof. RNDr. Ing. Michal V. Marek, DrSc., dr. h. c.
Director
Ústav výzkumu globální změny AV ČR, v. v. i.
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