

BIDDING DOCUMENTATION FOR TENDER FOR SMALL SCALE TENDER

(REQUIREMENTS AND CONDITIONS FOR PREPARATION OF THE BID)

Order name: **Instrument for measurement of drill resistance**

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1 Bidding procedure

The bidding procedure for small scale deliveries – the delivery of equipment (the delivery).

The bidding procedure has been issued outside the routine of Tender Act No. 137/2006 Coll. in the wording of later regulations (Henceforth the “Act”); however, the Customer refers to the selected paragraphs in its documents, which the Applicant must respect. This Bidding and Qualification Documentation includes information in addition to the Invitation to Make a Bid and the bidding conditions, which the Issuer will evaluate and if these conditions fail to be fulfilled, the bids will be eliminated from the evaluation.

This tender has been issued according to:

- Directive of AV UGN,
- Methodological guideline for the issuance of tenders within the Operational Programme Research and Development for Innovation.

2 Introductory provisions and definition of the subject of tender

2.1 Introductory provisions:

This Tender has been issued for the purposes of realization of the investment, which will be financed from the European Fund for Regional Development within the Operational Programme Research and Development for Innovation, Project No. CZ. 1.05 /2.1.00/03.0082 Institute of Clean Technologies of Exploitation and Usage of Power Engineering Raw Materials.

2.2 Expected value of the subject of tender

The expected value of tender fulfilment is 350,000 CZK, VAT excluded.

2.3 Main subject of fulfilment of tender as per the CPV codes

38270000-8 Geophysical instruments for resistance measurement

2.4 Date of dispatch of the Invitation to Make a Bid

12th October 2012

2.5 Registration number of tender (VZ)

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2.6 Subject of fulfilment of tender

The subject of fulfilment of tender is the delivery of the equipment “Instrument for Measurement of Drill Resistance”, which must meet the specifications as stated below:

The subject of tender is the purchase of the instrument for measurement of drill resistance for non-destructive tests of rocks. The result will be the investigation of the condition of rocks, primarily the determination of degrees of rock weathering on the basis of the measured values. The instrument will be used both in laboratory and field conditions.

- Instrument for measurement of drill resistance
- Tripod
- Diamond drills
- Accumulator/battery with charging unit
- Impact-proof case for equipment transport
- SW for storage, processing and presentation of the measured data; cables for interconnection with NB

2.7 Minimum requirements for technical specification

- Usage of the equipment in laboratory and field conditions, including the environment with high humidity (tunnels, mine workings); the possibility of manual control without the necessity to use a tripod
- Measurement of thrust force during the drilling process between 1 - 100 N
- Adjustable speed of drill revolutions
- Minimum depth of drilling 5 cm, minimum drill diameters from 3 mm to 5 mm
- Power supply to the equipment from accumulators/batteries (not requiring the connection to electric supply)
- SW enabling the graphic output of the measured data during the measurement

2.8 Deadline and the place of fulfilment of tender

The assumed delivery of the subject of tender: the deadline for the delivery and putting the offered equipment into operation is **31st December 2012**. The date for the delivery and putting the offered equipment shall be mentioned in the Contractor's offer.

The place of fulfilment of tender:

Ústav geoniky AVČR, v. v. i., office Studentská 1768, 708 00 Ostrava – Poruba.

3 Contractors' qualification

3.1 Proving the qualification

An applicant shall prove its qualification at the latest within the date defined for making an offer.

A contractor will be considered qualified, if he proves to have fulfilled:

- a) General qualification criteria as per section 53 of the Act,
- b) Professional qualification criteria as per section 54 of the Act.

Any applicants failing to fulfil the required qualification will be eliminated from the bidding procedure as per section 60, para. 1 of the Act. The Issuer shall promptly inform such applicants in writing specifying the reason for their disqualification from the open tender.

Foreign contractors will prove their qualification in a way applicable to the country of the contractors' registered office.

3.2 Qualification evidence

- a) Contractors shall submit any documents as evidence of the fulfilment of qualification criteria in **a plain copy**,
- b) The validity of any documents as evidence of the fulfilment of general qualification criteria and an excerpt from the trade register shall not exceed 90 days from the last date as at the fulfilment of the qualification to be evidenced.

3.3 General qualification criteria

Evidence of general qualification criteria

The Contractor fulfils the general qualification criteria set out in section 53 para. 1 of the Act if such a Contractor,

- a) Has not been convicted of any criminal act committed to the benefit of an organized criminal group; of any criminal act of participation in an organized criminal group; of the legalization of profits from criminal activity; of participation in the acceptance of subornation, corruption, indirect corruption, fraud, loan fraud, including any cases where the preparation or the attempt or participation in any such criminal act are of concern; or of any spent conviction of such criminal acts; this condition must be fulfilled both by a legal entity and by its statutory body or by each member of the statutory body; if a legal entity is the Contractor's statutory body or the member of the statutory body, this condition must be met both by the statutory body or by

each member of the statutory body of such a legal entity; if a foreign legal entity makes an offer or applies to participate through its organizational unit, any chief executive, in addition to the aforesaid persons, shall fulfil these conditions according to the letter above; this general qualification criterion shall be met by the Contractor both in relation to the territory of the Czech Republic and to the country of its registered office and to the place of business and to the domicile;

- b) Has not been convicted of any criminal act, the essence of which relates to the subject of business of the Contractor according to special legal regulations or the spent conviction of committing such a criminal act; this condition must be fulfilled both by a legal entity and by its statutory body or by each member of the statutory body; if a legal entity is the Contractor's statutory body or the member of the statutory body, this condition must be fulfilled both by the statutory body or by each member of the statutory body of such a legal entity; if a foreign commercial entity makes an offer or applies to participate through its organizational unit, any chief executive, in addition to the aforesaid persons, shall fulfil this condition according to the letter above; this general qualification criterion shall be fulfilled by the Contractor both in relation to the territory of the Czech Republic and to the country where its registered office is situated and to the place of business or domicile;
- c) Has not participated in any act of unfair competition in the form of subornation according to the special legal regulation of the last 3 years;
- d) Has not suffered any event of insolvency or bankruptcy proceedings carried out on its business during the last 3 years or has been the subject of liquidation or an insolvency proposal that has been rejected, because its assets are insufficient to pay the expenses in connection with insolvency procedure or the bankruptcy has been cancelled, because the assets are insufficient or unable to pay debts or compulsory administration has been introduced according to the special legal regulations;
- e) Is not the subject of liquidation;
- f) Has paid all taxes, both in the Czech Republic and in the country of its registered office and the place of business or its domicile;
- g) Has paid all insurance costs or any penalties in connection with health insurance both in the Czech Republic and in the country of its registered office and the place of business or its domicile ;
- h) Has no debts concerning social insurance or any penalty imposed and concerning any financial contributions to unemployment policy of the state, both in the Czech Republic and in the country of its registered office and the place of business or its domicile;
- i) No legal discipline fine has been imposed on the Contractor or no sanction has been imposed according to special legal regulations, if any evidence of professional competence is required as per section 54, letter d) of the Act according to the special regulations; if the Contractor carries out any such activity through a responsible deputy or through other person responsible for the Contractor's activity, this criterion shall relate to any such persons;
- j) Has no records in the register of persons who have been prohibited to fulfil tenders and
- k) No legal fine has been imposed on the Contractor for allowing any illegal work according to the special legal regulations.

The method of evidence of general qualification criteria

The Contractor shall prove the fulfilment of the abovementioned general criteria by submitting the **Affidavit according to Enclosure 3 to the Bidding Documentation.**

3.4 Professional qualification criteria

Evidence of professional qualification criteria

The Contractor will prove the fulfilment of professional qualification criteria as per section 54 of the Act by submitting:

- a) As per section 54 letter a) of the Act – the excerpt from the Trade Register, if the Contractor is incorporated in such a Trade Register, or any other excerpt from any similar register, if the Contractor is incorporated therein;
- b) According to section 54 letter b) of the Act – a document on authorization to undertake business according to special legal regulations and to the extent corresponding to the subject of tender, primarily the document evidencing the relevant trade certificate or licence.

The validity of the excerpt from the Trade Register shall not exceed 90 calendar days from the last day as at the fulfilment of qualification criteria to be evidenced.

3.5 Technical qualification requirements

Not required by the Issuer.

4 The method of stipulation of the bid price

- The Applicant shall stipulate the bid price as the total price in the Czech crowns, broken down as follows: bid price, VAT exclusive, VAT rate and total bid price, VAT inclusive. The bid price will be stipulated for the fulfilment of the tender in its entirety.
- The bid price must include all the costs in relation to the fulfilment of tender as well as any other potential increased costs in connection with escalation of the price due to input expenses until the time of completion of the subject of tender.
- The bid price will be the highest permissible price and shall be valid throughout the whole period of the performance of the contract, concluded for the purpose of completion of the tender with the exception mentioned in the Issuer's commercial conditions. The bid price can be exceeded only in the event of modification of tax regulations. Other conditions for modification of the bid price are not permissible.
- The Applicant is responsible for the stipulation of the VAT in accordance with the applicable and efficient legal regulations.
- The Applicant shall specify its bid price in the Cover Sheet of the Bid (Enclosure 1 to the Bidding Documentation) and in a draft of the Contract of Purchase. The completed supporting documents for the preparation of the Bid, including the bid price, will be the Bidding Documentation, including all the enclosures thereto.

5 Terms of payment

- The financial conditions and the terms of payment are defined in the Issuer's commercial conditions – a draft of the Contract of Purchase (Enclosure 2 to this Bidding Documentation), including the conditions. If these conditions are fulfilled, the bid price can be modified.

6 Commercial conditions – a draft of the Contract of Purchase

- For the purpose of the performance of tender, the Issuer will specify commercial conditions in a draft of the Contract of Purchase; this draft forms Enclosure 2 to the Bidding Documentation (Henceforth the Contract or the Contract of Purchase or the Commercial Conditions).
- In their bid, Applicants shall submit, as an integral part thereto, the signed draft of the Contract of Purchase from the side of the Issuer. The draft of the Contract shall comply unconditionally with the commercial conditions of the Issuer. The Contractor shall accept the commercial conditions; the Issuer will not permit any modifications thereof. The Contractor shall complete the missing information in the draft of the Contract (the Contractor's identification, purchase price, etc.).
- Should any deviation occur between the conditions of the Issuer and the Applicant's draft of the Contract, this will be deemed for the breach of the conditions mentioned in the bidding procedure.

- Commercial conditions – the Contract of Purchase are an integral part of the Bidding Documentation as the Enclosure 2.
- The draft of the Contract must be signed by the Applicant or by the Applicant's statutory body in accordance with the routine of attachment of signatures for the company specified in the Trade Register, or by a person authorized to make any such act (in this case, the original document of the relevant full powers shall be part of the Bid).

7 Requirements for preparation and arrangement of the Bid

- The Contractor (Applicant) can make one bid only. The Contractor, who has entered a bid in the bidding procedure, shall not simultaneously be a sub-contractor through which the other contractor proves the qualification in the same bidding procedure.
- If the Contractor makes more bids separately or jointly with other contractors, or the Contractor is a sub-contractor through which other contractor proves the qualification in the same bidding procedure, the Issuer will not accept a bid from such a contractor. The Issuer will immediately disqualify a contractor, whose bid has not been accepted, from the bidding procedure. The Issuer will promptly inform the Contractor about the disqualification, specifying the reason.
- The joint bid is a bid, which is made jointly by more contractors in accordance with the conditions mentioned in section 51, para. 6. In this case the contractors making a joint bid are considered to be one applicant.
- The bids are to be made in writing and within the date defined for entering a bid. **The bid must be made in the Czech or English language.** The bids will be made 1x in a printed form and 1x electronically (the scanned complete bid stored on CD or DVD, and/or by other suitable manner).
- The bid must be presented in the properly closed envelope identified with the name of tender and with a note: "**Ústav geoniky AV ČR – Instrument for measurement of drill resistance – DO NOT OPEN**". Further, the address to which the notification as per section 71, para.6 of the Act can be sent, must be written on the envelope.
- The Applicant's bid shall not contain any re-writing or corrections, which the Issuer can consider as a mistake. The Issuer recommends numbering all the sheets of the bid in ascending order starting with number one and to bind the bid in order to avoid any manipulation with individual sheets without damaging the binding or other safety element. The Issuer recommends using a string to sew the file as one safety element and using, for example, adhesive tape with the attached Applicant's name or seal on it.
- The Issuer will register the entered bids stating the sequential number, date and time of their delivery.
- Other matters in connection with entering bids are set out in section 69 of the Act.
- The Issuer recommends structuring the bid in the following manner:
 - The completed and signed cover sheet – the Applicant will use a specimen in Enclosure 1 to the Bidding Documentation;
 - Documents evidencing the fulfilment of qualification criteria;
 - The signed draft of the Contract as per Enclosure 2;
 - Technical parameters of the offered equipment for evaluation of the fulfilment of the Issuer's requirements;
 - Other documents according to the Applicant's discretion;
 - Electronic version of the bid – on CD or DVD in an envelope to be glued on the last page of the bid.

8 Alternative bids

The Issuer will not accept any alternatives.

9 Criteria for evaluation of the bids

The general evaluation criteria for tender is an economic advantage of the bid (section 78, para. 1, letter a) of the Act).

The bids will be evaluated according to interim criteria with weight allocated as stated below.

1. Bid price of instrument (in CZK, VAT excluded)	weight 70 %
2. Total price per 2 drills (in CZK, VAT excluded)	weight 30 %

Criterion number 1 is the Bid price of the instrument (in CZK, VAT exclusive). The amount of the bid price VAT exclusive specified in the draft of the Contract and in the Cover Sheet of the bid is decisive in the evaluation of the bid price.

$$100 \times \frac{\text{Lowest bid price, VAT excluded}}{\text{Applicant's bid price, VAT excluded}} \times \text{weight of criterion}$$

Criterion number 2 is the Total price for 2 drills (in CZK, VAT excluded). For evaluation of the total price in CZK, VAT excluded, its amount, which is specified in the Cover Sheet of the bid, is decisive. The Applicant will stipulate the price for one drill with a diameter of 3 mm and one drill with a diameter of 5 mm; these unit prices will be summed up.

$$100 \times \frac{\text{Lowest total price per 2 pcs of drills (in CZK VAT excluded)}}{\text{Total bid price for 2 pcs of drills (in CZK VAT excluded) bez DPH) of the relevant Applicant}} \times \text{weight of criterion}$$

The members of the evaluating commission appointed by the Issuer in accordance with the law will evaluate the bids.

10 Bidding term and the requirement for granting security

The bidding term starts running at the moment of termination of the deadline for entering the bids and the bidding term is 90 days. During this period the Applicant is bound with its bid. The Issuer will not require any security.

11 Term for entering the bids, the manner and place for entering the bids

The deadline for entering the bids is 14.11.2012 at 14:00.

The bids can be sent in writing to the address:
QUANTUM CZ s.r.o., Kralická 2104/1, 709 00 Ostrava

Or in person at the same address after a prior telephone agreement with Mrs. Ing. Petra Kozubková (tel. +420 774 552 751) on working days always from 08:00 till 14:00 throughout whole period of the term running for entering the bids.

12 Opening the envelopes with the bids

The envelopes will be opened at the address of the Issuer:

Ústav geoniky AV ČR, v. v. i,

Studentská 1768,
708 00 Ostrava – Poruba,
Room number 527 on 14.11.2012 at 14:30.

The evaluating commission appointed by the Issuer will open envelopes gradually according to sequential numbers and will check if the bid is complete, i.e.

- The bid has been prepared in the required (Czech) language
- The draft of the Contract has been signed by a person authorized to act or on behalf of the Applicant
- The bid contains all the requisites in accordance with the law and by the Issuer in connection with the bidding conditions.

13 Additional information concerning the bidding conditions

The Contractor may require any additional information concerning the bidding conditions from the Issuer in accordance with section 49 of the Act. The Issuer will send the additional information to the bidding conditions, and/or any associated documents within 5 working days at the latest from the delivery of the Contractor's request. The Issuer will send simultaneously the additional information, including the precise wording of the request, to all the contractors, who have requested submitting the bidding documentation or to whom the bidding documentation has been submitted. The Issuer will always open any additional information to the public, including the precise wording of the request also in the means through which the Issuer has access to the bidding documentation, which enables remote access. The Issuer can also provide the additional information concerning the bidding conditions to the contractors without a prior request.

14 Examination of the site of fulfilment

The examination of the site of fulfilment is irrelevant with regard to the type of the equipment to be supplied.

15 Other conditions of the bidding procedure

The Issuer reserves the right to cancel the tender. The Contractor (Applicant) has no right to compensation of costs in connection with the participation in the bidding procedure. The bids will not be returned to the applicants and will remain at the Issuer as part of the tender documentation.

16 Enclosures

Enclosure 1 – Cover sheet of the bid

Enclosure 2 – Commercial conditions – the draft of the Contract

Enclosure 3 – Affidavit on the fulfilment of general qualification criteria

Ostrava, 29th October 2012

Ing. Libor Kozubek, Deputy of the Issuer

