

# TENDER DOCUMENTATION

issued pursuant to Section 28 paragraph (1) point b) of Act No. 134/2016 Coll., on Public Procurement, as amended, (hereinafter the "Act"),

for preparation of bids for a below-threshold public contract for supplies contracted within a simplified below-threshold procedure pursuant to Section 53 of the Act

NAME OF THE PUBLIC CONTRACT:

**Electrolytic hydrogen generator**

Contracting Authority:

 **Fyzikální ústav**  
Akademie věd ČR, v. v. i.



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## **TENDER DOCUMENTATION**

This tender documentation (hereinafter the "TD") forms a basis for preparation of bids in open procedure seeking public contract for supplies pursuant to the Act. The rights, obligations and terms and conditions stipulated herein are governed by the Act.

**Public Contract name:** Electrolytic hydrogen generator

**Contracting Authority:** Fyzikální ústav AV ČR, v. v. i.  
**Seat:** Na Slovance 1999/2, 182 21 Praha 8  
**Identification No.:** 68378271  
**Tax Identification No.:** CZ68378271  
**Person authorized to represent the Contracting Authority:** RNDr. Michael Prouza, Ph.D., Director

(Hereinafter the "**Contracting Authority**" for the purposes of this TD and / or "Buyer" for the purposes of the hereto attached Purchase Contract)

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### **Provision of additional information to TD:**

Request for explanation of this TD can be submitted electronically - via the electronic tool **eGORDION v. 3.3 - Tender arena** (<https://www.tenderarena.cz/profily/FZU>), via the above-mentioned e-mail addresses or via data box of the contracting authority (ID: nm9ns84).

In response to a request for explanation of this TD, the contracting authority publishes it on the profile of the contracting entity.

## **1 DEFINITION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT**

### **1.1 Classification of the subject matter of the public contract**

Classification of this public contract corresponds to items:

- CPV code: 42980000-9 – Gas generators

**Type of public contract:** below-threshold public contract for supplies

**Type of procurement procedure:** simplified below-threshold procedure

### **1.2 Description of the subject matter of the public contract**

The subject matter of this public contract is supply (acquisition) of an Electrolytic hydrogen generator with maximal production of H<sub>2</sub> in the range 12-20 slpm (standard liter per minute) and output purity 99.995% obtained by additional dewpoint internal dryer.

System should sense demand and automatically adjust production rate in the range 0-16 slpm.



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The output hydrogen pressure must be in the range 8-15 atmosphere.  
 The hydrogen generator must be equipped by the deionized water supply capable to supply 1 l/hour of deionized water in quality required by the electrolytical hydrogen generator not to decrease the lifetime of the hydrogen generator.  
 The generator must be equipped by necessary kits for system maintenance in the first two years of operation (calibration, filter exchanges, O-rings and other spare parts)  
 The size of purifiers must not exceed 100 x 90 x 200 cm (width x depth x height).

The subject matter of this public contract is also the warranty services.

More detailed specification of the subject matter is provided in Chapter 4 below.

### 1.3 Term

Anticipated commencement: immediately after contract conclusion  
 Anticipated completion: within four months of contract conclusion

### 1.4 Place of Performance

Place of performance shall be the premises of the Fyzikální ústav AV ČR, v. v. i. (Institute of Physics AS CR), at Cukrovarnická 10/112, 162 00, Praha 6, building F, room F106/1.

### 1.5 Estimated value

Estimated value of the public contract is **2 890 000 CZK excl. VAT.**

The total bid price of the equipment including installation, shipment, Czech VAT (21 %) and customs duty must not exceed **3 500 000 CZK**. In the case of a bid being submitted citing a higher bid price than **3 500 000 CZK incl. VAT**, such bid will be excluded from the procedure and the bidder excluded from further participation in the proceedings.

The contracting authority, whose main activity is research and development in the field of physical sciences, is the beneficiary of the subsidy for the project "**Solid state physics for the 21st century**", Registry No **CZ.02.1.01/0.0/0.0/16\_019/0000760**, within the Operational Program Research, Development and Education (OP RDE) The subject of public procurement will be co-financed by the EU Structural Funds.

## 2 CONDITIONS AND REQUIREMENTS REGARDING THE DRAWING UP OF A BID

- 2.1 Bids shall be submitted in electronic form only using the Tenderarena electronic tool within the time limit for the submission of bids. Bids in paper form are not permitted.
- 2.2 Bids shall be submitted no later than on **22<sup>nd</sup> November 2018** by **11:00 am**. Other methods of delivery shall not be considered to constitute a properly delivered bid.
- 2.3 The electronic tool eGORDION v. 3.3 - Tender arena (hereinafter "**Tenderarena**") for submission of the tender in electronic form is available at [www.tenderarena.cz](http://www.tenderarena.cz). Economic operators may find at this link also a guide for using the Tenderarena electronic tool (via link "Help" in footer) and helpdesk contacts.
- 2.4 The bidder must have a personal computer with a minimum of the following performance: CPU 1 GHz, 1024 MB memory, 20 GB hard drive, personal computer must be connected to the Internet at a minimum connection speed of 2 Mbps (DOWNLOAD ) / 512 Kbps



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(UPLOAD), the entrant must have an Internet browser installed on your computer (Microsoft Internet Explorer version 9.0 or higher, Mozilla Firefox version 30.0 and above) that has Java SW version 1.8 and above installed.

- 2.5 The economic operator must be registered as a contractor in the Tenderarena; link "contractor's registration" ("*registrace dodavatele*" at [www.tenderarena.cz](http://www.tenderarena.cz)). A user of the contractor must have a system role of a participant ("*účastník zakázky*"). Registration of the economic operator takes up to 48 hours (on working days) after all required documents have been submitted (either by post or electronically). Registration on Tenderarena electronic tool is not charged.
- 2.6 If a request to sign a specific document is included in this TD while not accepting the replacement of the document by its simple copy or scan, the individual documents constituting the content of the bid whose signing by a person authorized to represent a tenderer is required to be accompanied by an electronic signature based on a qualified certificate pursuant to Act No. 297/2016 Coll., on trust-building services for electronic transactions, as amended.
- 2.7 The Contracting authority points out that the Contracting authority bears no responsibility for any technical conditions on the economic operator's side. The Contracting authority recommends economic operators to consider especially the speed of their Internet connection when submitting bids so that bids are submitted within the time limit for submission of tenders. This means uploading all attachments of the bid and final submission of the bid to the Tenderarena electronic tool.
- 2.8 The bid may be prepared in the Czech or English language.
- 2.9 The bid must include **identification data of the bidder**, i.e. primarily: business name, registered office, identification number, legal form, persons authorized to act on behalf of / represent the bidder, contact details for correspondence.
- 2.10 The bid in electronic form shall not exceed 200 MB; of which a maximum of 100 MB are documents proving qualifications and a maximum of 100 MB are other documents provided in bids. The bid must be processed through acceptable file formats, ie Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG. The bid values as specified in this TD will also be submitted to the tendering procedure by inserting them into the tender form, which will be displayed when submitting the tender in electronic form. This is without prejudice to the obligation to submit other tender documents containing the bid.
- 2.11 For the submission of bids in electronic form the bids must be encrypted with a certificate provided at the Tenderarena electronic tool; the certificate is attached to the Procurement Documentation at [www.tenderarena.cz](http://www.tenderarena.cz). In the case of encryption with other certificates, such a bid will be considered not delivered to the Contracting authority in the manner laid down in this Procurement Documentation and such a bid will not be considered as submitted to the Contracting authority. The bid encryption with a certificate is carried out automatically in the Tenderarena electronic tool before the bid is submitted to the Tenderarena electronic tool using public certificate provided by the Contracting authority.
- 2.12 Detailed information on the registration to Tenderarena electronic tool are attached hereto as an **Annex No. 4 – Registration to the system Tender arena** (detailed information on the registration to Tenderarena electronic tool are also available at [www.tenderarena.cz](http://www.tenderarena.cz)).



- 2.13 Where several bidders jointly participate in a tendering procedure the bidders will also include in the bid the identification of the person who shall be authorized to represent the bidder in contact with the Contracting Authority during the award procedure.
- 2.14 The contracting authority does not specify the award period for this award procedure.
- 2.15 The bid must be submitted in the following structure:
- a) **Cover sheet** (please refer to Annex No. 1 hereto);
  - b) **documents proving fulfilment of the qualification** in the structure as set out in Article 3 of the TD and description and specification of the performance offered demonstrating that the Contracting Authority's requirements regarding subject matter of the contract are met; **all documents proving fulfilment of the qualification may be presented in a plain copy or scans OR bidders may substitute the submission of documents proving fulfilment of the qualification by an affirmation or by the European Single Procurement Document;**
  - c) statement defining **the bid price** in the structure according to Article 0 hereof;
  - d) **draft contract** (please refer to Annex No. 3 hereto).

### 3 QUALIFICATIONS

3.1 Qualification requirements shall be met by those bidders who will demonstrate:

- a) fulfilment of basic qualification pursuant to Section 74 of the Act,
- b) fulfilment of the professional qualification pursuant to Section 77 paragraph (1) of the Act,
- c) fulfilment of the technical qualification pursuant to Section 79 of the Act.

#### 3.2 Basic qualification

3.2.1 Basic qualification shall **not** be met by bidder who:

- 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 five 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.

3.2.2 Bidders shall prove fulfilment of the basic qualification by submitting a written affirmation.

3.2.3 If the bidder is a legal person, both this legal person and every member of its governing body shall meet the condition specified in paragraph 3.2.1 point a). Where a legal person is a member of the governing body of the bidder, the condition specified in paragraph 3.2.1 point a) shall be met by this legal person, every member of the



governing body of this legal person and the person representing this legal person in the governing body of the bidder.

- 3.2.4 If the bidder is a branch of a business of
- a) a foreign legal person, the condition specified in paragraph 3.2.1 point a) 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 3.2.1 point a) shall be met by the persons referred to in paragraph 3.2.3 as well as the head of the branch.

### 3.3 Professional qualification

- 3.3.1 Bidders shall prove fulfilment of the 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.
- 3.3.2 The bidder is not obliged to submit the document specified in paragraph 3.3.1 if legal regulations in the country of its registered office do not require such professional qualification.

### 3.4 Technical qualification

- 3.4.1 The bidder is obliged to demonstrate fulfilment of technical qualification pursuant to Section 79 paragraph (2) point b) of the Act. Fulfilment of the technical qualification will be demonstrated by a bidder, who submits a list of significant supplies provided over the past three years before the commencement of the procurement procedure. This list will contain information on the name of the client, supply name, place and date of completion and the financial value of the supply. A major supply shall be considered as a supply of an electrolytic hydrogen generator with financial value of at least 500 000 CZK excl. VAT. Bidders shall demonstrate the supply of at least 2 such major supplies.

### 3.5 Submission of qualification documents

- 3.5.1 Where the Contracting authority requires a document to be submitted, the economic operator shall submit a copy (scan) of the document. Before the contract is concluded, the Contracting authority shall request the selected economic operator to submit the originals or certified copies of the qualification documents, unless they have already been submitted during the Procurement Procedure.
- 3.5.2 Where the Contracting authority requires a document to be submitted, the economic operator shall submit it in Czech, Slovak or English language or it shall be submitted along with its translation into one of these languages.
- 3.5.3 The documents demonstrating basic qualification under Section 74 of the Act and professional qualification under Section 77 (1) of the Act shall demonstrate the fulfilment of the required qualification criterion **not later than three months before the submission of the bid**.
- 3.5.4 The economic operator may substitute the submission of qualification documents in its bid by an affirmation. It is recommended to use a form of an affirmation that is



attached hereto as an **Annex No. 2 Affirmation – Qualification Criteria**. The economic operator may also substitute the submission of qualification documents in its bid by a European Single Procurement Document pursuant to Section 87 of the Act.

- 3.5.5 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.

#### **4 DETAILED DESCRIPTION AND TECHNICAL SPECIFICATION OF THE SUBJECT MATTER**

- 4.1 The subject matter of this public contract is fully specified in Annexes No. 1 and 2 of the draft contract which forms an integral part hereof as Annex No. 3 hereof.
- 4.2 All equipment, which shall form a part of the subject matter must comply with all requirements arising from technical or safety standards valid in the Czech Republic for these types of equipment. Performance required hereunder shall include handover of complete documentation to the equipment. The Contracting Authority requires that the entire subject matter and all its parts will be new, not re-used.
- 4.3 The TD specifies the minimum technical requirements in Annex No. 1 of the draft contract. It is permitted that bidders supply the same or higher level solution, than those described in the technical specification, but it must always comply with the minimum requirements as set forth herein. The bidder must describe the procedure of his site acceptance tests (SAT) of the device and include SAT representative results in the tender application.
- 4.4 Bidders must always comply with technical requirements stipulated herein; should a bidder fail to comply with these he shall be excluded from further proceedings. Bidders are obliged to prove guaranteed technical parameters to the Contracting Authority as specified herein, i.e. bidders shall submit detailed technical specification of the offered solution containing at least the best achievable parameters, which must demonstrate compliance with the minimum technical parameters specified in Annex No. 1 to the contract in the Czech or English language (other language mutations will not be admissible). Specified parameters must be achieved also during installation of the equipment in the place of performance. The submitted documentation shall form a part of Annex No. 2 to draft contract.
- 4.5 Should this TD refer to specific commercial trademarks / products or solution, or other designations or visual presentations having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the bidder are entitled to propose other technically or qualitatively compliant solution.

#### **5 STRUCTURE OF THE BID PRICE**

- 5.1 Bidders are obliged to specify the total offered bid price, including all required performance; the total offered bid price to be quoted in **CZK excl. VAT**.
- 5.2 The total bid price must include the entire subject matter and will represent a fixed, binding amount as the maximum amount and maximum admissible price, including all fees and other costs that may be associated with the performance provided hereunder,



such as transportation to the place of performance, packaging, custom duties, assembly and installation costs, insurance cost etc.

- 5.3 The Contracting authority sets the maximum permissible total bid price in 3 500 000 CZK incl. VAT. This maximum permissible total bid price cannot be exceeded by the participants in their bids. Should the bidder's total bid price exceed the referred to maximum value, then the participant shall be excluded for the reason of its failure to meet the award criteria.
- 5.3 The bid price may be exceeded exclusively in connection with the change of tax legislation related to mandatory VAT, by an amount corresponding to this legislative amendment only.

## **6 TERMS AND CONDITIONS, PAYMENT TERMS**

- 6.1 Terms and Conditions and payment terms have been specified in the attached binding draft contract, which forms an integral part hereof as Annex No. 3 hereof.
- 6.2 Bidders are obliged to accept without reservation or change the text of the draft contract, which forms an integral part hereof as Annex No. 3. Bidders are authorized to fill in their identification data, the bid price and other clearly marked information that are to be filled in. Bidders are not authorized to change or add to the contract in any manner, with exception of those parts which the Contracting Authority highlighted. Any breach of this condition will result in exclusion of the bidder from the procurement procedure.

## **7 EVALUATION CRITERIA**

- 7.1 The bids will be evaluated on the basis of their economic advantageousness. The Contracting authority shall evaluate the economic advantageousness solely on the basis of the lowest bid price. The winning bid will be the bid with lowest bid price.
- 7.2 The method of evaluation:

The contracting authority will evaluate the total bid price in CZK without VAT, processed in accordance with Article 5 of the tender documentation. The contracting authority shall rank the bids according to the quoted bid price from the lowest to the highest, thereby producing the resulting order of bids.

## **8 ADDITIONAL REQUIREMENTS AND CONDITIONS**

- 8.1 The Contracting Authority reserves the right to verify any information provided by bidders using third parties, and bidders shall be obliged to provide the Contracting Authority all necessary cooperation in this matter.
- 8.2 The Contracting Authority reserves the right to alter or amend the TD before the deadline for submission of bids, such a change would be communicated to all bidders who on the date of such amendment submitted a bid. The change of the TD would be announced also in the manner in which the TD was published. If the nature of the supplement or amendment of the TD requires, the Contracting Authority simultaneously reasonably extends the deadline for submitting bids.





- 8.3 The Contracting Authority reserves the right to publish the full outcome of the procurement procedure and to provide information under the Act No. 106/1999 Coll., on free access to information, eg. to allow access to the protocol on the opening of envelopes, the protocol on the evaluation of bids, and so on. However, according to Act on free access to information, the Contracting Authority will not grant:
- a) until the completion of the procurement procedure information relating to the content of bids and the persons who are involved in during the procurement procedure,
  - b) information which the bidder has provided to the Contracting Authority within the procurement procedure and marked them as confidential unless it is information that in accordance with the Act the Contracting Authority has the obligation to include in the evaluation report, the notice of the selection of the supplier, the assessment of the fulfilment of conditions for participation of selected suppliers or in the written report by Contracting Authority.
- 8.4 The Contracting Authority reserves the right, after completion of the procurement procedure in the context of transparency, to publish on the Internet further defined range of information provided by the bidder during the procurement procedure and possibly during performance of the contract, including the information identified as confidential. These information are the following:
- name of the bidder
  - identification No. of the bidder
  - bid price of the bidder
  - No. of the signed contract
  - name of the contract
  - text of the contract including all annexes and amendments
  - the amount of price paid for performing the public contract
  - list of subcontractors of the supplier of the public contract
- 8.5 Termination of public contract does not terminate the right of the Contracting Authority to publish the above information. Through its participation in the procurement procedure the bidder takes note that the above information provided during the procurement procedure will be treated as described above by the Contracting Authority. The bidder agrees with use of such information by submitting its bid.

## **9 OPENING OF THE BIDS**

- 9.1 Opening of the envelopes with bids shall take place after the expiry of the bid submission date referred to in paragraph 2.2 of the TD, at the seat of the Contracting Authority. The opening of the bids will take place electronically in accordance with Section 109 of the Act.

## **10 CONCLUSION**

- 10.1 Information and data provided herein (incl. all Annexes) defined the binding requirements of the Contracting Authority with respect to the performance of the public contract. These requirements must be accepted by the bidders in full and without reservation, respecting these requirements in preparation of their bid. Non-acceptance of these requirements / conditions (incl. those specified in the respective Annexes) shall be deemed to constitute failure to comply with the tender conditions.



- 10.2 Should this tender documentation or its Annexes refer to specific commercial trademarks / products or solutions, or other designations or visual presentations having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the bidder are entitled to propose other technically or qualitatively fully compliant solution.

**On behalf of the Contracting Authority:**

In Prague

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RNDr. Michael Prouza, Ph.D., Director

**LIST OF ANNEXES:**

1. Cover sheet
2. Affidavit on compliance with qualification requirements
3. Binding draft contract with annexes
4. Registration to the system Tender arena



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