

TENDER DOCUMENTATION INVITATION TO TENDER

issued pursuant to Section 28 paragraph (1) point b) and Section 53 paragraph (1) of Act No. 134/2016 Coll., on Public Procurement, as amended, (hereinafter the "Act"),

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

NAME OF THE PUBLIC CONTRACT:

Czochralski crystal puller

Contracting Authority:

TENDER DOCUMENTATION – INVITATION TO TENDER

This tender documentation (hereinafter the "TD") forms a basis for preparation of bids in simplified below-threshold procedure seeking public contract for supplies pursuant to the Act. The rights, obligations and terms and conditions not stipulated herein are governed by the Act.

Public Contract name: Czochralski crystal puller

Name of the project under OP RDE: "Solid state physics for the 21st century (SOLID21)", Reg. No. CZ.02.1.01/0.0/0.0/16_019/0000760

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)

Contact person: Mgr. Václav Kafka
Telephone: +420 266 052 751
E-mail: kafkav@fzu.cz

Substitute of the Contact person: Vladimír Levandovský
Telephone: +420 266 052 591
E-mail: levandovsky@fzu.cz

Provision of explanation of the procurement documents:

The request for explanation of the procurement documents can be submitted electronically, in particular via the electronic tool eGORDION v. 3.3 - Tender arena (hereinafter referred to as the "**Tender arena**") available at <http://www.tenderarena.cz>. The public contract details are available at <https://www.tenderarena.cz/profil/FZU>.

The Contracting Authority will not respond to requests submitted in any other way than in electronic form, in accordance with Section 211 paragraph (3) of the Act. The Contracting Authority will further not provide explanations of telephone inquiries.

The Contracting Authority will publish the response to a request for explanation of the procurement documents on the contracting authority profile at <https://www.e-zakazky.cz/profil-zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.



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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 item:

- CPV code: 42940000-7 – Machinery for the heat treatment of materials
- CPV code: 42330000-8 – Smelting furnaces

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

Type of tendering 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 a Czochralski crystal puller for growth of single crystals for laboratory use. The puller will enable to grow single crystals of the diameter up to 20 mm in a closed system in various atmospheres or in vacuum.

The crucible with melt is in the puller heated by an induction heating with a vacuum tight water cooled coil of the inner diameter of 80 mm. Crystal growth process will be controlled by a programmable system based on weighing of the crystal. 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 7 months of contract conclusion

The term of the public contract is subject to successful completion of the tendering procedure. The Contracting Authority reserves the right to unilaterally adjust the anticipated dates with regard to its actual operational and organizational needs.

1.4 Place of Performance

Place of performance shall be the premises of the Fyzikální ústav AV ČR, v.v.i., at Na Slovance 1999/2, Praha 8, main building, room No. 017.

1.5 Estimated value

Estimated value of the public contract is **210.000,- EUR excl. VAT**.

At the same time, the Contracting Authority requests as a public contract condition that the bid price does not exceed the limit of **260.000,- EUR incl. VAT**. The Contracting Authority will consider any bids with a bid price in excess of this designated limit to constitute bids which have not met the conditions and it will therefore exclude them. The Contracting Authority will then exclude all bidders who have submitted bids with a bid price in excess of the designated limit from any further participation in the tendering procedure.

The Contracting Authority, whose main activity is research and development in the field of physical sciences, is the recipient of the subsidy for the project "Solid state physics for the 21st century (SOLID21)", Reg. No. CZ.02.1.01/0.0/0.0/16_019/0000760, within the Operational Program Research, Development and Education (OP RDE). The subject



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of public contract will be co-financed by the EU Structural Funds.

2 CONDITIONS AND REQUIREMENTS REGARDING THE DRAWING UP OF A BID

- 2.1 In accordance with Section 211 paragraph (3) of the Act, bids can be submitted **only electronically** via the **Tender arena** electronic tool.
- 2.2 Bids shall be submitted no later than on **February 4, 2019** by **11:00** am.
- 2.3 The **Tender arena** certified electronic tool will be used to bid. This tool is available online at www.tenderarena.cz with detailed instructions on how to use it (Footer "Help") and user support 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 (UPLOAD), the bidder must have an Internet browser installed on the computer (Microsoft Internet Explorer version 9.0 or later, Mozilla Firefox version 30.0 and above) that has Java SW version 1.8 and above installed.
- 2.5 The bidder must be registered as a Contractor in the Tender arena ("Contractor's registration" link on the www.tenderarena.cz website) and the bidder's user must have the role of the "účastník zakázky" for submitting the bid. The registration process takes up to 48 hours (on working days) after all required documents have been submitted and the registration 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 the bidder are required to be accompanied by an electronic signature based on a qualified certificate pursuant to Act No. 297/2016 Coll., on Confidence-Building Services for Electronic Transactions, as amended.
- 2.7 The Contracting Authority is not responsible for the technical conditions on the part of the bidder. The Contracting Authority recommends that bidders take into account, in particular, the speed of their Internet connection when submitting bids so that they are submitted within the deadline for submission of bids (submission of the bid means the final submission of the bid to Tender arena after uploading all attachments!).
- 2.8 The bid may be prepared in the Czech or English language.
- 2.9 The bid must not exceed 200 MB, of which a maximum of 100 MB documents to prove qualification and a maximum of 100 MB of other documents. The bid must be processed through acceptable file formats, ie Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG. The bid price as specified in this TD will also be inserted into the tender form, which will be displayed when submitting the bid. This is without prejudice to the obligation to submit other documents containing the bid price.
- 2.10 If the bid is submitted by more than one bidder jointly (joint bid), the bid shall also specify the person who is authorized to represent the bidders in contact with the Contracting Authority during the tendering procedure.



- 2.11 The Contracting Authority does not specify the award period for this tendering procedure.
- 2.12 The bid must be submitted in the following structure:
- a) **Cover sheet** specifying the basic identification and contact information of the bidder (business name or name and surname, address, legal form, identification No., tax identification No., names of members of the statutory body, contact information - phone, e-mail, address, contact person, where appropriate, the person authorized to further negotiations, including written authorization to represent the bidder), the bid price and information on the other evaluation sub-criteria, date and signature of the person authorized to act on behalf of the bidder; bidders may use the form provided in Annex 1 hereto;
 - b) statement defining **the bid price** in the structure according to Article 5 hereof;
 - c) **documents proving fulfilment of the qualification criteria** in the structure as set out in Article 3 hereof;
 - d) **data for evaluation** according to Article 7 hereof;
 - e) **draft contract** including annexes with filled in data that are marked to be filled in (please refer to Annex No. 2 hereto).

3 QUALIFICATION CRITERIA

- 3.1 The bidder is obliged to demonstrate fulfilment of technical qualification according to Section 79(2)(b) of the Act. Fulfilment of the technical qualification will be demonstrated by a bidder, who submits a list of major supplies provided over the past 3 years before the commencement of this tendering procedure. This list will be provided in the form of an affidavit and will contain identification 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 a Czochralski crystal puller in the financial value of at least 200 000,- € excl. VAT. Bidders shall demonstrate the supply of at least 3 such major supplies.

4 DETAILED DESCRIPTION AND TECHNICAL SPECIFICATION OF THE SUBJECT MATTER

- 4.1 The subject matter of this public contract is fully specified in Annex No. 1 of the draft contract which forms an integral part hereof as Annex No. 2 hereof.
- 4.2 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 measuring 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 apparatus / equipment in the laboratory of the Contracting Authority. The submitted documentation shall form the Annex No. 2 to draft contract.



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 EUR 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 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.
- 5.4 The Contracting Authority hereby advises bidders that due to the amount of allocated funding, the maximum value of the performance for subject matter hereof (incl. all installation- and transportation-related costs, custom duties and other potential and related fees) cannot exceed **260.000,- EUR incl. VAT** and that in the case of a bid being submitted citing a higher bid price than the **maximum** value of the public contract, such bid will be **excluded** from the procedure.

6 EVALUATION CRITERIA

- 6.1 Bids will be evaluated on the basis of their economic advantageousness.
- 6.2 The evaluation sub-criteria are:
- | | |
|---|------------------------|
| a) Technical characteristics of the bid | - relative weight 50 % |
| b) Duration of warranty services | - relative weight 30 % |
| c) Total bid price | - relative weight 20 % |
- 6.3 Method of evaluation:
- a) Within the evaluation sub-criterion a) Contracting Authority will evaluate technical characteristics of the bid.

Minimum required technical characteristics of the equipment are set out in the first table of Annex 1 of the draft contract (please refer to Annex No. 2 hereto). The Contracting Authority hereby advises bidders that a bid that does not meet these minimum required technical characteristics will be **excluded** from the procedure and the bidder **excluded** from further participation in the proceedings.

Extra points will be awarded for:

-stability of pulling rates is 10^{-4} or better	10 pts
-stability of pulling rates is 10^{-5} or better	20 pts
-stability of pulling rates is 10^{-6} or better	30 pts
-stability of rotation speeds is 10^{-4} or better	10 pts



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-stability of rotation speeds is 10^{-5} or better

20 pts

- b) Within the evaluation sub-criterion b) Contracting Authority will evaluate the duration of warranty services. **Minimum length** of warranty is **12 months**. The Contracting Authority hereby advises bidders that a bid being submitted citing a shorter warranty will be **excluded** from the procedure and the bidder **excluded** from further participation in the proceedings.

Extra points will be awarded for:

- warranty length for the translation unit	48 months or more	12 pts
- warranty length for the rotation unit	24 months or more	6 pts
- warranty length for the system of automatic control of the growth process	24 months or more	12 pts

- c) Within the evaluation sub-criterion c) Contracting Authority will evaluate the total bid price for the subject of performance in EUR excl. VAT compiled in accordance with Article 5 hereof.

Method of evaluation within the evaluation sub-criterion c):

The evaluated bid gets a score that results from the ratio between the bid price of the cheapest bid and the evaluated one. This ratio will then be multiplied by 0.2 (relative weight of this sub-criterion) and factor 100 - see formula:

$$\text{Score} = \frac{\text{bid price of the cheapest bid}}{\text{bid price of the evaluated bid}} \cdot 0.2 \cdot 100$$

7 TERMS AND CONDITIONS, PAYMENT TERMS

- 7.1 Terms and Conditions and payment terms have been specified in the attached binding draft contract, which forms an integral part hereof as Annex No. 2 hereof.
- 7.2 Bidders are obliged to accept without reservation or change the text of the draft contract, which forms an integral part hereof as Annex No. 2. 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 tendering procedure.

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 Bidders shall bear the cost of processing their bids, the Contracting Authority does not allow variants of the bid.
- 8.3 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



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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.

- 8.4 The Contracting Authority, in line with Section 53 paragraph (5) of the Act, reserves the right that the notifications of the Contracting Authority associated with the course of the tendering procedure (notification of disqualification of the bidders and the notice of the selection of the economic operator) shall be considered to be delivered at the point of time of publication on the contracting authority profile on <http://www.e-zakazky.cz/Profil-Zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.
- 8.5 The Contracting Authority reserves the right to shift the anticipated date of commencement of performance with respect to the completion of the tendering procedure and with regard to its operational and organizational needs. Selected bidders from such a shift may under no circumstances imply the right to charge any contractual penalties, price increases, damages, etc.
- 8.6 The Contracting Authority reserves the right to publish the full outcome of the tendering 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:
- until the completion of the tendering procedure information relating to the content of bids and the persons who are involved in during the tendering procedure,
 - information which the bidder has provided to the Contracting Authority within the tendering 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 economic operator, the assessment of the fulfilment of conditions for participation of selected bidders or in the written report by Contracting Authority.
- 8.7 The Contracting Authority reserves the right, after completion of the tendering procedure in the context of transparency, to publish on the Internet further defined range of information provided by the bidder during the tendering 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
- 8.8 Termination of public contract does not terminate the right of the Contracting Authority to publish the above information. Through its participation in the tendering procedure the bidder takes note that the above information provided during the tendering



procedure will be treated as described above by the Contracting Authority. The bidder agrees with use of such information by submitting its bid.

- 8.9 The Contracting Authority reserves the right to cancel the tendering procedure according to Section 127 paragraph (2) of the Act. In case of cancellation of the tendering procedure the bidders are not entitled to any compensation for costs incurred in preparing their bid nor any other compensation.
- 8.10 **Conditions for the conclusion of the contract** - the Contracting Authority requests from the selected bidder in the framework of co-operation before signing the contract pursuant to Section 122 paragraph (3) letter (a) the submission of originals or certified copies of the documents proving qualification of the selected bidder if they have not already been submitted in the tendering procedure.

9 OPENING OF ENVELOPES WITH BIDS

- 9.1 Opening of the bids shall take place immediately after the expiry of the bid submission date referred to in paragraph 2.2 of the TD, at the seat of the Contracting Authority at Na Slovance 1999/2, Praha 8.

10 COMMUNICATION WITHIN THE TENDERING PROCEDURE

- 10.1 The Contracting Authority will communicate with bidders in the tendering procedure in accordance with Section 211 of the Act.
- 10.2 For communication during the tendering procedure, the Contracting Authority prefers the use of the electronic tool in accordance with Section 213 of the Act or a data box within the meaning of Act No. 300/2008 Coll., On Electronic Actions and Authorized Document Conversion.
- 10.3 Documents in the tendering procedure will be sent by the Contracting Authority through the accounts of the Contracting Authority and the bidder via the Tender arena electronic tool, via their mailboxes or via e-mail with guaranteed electronic signature.
- 10.4 For the possibility of using the communication with the Contracting Authority via the electronic tool and for the possibility of submitting the bid the bidder must be registered as a Contractor in the Tender arena ("Contractor's registration" link on the www.tenderarena.cz website) and the bidder's user must have the role of the "účastník zakázky". The registration process takes up to 48 hours (on working days) after all required documents have been submitted and the registration is not charged.
- 10.5 The Contracting Authority points out that, in accordance with Section 211 paragraph (6) of the Act, in the case of communication via a data box, the document is delivered by delivery to the addressee's data box. The bid can not be submitted via the data box.
- 10.6 The Contracting Authority furthermore emphasizes that, in accordance with Section 4 paragraph (1) of Decree No. 260/2016 Coll., on the determination of more detailed conditions concerning electronic tools, electronic procurement procedures and compliance certificate, within the communication effected by means of the electronic tool (or the contracting authority profile) the document is delivered as soon as the data message is received to the electronic address of the addressee(s) of the data message in the electronic tool.



11 CONCLUSION

- 11.1 Information and data provided herein (incl. all Annexes) define 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.
- 11.2 Should this tender documentation of 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 bidders are entitled to propose other technically or qualitatively fully compliant solution.

On behalf of the Contracting Authority:

In Prague

LIST OF ANNEXES:

1. Cover sheet
2. Binding draft contract with annexes
3. List of major supplies (pattern)
4. Instructions for registration to the system Tender arena



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