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| **TENDER DOCUMENTATION FOR PUBLIC CONTRACT**  **AWARDED BY § 12 paragraph 3 of Act No. 137/2006 Coll., On public procurement,**  **AS AMENDED (THE "ACT")**  **The tender for the small-scale PUBLIC contract** |

**Project title:** **Rozvoj PřF**

**Registration number of the project:** **CZ.1.05/4.1.00/04.0155**

**Operational Programme:** Operational Programme Research and Development for Innovation

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| Contracting authority: | **Jihočeská univerzita v Českých Budějovicích, “The University of South Bohemia in Č.B.”** |
| Represented by: | Ing. Hana Kropáčková, Quaestor |
| Address: | Branišovská 1645/31a, 370 05 České Budějovice |
| Company Reg.Number: | 60076658 |
| VAT Number: | CZ 60076658 |
| Bank: | ČSOB a.s. branch of České Budějovice,  n. a. 150976156/0300 |

**The subject of the public contract:**  **The "Upgrade" (technical evaluation) of the detection system in the femtosecond laboratory, Faculty of Science, University of South Bohemia**

1. **The estimated value of public contract**

The estimated value of public contract (maximum and impassable): **23 565 ,- EUR without VAT**

1. **The definition of the object of the public contract**

The subject of the public contract is the supply of “Upgrade (technical evaluation) detection system in the femtosecond laboratory, Faculty of Science, USB”.

The subject of the public contract is the supply of Upgrade (technical improvements) of the detection system in the femtosecond laboratory of the Faculty of Science of the University of South Bohemia. Current detection system is based on the single-wavelength detection, when it is not possible to detect the full spectrum of broadband of femtosecond pulses. This limitation strongly influences our capacity of data measurement and identification. Already at the time of purchase, in 2008, the system was ready for later upgrade to broadband detection using diode arrays or CCD chips. The proposed upgrade improves dramatically our ability to measure and puts us on a par with the world’s leading laboratories that deal with this issue. Upgrading cannot be done by any other laboratory except for Pascher Instruments, as upgrade also includes interventions in contemporary detection system and control software, and only Pascher Instruments has the exclusive rights and access to these parts of the system.

The upgrade unambiguously requires development activities on the part of Pascher Instruments. The upgrade is unique from the perspective of existing technologies available and must be designed so that it is compatible with the current detection. Upgrade includes the fitting of the existing monochromator (Solar TII, Minsk, Belarus) with two CCD chips – this in itself requires extensive development activities, as an optical link of the output port of the monochromator with CCD detectors should be technically resolved.

The schemes of the output port of the monochromator have already been sent to Pascher Instruments Laboratory, so that the contact between the monochromator and CCD detectors could be developed. These chips are fitted with special electronics, which allows extremely fast reading of the signal from CCD chips and is synchronised with control electronics of our laser system (the electronics must be adapted to our primary laser Quantronix Integra-i).

Further the upgrade lies in the addition of two boards with electronics into the main control unit of the detection system, which currently controls data collection and the whole experiment in the single-wavelength mode. The last group of development activities is modification of current software for experiment control, so that the software could control the experiment in broadband detection mode, as the software must control our devices used in the experiment. Final adjustments and software tuning is carried out on the spot during the upgrade installation.

See Technical specification, Annex No. 3 of the tender documentation.

1. **The award period**

The award period is: 90 days.

1. **Terms and conditions, including the payment terms , eventually objective conditions under which it is possible to exceed the tender price**

Binding payment terms, delivery terms, guarantee conditions and conditions for sanctions are set out in the model Draft Contract, which is the Annex No. 4 of the tender documentation.

1. **Objective conditions under which it is possible to exceed the tender price**

The Contracting authority does not allow to exceed the tender price.

1. **Requirements for tenders**

The Contracting authority does not permit any variants of tenders.

1. **Requirements for processing the tender price**

The tenderer provides a sum tender price for the whole subject of the public contract in accordance with its terms.

* The tender price will be in EUR
* The tender price will be indicated in the following structure: the tender price without value added tax (VAT), separately VAT (VAT rate in relation to the subject matter of the performance of a public contract) and the tender price, including SALES TAX.
* The tender price will include all the costs associated with the implementation of the tender´s subject of the public contract.

1. **The requirements on the qualification**

A qualified supplier is:

a) a supplier who meets the essential qualifications,

b) a supplier who meets the professional qualifications.

**Supplier shall demonstrate compliance with the basic and professional qualification requirements by submitting an affidavit. Affidavit must be signed by a person authorized to act on behalf of the candidate.**

**In case where the law or authority in proof of qualification requires submission of an affidavit of compliance with supplier qualification, such a statement must contain the law and authority data required to meet the qualification requirements and must also be signed by a person authorized to act on behalf of the supplier. If a supplier is a person different from the person authorized to act on behalf of the supplier it must be submitted in the tender power of attorney in original or certified copy.**

1. **BASIC QUALIFICATION**

(a) has not been finally convicted of a criminal offence committed for the benefit of an organized crime group, of a criminal offence of participation in an organized crime group, legalisation of proceeds of criminal activity, accessoryship, taking bribes, bribery, indirect corruption, fraud, loan fraud, including the cases where they involve preparation for and attempts of complicity in such a criminal offence, or if the conviction on committing such a criminal offence has been expunged; this prerequisite shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by the statutory body or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, besides the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the economic operator both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,

(b) has not been finally convicted of a criminal offence, where the facts of the case are related to the object of business activities of the economic operator under separate legal regulations or where the conviction on committing such a criminal offence has been expunged; this condition shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by both such a legal person as well as the statutory body thereof or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, in addition to the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the economic operator both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,

(c) has not accomplished elements of unfair competition practices in the form of bribery under separate legal regulation

(d) is not or has not been subject to insolvency proceedings involving its assets, in which the declaration of bankruptcy has been issued or insolvency petition has not been rejected due to lack of assets on the part of the economic operator to cover the costs of insolvency proceedings, or the declaration of bankruptcy has not been set aside because of the economic operator´s insufficient property or in respect of which the receivership has been imposed on under separate legal regulation in the preceding 3 years,

(e) is not being wound up,

(f) has no outstanding tax arrears registered in tax records, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,

(g) has no outstanding arrears in respect of payments and penalties of public health insurance, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,

(h) has no outstanding arrears in respect of payments and penalties of the social security insurance and contribution to the State employment policy, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,

(i) has not been found guilty for grave professional misconduct in the preceding 3 years or has not been imposed a disciplinary punishment on under separate legal regulations, where demonstration of professional qualifications under separate legal regulations is required pursuant to § 54 (d); when the economic operator pursues such an activity through a person in authority or any other person liable for the activity of an economic operator, this prerequisite shall be applicable to those persons,

(j) is not enrolled on the black list of persons banned to participate in the performance of public contracts and

(k) has not been imposed any effective penalty on in the preceding 3 years for facilitating the performance of illegal work under separate legal regulativ.

**Supplier shall demonstrate compliance with the basic and professional qualification requirements by submitting an affidavit. Affidavit must be signed by a person authorized to act on behalf of the candidate**.

1. **PROFESSIONAL QUALIFICATIONS**

Professional qualifications meet the candidate who demonstrates:

a) Compliance with professional qualification proves contractor who submitted the certificate of incorporation, if it is registered, or an extract from a similar register, if it is registered.

b) Compliance with professional qualification proves supplier who provides proof of authorization to do business under special laws to the extent that the subject contract, in particular a document proving the business permission or license.

**Supplier shall demonstrate compliance with the basic and professional qualification requirements by submitting an affidavit. Affidavit must be signed by a person authorized to act on behalf of the candidate**.

1. **The method of evaluating tenders**

**The basic assessment criterion –** **the lowest tender price** **in EUR without VAT**

1. **The requirement to provide a security guarantee**

The Contracting authority does not require a security guarantee.

1. **Conditions and requirements for tender processing**

1) tender will be submitted in original, written in Czech or English language.

2) tender does not include transcripts and repairs that could mislead authority.

3) All sheets of the tender, including attachments are properly numbered in ascending numerical order and the tender will be secured against tampering.

4) The tenderer shall use the order of the documents specified in the following sections of this guidance for quotation:

1. **The Signed Draft Contract.**

The model of the Contract is Annex No. 4 of tender documentation. The Tenderer only makes up the missing data and the Contract signed by a person authorised to act on behalf of or for the Tenderer shall take part of the tender as the draft Contract. The contract and the content of the required conditions must correspond to the specification and content of the tender. If the contract does not conform to the specification and the other parts of the tender, or will not be signed by a person authorised to act on behalf of, or tenderer for, or the Contract will not be part of the tender at all, this will be the reason for the decommissioning of the tender and the exclusion of the Tenderer. If acting on behalf of or for the tenderer another person different from the person authorised to act, it must be included in the Contract power of attorney authorizing the person to act. This power of Attorney must be submitted in the original or in an officially certified copy thereof.

The part of the contract also will be technical specification of the subject meeting.

1. **Documents for proof of compliance with qualification** - referred to in the requirements for qualification. ***(Contracting authority recommends using Annex No. 2 of the TD.)***
2. **RIGHTS OF THE CONTRACTING AUTHORITY**

The contracting authority is entitled to cancel the contract before the conclusion of the tender procedure, in particular, provided that:

a) circumstances occur in which cannot be required to continue the proceedings (such authority shall not be granted funds from the OP R & DI for expenses associated with contract)

b) the selected supplier or. supplier of second, third, in turn, refused to enter into a contract or did not provide authority for its conclusion sufficient cooperation,

c) the contracting authority receives an offer from a single candidate

d) the contracting authority reserves the right to cancel the tender without giving any reasons.

1. **OTHER CONTRACTING AUTHORITI´S INFORMATION** 
   1. Submission of a tender confirms that he is bound by the entire contents of the accompanying menu, and throughout the course of the contract period.
   2. The applicant is not entitled to reimbursement of costs associated with participation in a public contract.
   3. Tenders will not be returned and remain the authority as part of the documentation of the procurement.
   4. Applicant acknowledges that Contracting authority shall comply with the requirements for publicity of the Structural Funds provided for in Article 9 of Regulation (EC) No 1828/2006 and the publicity rules in the OP and to all relevant documents relating to the procedure or process, ie in particular all contracts and other documents related to the contract. The applicant is required to comply with the publicity also in accordance with the Manual of uniform visual style, University of South Bohemia in Czech Budejovice. The applicant agrees to cooperate with the Authority in providing the above duties adequately and with due care.
   5. The applicant acknowledges that by signing the contract is a commitment to provide the necessary involvement in the exercise of financial control in accordance with § 2. e) Act No. 320/2001 Coll., on financial control in public administration. The applicant is therefore required to provide access to all authorized inspection authorities all the documents, proposals, contracts and related documents, including those which are protected by special laws (such as trade secrets, classified information), provided that they meet the requirements legislation (eg § 11 point. c) and d) § 12 paragraph 2 point. f) of the Act č.552/1991 Coll., the State Inspection, as amended). The duty to cooperate in the exercise of financial control in accordance with § 2. e) Act No. 320/2001 Coll., on financial control in public administration, as amended, are bound by any subcontractors of the contractor.
   6. The applicant acknowledges that, as contracting authority shall keep all documentation relating to the issue VZ least until the expiry of 3 years from the completion of the OP R & DI accordance with Article 90 of Council Regulation (EC) No 1083/2006, ie at least until 2021, if the Czech legal system does not provide for a longer period (minimally 10 years). MA OP RDI, or its authorized entities (and possibly other supervisory authorities pursuant to applicable law) to have access to documents on demand access.
2. **The next parts of the tender documentation - annexes**

Annexes:

* Annex 1 – Cover Sheet of the tender
* Annex 2 – Affidavit to Meet the Qualifications
* Annex 3 – Technical Specification (Specification of the Subject Performance)
* Annex 4 – Draft Contract

In České Budějovice date 29/04/2013

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Ing. Hana Kropáčková, Quaestor