



# **Invitation to submit a tender for a small-scale public contract, including procurement documentation**

**A small-scale public contract awarded outside Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to as the “Act”), in compliance with the principles specified in Section 6 of the Act and in accordance with the Rules for Applicants and Beneficiaries of the OP RDI – General Part, Version 4**

**A public contract entitled**

## **“A measuring apparatus for photon registration”**

The contracting authority of the public contract:  
With its registered office at:  
Represented by:

Mendel University in Brno  
Zemědělská 1665/1, 613 00 Brno  
Prof. Ing. Danuše Nerudová, Ph.D., Rector



Basic information about the public contract	
Name of the contracting authority:	Mendel University in Brno
Registered office:	Zemědělská 1665/1, 613 00 Brno
ID NO.:	621 56 489
VAT No.	CZ62156489
Data box ID:	85ij9bs
Person authorized to act on behalf of the contracting authority	Prof. Ing. Danuše Nerudová, Ph.D., Rector
Project coordinator, transaction originator:	Prof. Ing. Robert Pokluda, Ph.D.
Project Budget Manager:	Mgr. Bc. Ondřej Veselý
The transaction originator for the part funded from its own resources:	Doc. Ing. Pavel Ryant, Ph.D., Dean of the Faculty of AgriSciences, Mendel University in Brno
The manager of the budget funded from its own resources:	Ing. Jacqueline Vochozková, Secretary of the Faculty of AgriSciences, Mendel University in Brno
Contact person regarding technical matters:	Ing. Martin Šotnar, Ph.D.
Tel., E-mail:	+420 545 136 - 362/371, <a href="mailto:martin.sotnar@mendelu.cz">martin.sotnar@mendelu.cz</a>
Contact person regarding the public contract:	Bc. Zdeněk Bartl, Public Contract Administrator
Tel., fax:	+420 778 887 457
E-mail:	<a href="mailto:zakazky@mendelu.cz">zakazky@mendelu.cz</a>
Estimated value:	<b>CZK 1,255,372 excl. VAT</b>  The estimated value of the public contract has been set with regard to the maximum volume of funds reserved for this public contract; the submission of a tender with a price exceeding the estimated value of the public contract will be considered a failure to meet the requirements of the

	<p><b>contracting authority, leading to the cancellation of the small-scale public contract.</b>  <b>Economic operators may also submit their tenders in a currency other than CZK. In such a case, tender prices will be converted into CZK using the exchange rate published by Czech National Bank as of the date tenders are opened. This provision will apply to all instances when prices are indicated in the Invitation to Tender by the economic operator, including any Appendices, as well as to all instances where the currency (CZK) is indicated.</b></p>
<b>Subject matter of the public contract:</b>	supplies
<b>Division into lots:</b>	NO
<b>Type of public contract</b>	<p><b>A small-scale public contract within the meaning of Section 27 of the Act,</b>  <b>The contract is being awarded in accordance with the Rules for Applicants and Beneficiaries of the OP RDI – Methodological Letter No. 4, Article 12.1 (3)</b></p>
<b>The address of the contracting authority's profile where the procurement documentation is available:</b>	<p><a href="https://zakazky.mendelu.cz/contract_display_5153.html">https://zakazky.mendelu.cz/contract_display_5153.html</a></p>
<b>Sources of funding:</b>	<p>The performance of the public contract is partially funded from the EU Structural Funds: OP RDI – reg. no. CZ.02.2.67/0.0/0.0/16_016/0002366 - Infrastructure for competitive graduates of Mendel University in Brno and partly from the contracting authority's own resources.</p>
<b>Deadline for the submission of tenders:</b>	<b>By 16th August 2021, 10:00 AM</b>

## 1. Definition of the subject matter of the public contract and its estimated value

- 1.1 The subject matter of the contract is the supply of a measuring apparatus for the registration of photons emitted from biological materials. The basic principle of such apparatus is to place a sample in a measuring chamber which is thermally stabilized and shielded. In addition, the apparatus is equipped with a shielding system to periodically cover the photomultiplier to enable a correct determination of the noise level. This is particularly important when the intensity of the emitted radiation is residual, and the signal does not significantly differ from noise. The result of such measurement is the difference between the number of photons registered in the shielded chamber with and without the sample. Such measurement assumes that the amount of emitted photons is related to the content of biologically active substances contained in the examined sample.
- 1.2 The only suitable solution is the measuring apparatus made by Ecologia Sp. z o.o., Czestochowa, Poland, based on photomultiplier R10699 from Hamamatsu Photonics, which enables single-photon detection. This ensures the high degree of sensitivity of the instrument, which has been presented in several publications in professional journals (e.g. <https://doi.org/10.3390/app9122430>).

The apparatus itself will contain the following components:

- A shielded sample chamber



- A photon detector based on the Hamamatsu Photonics' R10699 photomultiplier
- The necessary accessory electronic equipment of the apparatus to ensure sufficient sensitivity for working with biological samples
- A photomultiplier cooling system
- Software for the collection and visualisation of measured data.

The measuring apparatus will be used to register photons emitted from various biological materials, assuming that the amount of photons emitted is related to the content of the biologically active material contained in the examined sample. Thanks to the solution from Ecologia Sp. z o.o., the apparatus will be flexible enough so that depending on the settings (e.g. sensitivity, temperature, etc.) it is possible to concentrate on studying different materials.

## 2. Time and place of performance of the public contract

- 2.1 The required delivery date of the subject matter of the contract is **within 20 weeks from the issuance of an order by the contracting authority in the SAP system**. The contracting authority states that if the economic operator does not confirm the order issued by the contracting authority via the SAP system, the order will be considered confirmed on the next working day. After executing the contract, i.e. after the contract has been entered into the register of contracts, the contracting authority will transfer the funds in the amount agreed upon in the contract to the economic operator's bank account. The economic operator will inform the contracting authority immediately after the funds have been credited and will provide the performance within the above time limit.
- 2.2 The place of performance is the registered office of the contracting authority: **Mendel University in Brno, The Institute of Agricultural, Food and Environmental Technology, Building Q, Zemědělská 1, 613 00, Brno; the contact person for receiving the performance under this public contract is Ing. Martin Šotnar, Ph.D.**

## 3. Calculation method used to determine the tender price

- 3.1 The tenderer will set the total tender price in Czech crowns, broken down in CZK excluding VAT, the amount of VAT in CZK, and the total tender price in CZK including VAT. If the tender is submitted in a different currency, the economic operator will indicate only the tender price excluding VAT.

## 4. Qualification requirements

- 4.1 Qualification documents will be submitted by the economic operator in plain copies and may be replaced by **a written affirmation** (see Annex 3 to this Invitation) for the purposes of submitting a tender, unless otherwise specified below.

### Basic qualification:

Economic operators who comply with the requirements set out in Section 74 (1)(a) to (e) of the Act meet the basic qualification. For the purposes of submitting a tender, the economic operator will demonstrate compliance with the basic qualification requirements by submitting a written affirmation, the recommended template of which is attached as Annex 3 to this Invitation to Submit Tenders.

### *Section 74 of the Act*

*An economic operator is not qualified if it:*

*a) has been convicted by a final judgment in the country of its registered office of any crime specified in Annex No. 3 to the Act or another similar crime pursuant to the laws of the country of*



*its registered office in the past five years preceding the commencement of this procurement procedure; expunged convictions are disregarded;*

*b) has any outstanding tax arrears registered in the tax records in the Czech Republic or in the country of its registered office;*

*c) has outstanding arrears with respect to payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,*

*d) has any outstanding arrears in respect of payments or penalties of social security contributions or contributions 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, receivership has been imposed on it under another legal regulation or it is in a similar situation pursuant to the laws of the country of its registered office.*

*If the economic operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in Paragraph 1(a). Where a legal person is a member of the governing body of the economic operator, the condition specified in Paragraph 1(a) will be met by:*

*a) such legal entity,*

*b) every member of the authorized representative of the legal entity, and*

*c) any person representing such legal entity in the authorised representative of the economic operator.*

*If the participant in this procurement procedure is a branch of:*

*a) a foreign legal entity, the condition under Section 1 (1) a) shall be met by such legal entity and the head of the branch,*

*a) a Czech legal entity, the condition under Section 1 a) will be met by persons specified in Section 2 and by the head of the branch.*

Professional qualification:

Economic operators who meet the requirements specified in Section 77(1) of the Act comply with professional qualification. For the purposes of submitting a tender, the economic operator will demonstrate compliance with the professional qualification requirements by submitting a written affirmation, the recommended template of which is attached as Annex 3 to this Invitation to Submit Tenders.

*Section 77 (1)*

*The economic operator may demonstrate its professional qualification in relation to the Czech Republic by submitting an extract of the entry in the Commercial Register or in any other similar register if an entry into such register is required by another legal regulation. Foreign economic operators will satisfy professional qualification requirements by presenting an equivalent document issued in the country of the economic operator's establishment.*

**4.2 As part of the tender, the economic operator will provide the contracting authority with confirmation of exclusive economic operator.**

## **5. Explanation of the procurement documentation**

5.1 Economic operators are entitled to ask the contracting authority to explain the award criteria in writing. A written request must be delivered to the contracting authority no later than 4 days before the time limit for submitting tenders has elapsed.

**The contracting authority will send an explanation regarding the procurement**



documentation, or related documents, no later than 2 business days after receipt of a request referred to in the preceding paragraph.

## 6. Business Terms and Conditions

- 6.1 As part of the procurement documentation, the contracting authority submits business terms and conditions in the form and structure of a purchase contract (hereinafter also referred to as the "Contract") – see Annex 1 to this Invitation.
- 6.2 The economic operator will complete any data necessary for the contractual relationship to be established in the draft contract submitted by the contracting authority (namely the economic operator's own details and tender price, or any other required information) and submit these completed business terms and conditions as a draft contract.
- 6.3 **In case of any comments regarding the content of the contract, the economic operator must deliver to the contracting authority a proposal to amend the content of the contract within the time limit for the submission of tenders stating what the amendment concerns, the proposed wording and the reason for the amendment. Acting through an evaluation committee, the contracting authority will then consider this amendment and either approve it and have the economic operator incorporate it into the contract or reject it and insist on the original wording of the contract.**

## 7. Basic instructions for the submission of tenders

- 7.1 Tenders must be submitted in the Czech language in writing, in electronic form via the E-ZAK electronic tool provided by the contracting authority (address of the contracting authority's profile [https://zakazky.mendelu.cz/contract\\_display\\_5153.html](https://zakazky.mendelu.cz/contract_display_5153.html)). The contracting authority recommends conducting a "search engine settings test" in the main menu of the E-ZAK electronic tool before submitting any tenders.

## 8. Requirements for the structure of a tender

At a minimum, each tender must include the following documents:

1. **The Cover Sheet of the Tender** (see Annex No. 2)
2. **Compliance with basic and professional qualification requirements, a sample written affirmation can be used** - Annex 3 to the Invitation.
3. **Completed Purchase Contract** (Annex No. 1),
4. **Confirmation by the economic operator of being the sole economic operator for the subject matter of the contract.**

## 9. Deadline for the submission of tenders, method of submission of tenders

- 9.1 The deadline for submitting tenders lapses on **16th May 2021 at 10:00**. Tender must be submitted by this date and hour.
- 9.2 **The economic operator will submit its tender via the E-ZAK electronic tool specified by the contracting authority (the profile address of the contracting authority [https://zakazky.mendelu.cz/contract\\_display\\_5153.html](https://zakazky.mendelu.cz/contract_display_5153.html)) within the time limit specified in 9.1 of this Invitation.**



## 10. Other information about the public contract

- 10.1 The public contract can be cancelled only before the conclusion of the contract at the latest. If the contracting authority cancels the public contract, the economic operator may not raise any claim against the contracting authority
- 10.2 Should the information that is specified in the tender change prior to the conclusion of a contract with the selected economic operator, the relevant economic operator is obliged to notify the contracting authority of such change(s) in writing and without delay. In case there is a change in the qualification of the economic operator, a procedure similar to Section 88 of the Act will be followed.
- 10.3 The contracting authority reserves the right to verify the information provided in the tenders of each economic operator with third parties, and each economic operator is obliged to assist the contracting authority in doing so.
- 10.4 Pursuant to Act No. 320/2001 Coll., on Financial Control, as amended, the selected economic operator is a person obligated to cooperate in financial control.
- 10.5 The selected economic operator must keep the documents related to the performance of the contract until 31 December 2033 and allow persons authorised to inspect the project (namely the provider, the Ministry of Labour and Social Affairs, the Ministry of Finance, the SAO, the Commission, the European Court of Auditors), from which the contract is paid, to inspect these documents.
- 10.6 The selected economic operator acknowledges the obligation that the entire contract is to be published on the profile of the contracting authority, and in the register of contracts pursuant to Act No. 340/2015 Coll., on special requirements for the effectiveness of certain contracts, the publication of such contracts, and on the register of contracts (The Act on the Register of Contracts) – compliance with this obligation is ensured by the contracting authority.
- 10.7 Other rights reserved by the contracting authority:
- to publish explanations about the procurement documentation on the profile of the contracting authority,



11.8 The contracting authority will process personal data, including special categories of personal data, only for the purposes of awarding the given public contract, whereas the contracting authority proceeds in compliance with the regulation of the European Parliament and of the Council (EU) 2016/679 of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) throughout the entire personal data protection process. Furthermore, the contracting authority will proceed in compliance with the generally binding legal regulations and internal regulations of the contracting authority on personal data protection. More information on personal data processing is available at the following website: [https://zakazky.mendelu.cz/document\\_download\\_27579.html](https://zakazky.mendelu.cz/document_download_27579.html)

## 11 Annexes to the procurement documentation

Annexes are an integral part of this Invitation to Submit Tenders:

Annex No. 1	Draft Purchase Contract
Annex No. 2	Cover Sheet of the Tender
Annex No. 3	A Written Affirmation Template (basic and professional qualification, technical qualification)

In Brno

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Prof. Ing. Danuše Nerudová, Ph.D.  
Rector of Mendel University in Brno