



Notice and Procurement documentation for a Small-Scale Public Contract to Award a Public Supply Contract in a Procurement Procedure in accordance with Sections 27 and 31 of the Act No. 134/2016 Coll. on Public Procurement, as amended

titled:

„FoS/UPOL – UV/Vis/NIR spectrometer“

Identification Data of the Contracting Authority:

Palacký University Olomouc
Head office: Křížkovského 511/8, 779 00 Olomouc, Czech Republic
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Account No.: 19-1096330227/0100
Rector: doc. JUDr. Michael Kohajda, Ph.D.
Contracting Authority's legal form: public higher education institution

Contact person for public contract matters: Mgr. Petra Vopálková
Telephone: +420 585 631 118, e-mail: petra.vopalkova@upol.cz

(hereinafter "Contracting Authority")

Method of Award: open invitation to tender

Contracting Authority's Profile: <https://zakazky.upol.cz>

Reference to the Contracting Authority's Public Contract:
<https://zakazky.upol.cz/vz00005647>

This Notice and Procurement documentation (hereinafter „Invitation to Tender“ or „ITT“) serves as a basis for the submission of tenders for a small-scale public contract to award a public supply contract pursuant to the provisions of Sections 27 and 31 of the Act No. 134/2016 Coll. on Public Procurement, as amended (hereinafter “Act”).

However, this public contract is not governed by this Act.

This Invitation to tender contains all the terms and conditions for the award of a public contract, which are also published in full on Contracting Authority's profile.

This public contract is entered electronically via certified electronic platform in accordance with Section 213 of the Act, available at <https://zakazky.upol.cz>.

Contracting Authority points out, that for full use of the electronic platform E-ZAK, it is necessary to fill out and complete registration in this electronic platform. For timely and proper familiarization with the documents sent by Contracting Authority via the electronic platform E-ZAK, as well as for proper and correct filling in of the contact information of the Economic Operator, Economic Operator is fully responsible. All documents sent via the electronic platform E-ZAK are considered delivered on the day when they are delivered to the user account of the documents addressee.

Conditions and informations related to the electronic platform E-ZAK are available in user's manual at <https://zakazky.upol.cz>. Contracting Authority recommends familiarizing with contents of the manual and also checking software setting of Economic Operators computer prior to submitting an offer.

Answers related to user controls of the electronic platform E-ZAK can also be provided by the Contracting Authority's Contact person for public contract matters (Mgr. Petra Vopálková, e-mail: petra.vopalkova@upol.cz).

1 Subject-Matter of the Public Contract

1.1 Subject-Matter of the Public Contract

The subject of the public supply contract is an UV/Vis/NIR spectrometer.

Subject of a public contract next to the delivery is also transport, installation, operator training and the provision of guarantee service. A detailed technical specification is indicated in Article 1 (1.2) of the ITT below.

CPV code:

38433000-9 Spectrometers

38000000-5 Laboratory, optical and precision instruments and equipment (excluding glass)

1.2 Technical Specifications

The subject-matter of the public contract shall be fully operational, new, non-refurbished, without any additional costs for the Contracting Authority.

Any necessary equipment enabling the full installation of the complete facility required shall be included in the supply, without any further interventions or costs for the Contracting Authority to achieve all the parameters required by the Contracting Authority in this ITT.

The equipment shall meet all requirements based on the technical and safety standards applicable in the Czech Republic for this type of device. The performance shall include the submission of complete documentation for the equipment.

The Supplier shall provide the guaranteed technical parameters to demonstrate compliance with the requirements of the Contracting Authority specified in this ITT; i.e. the Supplier shall provide a detailed technical specification of the offered performance and the exact (specific) designation of the offered goods.

The Supplier is obliged to comply with the technical requirements set out in this ITT, failing which it will be excluded from the tender procedure.

If this ITT, including all its annexes, contains requirements or references to business names, names or names and surnames, specific designations of products and services that apply to a certain supplier or his organizational component as distinctive, patents for inventions, utility models, industrial designs, protective trademarks or indications of origin, the Contracting Authority allows the use of other equivalent solutions.

The equipment must include all components listed below and must fulfil the following minimal requirements set by the Contracting Authority:

- wavelength range: 175 – 3300 nm;
- detectors: min. 2 (one for UV/Vis and one for NIR)
- spectral resolution: ≤ 0.05 nm for UV/Vis
 ≤ 0.2 nm for NIR
- wavelength accuracy: ≤ 0.08 nm for UV/Vis
 ≤ 0.4 nm pro NIR
- stray light: ≤ 0.00007 %T (50 mg/l NaNO₂, at 370 nm)
- wavelength reproducibility:
 ≤ 0.080 nm for UV/Vis (Deuterium lamp lines)
 ≤ 0.1 nm for NIR (Deuterium lamp lines)
 ≤ 0.005 nm (Standard deviation of 10 measurements UV/Vis)
 ≤ 0.02 nm (Standard deviation of 10 measurements NIR)
- photometric range: min. 8 A
- photometric reproducibility (NIST 930D filter, at 546.1 nm, 1 mm split, 2 s integration time, standard deviation for 10 measurements):
0.5 A ≤ 0.00008 A
1 A ≤ 0.00016 A
- nitrogen purging of measuring space

The delivery will include:

- an integrating sphere with diameter of at least 110 mm enabling measurement of transmission and relative reflectance of solid samples (powders, thin films);
- Peltier cell holder for optimal temperature-control of 1 liquid sample, temperature-control range 0-100 °C, includes internal stirrer (full software control of 1 sample);
- control unit (OS: Windows 11 LTSC) for measurement control and data recording, including software enabling instrument control and data analysis;
- software for spectrometer control, which must enable continuous data measurement in a specified time interval (kinetic measurement) in the wavelength range 200-2500 nm (with the possibility of measurement at selected wavelengths or in full wavelength range).

1.3 Estimated Value of the Public Contract

The estimated total value of the public contract is **2.500.000,00 CZK excluding VAT**.

1.4 Period of Performance

The date of concluding a purchase contract to perform a public contract is subject to the termination of the procurement procedure.

The installation at the place of performance shall be made within 5 months from the effective day of the purchase contract.

1.5 Place of Performance

The place of performance of the public contract is Palacký University Olomouc, Faculty of Science, Department of Inorganic Chemistry, 17. listopadu 1192/12, 779 00 Olomouc, Czech Republic.

1.6 Warranty and Service

The Supplier shall provide a warranty for quality performance, which may not be less than 24 months.

The Supplier shall guarantee a timely service intervention within the warranty period, i.e. defect detection and discussion of necessary service operations with a person authorized in technical matters on behalf of the Contracting Authority, during the warranty period no later than 6 working days from the date of notification of the defect by the Contracting Authority, namely by a visit by a service technician, the Contracting Authority also allows remote diagnostics, if this is possible due to the nature of the defect. During the warranty period, any respective defects shall be removed within 25 working days at the latest from the day of the defect removal commencement, whereas the day of the start of defect removal is the day of the service intervention, unless otherwise agreed in writing by persons authorised by Contracting Parties to act in technical matters.

Moreover, the Supplier undertakes to perform full service of the equipment supplied free of charge, including regular service inspections prescribed by the manufacturer of the equipment supplied throughout the whole warranty period (warranty service for the equipment supplied free of charge). The costs of performing the full warranty service for the goods supplied are included in the tender price submitted by the Supplier.

1.7 Conditions concerning the user support

The tender price must include basic operator training for the delivered device in the necessary scope for at least 3 persons in the scope of 1 working day (8 hours), which is a condition for proper delivery and acceptance of the goods.

All training shall take place at the place of the device installation, unless agreed otherwise in writing by the persons authorised by the contracting parties to act in technical matters.

All the costs related to the training as mentioned above (including the stay of service technicians or application specialists), are paid by the Supplier.

1.8 Parts of the public contract

The public contract is not divided into the parts.

2 Commercial and Payment Terms

As integral part of its tender, the Supplier is obliged to submit a draft contract. The draft contract submitted by the Supplier shall respect binding commercial terms specified in Annex 3 to this ITT.

The Supplier shall only fill in the missing data in the above-mentioned binding commercial terms. The missing data are highlighted and marked with a comment **(to be completed by the Supplier)**. The Supplier shall not amend the text of any other provisions of the binding commercial terms. If the Supplier amends, in any way, other provisions of the binding commercial terms, the Contracting Authority shall deem this to be a violation of the procurement terms and conditions resulting in the exclusion of the Supplier from the procurement procedure.

As required above, the Supplier shall designate the completed binding commercial terms as draft contract and, after it has been signed by a person authorised to act on behalf of / for the Supplier, insert it in the tender.

3 Supplier's Qualification

The Supplier is obliged to prove their qualification by no later than the time limit for the submission of tenders. Otherwise, The Supplier will be excluded from the tender procedure.

The Supplier shall prove the qualification by proving the compliance of

- a) basic qualification,
- b) professional qualification.

3.1 Proof of Basic Qualification

The Supplier shall prove the basic qualification by submitting **the Supplier's Affidavit of Basic Qualification**, the text of which is annexed as Annex 2 to this ITT.

3.2 Proof of Professional Qualification

The Supplier shall prove the professional qualification by submitting a copy of **an extract from the Commercial Register** or other similar records provided that registration if such records is required pursuant to another legal regulation – **the document shall not be older than 3 months from the date of the procurement procedure commencement**.

4 Evaluation of Tenders

The tenders of the public contract will be evaluated on the basis of their economic advantageousness.

The economic advantageousness of tenders will be evaluated on the basis of **the lowest tender price**.

The evaluation of tenders will be performed according to the absolute amount of the total tender price in CZK excluding VAT for the entire subject of the public contract. Tenders will be ranked in order from lowest to highest tender price. The lowest tender price in CZK excluding

VAT will be evaluated the best.

5 Requirements for the Single Method of Processing the Tender Price

The tender price shall be final and non-exceedable, submitted by the Supplier on the basis of this ITT. The tender price shall be expressed **in CZK excluding VAT**.

The price of the subject-matter of the public contract shall be determined as a final and non-exceedable price, shall be determined on the basis of a tender, shall be valid throughout the whole period of implementation of the subject-matter of the public contract and shall include all costs incurred by the Supplier in connection with the subject-matter of the public contract.

Proof of tender price:

The Supplier proves their tender price by providing the following data:

- indicating the tender price in the draft contract (Annex 3 to the ITT),
- indicating the tender price in the tender cover sheet (Annex 1 to the ITT).

In case of any differences between the tender price included in the tender cover sheet or in the tender price included in the draft contract, the price included in the draft contract shall be deemed as the tender price.

6 Submission of Tenders

6.1 Time Limit for the Submission of Tenders

Time limit for the submission of electronic tenders is **07 July 2025 at 09:00 a.m.**

Tenders are submitted in electronic form through an electronic tool E-ZAK, as specified by the Contracting Authority, available at <https://zakazky.upol.cz/vz00005647>.

6.2 Opening of the tenders

Opening a tender in electronic form shall be understood as granting access to the content of the tender to the Contracting Authority.

The Contracting Authority shall open tenders in electronic form immediately after the expiry of the time limit for the submission of tenders.

When opening electronic tenders, the Contracting Authority shall check that the tender has been received within the time limit and that it has not been tampered with before opening.

Because tenders can only be submitted electronically via Contracting Authority's electronic tool E-ZAK on the public contracts address, opening of the tenders submitted in paper form will not be happening.

7 Variants of Tenders

The Contracting Authority does not accept any variants of tenders.

8 Tender Content and Form

8.1 Tender Content

Tenders shall be submitted with the following structure:

- tender cover sheet with the Supplier's identification data and the total tender price (Annex 1 to the ITT),
- proofs of qualification:
 - Supplier's affidavit to proof basic qualification (Annex 2 to the ITT),
 - proof of professional qualification,
- draft contract signed by a person authorised to act on behalf of / for the Supplier, drawn up according to this ITT (Annex 3 to the ITT),
- proof of technical specification and guaranteed technical parameters of the subject-matter of the public contract tendered, including the exact (specific) designation of the goods tendered,
- tender price calculation,
- Supplier's affidavit signed by a person authorised to act on behalf of / for the Supplier (Annex 2 to the ITT).

8.2 Tender Form

The Supplier may submit only one tender.

If The Supplier submits more than one tender individually or together with other Suppliers, the Contracting Authority shall exclude this Supplier from further participation in the procurement proceedings.

The tender will be submitted in written form, electronically, in Czech, Slovak or English language.

9 Publication of Notification of Selection of the Supplier

The Contracting Authority reserves the right to publish a notification of selection of the Supplier by publishing the notification on the Contracting Authority's profile. In such case, the notification of selection of the Supplier shall be deemed to be delivered to all participants of the procurement proceedings upon its publication on the Contracting Authority's profile.

10 Publication of the Invitation to Tender

The Contracting Authority ensures unlimited and direct remote access to this ITT in full, as well as to its annexes, via the E-ZAK electronic tool on the Contracting Authority's profile: <https://zakazky.upol.cz>.

11 Publication of Explanation of Procurement Documents and Amendment of or Supplement to Procurement Documents

The Supplier is entitled to require the Contracting Authority to explain the procurement documents. The request shall be in writing, in Czech, Slovak, or English. The written request shall be received 3 working days before the expiry of the time limit for the submission of tenders at the latest.

The Contracting Authority shall provide the Supplier with an explanation of the procurement documents within 2 working days from the day of the receipt of the request, via the E-ZAK electronic tool. If the Contracting Authority provides an explanation in response to a request for an explanation that is not delivered on time, the Contracting Authority does not have to comply with the deadline specified in the previous sentence. If the request for an explanation is delivered on time and the Contracting Authority does not publish the explanation within the deadline according to the previous paragraph, he will extend the deadline for submitting tenders by at least as many working days as the time from the delivery of the request for an explanation of the procurement conditions to the publication of the explanation exceeded the deadline according to this paragraph.

The explanation of the procurement documents (without identification data of the asking Supplier) shall be also published on the Contracting Authority's profile and at the same time the Contracting Authority immediately notify all previously known Suppliers in writing via the electronic tool E-ZAK.

The Contracting Authority may also provide the Suppliers with a written explanation of the procurement documents via the E-ZAK electronic tool without a prior request.

If the Contracting Authority makes amendment or supplement to the procurement conditions, he will reasonably extend the time limit for submission of tenders according to the nature of the modification. In the event of such a modification to the procurement conditions, which may expand the range of possible Suppliers, the Contracting Authority will extend the time limit so that it is the entire original period for submitting tenders from the moment of the modification. The Contracting Authority shall publish the change of the time limit for submission of tenders on the Contracting Authority's profile and at the same time notify all known Suppliers in writing without delay. The change of the time limit for submission of tenders must be published before the expiry of the original time limit for submission of tenders.

The Contracting Authority is entitled to extend the time limit for submission of tenders even without changing the tender conditions.

12 Requirements for the person of the Supplier

12.1 Requirements arising from the Act No. 159/2006 Coll.:

According to the Section 4b of the Act No. 159/2006 Coll., on conflict of interests, as amended, the Contracting Authority is prohibited from awarding a public contract to a supplier who is a company in which the public official referred to in the Section 2 paragraph 1 letter c) of this act or a person controlled by it owns a share representing at least 25% of the partner's participation in the company.

For this reason, the Contracting Authority requires the Supplier to honestly declare that is not a supplier to which the above prohibition would apply. The Supplier shall therefore submit a written Affidavit in its tender, see Appendix No. 2 of the ITT.

12.2 Requirements in relation to the SITUATION REGARDING EU SANCTIONS ADOPTED AGAINST RUSSIA AND BELARUS (e.g. Council Regulation (EU) No. 269/2014 or 208/2014 or 765/2006):

The Contracting Authority requires the Supplier to honestly declare that neither he nor the supplier with whom he may submit a joint tender, nor his subcontractor is a person, entity or

body listed on the EU sanctions list in the annexes to these regulations, nor is he otherwise a sanctioned person. The Supplier shall therefore submit a written Affidavit in its tender, see Appendix No. 2 of the ITT.

13 Other Terms and Conditions

13.1 Contracting Authority's Rights

The Contracting Authority reserves the right to:

- amend the estimated period of the public contract implementation,
- verify the data included in tenders,
- refuse all tenders,
- cancel the procurement procedure before the conclusion of a contract without giving any reason,
- reduce, to an insignificant extent, the scope of the subject-matter of the public contract without giving any reason.

In accordance with Article 13 of the Regulation of the European Parliament and of the Council (EU) 2016/679 on the protection of natural persons in connection with the processing of personal data and on the free movement of such data (hereinafter referred to as "GDPR"), the Contracting Authority hereby informs the participants of the selection procedure of processing of personal data for the purpose of carrying out the tender procedure according to the Act. As part of the implementation of the tender procedure, the Contracting Authority may process the personal data of suppliers and their subcontractors (from among natural persons entrepreneurs), members of statutory bodies and contact persons of suppliers and their subcontractors, persons through whom the supplier's qualifications are proven, members of the supplier's implementation team and the actual owners of the supplier. The contracting authority will process personal data only to the extent necessary for the implementation of the tender procedure and only for the period specified by legal regulations, in particular the Act. Data subjects are entitled to exercise their rights according to Articles 13 to 22 of the GDPR in writing at the address of the Contracting Authority's registered office.

Suppliers shall not be entitled to reimbursement of costs associated with participation in the procurement procedure.

13.2 Annexes

The following annexes form an integral part to this ITT:

Annex 1 – Tender Cover Sheet

Annex 2 – Supplier's Affidavit

Annex 3 – Binding Commercial and Payment Terms

All documents are available in electronic form.

Olomouc, dated:

23. 06. 2025



UNIVERZITA PALACKÉHO OLOMOUČ
KŘÍŽKOVSKÉHO 5, 771 47 OLOMOUČ

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doc. JUDr. Michael Kohajda, Ph.D.
Rector of Palacký University Olomouc