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Palacký University  
Olomouc

## PROCUREMENT DOCUMENTATION

public supply contract awarded in the above-threshold regime setting up of a dynamic purchasing system

**Dynamic purchasing system of collection of chemical compounds for automated chemical libraries for the Palacký University Olomouc (2023-2026)**

in accordance with provisions of Section 138 et seq of Act No. 134/2016 Coll., Public Procurement Act, as amended

**Identification data of the contracting authority:**

Palacký University Olomouc

Legal Adress: Křížkovského 511/8, CZ-771 47 Olomouc, Czech Republic

Identification No.: 61989592

Tax Identification No.: CZ61989592

Bank: Komerční banka, a.s.

Rector: prof. MUDr. Martin Procházka, Ph.D.

Legal Form: public university (according to the Act No. 111/1998 Coll.)

Contact person for public contract matters: Mgr. Petra Vopálková

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Hereinafter referred to as "Contracting Authority"

**Type of procurement procedure:** restricted procedure

**Contracting Authority profile:** <https://zakazky.upol.cz>

**Reference to the Contracting Authority public contract:**

<https://zakazky.upol.cz/dns00000031>



## 1. PREAMBLE

This procurement documentation is prepared as a background in the details necessary for the processing and submission of the request to participate of suppliers within the Dynamic purchasing system of collection of chemical compounds for automated chemical libraries for the Palacký University Olomouc (2023-2026) (hereinafter also „DPS“) and sets the conditions for admission to the dynamic purchasing system (hereinafter referred to as „Procurement Documentation“). This Procurement Documentation is prepared in English.

This public contract is entered electronically via certified electronic tool in accordance with Section 213 of the Act, available at <https://zakazky.upol.cz>. All acts, including submitting required documentation, are done electronically and also all communication between Contracting Authority and suppliers in accordance with Section 211 of the Act is done via the electronic tool, including the request to participate in the DPS.

All documents sent via the certified electronic tool E-ZAK shall be deemed to have been duly delivered on the date of their delivery to the user account of the addressee of the document in the electronic tool E-ZAK. The delivery of a document shall not be affected by whether or not the document has been read by the addressee or whether or not the E-ZAK electronic tool has sent a notification to the addressee's contact e-mail address that a new message has been delivered to the addressee's E-ZAK user account.

The operator of the certified E-ZAK electronic tool can be contacted by e-mail: [podpora@ezak.cz](mailto:podpora@ezak.cz).

Supplier in the Procurement Documentation means, in accordance with the Act, a person offering to provide supplies, services or works or more than one of these persons jointly (hereinafter referred to as the „Supplier“ or „Economic Operator“).

The Supplier is required to familiarise itself in detail with this complete Procurement Documentation before submitting its request to participate in DPS and submitting evidence of its qualification. The Contracting Authority recommends that Suppliers check the attached files for error-free display and completeness before submitting all files via E-ZAK.

The Supplier may use this Procurement Documentation only for the purpose of processing the request to participate in this dynamic purchasing system.

The terms and conditions and information on the E-ZAK electronic tool are available in the user guides here <https://zakazky.upol.cz/manual.html>.

In order to fully benefit from all the possibilities of the E-ZAK electronic tool, the Supplier must register in the E-ZAK electronic tool at <https://zakazky.upol.cz/registrace.html>.



## 2. Classification of the subject of the public contract, estimated value of the public contract

### 2.1 Classification of the subject of the public supply contract

CPV code	Title
24300000-7	Basic inorganic and organic chemicals
24900000-3	Fine and various chemical products

The subject matter of specific public contracts awarded in the DPS will always be specified in the invitation to tender within the meaning of Section 141 of the Act.

### 2.2 Estimated value of the public contract

The estimated total value of the public contract for the entire duration is **CZK 30,000,000.00 excluding VAT**.

The DPS shall be implemented for a period of **36 months**.

The Contracting Authority envisages the award of public contracts in the DPS at irregular intervals not determined in advance, depending mainly on the operational needs of the Contracting Authority. Also, the volume of individual procurement contracts awarded in the DPS is expected by the Contracting Authority to range from units to tens of units in a specific procurement and cannot be predicted with certainty. Since the basic principle of public procurement is the efficient use of public funds and one of the sub-objectives is to achieve the lowest price, the expected volumes cannot be determined more precisely or financially.

## 3. Definition of the subject of the public contract and technical and commercial conditions

### 3.1 Subject of the public contract

The subject of public contracts in DPS will be groups of chemical substances in a suitable format for use in automated chemical libraries under the commercial and technical conditions specified by the Contracting Authority. This is a collection of chemical compounds that are either synthetic or derived from natural sources (nutraceuticals, phytochemicals) that will be stored in tubes or microtiter plates that have unique identifiers for easy tracking and retrieval. Each compound will be defined by a specific chemical structure, form (e.g. powder, solution with defined solvent) and purity level that is confirmed by the analytical data provided. Analytical data may include high performance liquid chromatography (HPLC) and/or high resolution mass spectrometry (HRMS) and/or nuclear magnetic resonance (NMR) spectroscopy, which are techniques that can separate, identify and quantify chemical entities. The subject matter is intended for use for research and development purposes in the fields of biotechnology and medicine.



The subject matter of specific public contracts awarded under the DPS will always be specified in the invitation to tender within the meaning of Section 141 of the Act.

### **3.2 Technical conditions**

The specific technical conditions required will be determined each time for individual public contracts awarded in the DPS within the meaning of Section 141 of the Act.

### **3.3 Terms and conditions**

The Contracting Authority requires the Supplier to undertake in the request for participation to respect the following basic commercial terms and conditions:

- payments will be made only after the contract has been completed, where appropriate the Contracting Authority will provide for partial performance and partial payments, the Contracting Authority will not provide advance payments,
- invoices are due 30 calendar days from the date of their proven delivery to the Contracting Authority,
- changes to the terms of the contract may only be made by written amendment to the contract in accordance with the Act,
- in the event of the Supplier's delay in delivering any part of the goods compared to the time agreed in the relevant contract, the Supplier shall be obliged to pay the Contracting Authority a contractual penalty of 0.2% of the purchase price excluding VAT for each and every calendar day of delay and for each case separately,
- place of delivery: individual departments of Palacký University in Olomouc (place of delivery always Olomouc, Czech Republic). The exact address of the place of delivery will be specified by the Contracting Authority in the individual public contracts awarded under the DPS.

Detailed commercial terms and conditions, including specific payment terms and delivery time will be determined for each individual public procurement awarded under the DPS within the meaning of Section 141 of the Act.

The commercial and payment terms shall be set out in standard purchase contracts pursuant to Act No. 89/2012 Coll., Civil Code, as amended.

### **3.4 Responsible procurement**

The Contracting Authority is interested in procuring public contracts in accordance with the principles of socially responsible procurement, environmentally responsible procurement and innovation. In addition to the emphasis on purely economic parameters, socially responsible procurement also takes into account the related impacts of the procurement, in particular in the areas of employment, social and labour rights, the environment and innovation. Aspects of



socially responsible public procurement will be taken into account in the calls for individual public contracts awarded in the DPS within the meaning of Section 141 of the Act.

#### **4. Place of delivery of individual public contracts awarded in the DPS**

The place of delivery of individual public contracts is Palacký University in Olomouc (Olomouc, Czech Republic), its individual departments. The exact address of the place of delivery will be specified by the Contracting Authority in the individual public contracts awarded under the DPS.

#### **5. Qualification of Suppliers**

A prerequisite for admission of a Supplier to the DPS is the proof of the Supplier's qualification:

**Qualification requirements will be met by Supplier who will provide in his request to participate in the DPS evidence of fulfillment of following:**

- (a) basic qualification according to Section 74 of the Act,**
- (b) professional qualification pursuant to Section 77 (1) of the Act.**

The Supplier shall submit a **copy** of the documents listed below in his request to participate in the DPS to demonstrate qualification. These documents **cannot be replaced by a written affidavit** pursuant to Section 86 (2) of the Act. However, the Supplier may always replace the required documents by the European Single Procurement Document.

The documents proving the basic qualification pursuant to Section 74 of the Act must prove that the required qualification criterion has been met **no later than 3 months before the date of the opening of the procurement procedure.**

If the Act or the Contracting Authority requires the submission of a document under the legal system of the Czech Republic, the Supplier may submit a similar document under the legal system of the state in which the document is issued.

A document that is drawn up in a language other than the language designated by the Contracting Authority for the submission of the request to participate shall be submitted with a translation into the language designated by the Contracting Authority.

If the required document is not issued under the applicable legal system, it may be replaced by a written affidavit.

Where the qualification was obtained abroad, it shall be proved by documents issued under the legal system of the country in which it was obtained, to the extent required by the Contracting Authority.

In accordance with Article 86 (1) of the Act, the Contracting Authority shall preferably require documents registered in the system that identifies documents to prove compliance with the qualification (e-Certis system) in order to prove qualification.



If, after the submission of the qualification documents, the Supplier's qualification change during the procurement procedure, the Supplier is obliged to notify the Contracting Authority of the change within 5 working days and to submit new qualification documents within 10 working days of notification of the change.

## **5.1 Proof of basic qualification**

**5.1.1** According to Section 74 (1)(a)-(e) of the Act, a Supplier is qualified if it

- (a) has not been convicted of a criminal offence listed in Annex 3 to the Act or a similar offence under the law of the country of the Supplier's domicile within the last 5 years prior to the commencement of the procurement procedure; spent convictions shall not be taken into account,
- (b) has no tax arrears due in the Czech Republic or in the country of its registered office,
- (c) has no outstanding insurance premiums or penalties for public health insurance payable in the Czech Republic or in the country of its registered office,
- (d) does not have any outstanding arrears of social security contributions or penalties and state employment policy contributions payable in the Czech Republic or in the country of its registered office,
- (e) is not in liquidation, has not been the subject of a bankruptcy order, has not been placed under receivership under another legal regulation or is not in a similar situation under the law of the country of the Supplier's seat.

**5.1.2** The Supplier demonstrates compliance with the conditions of basic qualification in relation to the Czech Republic set out in Section 74 (1) (a)-(e) of the Act in the form pursuant to Section 75 (1) (a)-(f) of the Act by submitting:

- (a) **an extract from the criminal record** (in relation to Section 74 (1) (a) of the Act),
- (b) **a certificate from the competent tax office in relation to the tax arrears** (in relation to Section 74 (1) (b) of the Act),
- (c) **a written affidavit in relation to excise duty** - see Annex 2 to this Procurement Documentation (in relation to Section 74 (1) (b) of the Act),
- (d) **a written affidavit in relation to the arrears of public health insurance premiums and penalties** - see Annex 3 to this Procurement Documentation (in relation to Section 74 (1) (c) of the Act),
- (e) **a certificate from the competent district social security administration in respect of any arrears of social security contributions or penalties** (in relation to Section 74 (1) (d) of the Act),
- (f) **an extract from the commercial register or a written affidavit in the event that he is not registered in the commercial register** (in relation to Section 74 (1) (e) of the Act).

If the Supplier is a legal person, the condition under Section 74 (1) (a) of the Act - an extract from the criminal record - must be met by the legal person and by each member of the statutory body.

If a member of the Supplier's statutory body is a legal person, the condition under Article 74 (1) (a) of the Act must be met by



- (a) that legal person,
- (b) each member of the statutory body of that legal person; and
- (c) the person representing that legal person in the Supplier's statutory body.

Where a branch of a factory participates in the procurement procedure

- (a) of a foreign legal person, the condition referred to in Section 74 (1) (a) of the Act must be fulfilled by that legal person and the head of the branch of the factory,
- (b) a Czech legal person, the condition referred to in Section 74 (1) (a) of the Act must be fulfilled by the persons referred to in Section 74 (2) of the Act and the head of the branch of the factory.

## **5.2 Proof of professional qualification**

The Supplier shall demonstrate compliance with professional qualification pursuant to Section 77 of the Act in relation to the Czech Republic by submitting **pursuant to Section 77 (1) of the Act - an extract from the Commercial Register, if registered therein, or an extract from another similar register, if another legal regulation requires entry in such register.**

## **6. Availability of the Procurement Documentation**

The Contracting Authority provides the Procurement Documentation, including all annexes, by publishing it on the profile of the Contracting Authority via the certified electronic tool E-ZAK: <https://zakazky.upol.cz>.

No persons other than the Contracting Authority participated in the preparation of the procurement conditions within the meaning of Section 36 (4) of the Act.

This Documentation does not contain information that would be the result of a preliminary market consultation within the meaning of Section 33 of the Act.

## **7. Evaluation criteria**

The evaluation of tenders will be carried out according to their **economic advantageousness** when awarding individual partial public contracts in the DPS in accordance with Section 141 of the Act.

**In accordance with Section 139 (4) (d) of the Act, the Contracting Authority lists a list of evaluation criteria, the content of which may be further specified in individual partial invitations to tender.**

**In accordance with Section 114 (2) of the Act, the economic advantageousness of tenders will be evaluated according to:**

- **lowest tender price**
- **qualitative criterion - purity of the chemical library substances**



- **qualitative criterion – quantity of chemical substances supplied in excess of the quantity required by the Contracting Authority as the non-negotiable limit**

## **8. Requirements for the processing and submission of the application for participation**

In accordance with the provisions of Section 139 (6) of the Act, the application for participation in the DPS contains data crucial for assessing compliance with the procurement conditions and thus whether the Supplier meets the conditions for admission to the DPS.

The Contracting Authority submits, as Annex 1 to this Procurement Documentation, a Participation Request Form containing the pre-filled requirements of the Contracting Authority that are relevant for the assessment of whether the Supplier meets the conditions for admission to the DPS.

Suppliers shall demonstrate compliance with all the requirements of the Contracting Authority, i.e. the requirements for inclusion of a Supplier in this DPS, by submitting the Request for Participation form (see Annex 1 to this Procurement Documentation) and documents to proof qualification as defined in Article 5 of this Procurement Documentation.

The request for participation is intended to enable the Contracting Authority to assess the fulfilment of the conditions for admission of a Supplier to the DPS, not to award a specific public contract in the DPS, and therefore the Contracting Authority notes that requests for participation will not be subject to evaluation.

**The request for participation must be made in full in writing in electronic form and in Czech, Slovak or English.**

**Request for participation and documents of qualification will be submitted exclusively electronically in accordance with Section 213 of the Act, via the electronic tool E-ZAK available at <https://zakazky.upol.cz/dns00000031>.**

**The deadline for the submission of requests for participation and documents of qualification shall be 16. 11. 2023 at 09:00 a.m.**

## **9. Assessment of requests for participation**

With regard to the provisions of Section 140 (1) of the Act, according to which the Contracting Authority shall allow any Supplier to submit a request for participation throughout the duration of the dynamic purchasing system, the Contracting Authority hereby draws attention to the fact that it is possible for Suppliers to submit a request for participation using the electronic tool E-ZAK (<https://zakazky.upol.cz>) at any time throughout the duration of the dynamic purchasing system in question.





The Contracting Authority will assess the requests for participation received in terms of compliance with the legal requirements and the requirements of the Contracting Authority set out in the Procurement Documentation.

Suppliers who have submitted a request for participation demonstrating compliance with the requirements set out in Article 8 of this Procurement Documentation will be admitted to DPS.

Any Supplier whose request for participation does not meet the above mentioned award criteria shall be immediately excluded by the Contracting Authority from participation in the procurement procedure and shall not be admitted to the DPS.

The Contracting Authority shall always give reasons for its decision to exclude a Supplier from DPS.

The exclusion decision shall not prevent the Supplier from submitting a new request for participation.

## **10. Variants of tenders**

The Contracting Authority will always specify whether it allows variations of tenders when awarding individual public contracts under the DPS.

## **11. Dividing the public contract into lots**

The Contracting Authority reserves the right, in accordance with Section 35 of the Act, to divide individual public contracts awarded under the DPS into lots.

## **12. Other conditions**

The Contracting Authority reserves the right to:

- cancel the procurement procedure in accordance with the Act,
- to verify the data submitted in the request for participation.

The Contracting Authority, as the administrator of personal data, hereby informs the participants of the procurement procedure about the processing of personal data for the purpose of the procurement procedure in accordance with the Act, within the meaning of Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as "GDPR"). The Contracting Authority may process personal data of Suppliers and their subcontractors (from among natural persons doing business), members of statutory bodies and contact persons of Suppliers and their subcontractors, persons through whom the Supplier proves qualification, members of the Supplier's implementation team and beneficial owners of the Supplier within the framework of the procurement procedure. The Contracting Authority will process personal data only to the extent necessary for the implementation of the procurement procedure and only for the period of time provided for by the legal regulations, in particular the Act. Data subjects are entitled to



exercise their rights under Articles 13 to 22 GDPR in writing at the address of the Contracting Authority registered office.

**Annexes are an integral part of this Procurement Documentation:**

- Annex 1 Participation Request Form,
- Annex 2 Written affidavit in relation to tax arerars on excise duty,
- Annex 3 Written affidavit in relation to payments and penalties of public health insurance.

In Olomouci on 16.10.2023

UNIVERZITA PALACKÉHO V OLOMOUCI  
rektorát  
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