



Tender documentation for **an above-threshold public contract for supplies** awarded in an open procedure pursuant to Section 56 et seq. of Act No. 134/2016 Coll., on Public Procurement, as amended by later regulations in accordance with the Guidelines for the award of contracts in the Operational Programme Environment and in the Operational Programme Just Transition for the period 2021-2027.

"Mobile automatic air quality monitoring station"

Contracting authority:

Institut lázeňství a balneologie, v. v. i.

Závodní 353/88, 360 06 Karlovy Vary

Company ID: 08122539



Attachments

1. Cover sheet of the tender
2. Affidavit of the participant proving part of the basic eligibility
3. List of significant deliveries – template
4. Technical specifications and price calculation
5. Terms and conditions – draft purchase agreement
6. Affidavit on conflict of interest and relationship with Russia

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1. PREAMBLE

This tender documentation (hereinafter also referred to as "TD") has been prepared in accordance with Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as the "Act" or "ZZVZ"), in accordance with the Guidelines for the award of contracts in the Operational Programme Environment and in the Operational Programme Just Transition for the period 2021-2027 (hereinafter referred to as the "Guidelines") and in accordance with other generally binding legal regulations. Rights and obligations not specified in this tender documentation are governed by the Act.

The public contract is co-financed from grant funds provided under the Operational Programme Just Transition 2021-2027 (hereinafter referred to as "OPST").

Project name: Spa Research Centre

Project registration number: CZ.10.01.01/00/22_001/0000261

The contractor is obliged to deliver any requests for clarification of the tender documentation to the contracting authority's representative (Advien tender s.r.o.) in writing (preferably via the contracting authority's electronic tool) no later than 8 working days before the deadline for submission of tenders.

The contracting authority shall settle the request for clarification of the tender documentation in accordance with Section 98 of the Act if it is sent in time in accordance with the previous sentence. If the request for clarification of the tender documentation is not sent at least 8 working days before the deadline for submission of tenders, the contracting authority is not obliged to provide this clarification.

When preparing their bids, participants must always comply not only with the requirements contained in the tender documentation, but also with the provisions of the relevant generally binding standards.

The information and data provided in the individual parts of this tender documentation and its annexes define the contracting authority's binding requirements for the supplier's participation in the tender procedure and for the performance of the public contract. The supplier is obliged to fully and without exception respect these requirements when preparing its tender and to accept them in its tender. Failure to accept the contracting authority's requirements set out in this tender documentation or in its explanation, amendment or supplement may be considered a failure to meet the tender conditions, resulting in the participant's exclusion from the tender procedure. By submitting their tender, participants in the tender procedure fully and unreservedly accept the tender conditions set out in this tender documentation and its annexes.

The supplier acknowledges that, given the nature and purpose of this public contract, the contracting authority is interested in complying with the principles of socially responsible procurement, environmentally responsible procurement and innovation within the meaning of the law, and the supplier is obliged to comply with these principles. Socially responsible procurement, in addition to emphasising purely economic parameters, also takes into account related impacts, particularly in the areas of employment, social and labour rights and the environment. When performing the public contract, the contracting authority requires the supplier to ensure, in particular, legal employment, fair working conditions and an adequate level of occupational safety for all persons involved in the performance of



the public contract. The supplier is obliged to ensure that its subcontractors also comply with this requirement of the contracting authority.

A representative of the contracting authority, Advien tender s.r.o., participated in the preparation of the tender documentation (preparation of the tender documentation, including annexes, except for the specification of the subject matter of the contract, technical specifications and annexes to the purchase contract).

2. INFORMATION ABOUT THE CONTRACTING AUTHORITY

2.1. Basic information

Contracting authority	Institut lázeňství a balneologie, v. v. i.
Registered office:	Závodní 353/88, 360 06 Karlovy Vary
Company ID	08122539
VAT	CZ08122539
represented by	Ing. Alina Huseynli, MBA

2.2. Authorised representative of the contracting authority

The representative acting on behalf of the contracting authority in accordance with Section 43 of the Act is Advien tender s.r.o., with its registered office at Bezručova 81/17a, 602 00 Brno, Company ID: 29315719.

2.3. Contact persons

The contact person for all questions is the person authorised to perform the contracting activities – Advien tender s.r.o., e-mail: vz@advientender.cz .

For further information, please contact:

Mgr. Darja Kosmáková, tel.: +420 603 494 433, e-mail: vz@advientender.cz .

2.4. Profile and electronic tool of the contracting authority for the receipt of tenders

The contracting authority uses an electronic tool within the EZAK server (hereinafter also referred to as the "tool" or "EZAK") to receive tenders, which also serves as the contracting authority's profile.

The contracting authority's electronic tool is available at https://ezak.kr-karlovarsky.cz/profile_display_4677.html .

3. SUBJECT OF THE CONTRACT

The subject of this public contract is the supply of a mobile automatic air pollution monitoring station – trailer version in accordance with the specifications in Annex 4 of the tender documentation. – Technical Specification and Price Calculation, and under the conditions set out in the other annexes to this tender documentation, in particular Annex No. 5 of the Tender Documentation – Purchase Agreement.

The automatic mobile air pollution monitoring station is necessary for the implementation of research activities within the framework of the study of the spa therapeutic landscape for the monitoring of meteorological parameters in the spa landscape and its environment.

The subject of the contract also includes:

- delivery in accordance with the requirements of the contracting authority contained in Annexes 4 and 5 of the tender documentation;
- transport to the place of performance;
- a warranty period of at least 24 months from the date of delivery;
- installation, assembly and implementation, if necessary for the delivery to be fully operational;
- delivery of instructions and manuals for the operation and maintenance of the goods (manuals);
- training of the contracting authority's employees for a minimum of four (4) working days;
- commissioning of the purchased goods, including testing and verification of correct functionality, adjustment if necessary, demonstration of full functionality, trial operation, provision of instructions for operation, obtaining all public authority decisions and permits necessary for putting the goods into full operation;
- provision of warranty service for the duration of the warranty period;
- disposal of packaging and waste in accordance with the provisions of the relevant legislation governing waste management.

The subject of this public contract is not the purchase or provision of a vehicle for transporting the mobile automatic air pollution monitoring station (the supplied measuring trailer including all supplied equipment and accessories) to the measurement site. The vehicle for transporting the mobile automatic air pollution monitoring station to the measurement site shall be provided by the contracting authority. In this regard (for the purposes of ensuring that the contracting authority provides a suitable vehicle), the tenderer shall state the total maximum weight of the measuring trailer, including all supplied equipment and accessories, in tonnes in Annex 4 to the tender documentation.

The contracting authority also requires **a guarantee of after-sales service and the availability of spare parts for at least 5 years after the expiry of the warranty period**. The after-sales service itself and the availability of spare parts after the expiry of the warranty period are not the subject of this public contract and their potential price must therefore not be included in the tender price.

The total estimated value of the public contract is CZK 5,661,157.02 excluding VAT (i.e. EUR 230,175.12 excluding VAT).



Classification of the subject matter in accordance with Regulation (EC) No 2195/2002 of the European Parliament and of the Council and Commission Regulation No 213/2008:

Subject	CPV
Installation and assembly of measuring, control, testing and navigation instruments	51200000-4
Testing and measuring machines	3

4. TIME AND PLACE OF PERFORMANCE OF THE CONTRACT

Time The contracting authority requires the latest date for delivery of the subject of the public contract to be within **24 weeks** of the purchase contract coming into effect (for more details, see Annex No. 5 of the tender documentation).

Expected date of contract signing – September 2025 (immediately after the conclusion of the procurement procedure).

Place of performance The contracting authority's main place of business at the address: Institut lázeňství a balneologie, v. v. i., Smetanovy sady 1145/1, 360 01 Karlovy Vary.

5. CRITERIA FOR EVALUATING TENDERS

Tenders submitted will be evaluated in accordance with Section 114 of the Act according to the criterion of economic advantage of the tender, i.e. according to **the lowest bid price**. The total tender price in EUR excluding VAT stated in Annex 4 of the tender documentation – Technical Specification and Price Calculation – will be evaluated. The most advantageous tender price has the lowest value. The most advantageous bid is the bid with the lowest total bid price in EUR excluding VAT from all bids submitted.

6. CONTRACTING AUTHORITY'S REQUIREMENTS FOR PROOF OF QUALIFICATION

6.1. Basic qualification

Pursuant to Section 74 of the Act, a supplier is eligible if:

- who has not been convicted in the country of its registered office in the last 5 years prior to the commencement of the procurement procedure for a criminal offence listed in Annex 3 to Act No. 134/2016 Coll., on public procurement, or a similar criminal offence under the legal system of the country of the supplier's registered office; expunged convictions shall not be taken into account,



- b) who has no outstanding tax arrears recorded in the tax records in the Czech Republic or in the country of its registered office;
- c) who has no outstanding insurance or public health insurance penalties in the Czech Republic or in the country of its registered office,
- d) who has no outstanding social security contributions or penalties or contributions to state employment policy in the Czech Republic or in the country of its registered office,
- e) is not in liquidation, has not been declared bankrupt, has not been placed under compulsory administration under another legal regulation or in a similar situation under the legal system of the country of the supplier's registered office.

The supplier shall prove that it meets the basic eligibility requirements by submitting the documents specified in Section 75 of the Act:

- a) an extract from the Criminal Register in relation to Section 74(1)(a) of the Act,
- b) confirmation from the relevant tax office in relation to Section 74(1)(b) of the Act,
- c) a written declaration in relation to excise duty in relation to Section 74(1)(b) of the Act,
- d) a written affidavit in relation to Section 74(1)(c),
- e) confirmation from the relevant social security administration in relation to Section 74(1)(d),
- f) an extract from the Commercial Register, or by submitting a written affidavit if not registered in the Commercial Register, in relation to Section 74(1)(e) of the Act.

A sample affidavit for proving certain parts of basic eligibility, in which the law requires proof of basic eligibility by means of an affidavit, is attached as Annex 2 to this tender documentation.

6.2. Professional qualification

The supplier shall prove its professional competence by submitting:

- a) an extract from the Commercial Register or other similar register – see Section 77(1) of the Public Procurement Act; and
- b) proof of authorisation to conduct business in accordance with special legal regulations to the extent corresponding to the subject of the public contract, i.e. proof of the relevant authorisation or licence for: **"Production, trade and services not listed in Annexes 1 to 3 of the Trade Licensing Act"** or other similar authorisation or licence.

6.3. Economic qualification

Not required by the contracting authority.

6.4. Technical qualification

The supplier shall prove its technical qualification by submitting:

- a) Pursuant to Section 79(2)(b) – a list of significant deliveries made in the last 5 years prior to the commencement of the procurement procedure, including the price and date of delivery and identification of the customer.

Method of proving fulfilment of these qualification requirements

Pursuant to Section 79(2)(b) of the Act, the participant shall demonstrate fulfilment of the technical qualification requirement by submitting a list of **significant deliveries** demonstrating fulfilment of the minimum level of the qualification requirement specified below. The participant shall include at least the following information in the list of significant deliveries:

- name and identification details of the customer,
- the contact person of the contracting authority and their contact details (email, telephone), where the contracting authority can verify the information provided by the participant,
- description of the subject matter of the reference contract,
- the date of completion (delivery) of the reference contract, and
- financial volume of the completed reference contract in CZK without VAT.

The participant is entitled to use the sample form attached as Annex 3 to this tender documentation to compile the list of significant deliveries.

The supplier meets the relevant qualification requirement if it includes the following in the list of reference contracts:

- At least **one (1) contract** of a similar nature to the subject of this public contract, i.e. the supply of an automatic emission monitoring station, with a minimum financial value of **CZK 2,500,000 excluding VAT**.

Note: The contracting authority stipulates that for all documented significant contracts in which the participant (entity proving qualification – member of an association, subcontractor) is not the general contractor for the contract, a statement of its share in the performance of the contract must also be included, whereby only the value and nature (subject matter) of the share in the performance of the contract relating to its subject matter may be recognised as a significant contract.

Note: In the case of an ongoing contract, the supplier shall meet the requirements for the relevant major contract only if such contract meets all the above parameters on the date of the affidavit and this fact is evident from the affidavit submitted.

Note: If the financial value of the reference contract is stated in a currency other than CZK, the value in the foreign currency shall be converted to CZK according to the published exchange rate of the Czech National Bank (mid rate) on the date of submission of the tender.

6.5. Additional requirements for proof of qualification

In accordance with Section 86(2) of the Public Procurement Act, the contracting authority stipulates that the submission of documents in the tender may not be replaced by a written declaration of honour.

When submitting the required documents, participants shall comply with the provisions of Section 45 of the Act.

Participants may also prove their qualifications and eligibility to the extent that the information provided covers the contracting authority's requirements by means of a single European certificate, an extract from the system of certified suppliers or an extract from the list of qualified suppliers. The contracting authority's requirements that cannot be proven by submitting these lists (certificates) must be proven by the supplier by submitting the required documents.

The supplier may prove a certain part of its professional competence (with the exception of § 77(1) of the Act) or technical qualifications through other persons. In such a case, the supplier is obliged to submit the documents referred to in § 83(1) of the Act to the contracting authority.

With regard to the authenticity and age of documents, the supplier shall comply with the provisions of Section 86 of the Act, whereby documents proving basic eligibility pursuant to Section 74 of the Act must prove that the required eligibility criteria have been met no later than 3 months prior to the date of commencement of the procurement procedure.

If there is a change in the qualification of a participant during the procurement procedure, the participant in the procurement procedure shall be obliged to proceed in accordance with Section 88 of the Act.

Joint participation of suppliers

In the case of joint participation of suppliers, each supplier shall prove its basic eligibility and professional competence in accordance with Section 77(1) separately.

Participants submitting a joint bid are required by law to attach to the bid a partnership agreement or other similar document containing a commitment that all these suppliers will be jointly and severally liable to the contracting authority and third parties for any legal relationships arising in connection with the public contract, for the entire duration of the public contract and for the duration of any other obligations arising from the public contract.

Proof of qualification through another person (subcontractor whose qualification is proven)

In addition to the above activities, the supplier may prove a certain part of its professional competence (with the exception of the criteria under Section 77(1) of the Act) or technical qualifications through other persons.

Where the supplier proves a certain part of its professional competence (with the exception of the criteria under Section 77(1) of the Act) or technical qualifications through another person, it is obliged to submit to the contracting authority the documents under Section 83(1) of the Act to the following extent:

- basic eligibility of another person (analogously to Section 74(1), (2) and (3) of the Act),
- the professional competence of another person shall be demonstrated by the supplier by submitting an extract from the commercial register of another person (if the other person is registered in the commercial register),
- the missing part of the qualification which this other person proves on behalf of the supplier,
- a contract or other confirmation signed by another person confirming its existence, the content of which is the commitment of another person to provide the performance intended for the performance of the public contract or to provide the goods or rights which the supplier will be entitled to dispose of in the performance of the public contract, at least to the extent to which another person has proven the qualification for the supplier.

7. TERMS AND CONDITIONS

7.1. Draft contract

As part of the tender documentation, the contracting authority shall submit the terms and conditions in the form and structure of a draft purchase contract (Annex No. 5 to the tender documentation). The participant shall add the information necessary for the creation of the draft contract (in particular the supplier's own identification) to the terms and conditions and shall also add the information in the terms and conditions marked for completion by the supplier as "(to be completed by the seller)", and shall submit the terms and conditions thus completed as its draft contract. All other changes to the draft purchase agreement, except as specified above, are not allowed and may result in the participant being excluded from the tender procedure.

The draft contract must not exclude or in any way restrict the rights or requirements of the contracting authority as set out in this tender documentation.

The contracting authority is referred to as the buyer in the terms and conditions, and the participant is referred to as the seller.

The participant shall prepare and submit the following with the tender:

- **Technical specifications and price calculation** (Annex 4 to the tender documentation) - The participant shall prepare the required technical specifications of the subject of performance and price calculation by completing Annex 4 to the Terms and Conditions, in which they shall always specify the manufacturer and type of the offered device/equipment/goods, the purchase price and additional parameters of the offered performance.

For "yes/no" parameters, each participant must offer a product that meets all these parameters (by stating "YES" if the parameter is met or "NO" if it is not met by the product offered – the participant shall leave only one option from the "YES/NO" options for each parameter). If the information provided does not meet any of the required parameters (technical specification requirement), the participant's tender may be excluded from the procurement procedure.

If the column marked "Value of the parameter for the subject of performance offered by the participant" contains **[to be completed by the seller]**, the participant shall specify the specific value of the device/equipment/goods offered by them for the requirement to which it relates.

The participant is obliged to fill in all cells (items) highlighted in yellow in Annex 4 of the tender documentation. If the individual parameters of the supplied equipment do not correspond to the required parameters or if not all parameters are filled in by the participant, the participant may be excluded from the selection procedure.

The participant is obliged to attach a product sheet or technical description or instructions for the offered device/equipment/product to the completed Technical Specifications and Price Calculation, from which the basic parameters of the offered subject of performance and also the certificates whose submission is specified in the annex will be clear.

The completed technical specifications and price calculation shall become an integral part of the purchase contract as Annex No. 1.

If the participant fails to submit the above-mentioned documents, they may be excluded from the tender procedure by the contracting authority.

7.2. Method of processing the offer price

- The bid price shall be stated in euros (EUR) and shall be processed by completing Annex No. 4 of the tender documentation – Technical Specification and Price Calculation. The completed Annex No. 4 to the tender documentation – Technical Specification and Price Calculation – shall become Annex No. 1 to the purchase contract. The supplier is obliged to fill in all items (cells) of the table highlighted in yellow in Annex No. 4 to the tender documentation. The participant is not entitled to make any further changes, additions or modifications to Annex No. 4.
- The supplier shall set the tender price as the total price for the entire performance of the public contract, including all related activities. The supplier shall set the tender price as the total price for the delivery of the required equipment/means/products in accordance with the technical specifications contained in Annex 4 to the tender documentation. This price shall include all costs necessary for the performance of the contract and shall be set as **the "maximum permissible price"**.

7.3. Other tender conditions

Conditions for conflict of interest

The contracting authority sets as a condition for participation in the tender procedure the requirement that the tenderer's tender complies with Section 4b of Act No. 159/2006 Coll., on conflicts of interest, as amended, in particular Act No. 14/2017 Coll. (hereinafter referred to as the "Conflict of Interest Act"), and further in accordance with Regulation (EU) 2018/1046 of the European Parliament and of the

Council, Part One, Financial Regulation, Title IV, Implementation of the budget, Article 61, Conflict of interest (hereinafter referred to as the "Financial Regulation").

The participant in the tender procedure shall confirm by a solemn declaration included in the tender that it is not a commercial company pursuant to Section 4b of the Conflict of Interest Act, which is not allowed to participate in a tender procedure for the award of a public contract, and that neither it, as a participant in the tender procedure, nor any of its subcontractors is in a conflict of interest pursuant to the Financial Regulation.

A template for the declaration of honour is included in the tender documentation as Annex 6 to the tender documentation.

If, during the tender procedure, the contracting authority finds that a participant in the tender procedure or its subcontractor is in a conflict of interest, it shall exclude the participant from further participation in the tender procedure.

Conditions for restrictive measures in view of Russia's actions destabilising the situation in Ukraine

According to EU Council Regulation 2022/576 (hereinafter referred to as the "Regulation"), Article 5k, with immediate effect, the contracting authority is prohibited from awarding or continuing to perform a public contract if the public contract is to be performed:

- a) Russian nationals, natural or legal persons, entities or bodies established in Russia,
- b) legal persons, entities or bodies that are more than 50% directly or indirectly owned by any of the entities referred to in point (a), or
- c) suppliers acting on behalf of or at the direction of any of the entities referred to in point (a) or (b),

including subcontractors, suppliers or entities whose eligibility is used within the meaning of the public procurement directives, if they represent more than 10% of the contract value, or together with them.

The contracting authority shall set as a condition for participation in the procurement procedure the requirement that the supplier proves in its tender, in the form of a solemn declaration, that it is not a supplier within the meaning of Article 5k of the Regulation and at the same time does not prove its eligibility through a subcontractor who would be a supplier within the meaning of Article 5k of the Regulation and would participate in the performance of the public contract with more than 10% of the contract value.

A template for the declaration of honour is included in the tender documentation as Annex 6 to the tender documentation.

If, during the procurement procedure, the contracting authority discovers that a participant in the procurement procedure or its subcontractor is a supplier pursuant to Article 5k of the Regulation, it shall proceed in accordance with Section 48a of the Public Procurement Act.

8. REQUIREMENTS FOR THE CONTENT STRUCTURE AND FORM OF THE TENDER

8.1. Method and form of processing the tender

Tenders shall be submitted in writing, in electronic form via the electronic tool *EZAK*, no later than the deadline for submission of tenders, i.e. **by 10:00 a.m. on 29 September 2025.**

The contracting authority recommends that suppliers monitor the public contract address on an ongoing basis.

All documents must be in Czech or English (the contracting authority does not exclude the application of Section 45(3) of the Act) and must be clearly legible. No document may contain corrections or rewrites that could mislead the contracting authority.

The tender must be assigned to the specific public contract of the contracting authority for which the tender is prepared.

Delivery via an electronic tool is the moment of receipt of the data message at the electronic address of the addressee or addressees of the data message in the electronic tool. The supplier is responsible for the timely submission of the tender.

8.2. Requirements for the uniform layout of written tenders

The participant shall compile the tender in the order specified below:

- a) Cover sheet of the tender,
- b) Documents proving fulfilment of the qualification requirements,
- c) Draft purchase contract meeting the requirements of Article 7 of the tender documentation,
- d) Annex No. 1 to the purchase contract – Technical specifications and price calculation (Annex No. 4 to the tender documentation, duly completed),
- e) Product sheet or technical description or instructions for the offered device/equipment/product,
- f) Completed and signed declaration of conflict of interest and relationship with Russia, a binding template of which is attached as Annex 6 to this tender documentation (the participant is obliged to complete and submit a completed and signed declaration of conflict of interest and relationship with Russia EU as part of their tender in accordance with the binding template in Annex 6 of this tender documentation);
- g) Other documents required by the contracting authority in the tender documentation (e.g. power of attorney).

9. OPENING OF TENDERS

The opening of electronically submitted tenders will take place in accordance with Section 109(1) of the Act after the deadline for the submission of tenders has expired, without the presence of the participants in the tender procedure.

9. AWARD PERIOD

The award period shall be four (4) months and shall begin at the end of the time limit for the submission of tenders.

10. REQUIREMENT FOR PROVISION OF SECURITY

The contracting authority does not require any security.

11. RESERVATIONS OF THE CONTRACTING AUTHORITY

The contracting authority will not reimburse participants for any costs associated with participation in the tender procedure. These costs shall be borne by the participants themselves. This provision does not affect the obligations of the contracting authority under Section 40(7) of the Act.

The contracting authority reserves the right to cancel the tender procedure for the reasons specified in the Act.

The contracting authority reserves the right to cancel the tender procedure if it does not receive financial support under the OPŽP.

The contracting authority hereby informs the supplier that, pursuant to Act No. 320/2001 Coll., on financial control, as amended, the selected supplier is a person obliged to cooperate in the performance of financial control.

The contracting authority reserves the right to make changes or additions, in particular to correct errors or omissions in this tender documentation, until the deadline for submission of tenders.

The contracting authority reserves the right to verify the information contained in the supplier's tender with third parties.

As the personal data controller, the contracting authority informs the data subjects from whom it has received a tender that personal data is processed solely for the purpose of fulfilling the legal obligations laid down in Act No. 134/2016 Coll., on public procurement, as amended.

12. ADDITIONAL TERMS AND CONDITIONS OF THE TENDER PROCEDURE

The contracting authority does not allow alternative solutions.

The contracting authority does not allow partial performance.



In Karlovy Vary on (according to the electronic signature)

Ing. Alina Huseynli, MBA

Director of the Institut lázeňství a balneologie, v. v. i.