

TENDER DOCUMENTS

Cool test - project One Box

**THIS IS NOT A CONTRACT UNDER ACT NO 134/2016 COLL. on the award OF
PUBLIC CONTRACTS**

**THE CONTRACT FOLLOWS THE METHODOLOGICAL GUIDELINE "RULES
FOR THE SELECTION OF SUPPLIERS IN OP PIK, REFERENCE NUMBER MPO
499465/20/61010/61000, valid from 3.12 2020, effective from 10. 12.2020"**

In Frenštát p. R., 06.10.2021


.....
Libor Kývala
Based on the power of attorney

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1 INTRODUCTION AND IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 The contracting authority of this tender (hereinafter referred to as "VŘ") and the future client is:

Name of contracting authority: Vitesco Technologies Czech Republic s.r.o.
IM: CZ07574622
Registered office of the contracting authority: Volanovska 518, 541 01 Trutnov, CR
Address:
Vitesco Technologies Czech Republic s.r.o.; Kopanská 1713;744 01 Frenštát pod Radhoštěm

Authorised person to act on behalf of the contracting authority:
Libor Kývala

Contact person:
Jan Kyzek / PUR PE&ES/ +420 733 167 093 / jan.kyzek@vitesco.com

Contracting authority profile: <https://www.vhodne-uverejneni.cz/profil/vitesco-technologies-czech-republic-s-r-o>

1.2 Subject of the selection procedure

The tender documents are prepared as a basis for submitting tenders of participants in the framework of **the tender for the delivery of the "Cold test – project One Box"** promised under the OPPIK subsidy programme.

A more detailed specification of the subject matter of the contract is contained in Annex 2 to this procurement documents (TD).

Legal and natural persons approached to submit a tender are referred to as "entrant" or "supplier" for the purposes of this contract, Vitesco Technologies Czech Republic s.r.o., announcing the award of this contract is referred to as the "contracting authority".

The tender documents shall be provided only for the purpose of processing the tender for the purpose of awarding the contract, the tenderer shall not be entitled to use it for any other purpose.

Where specific technical or trade names are included in the procurement documents or annexes therein, this is only a definition of the required standard. **The contracting authority declares that it will allow other**, qualitatively and technically similar solutions to be used for the performance of the contract, provided that the tenderer offers them and meets the contracting authority's quality requirements.

The tenderer shall demonstrate in his tender a clear description that the equipment offered fully complies with the specified requirements of the contracting authority and meets each parameter required.

2 REQUIREMENTS FOR FULFILLING THE QUALIFICATION OF THE STUDENT

2.1 Basic eligibility

The participant shall prove his/her basic competence by affidavit – see Annex 8 to the TD.

2.2 Professional competence

2.2.1 The fulfilment of professional competence shall be demonstrated by a participant who:

- a) an extract from the Commercial Register, if it is entered in it, or an extract from another similar register, if it is entered in it. The extract from the Commercial Register may not be more than 3 months old at the date of the opening of the competition.
- b) proof of business licence under special legal regulations to the extent corresponding to the subject-matter of the contract, in particular a document proving the relevant trade licence or licence (e.g. extract from the Trade Register, etc.).

The participant shall provide the required documents in a simple copy.

The contracting authority shall have the right to request the production of originals or certified copies of documents from the selected supplier before signing the contract for the performance of the contract.

2.3 Economic qualifications

2.3.1 The contracting authority shall require that the minimum annual turnover of the tenderer or the turnover achieved by the tenderer with regard to the subject-matter of the contract be at least the proposed value of the contract.

2.3.2 The participant shall prove the turnover by a profit and loss account or similar document in accordance with the law of the country of residence of the participant for the last 3 immediately preceding financial years; if the participant arose at a later date, it is sufficient if it submits information on its turnover in the required amount for all financial years since its inception.

2.4 Technical qualification

2.4.1 The participant proves compliance with the technical qualification by submitting a list of at least 5 reference contracts in the last 3 years of a similar nature to the subject of the contract, i.e. **delivery of cold test - project One Box.**

2.4.2 The list of reference orders will be with an indication of their type and scope, lead time (month and year), place and price and contact person of the customer and signed representative of the participant.

2.5 Documents proving the eligibility of the participant (see points above) can be documented in a simple copy, with the contracting authority reserves the right to request the original or a certified copy of these documents before concluding the contract.

2.6 Proof of qualification with a foreign participant

A foreign participant proves the fulfilment of the qualification in accordance with the legal order in force in the country of its registered office, place of business or residence, to the extent required by the contracting authority.

If, according to the legal order in force in the country of residence, place of business or residence of a foreign participant, a document is not issued, the foreign participant is not obliged to present such a document.

Documents proving compliance with the qualification are submitted by a foreign participant in the original language with the addition of their simple translation into Czech or English.

The contracting authority has the right to require evidence of an officially certified translation of documents proving the fulfilment of a Qualification in the Czech language from the selected supplier before signing the contract for the performance of the contract.

2.7 Joint offer (joint participation of participants)

If the subject-matter of the contract is to be carried out jointly by several suppliers and to that end they submit a joint tender, each participant shall be required to demonstrate compliance with basic and professional competence (Articles 2.1 and 2.2.1 a)) according to this specification. The fulfilment of the qualifications referred to in Article 2.2.1 b, 2.3 and 2.4 shall be demonstrated jointly by all participants. At the same time as the documents proving the qualification, the participants shall submit a contract in which an undertaking is included that all those participants will be obliged jointly and severally to the contracting authority, both throughout the performance of the contract and for the duration of other obligations arising from that contract. The contract should also include the main contact person with whom the contracting authority will primarily negotiate.

2.8 If a participant is unable to demonstrate full compliance with a part of the qualification referred to in Article 2.2.1 or 2.3 and 2.4, he/she shall be entitled to prove the fulfilment of the qualification to the extent missing through other persons. In such a case, the contracting authority shall submit to the contracting authority a contract concluded with another person which implies an obligation on that person to provide performance intended for the performance of the contract by the participant or to provide the goods or rights with which the contracting party will be entitled to have access to the contract, at least to the extent that that person has demonstrated compliance with the qualification , throughout the duration of the contract, including the obligations (e.g. warranty periods).

2.9 The contracting authority shall require the tenderer to specify in his tender the parts of the contract which he intends to award to one or more subcontractors and to provide the identification details of each subcontractor.

3 CHARACTERISTICS OF THE CONTRACT

3.1 Subject of performance of the contract

Delivery "**Cold test – project One Box**" for a project under the OP PIK programme. A more detailed specification of the subject matter of the contract is set out in Annex 2 to this procurement documents.

The participant shall fill in the table in Annex 2 — (Appendix B_Safety assessment). This must be part of the offer.

3.2 Price

3.2.1 The offer price will be in EUR.

3.2.2 The tenderer shall indicate in his tender the offer price broken down by:

- (c) total excluding VAT,
- total price with VAT,
- rate andvat.

The participant shall add a detailed item budget of the quote to the menu.

At a minimum, the offer will include prices for:

- price / construction costs - electromechanical part / sw
- price / construction costs - SW part
- prices - purchased parts
- prices - manufactured parts

3.2.3 The tender price of the contract shall be indicated in the tender as final, the highest permissible for the whole subject-matter of the contract and shall include all costs necessary for the proper, complete and high-quality performance of the subject-matter of the contract, including all risks and effects related to the performance of the subject-matter of the contract. Price increases can only be accepted with a view to increasing the statutory rate of value added tax.

The costs associated with the delivery of equipment to the Frenštát pod Radhostem location, transport and composition at the place of destination must be part of the offer.

3.3 Timetable (expected)

Expected start date of work: Even immediately after signing the contract

Date of acceptance at the place of filling: see Annex No. 2

The contracting authority shall request the production schedule to be submitted. The timetable submitted shall be in accordance with the dates set out in Annex No 2.

3.4 Place of filling

The place of performance is: the seat of the contracting authority - Frenštát p.R.,Kopanská 1713, 744 01

Due to the nature and nature of the contract, a search of the place of performance will not take place.

4 EVALUATION OF TENDERS

4.1 Tenders submitted after the deadline for submitting tenders and tenders from tenderer which do not contain complete and correct documents and documents proving the qualifications of the participant and which have not been clarified or supplemented by the participant following a request for clarification and addition shall not be evaluated.

4.2 Evaluation criteria:

<i>Area number</i>	<i>Area</i>	<i>Area weight (%)</i>	<i>Criteria</i>
And.	Price	80	Price amount
II.	Warranty	15	Length of warranty period
III.	Technical solution	5	Parameters evaluated Annex 7

4.3 Method of examination of tenders:

<i>Area number</i>	<i>Area</i>	<i>Method of evaluation</i>
And.	Price	The price is assessed excluding VAT
II.	Warranty	The total length of the warranty period offered is assessed
III.	Technical solution	The technical parameters in accordance with Annex 7 to the tender documents are evaluated

4.3.1 Points will be calculated according to the formula below for each area.

PRICE CRITERION

The tender price of that part of the contract shall be highlighted as the total price for the entire performance of the contract and as the criterion for which the minimum value is most advantageous.

When assessing the total bid price of a given part of the contract, its amount, excluding value added tax, shall be decisive.

Calculation formula for price criterion:

$$\text{Number of points} = \frac{\text{lowest bid price achieved excluding VAT}}{\text{rated offer price excluding VAT}} \times 100 \times \text{weight of the criterion expressed in decimal}$$

WARRANTY CRITERION

The tender period for that part of the contract shall be assessed as the total period of the guarantee period for the performance of that contract and as the criterion for which the maximum value is most advantageous.

When assessing the total bidding period of the guarantee period of a given part of the contract, its duration in months shall be decisive.

Calculation formula after warranty criterion:

$$\text{Number of points} = \frac{\text{Rated tender period (warranty)}}{\text{highest bid time achieved from tenders}} \times 100 \times \text{weight of the criterion expressed in decimal}$$

TECHNICAL SOLUTION CRITERION

This criterion serves to evaluate the subject-matter of the contract in terms of technical parameters of particular importance to the contracting authority and is set out in Annex 7 to this specification. The participant is obliged to supplement annex 7 and submit it as part of the tender.

The member of the evaluation committee assigns a point value for each parameter of the tender evaluated (in the maximum point value and according to the procedure set out in Annex 7 to this tender documentation). The sum of the evaluated items (parameters) is 100 points.

The total point gain (the sum of points for all parameters) of the quotation in criterion 7 will then be multiplied by the specified weight of criterion 7.

4.3.2 The score will express the overall success of the participant in the selection procedure, the maximum possible number of points achieved is 100.

5 CONTENT AND METHOD OF PROCESSING TENDERS

5.1 Recommended aboutsah offers

5.1.1 The tenderer shall submit the tender in the following recommended breakdown:

- Cover sheet (Annex No 1 TD)
- Content
- General data about the participant
 - o Participant identification data
 - o Contact persons
 - o Qualifierce (documents) - Annex No 8 and other required
- Detailed description and specification of the performance offered (at least in the form of a completed table in Annex 2 – available only in ENG language mutation)
- Signed terms and conditions (Annex 3 to the TD) – available only in ENG language mutation
- Affidavit (Annex 4 to the TD)
- Confidentiality Agreement (NDA) Annex 5 to the TD
- Code of conduct for the tenderer
- Timetable for delivery (in accordance with Annex 2)
- Affidavit proving basic competence (Annex 8 to the TD).

All relevant documents (where signature is required) in the offer must be signed by the participant's statutory representative or by a person authorised to act on behalf of the participant.

5.2 How the quote is processed

5.2.1 The offer will be processed in paper form in (1) one original and (1) one copy. The binding of individual menu sheets, including documents and documents, must be made in such a way that individual sheets cannot be removed from the menu. The sheets of the order will be marked with a continuous ascending number sequence. The original offer will also be accompanied by a CD (or other data medium) on which the complete offer, including any drawing documentation in electronic form, will be scanned, including signatures.

5.2.2 The tender will be drawn up in English – the contracting authority will accept tenders in the bilingual version of EN – CZ. If there is a discrepancy in the information between versions, EN will be considered as the major version.

5.2.3 The envelope shall include the NAME of the **CONTRACT and the** contact person **and the address** of the contracting authority and the tenderer and the **inscription "DO NOT OPEN"**.

The time limit for the submission of tenders shall be the date and time by which tenders must be available at the latest at that address.

5.3 Time limit and place for the submission of tenders

Participants must submit their offers in writing by 8.11.2021 at the latest by 12.00 pm in a taped envelope secured against manipulation to:

Vitesco Technologies Czech Republic s.r.o.
Kopanska 1713
744 01 Frenštát pod Radhoštěm
to the hands: Mr. Jan Kyzek (contact person)

The opening of envelopes will take place on 8.11.2021 at 12.00 pm at: Kopanská 1713, Frenštát pod Radhoštěm 744 01. Opening envelopes is not public.

When opening tenders, the offer price, the length of the guarantee offered, and the criteria set out in Annex7 and the signed draft contract for the performance of the contract shall be read. In the event of any discrepancies in the tender price indicated in the tenderer's tender, the contracting authority shall be entitled to withdraw such tender from further evaluation.

6 TERMS OF TRADE

The terms and conditions of the contract are set out in Annex 3 to this specification. The signed terms and conditions shall be submitted by the participant as part of his offer.

7 OTHER CONDITIONS

- 7.1 In the event of a discrepancy between the Procurement Dossier and its Annexes, the information given in the Procurement Documents shall be decisive.
- 7.2 By submitting a tender in a procurement procedure, the tenderer shall fully and without reservation accept the specifications contained in the contract notice and, in that specification, including any annexes and any additions to that specification.
- 7.3 The winner of the tender acknowledges that the contracting authority plans to co-finance the project from public funds in the form of a subsidy.
- 7.4 If a participant does not provide all the information and documentation requested in a timely manner, or if its tender does not comply with the specifications in every respect, this may result in the withdrawal of the tender and the subsequent exclusion of the tenderer from the procurement procedure.
- 7.5 The contracting authority does not allow a variant solution to the subject-matter of the contract.
- 7.6 The contracting authority declares that this procurement procedure is not a public tender or a public promise and is not a public contract carried out under Act No. 134/2016 Coll. on public procurement.
- 7.7 The contracting authority reserves the right to cancel the procurement procedure under the conditions laid down in the Oppik Supplier Selection Rules.

- 7.8 The contracting authority reserves the right not to return the tender submitted to the tenderers.
- 7.9 A participant shall not be entitled to reimbursement of the costs associated with participating in the procurement procedure.
- 7.10 The participant is not entitled to compensation, including loss of profits, if the contracting authority exercises its rights mentioned above (e.g. cancellation of the contract).
- 7.11 The contracting authority reserves the right to verify the information provided by the tenderer and, where appropriate, to request their clarification.
- 7.12 The tenderer shall provide an affidavit ingthing that all the particulars specified in the tender documents are clear to him, Annex No. 4.
- 7.13 Where specific trade names or marks are included in the procurement documents or their annexes, this is only a definition of the required standard and the contracting authority allows for other technically and qualitatively comparable solutions.
- 7.14 The contracting authority shall be entitled to require the contracting authority to explain the specifications in writing. The written application must be served on the contracting authority no later than 4 working days before the closing date for the submission of tenders. The contracting authority may provide explanations of the specifications without prior request.
- 7.15 The contracting authority shall send an explanation of the specifications and, where appropriate, related documents, no later than 2 working days after receipt of the application pursuant to the preceding paragraph.
- 7.16 The contracting authority may continue to explain the specifications without prior request.
- 7.17 The contracting authority shall publish an explanation of the specifications, including the exact wording of the requirement referred to in point7.14, on the contracting authority's profile and shall at the same time notify them without delay in writing to all known tenderers.
- 7.18 Pursuant to Section 2e of Act No. 320/2001 Coll., on Financial Control in Public Administration, the selected supplier is a person obliged to act in the exercise of financial control.
- 7.19 The contracting authority reserves the right to require the selected supplier to document the agreed liability insurance when signing the contract. The minimum amount of insurance contracted is required in the estimated value of the contract.

ANNEXES TO THE PROCUREMENT DOCUMENTS

- Annex 1: Cover sheet of the offer (CZ+EN)
- Annex 2: Technical specification of the subject-matter of the contract (EN)
- Annex 3: Mandatory criteria (EN)
- Annex 4: Affidavit
- Annex 5: Confidentiality Agreement (NDA)
- Annex 6: Business Partner Code of Conduct (EN)
- Annex 7: Evaluation criteria (CZ+EN)
- Annex 8: Declaration to prove basic qualifications (CZ+EN)

Annex 1: Cover sheet of the tender

Menu cover sheet
to order

"Cold test - project One Box"

Name of contracting authority: Vitesco Technologies Czech Republic s.r.o.
IM: CZ07574622
Registered office of the contracting authority: Volanovska 518, 541 01 Trutnov, CR
Address: Vitesco Technologies Czech Republic s.r.o.; Kopanská 1713;
744 01 Frenštát pod Radhostm

THE TENDERER SHALL COMPLETE THE TABLE BELOW WITH THE INFORMATION IN FORCE AT THE DATE OF SUBMISSION OF THE TENDER

THE PARTICIPANT IS: LEGAL ENTITY X) NATURAL PERSON X)

Identification data (legal entity):

Business name or name:	
Residence:	
Address for the delivery of correspondence (if different from the registered office):	
Legal form:	
Identification number (if assigned):	
Tax identification number:	

Identification data (in the case of a natural person):

Business name or first and last name:	
Place of business or place of permanent residence:	
Address for delivering correspondence (if different from the place of business):	
Identification number (if assigned):	
Tax identification number:	

Other information:

First and last name of the member of the statutory body:	
Bank details:	
Contact person:	
Telephone connection:	
Fax:	
E-mail address, www:	

Evaluation criteria:

Total offer price in EUR excluding VAT:	
Warranty - warranty period (in months)	
Technical part	See Annex No.7 - table to be completed

I submit an offer for a contract entitled **"Cold test - project One Box"** and declare that I am bound by the entire content of my/our offer.

In, on

.....
Participant signature

(or authorised person to act on behalf of the participant)

Annex 2 — Technical specification of delivery (minimum required)

The technical specification of the delivery is in electronic form a separate annex to this TD (available only in ENG).

The technical documentation will be made available (it is password protected) and the password will be provided after signing the NDA confidentiality agreement see Annex 5 to this TD). Send the signed NDA to the contact person (supplemented and signed by email scan). The original signed by the NDA must be part of the offer.

Contact person:

Jan Kyzek / PUR PE&ES/ +420 733 167 093 / jan.kyzek@vitesco.com

Where this tender documents or annexes therefor contain requirements or references to business, names or surnames, specific designations of goods and services which apply to a person or his organisational unit as characteristic, patents for inventions, utility models, designs, trade marks or designations of origin are merely the definition of Vitesco's standard and the contracting authority allows, in such a case, always to be used for the performance of the contract and other, qualitatively and technically similar solutions, provided that the product offered fully meets the requirements of the contracting authority for the required parameters and the necessary quality of such a product mentioned above.

Annex 3 — General Terms and Conditions — Mandatory Criteria

The Mandatory criteria document is in electronic form a separate Annex No.3 to this TD (available only in ENG).

The document is provided for information to all participants. Signing the document will be required together with the contract and thus by the winning participant.

Annex 4: Affidavit

DECLARATION

Name of contracting authority: Vitesco Technologies Czech Republic s.r.o.
IM: CZ07574622
Registered office of the contracting authority: Volanovska 518, 541 01 Trutnov, CR
Address: Vitesco Technologies Czech Republic s.r.o.;
Kopanská 1713; 744 01 Frenštát pod Radhostm

Business name:
Based:
I.D.:
Represented by:
(hereinafter referred to as the "Participant")

as a participant in the cold test **delivery contract - project One Box** for a project financed by the "Operational Ho Enterprise and Innovation Programme for Competitiveness".

I hereby honestly declare that I am aware of all conditions and obligations arising from the tender documents for the cold test delivery contract - **project One Box**.

In, on

.....
Participant signature
(or act on behalf of a participant)

Annex 5: Confidentiality Agreement (NDA)

In view of the fact that technical specifications of innovative equipment are often provided in the procurement documents, the contracting authority reserves the right to require the participant, in specific contracts, to require a declaration of confidentiality and non-dissemination of information relating to the technical know-how provided to it. The contracting authority shall require the signature of a confidentiality agreement, the binding model of which shall be Annex 5 to this specification.

The NDA is in electronic form a separate annex to this TD (available only in ENG).

After signing the NDA, the participant will be given access to Annex 1 - Technical specification of the contract, which is password protected.

The participant will complete and sign the NDA and send a scan of the document to the contact person's email. The original NDA is then added to the offer. The contact person sends the password to the participant within two business days of delivery of the NDA.

Contact person:

Jan Kyzek / PUR PE&ES/ +420 733 167 093 / jan.kyzek@vitesco.com

Annex 6: Code of Conduct for a Business Partner

The Code of Conduct of *the Business Partner* is in electronic form a separate annex to this TD.

Annex 7: Evaluation criteria

The evaluation criteria are, in electronic form, a separate annex to this TD. (EN+CZ). The addition and submission of this table is a mandatory item and is part of the evaluation.

Annex 8: Affidavit of compliance with basic competence

DECLARATION

Name of contracting authority: Vitesco Technologies Czech Republic s.r.o.
IM: CZ07574622
Registered office of the contracting authority: Volanovska 518, 541 01 Trutnov, CR
Address: Vitesco Technologies Czech Republic s.r.o.;
Kopanská 1713;
744 01 Frenštát pod Radhostm

Business name:
Based:
I.D.:
Represented by:
(hereinafter referred to as the "Participant")

The Participant declares that:

1. has not been convicted in the country of his registered office in the last 5 years prior to the opening of the procurement procedure for an offence committed in favour of an organised crime group, the offence of participation in an organised crime group, the offence of trafficking in human beings, an offence against property i.e. fraud, credit fraud, subsidy fraud, shareholding, negligence participation, legalisation of proceeds of crime and legalisation of proceeds of crime through negligence, an economic offence, i.e. misuse of information and position in the course of trade, negotiation of an advantage in the award of a public contract, in a public tender and public auction, plots in the award of a public contract and in a public tender, plots at a public auction and damage to the financial interests of the European Union, a criminal offence generally dangerous, a criminal offence against the Czech Republic, a foreign state and an international organisation, an offence against order in public matters, i.e. an offence against the exercise of the powers of a public authority and an official, an official offence, bribery and other disturbance of the activities of a public authority, or a similar offence under the law of the country of the supplier's registered office, the chilled convictions shall not be taken into account. If the supplier is a legal person, this condition must be met by that legal person and at the same time by each member of the statutory body. If a legal person is a member of the statutory body of the supplier, that condition must be met by that legal person, each member of the statutory body of that legal person and the person representing that legal person in the statutory body of the supplier. Where a branch of a foreign legal entity's establishment participates in the procurement procedure, that condition must be met by that legal person and the manager of the branch of the establishment. If a branch of a Czech legal entity's establishment participates in the procurement procedure, this legal person, each member of the statutory body of that legal person, a person representing that legal person in the statutory body of the supplier and the head of the branch of the establishment must meet this condition,
2. does not have a tax arrears due in the Czech Republic or the country of its registered office in the tax register,
3. does not have arrears due in the Czech Republic or the country of its registered office on insurance premiums or on penalties for public health insurance,

4. has no arrears due in the Czech Republic or the country of its registered office on insurance premiums or social security penalties and contributions to state employment policy,
5. it is not in liquidation, no bankruptcy decision has been issued against it, no compulsory administration has been ordered against it under another law, or it is not in a similar situation under the law of the supplier's country of residence.¹²³

In, on

.....
Participant signature
(or authorised person to act on behalf of the participant)

¹ Section 187 of the Civil Code.

² § 136 of Act No. 182/2006 Coll., on bankruptcy and its means of resolution (insolvency law), as amended.

³ For example, Act No. 21/1992 Coll., on banks, as amended, Act No. 87/1995 Coll., on Savings banks and loan cooperatives and certain related measures and supplementing Act No. 586/1992 Coll., on Income Taxes, as amended, Act No. 363/1999 Coll., on Insurance and on the Amendment of Certain Related Laws.