



## Invitation to tender and tender conditions

(hereinafter referred to as the "tender specification and conditions")

for a below-limit public contract for services awarded in accordance with Act No. 134/2016 Coll., on the awarding of public contracts, as amended (hereinafter referred to as "the Act") with the title:

### "Control System for ISX Machine"

in simplified sublimit tender procedure

**Contracting authority (buyer):** T&T, Turnov s.r.o.  
**Registered office:** Přepeřská Street 1302, CZ\_51102 City of Turnov  
**ID. No.:** 03849040  
**Person authorized to act on behalf of the contracting authority:** Mr. Rolf Themann, MBA, chief executive officer  
(hereinafter referred to as the "contracting authority")

**Representative of the contracting authority according to § 43 of the Act:** Naviga Assistance s.r.o.  
**Registered office:** Voctářova Street 2497/18, CZ\_18000 City of Prague  
**ID. No.:** 24244414  
**Represented by:** Mr. David Frolík, chief executive officer  
(hereinafter referred to as the "contracting authority representative")

Identification of any persons different from the contracting authority who, pursuant to § 36, paragraph 4 of the Act, has prepared some part of the tender specification and documentation, and the designation of these parts of the tender specification and documentation:

**Person No. 1 – Naviga Assistance s.r.o., ID number 24244414**

- Tender specification and conditions;
- Annex No. 1 of the tender conditions, Draft contract;
- Annex No. 3 of the tender conditions, Sample affidavit.



### Content of the tender specification and conditions

1.	Profile of the contracting authority, method of communication during the procurement procedure.....	3
2.	Definition of the subject of public contract (public procurement).....	3
3.	Deadline for submission of offers, requirements for processing offers, .....	5
4.	Method of processing of the bid (offer) price .....	6
5.	Qualifications .....	6
6.	Evaluation criteria.....	8
7.	Procedure before concluding the contract.....	8
8.	Tender submission deadline .....	9
9.	Other rights, conditions and facts declared and reserved by the contracting authority .....	9
10.	Annexes of tender conditions.....	9



## 1. Profile of the contracting authority, method of communication during the tender and procurement procedure

---

### 1.1. Profile of contracting authority

The tender specification and documentation are also available on the profile of the contracting authority on the relevant public procurement card at: <https://www.vhodne-uverejneni.cz/profil/t-t-turnov-s-r-o>

### 1.2. Method of communication during the tender and procurement procedure

1.2.1. Communication between the contracting authority and the tender participants (bidders) in the tender and procurement procedure takes place in writing in accordance with the law, in particular § 211 of the law.

1.2.2. The contracting authority points out that, among other things, the submission of an offer (bid, quotation) by the supplier is considered as written communication. The submission of bids for this tender and procurement procedure takes place only through the electronic tool of the contracting authority "EZAK" (hereinafter referred to as the "electronic tool of the contracting authority") as presented on the card for the relevant public contract at the address: <https://zakazky.navigaassistance.cz/vz00000124>.

1.2.3. The contracting authority explicitly points out that it only accepts requests for clarification, additions and changes to the tender and procurement documentation electronically (the contracting authority recommends using the electronic tool of the contracting authority EZAK to deliver the request for clarification, additions and changes to the tender and procurement documentation), and that the answers to them will also be published on profile of the contracting authority as well as additions and changes to the tender and procurement documentation (see § 98 and 99 of the Act).

## 2. Definition of the subject of public contract (public procurement)

---

### 2.1. Subject of public contract

2.1.1. The subject of the public contract is: development, programming and implementation of the control system for the ISX machine for the production of packaging glass, which will be developed based on the requirements of the contracting authority (hereinafter referred to as the "services" only) in the following scope:

- **Section / Master**

1. Creating a hardware configuration. The basis for this task is the E-Plan of the section;
2. Creation of technological objects;
3. Programming of safety functions;
4. Referring to axes;
5. Activation of axes in manual mode;
6. Axis control in automatic mode;
7. Operating and control of valves;
8. Programming of more complex functions on two panels (Special cycles);
9. Joint testing of processes (individual sub-areas are continuously tested).

- **Visualization / Recipe system**

1. Concept for creating pictures;
2. Detailed pictures;
3. Dynamic pictures;
4. Recipe system / Recipe administration;
5. Testing

2.1.2. The nature of the delivered services must correspond to the requirements listed in Annex No. 2 of these tender conditions.

2.1.3. The tender participant acknowledges and agrees that the source code will become the sole property of the contracting authority.

## 2.2. **Expected values of the public contract**

The contracting authority has set the expected value of the public contract at **CZK 4,860,000 excluding VAT**.

## 2.3. **CPV codes:**

72230000-6	Custom software development
72254000-0	Software testing
73000000-2	Research and development and related services

## 2.4. **References in the tender documents**

2.4.1. If the tender documentation or its annexes refer to certain suppliers or products, to patents for inventions, utility models, industrial designs, trademarks or designations of origin, it is in such cases that the determination of technical conditions cannot be sufficiently precise or comprehensible. For each such reference, the contracting authority assumes the use of the given component within the assembled machine or with this reference it sets the minimum required technical standard.

2.4.2. If the contracting authority establishes technical conditions in the tender and procurement documentation by reference to standards or technical documents, their regime in this tender and procurement procedure is governed by Sections 90 and 91 of the Act.

## 2.5. **Other requirements related to the subject of the public contract**

The supplier acknowledges that he himself and his subcontractors are obliged to participate in and enable the control (inspection) of the spent funds resulting from Act No. 320/2001 Coll., on financial control in public administration and on the change of certain laws, as amended.

## 2.6. **Contractual terms and conditions**

2.6.1. A completed Draft of the Contract must be part of the submitted offer of the tender participant. The Draft of the Contract contains all business (commercial) and payment conditions.

2.6.2. The participant in the tender and procurement procedure is not authorized to change any provisions in the Draft of the Contract and its annexes other than those that are intended for completion and are highlighted in yellow.

2.6.3. The Draft of Contract attached to the offer and all other annexes to the offer do not necessarily need to be signed by the participant in the tender and procurement procedure at the stage of submission of offers - as an expression of willingness to submit an offer, its mere submission through the electronic tool of the contracting authority E-ZAK is sufficient. The agreement for the public contract will be signed by the selected supplier, or a person authorized to act on behalf of the selected supplier, if he becomes a contractual party to this obligation arising from the tender and procurement procedure.

## 2.7. **Time and places of performance of the public contract**

2.7.1. The expected date for the implementation of the services is 90 calendar days, the detailed schedule for the implementation of individual tests will be negotiated after the signing of the contract.

2.7.2. The place of performance of the public contract is the registered office of the contracting authority: Přepeřská Street 1302, CZ\_51101 City of Turnov.

## 2.8. **Variants of the offer (bid, quotation)**

The contracting authority does not allow variant solution of the offer.



### **3. Deadline for submission of offers, requirements for processing offers**

---

#### **3.1. Deadline for submission of tender offers**

3.1.1. The current deadline for submission of bids is always set on the profile of the contracting authority and in the electronic tool of the contracting authority E-ZAK in the relevant field of the card of this public contract.

3.1.2. If the offer has not been delivered to the contracting authority within the time limit or in the manner specified in the tender and procurement documentation, it is not considered to have been submitted and is not taken into account during the tender and procurement procedure.

#### **3.2. Requests for offers**

3.2.1. The term "offer" refers to the data or documents that the tender participant submitted to the contracting authority based on the tender conditions, in particular the draft contract (including the required annexes), as well as other documents and data requested by the contracting authority (in particular, the documents with which the tender participant proves his qualifications).

3.2.2. The offer must be prepared in Czech or English based on these terms and conditions respectively based on the tender specification and documentation.

3.2.3. The contracting authority requires the offer to be submitted exclusively in writing, in electronic form using the contracting authority's electronic tool: <https://zakazky.navigaassistance.cz/vz00000124>

#### **3.3. Offer layout, structure and content**

3.3.1. The contracting authority recommends the following ordering of the electronic version of the offer and documents to prove the fulfilment of the tender participant's qualifications:

1. The actual content of the offer – completed draft contract including annexes according to these tender terms and conditions;
2. Eligibility and qualification documents according to Article 5 of these tender conditions;
3. Any other charters and documents if required by the tender participant, if required by law or by tender conditions.

3.3.2. Generally available Microsoft Office, Adobe Reader, Open Office, etc. formats and programs can be used for electronic submission of the tender offer.

#### **3.4. Additional requirements for processing the offer**

3.4.1. If the presentation of a document is required according to the legal order of the Czech Republic, the supplier can submit a similar document according to the legal order of the state (country) in which this document is issued; such document shall be submitted with a translation into Czech. If the required document is not issued according to the relevant legal order, it can be replaced by an affidavit.

3.4.2. A document in the Slovak language and a proof of education (qualification report card, capability certificates, verifications, etc.) in Latin or in English are submitted without translation.

3.4.3. The supplier can fulfil the obligation to submit a document by referring to the corresponding information maintained in the public administration information system or in a similar system maintained in another EU member state that allows unlimited remote access. Such a link must contain the Internet address and data for logging in and searching for the requested information, if such (log-in) data is necessary. The contracting authority may not incur any costs associated with the verification of the information provided in this way.

3.4.4. The method of encryption and tender offer submission (i.e. how the tender offer is submitted), acceptable tender offer formats, supplier registration questions in the contracting authority's electronic tool and all other information of a technical nature in the sense of § 211 paragraph 4 of the Act can be found by suppliers on the website of the contracting authority's electronic tool provider E-ZAK <https://zakazky.navigaassistance.cz/manual.html>.

If you need help with the subject matter, the user support of the electronic tool (hotline and help desk) is available at <https://www.ezak.cz/kontakt>. In case of uncertainty regarding the method and way of submitting an offer, the suppliers can also use the "frequently asked questions" tab of the operator of the electronic tool E-ZAK <https://www.ezak.cz/faq>.



## 4. Method of processing of the bid (offer) price

4.1. The tender participant processes (calculates and presents) the bid price in the relevant part of the draft of the Service Contract. The price shall be set in CZK/or EUR as:

- a) bid price without value added tax (VAT),
- b) separately VAT amount and
- c) bid price in total including of VAT.

4.2. The tender bid price, unless otherwise stated in the contractual terms and conditions, must include all necessary costs for the proper fulfilment/implementation of the subject of the public contract, including all related costs.

4.3. The contracting authority allows a change in the performance price only in the case of a normative change in the VAT rate corresponding to the nature of the performance; in the case of interpretation differences to the detriment of the selected supplier, which does not affect the wording of the previous paragraph.

## 5. Qualifications

Qualified for the performance of a public contract is a supplier who proves that he meets:

- a) basic eligibility and capability according to § 74 of the Act;
- b) professional qualification according to § 77 of the Act and Article 5.2 of the tender conditions;
- c) technical qualification according to § 79 of the Act and Article 5.3 of the tender conditions.

### 5.1. Basic eligibility and capability

5.1.1. Not basically eligible and capable according to § 74 of the Act is a supplier who:

- a) in the last 5 years before the start of the tender and procurement procedure has been legally convicted of a criminal offence listed in Annex No. 3 to the Act or for a similar criminal offence according to the legal system of the country of the supplier's registered office; expunged convictions are not taken into account;
- b) has a tax arrear(s) recorded in the tax records in the Czech Republic or in the country of its registered office;
- c) has arrear(s) as to insurance premiums or penalties for public health insurance due in the Czech Republic or in the country of its registered office;
- d) has arrear(s) due in the Czech Republic or in the country of his registered office as to insurance premiums or penalties for social security and contributions to the state employment policy;
- e) is in liquidation, against whom a bankruptcy decision has been issued, against whom compulsory administration has been ordered according to another legal regulation or is in similar situation according to the legal order of the country of the supplier's registered office.

5.1.2. The supplier proves the fulfilment of the basic eligibility and capability conditions in accordance with § 75, paragraph 1 of the Act, by submitting:

- a) an extract from the Criminal Register in relation to § 74, section No. 1, letter a) of the Act;
- b) confirmation of the relevant financial authority in relation to § 74 paragraph 1 letter b) of the Act;
- c) a written affidavit concerning the excise/consuming tax in relation to § 74, section No. 1, letter b) of the Act;
- d) written affidavit in relation to § 74 paragraph 1 letter c) of the law,
- e) confirmation of the relevant district social security administration in relation to § 74 paragraph 1 letter d) of the law;
- f) an extract from the commercial register, or by submitting a written sworn statement in the event that he is not registered in the commercial register, in relation to § 74 paragraph 1 letter e) of the Act.



5.1.3. If the supplier is a legal person, the condition according to paragraph 1 letter a) to be fulfilled by this legal person and at the same time by each member of the particular statutory body. If the member of the supplier's statutory body is a legal person, the conditions according to paragraph 1 letter a) must be met by

- a) the particular legal person;
- b) any and each member of the statutory body of this legal person; and
- c) a person representing this legal person in the statutory body of the supplier.

## 5.2. Professional competence

5.2.1. The supplier proves the fulfilment of the conditions of professional competence by submitting an extract from the commercial register in accordance with § 77 paragraph 1 of the Act.

5.2.2. The supplier may not have to submit the documents if the legislation in the country of his registered office does not require a similar professional qualification.

## 5.3. Technical qualification

Fulfilment of the technical qualification will be demonstrated by the participant who submits:

5.3.1. according to § 79 paragraph 2 letter a) of the Act **a list of significant services provided in the last 5 years before the start of the tender and procurement procedure, including the price and time of their provision and identification of the client, when the contracting authority defines the right to contact the client.**

- a) The list of significant services shall include at least 2 contracts worth at least CZK 1,000,000 excluding VAT consisting in the development of a control system for technological equipment.
- b) The list of significant services shall include at least 1 order consisting in the development of a control system for technological equipment in the glass industry, which included Feeder and Shears,

5.3.2. according to § 79 paragraph 3 letter c) of the Act, **a list of technicians who will participate in the performance of the public contract.** The contracting authority requires the tender participant to submit a list of the following persons as part of the offer, at least in terms of composition and requirements (the stated requirements may be met by one or more persons, the minimum required number of persons is 2 persons):

The contracting authority requires the tender participant to submit a list of these persons as part of the tender offer. The following persons shall be contained:

### 1) at least 1 programmer;

The contracting authority sets the minimum requirements for the programmer, who must:

- a) have completed university education;
- b) have at least 5 years of experience in the particular expert field;
- c) have experience with at least 2 orders consisting in the development of a control system for technological equipment in the glass industry;
- d) have experience with Siemens Simotion, and S7 programming;
- e) have experience with axis synchronization through multiple connections of the control system;

### 2) at least 1 project team leader;

The contracting authority sets the minimum requirements for the project team leader, who must:

- a) have completed university education;
- b) have at least 5 years of experience in the particular expert field;
- c) have experience in managing an implementation team during the implementation of at least 2 orders worth at least CZK 1,000,000 excluding VAT consisting in the development of a control system for technological equipment.



In the offer, the supplier shall submit a structured professional resume of the employee with reference to § 79 paragraph 2 letter c). The professional CV must be signed by the relevant employee. Professional resumes must be elaborated at least in the structure below and contain the following information:

- first and last name of the employee;
- indicating the position of the employee for the performance of this public contract;
- highest education level achieved;
- an overview of professional experience relevant to the subject of this public contract;
- the most important reference orders executed in the past;
- handwritten signature of the employee.

#### 5.4. Form of documents

The supplier shall submit plain copies of documents proving the fulfilment of qualifications. Before concluding the contract, the contracting authority always requests the submission of original or converted qualification documents from the selected supplier, if they were not already submitted in the tender and procurement procedure. Documents proving the fulfilment of the qualification, which are in a language other than Czech or Slovak, must be translated into Czech.

This does not preclude the possibility of submitting an offer in another language, which is permitted by this tender documentation. Documents in the Slovak language are submitted without translation. The documents proving the basic capability according to § 74 and the professional qualification according to § 77 paragraph 1 must demonstrate the fulfilment of the required eligibility and capability criteria no later than 3 months before the start of the tender and procurement procedure.

#### 5.5. Option to replace the submission of eligibility, capability and qualification documents with a sworn statement in the offer

In accordance with § 86, paragraph 2 of the Act, the contracting authority confirms that the supplier in its offer can replace the submission of the above-mentioned documents for qualification and capability with a sworn statement. The contracting authority may request the presentation of the original of the above-mentioned documents at any time during the tender procedure. The selected supplier will always be required to submit the original documents indicated above before signing the contract. If the submission of documents by a subcontractor or a third party would be replaced by an affidavit, this affidavit shall be made by the subcontractor himself respectively by third person.

#### 5.6. Joint offer

In the case of joint participation of suppliers, each supplier proves basic eligibility and capability according to § 74 of the Act and the professional competence according to § 77, paragraph 1 of the Act.

### 6. Evaluation criteria

---

6.1. The offers (bids) will be evaluated according to their economic advantage, namely according to § 114, paragraph 2, second sentence of the law, the lowest total bid price of performance in CZK without VAT.

6.2. The most advantageous offer will be the offer of the tender participant in the procurement procedure who offered the **lowest total bid price in CZK without VAT**. Data from the relevant field "Total bid price" from the eZak system will be used to assess this criterion.

6.3. Offers are evaluated in CZK. Conversion of the bid price from EUR to CZK will be carried out on the basis of the exchange rate between EUR and CZK announced by the Czech National Bank on the last day of the deadline for submitting bids (exchange rate slip), available at <https://www.cnb.cz/cs/platebni-styk/sluzby-pro-klienty/kurzovni-listek-cnb/>

### 7. Procedure before concluding the contract

---

7.1. Before signing the contract, the selected supplier is obliged to submit original or converted qualification documents according to Article 5 of these tender and procurement conditions, if they were not already submitted in the tender and procurement procedure.

Documents proving basic eligibility and capability according to § 74 of the Act must prove the fulfilment of the required eligibility and capability criteria no later than 3 months before the start of the procurement procedure.





7.2. If the selected supplier is a foreign legal person, the contracting authority will request him to submit an extract from foreign records similar to the records of the real owners, or if there is no such record:

- (a) identification data of all persons who are real owners according to the Act on Certain Measures Against the Legalization of Proceeds/Revenues from Criminal Activities and the Financing of Terrorism;
- (b) documents that show the relationship of all persons according to letter a) to the supplier; these documents are in particular:
  - (i.) an extract from a foreign register similar to a public register;
  - (ii.) list of shareholders;
  - (iii.) the decision of the statutory body on the payment of a share of the profit;
  - (iv.) articles of company agreement, memorandum of association or articles of association.

7.3. The contracting authority already warns that the above-mentioned documents will be required from the selected supplier before signing the contract in the form of electronic originals or authorized converted documents. The details will be determined by the request to the specific selected supplier, which will be made after the selection of the supplier.

## 8. Tender submission deadline

In accordance with § 40 of the Act, the contracting authority sets a tender submission period of 30 calendar days.

## 9. Other rights, conditions and facts declared and reserved by the contracting authority

The contracting authority reserves the following rights and conditions:

9.1. Individual tender participants are obliged to refrain from any actions that could disrupt the transparent and non-discriminatory course of the tender and procurement procedure, in particular actions that could result in a distortion of competition between tender participants in the awarding of a public contract

9.2. The contracting authority is interested in awarding a public contract in accordance with the principles of socially responsible public procurement. Responsible public procurement is the process by which the contracting authority purchases the products, services and works it needs, while obtaining maximum value for money by creating benefits for society and the economy and minimizing negative environmental impacts. Details are further determined by the draft contract.

9.3. The contracting authority points out that, in order to ensure the orderly course of the procurement procedure, personal data is processed within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council dated 27th April 2016 on the protection of natural persons in connection with the processing of personal data and on the free movement of such data and on the repeal of Directive 95/46/EC (General Regulation on the Protection of Personal Data - GDPR). The administrator of personal data is the company T&T, Turnov s.r.o. (Ltd.), as the contracting authority.

9.4. The participant acknowledges that the order is co-financed from OPPIK funds within the framework of the project: *"Development of ISX machine for the production of packaging glass, reg. No. CZ.01.1.02/0.0/0.0/20\_321/0025106"*

## 10. Annexes of tender conditions

The following annexes are an integral part of the tender conditions:

- Annex No. 1, Draft contract;
- Annex No. 2a, Description of the machine and its functionalities;
- Annex No. 2b, Technical specification of the machine;
- Annex No. 3, Affidavit.



**T&T, Turnov s.r.o.**  
Přepařská 1302, ①  
CZ 511 01 Turnov  
Tel.: +420 484 803 000  
IČ: 038 49 040 DIČ: CZ038 49 040