

Tender Documentation

for the contract

not governed by Act No. 134/2016 Sb., on Public Procurement

“The Filling Line”

Contract title:	The Filling Line
Contract form:	Tender not governed by Act No. 134/2016 Sb., on Public Procurement, in accordance with the Procurement Manual for the Rural Development Programme for 2014–2020
Contracting entity:	
Name of the contracting entity:	DELIMAX a.s.
Company identification No.:	26916371
Registered office of the contracting entity:	Bratislavská 1647/3, 695 01 Hodonín
Persons authorized to act on behalf of the contracting entity:	Ing. Jan Vrba, authorized agent
Contact persons:	Ing. Stanislav Látal
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I. Definition of the Contract Subject Matter

Contract type: Supply

The subject matter of the contract is the supply of a filling line within the project titled "*Development and Innovation in Manufacturing Vegetable Spreads and Legume-Based Salads*". The project is submitted as a part of a RDP Grant Application in Measure 16 – *Cooperation*, Sub-Measure – 16.2 – *Development of New Processes and Technologies*, Operation 16.2.2 – *Support of the Development of New Products, Processes and Technologies in Agricultural Product Processing and Marketing*.

II. Detailed Requirements of the Contracting Entity for the Subject Matter of the Contract

Performance subject matter specification and scope:

Supply means the obligation of the supplier to deliver the inquired filling line to the place of performance of the subject matter of the contract, assembly and connection of the supplied equipment, full commissioning of the supplied equipment and implementation of all the related measures including staff training in operation and maintenance of the equipment.

The contracting entity requires the following:

A filling line consisting of a rotary packing machine with scales, a salad filling machine and a liquid mix filling machine.

Detailed specification and scope of the performance are stated in Annexes No. 1 and 4 to this Tender Documentation, i.e. in the binding Purchase Agreement draft and the Technical Specification of the required performance.

The tenderer is obliged to describe the proposed solution of the contract performance in their tender, demonstrating the offered performance meets the technical requirements of the contracting entity specified in this Tender Documentation (including but not limited to Annex No. 4 hereto) and how. The description of the proposed solution will become an integral part of the Purchase Agreement, constituting Annex No. 1.

Expected period of the contract subject matter performance:

Performance start: December, 2018

Performance end: May, 2019

Place of performance of the contract subject matter: Manufacturing premises of DELIMAX a.s., Bratislavská 1647/3, 695 01 Hodonín.

III. Supplier Qualification

1 Basic Qualification:

The basic qualification requirements are met by a supplier that:

- a) Has not been finally convicted of a crime listed in Annex No. 3 to Act No. 134/2016 Sb., on Public Procurement, as amended (hereinafter referred to as "APP") in the country of its incorporation in the last 5 years before the start of the tender, or a similar crime under the laws of the country of the supplier's incorporation; unspent convictions shall not be taken into account;
- b) Has no tax arrears recorded in the Czech Republic or in the country of incorporation;
- c) Has no insurance arrears or public health insurance penalty due in the Czech Republic or in the country of incorporation;
- d) Has no insurance arrears or social security penalty and state employment policy contribution due in the Czech Republic or in the country of incorporation;
- e) Is not in liquidation, subject to an insolvency decision, forced administration under the applicable laws and regulations, nor is the supplier in a similar situation under the laws of the country of incorporation.

If the supplier is a legal person, the condition set forth in (a) must be met by the legal person as well as each member of the governing body. If a member of the supplier's governing body is a legal person, the condition set forth in (a) must be met by: (i) this legal person; (ii) each member of the governing body of this legal person; and (iii) the person representing the legal person in the governing body of the supplier.

If the tenderer is a company branch of: (i) a foreign legal person, the condition set forth in (a) must be met by the legal person and the company branch manager; (ii) a Czech legal person, the condition set forth in (a) must be met by the persons listed in the previous paragraph plus the company branch manager.

The supplier proves compliance with the basic qualification conditions by submitting a statutory declaration, the template of which constitutes Annex No. 2 to the Tender Documentation.

The supplier also may prove compliance with the basic qualification conditions by submitting the copies of documents proving basic qualification pursuant to Section 75(1) and Section 81 of APP or by the European Single Procurement Document pursuant to Section 87 of APP. The documents substantiating basic qualification must not be older than 3 months prior to the day of the tender submission.

2 Professional Qualification:

Natural persons having legal qualification, above 18 years of age, and legal persons meeting the requirements of the contracting entity concerning professional qualification may participate in the tender. Supplier's professional qualification will be proved by the submission of:

- A copy of the Certificate of Incorporation or another similar document; the document shall not be older than 3 months prior to the day of the tender submission;

The supplier is entitled to replace the above documents substantiating the professional qualification by a statutory declaration. The supplier may also prove compliance with the professional qualification requirements by the European Single Procurement Document pursuant to Section 87 of APP. However, in the course of the tender procedure, the contracting entity may request the original or officially certified copies of the documents proving compliance with the qualification requirements.

The supplier is not obliged to present the above documents proving professional qualification if the applicable laws and regulations in the country of the supplier's incorporation do not require similar professional qualification.

3 Technical Qualification

The contracting entity sets the following technical qualification requirements:

The supplier shall submit a list of key supplies, specifying the period of performance and client identification, executed in the last 3 years prior to the start of the tender for the contract.

The supplier will meet the technical qualification if the supplier submits a list of key supplies, specifying the period of their performance and client identification, in a form of a statutory declaration showing that in the last three years the supplier has executed at least **three** key supplies consisting of a supply and successful commissioning of comparable equipment, i.e. dosers of non-pumpable vegetable salads and rotary cup fillers with vacuum function and inert atmosphere dosing.

The statutory declaration must be signed by the person/persons authorized to act on behalf of the tenderer.

4 Proving Qualification through Third Parties

The supplier may prove a part of the technical qualification through third parties. In such a case, the supplier is obliged to submit the following to the contracting authority:

- a) A Certificate of Incorporation or another similar document of the third party; the document shall not be older than 3 months prior to the day of the tender submission;
- b) Documents proving compliance with the missing qualification portion through a third party;
- c) Documents proving basic qualification compliance hereunder by a third party; and
- d) A written obligation of a third party to provide performance to perform the contract or provide assets or rights to the supplier to use in the contract performance, in the minimum scope the third party has proven qualification for the supplier.

The requirement under (d) is deemed met if the written obligation of a third party provides for joint and several responsibility of the party for the contract performance together with the supplier. However, if the supplier proves capacity through a third party and submits documents relating to the list of key supplies, under (d), the document must include the obligation of the third party to perform the supplies covered by the proven qualification criterion.

5 Proving Qualification Acquired Abroad

If the qualification has been acquired abroad, it is substantiated by documents issued under the applicable laws and regulations of the country of acquisition.

6 Proving Qualification for a Joint Tender

In the event of a joint participation of suppliers, the basic qualification and professional qualification (to the extent of a Certificate of Incorporation or another similar document) shall be proven by each supplier independently. The remaining qualification shall be proven by the suppliers jointly.

7 Proving Qualification by an Extract from the Approved List and a Certificate based on a List of Certified Suppliers

To prove the minimum and professional qualification, the supplier may submit an extract from a list of certified suppliers not older than 3 months, under the conditions set forth in Section 226 et seq. of APP.

To prove the qualification, the supplier may also submit a certificate issued within the system of certified suppliers, not older than 1 year, under the conditions set forth in Section 233 et seq. of APP.

IV. Tender Price Requirement

- 1 The price must be quoted as a total price of the subject matter of the contract, VAT exclusive, in CZK. The tenderer shall also give the information about being or not being a VAT payer in the tender.

- 2 The price quoted in the tender shall be considered final and unexceedable. If an agreement on performance of the subject matter of the contract is concluded, the price will be set as the maximum possible price. The tender price must include all costs of the supplier related to the content and extent of performance of the contract subject matter.

V. Business and Payment Terms and Conditions

The business and payment terms and conditions set forth by the contracting entity for the contract performance are included in the Purchase Agreement draft (hereinafter referred to as "the Draft Agreement"), which constitutes Annex No. 1 to this Tender Documentation. The tenderers are obliged to attach the Draft Agreement to their tender. The Draft Agreement is binding. The contracting entity shall not allow any changes in the submitted Draft Agreement, except for explicit amendments. The Draft Agreement may not be changed, amended or otherwise modified by the tenderer. The tenderer shall solely fill in the requested information marked in the Draft Agreement as **[TO BE FILLED BY THE TENDERER]**, or cross out any unsuitable provisions based on the attached instructions (applies to VAT non-payers). The Draft Agreement must be signed by the person authorized to act on behalf of the tenderer.

VI. Place and Deadline for Submission of Tenders

Deadline for submission of tenders: December 14th, 2018, 09:00 AM

Opening of envelopes: December 14th, 2018, 09:15 AM

The tender must be delivered to the contracting entity by the deadline for receipt of tenders in a sealed envelope with identification to the address of the contracting entity – DELIMAX a.s., Bratislavská 1647/3, 695 01 Hodonín, to the attention of Ing. Stanislav Látal. The envelope shall be marked by **"DO NOT OPEN!"** in capital letters and the name of the contract – *"Filling Line"*.

The tenders may also be submitted in person, in business days from 7 a.m. to 2 p.m. On the last day of the deadline for submission of tenders from 7 a.m. to the deadline for submission of tenders. In the event of an alternative delivery (e.g. by post), the tender must be delivered to the contracting entity by the deadline for the submission of tenders (sending before the deadline is not sufficient).

The tenderers that submitted their tenders to the contracting entity before the deadline for the submission of tenders may be present at the opening of envelopes. The tenderer may be present at the opening of envelopes in person, by means of its governing body or by proxy.

No more than one representative of each tenderer may be present at the opening of envelopes. For foreign tenderers, the contracting entity also allows one interpreter.

The representative of the tenderer is obliged to present an authorization to represent the tenderer (certificate of incorporation, power of attorney, etc.) to the committee for opening of envelopes. Each participant in the opening of envelopes is obliged to prove their identity by a valid identity card.

VII. Tender Conditions and Requirements

a) Tender:

- 1 The tender shall be submitted in 2 originals – hard copies plus one digital version of the tender on a CD
- 2 The tender must be in writing and in Czech

b) Required tender structure:

- 1 **Tender cover page** – filled in according to Annex No. 3 to the Tender Documentation.
- 2 **Description of the proposed contract solution**, which will become Annex No. 1 to the Purchase Agreement
- 3 **Tender price** (in accordance with (IV) hereof)
- 4 **Detailed contract budget**, clearly stating the price of the respective contract parts, i.e. a) *Rotary packing machine*, b) *Salad filling machine* and c) *Liquid mix filling machine*, in CZK excl. VAT, which will become Annex No. 2 to the Purchase Agreement
- 5 **Date and signature of the person/persons authorized to act on behalf of the tenderer** in accordance with signatures stated in the Certificate of Incorporation or by a representative authorized for this act under applicable laws and regulations (ideally on the last tender page)
- 6 **Documents proving compliance with minimum and professional qualification as well as technical qualification** (in accordance with (III) hereof)
- 7 **Draft Agreement, filled in and signed by the person authorized to act on behalf of the tenderer**

VIII. Rules of Tender Evaluation

a) Evaluation criteria

The tenders will be evaluated based on their economic advantage, the lowest tender price being the only evaluation criterion for award.

The tender quoting the lowest tender price in CZK excl. VAT will be evaluated as the best one.

b) Assessment of evaluation criteria

The evaluation committee (hereinafter referred to as "the committee") will evaluate the tenders after the envelopes are opened and the qualification and requirements of the contracting entity stated in the tender conditions are assessed.

The most economically advantageous tender will be selected based on the following procedure:

The committee will contract the tenders based on the tender price in CZK excl. VAT, from the lowest to the highest tender.

The cheapest tender will be the most advantageous one.

If the contracting entity receives several tenders with the same lowest tender price, the winning (most advantageous) tender will be chosen by lot at the presence of a notary. The tenderers whose tenders are decided by lot may be present at the lot draw.

IX. Tender Alternatives

The contracting entity does not allow tender alternatives.

X. Rules of Tender Conditions Explanation

- 1 The supplier is entitled to request in writing (in paper or digital form) that the contracting entity explains the tender conditions, at: DELIMAX a.s., Bratislavská 1647/3, 695 01 Hodonín, to the attention of Ing. Stanislav Látal or by e-mail at: latal@delimax.cz. The paper or digital request must be delivered to the contracting entity no later than 4 business days before the deadline for the submission of tenders.
- 2 The contracting entity will send the explanation of the tender conditions and the related documents, if any, within 2 business days of the supplier's request delivery under the previous paragraph. If the contracting entity provides an explanation based on a supplier's request not delivered by the deadline stated in paragraph 1 of (X), the contracting entity is not obliged to observe the deadline stated in this paragraph 2 of (X).
- 3 At the same time, the explanation of the tender conditions including the exact wording of the request will be published in the same way the contracting entity has published the notification of the open call.
- 4 The contracting entity may provide an explanation of the tender conditions even without a prior request.

XI. Award Period

By analogy to Section 40 of APP, the contracting entity sets an award period of 3 months from the date of the deadline for the submission of tenders. The suppliers are bound by their tenders throughout the award period. By submitting their tenders, the suppliers accept the award period.

XII. Final Provision

- 1 If the conditions of this tender are not met, the contracting entity reserves the right to exclude the tender of the tenderer from further participation in the tender.
- 2 The contracting entity reserves the right to exclude a tenderer for reasons stated in the Procurement Manual for the Rural Development Programme for 2014–2020, as amended.
- 3 The tenders must be delivered to the above address (in accordance with (VI) hereof) by the required deadline. No tenders delivered after the deadline will be taken into account.
- 4 In order to ensure due tender process, the contracting entity may request that the tenderer clarifies the submitted information and documents or submits additional or missing information and documents.
- 5 The contracting entity shall not return the tenders or their parts to the tenderers.
- 6 The contracting entity reserves the right to cancel the tender any time and for any reason or for convenience, until the conclusion of the Agreement.
- 7 The tender winner is obliged to cooperate in a financial audit pursuant to Section 2(e) of Act No. 320/2001 Sb., on Financial Auditing in Public Administration.
- 8 If an attorney-in-fact is acting on behalf of the tenderer under a power of attorney, the original or an officially certified copy of the power of attorney must be included in the tender.

XIII. Annexes to Tender Documentation

- 1 Draft Purchase Agreement
- 2 Template of the Statutory Declaration on Basic qualification
- 3 Tender Cover Page
- 4 Technical Specification for the Subject Matter of Performance

In Hodonín, November 12th, 2018

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