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Agency of the Ministry of Education of the Slovak Republic for
the Structural Funds of EU

Operational Programme
Research and Development

European Union
European Regional
Development Fund

Call for Tenders

Reference number: 001/2010/2

1. Identification of the public procurer

hameln rds a.s. (Jsc.)
Company ID: 34122885
Contact person: Ing. Anna Kováčová
Registered seat
Municipality (city): Modra
Street: Horná
Telephone: 00421 33 69 04 169
Electronic mail: a.kovacova@hameln-rds.com
Internet address: www.hameln-rds.com

Post code: 900 01
Number: 36
Fax: 00421 33 6904 401

2. Name of goods:

Laboratory instruments and laboratory equipment for protein research

3. Description of goods:

The description of the subject matter of the order is defined in details in the Tender Specifications.

4. Place of delivery of the goods:

hameln rds a.s., Horná 36, 900 01 Modra

5. Scope of the subject matter of the order and contents of the contract:

The public procurer requires submitting a proposal for the scope defined in the Tender Specifications.

6. Code list of the Common Procurement Vocabulary (CPV)

38432200-4; 44617000-8; 38945000-7

7. Division of the subject matter of the order:

The public procurer does not allow for division of the subject matter of the order into parts.

8. The possibility to submit variant solutions:

The public procurer does not allow for the parties interested to submit variant solutions.

9. Contract term and deadline for goods delivery completion:

The assumed contract term for delivery of the subject matter of the order is six months as of the conclusion date of the purchase contract.

10. **Main financing conditions and payment terms or reference to the documents where they are specified:**
The subject matter of the order will be financed from the resources of structural funds (Operational Programme Research and Development, OPVaV-2009/4.2/03-SORO) Industrial research of recombinant protein based new medicaments and from own resources of the public procurer.

11. Participation conditions for applicants:

11. The applicant must meet the participation conditions related to personal status specified in Section 26 par. 1 of the Act No. 25/2006 Coll., on public procurement and on amendment and supplement of some acts, as amended

(hereinafter referred to as "act") and shall prove them by submission of the original documents or their certified copies required in points 11.1 to 11.6 respectively 11.9:

- 11.1 Criminal record (records) not older than **three months as at the proposal submission date** proving that they or their statutory body, or a member of their statutory was not lawfully sentenced for the criminal act of corruption, for the criminal act of impairing the financial interests of the European Communities, for the criminal act of income legalisation from criminal activity, for the criminal act of establishment, plotting and support of a criminal group or for the criminal act of establishment, plotting or support of a terrorist group:

11.1.1 **natural person – entrepreneur** shall submit a criminal record(s) of the person that the trade licence or other than a trade licence pursuant to special regulations is issued for,

11.1.2 **legal person - entrepreneur** shall submit a criminal record(s) of the persons representing the statutory body or are members of the statutory body of the entrepreneur (applicant).

- 11.2 A criminal record (records) not older than **three months as at the proposal submission date** proving that they or their statutory body or a member of the statutory body was not lawfully sentenced for a criminal act whose subject matter is related to business:

11.2.1 **natural person – entrepreneur** shall submit a criminal record(s) of the person that the trade licence or other than a trade licence pursuant to special regulations is issued for,

11.2.2 **legal person - entrepreneur** shall submit a criminal record(s) of the persons representing the statutory body or are members of the statutory body of the entrepreneur (applicant).

- 11.3 Confirmation of the competent court not older than **three months as at the proposal submission date** proving that no bankruptcy proceeding is conducted against the applicant, that the applicant is not under bankruptcy, winding-up, or no proposal for bankruptcy declaration was declined against the applicant due to insufficient property (the document shall be submitted by legal persons as well as natural persons). The court confirmation must be up-to-date and must reflect the actual state at the time when the applicant participates in the public tender.

- 11.4 Confirmation of the Social Insurance Company and of the health insurance company where the applicant is kept in the register of payers stating that the applicant has no arrears of health insurance and social insurance premiums and contributions to old-age pension savings not older than **three months as at the proposal submission date**, which are being exacted by decision execution.

- 11.5 Confirmation of the locally competent tax authority not older than **three months as at the proposal submission date** proving that the applicant has no tax arrears registered, which are being exacted by decision execution.

- 11.6 A document stating that the applicant is entitled to do business or a document on registration in a professional list kept by a professional organisation stating that the applicant is entitled to deliver the **goods:**

- 11.6.1 trade licence or excerpt from the trade licence register (to be submitted by a natural person - entrepreneur, contributory organisation – entrepreneur),
- 11.6.2 excerpt from the companies register (to be submitted by a legal person – entrepreneur, natural person – entrepreneur incorporated in the companies register),
- 11.6.3 a licence other than a trade licence, issued pursuant to special regulations.

The business licence must reflect the actual state at the time when the applicant participates in the public tender.

The applicant shall submit the business licence for the entire scope of the subject matter of the order. In case that the scope of business activities of the business licence does not list some of the activities within the scope of activities of the subject matter of the order, the applicant meets this requirement if they submit in the proposal a business licence document for the missing activities from the subject matter of the order that shall be provided for by third persons. The presentation of this requirement does not release the applicant from liability for the total contract fulfilment. When submitting a business licence document of any subcontractor, the applicant shall also submit a future contract concluded for the activities in question with the subcontractor.

- 11.7 For the last three years, no material breach of professional obligations was proven to them that the public procurer and the procurer can prove. The applicant does not prove meeting this condition by any document. These conditions must be proven in case of need by the public procurer.
- 11.8 In case of an applicant with their registered seat outside the territory of the Slovak Republic and the country of their registered seat does not issue some of the documents specified in points 11.1 to 11.6 or does not issue equivalent document, the applicant may replace them by an affidavit, pursuant to the regulations valid in the country of their registered seat.
- 11.9 In case of an applicant with their registered seat in a member country different from the Slovak Republic and the law of the member country does not regulate the institute of affidavits, they may be replaced by a declaration made before the court, administrative authority, notary public or other specialised institution or commercial institution according to the legal regulations valid in the country of origin or in the country of registered seat of the applicant.
- 11.10 The applicant may replace the documents specified in points 11.1 to 11.6 by a certified copy of the confirmation of the Office of Public Procurement if the applicant is entered in the list of entrepreneurs maintained by the Office of Public Procurement. The applicant may replace the documents specified in points 11.1 to 11.6 by a certified copy of another document – a valid certified registration issued by the certification institution in the country of their registered seat. In case that the document – the valid certified registration issued by the certification institution in the country of their registered seat does not cover the participation conditions related to the personal status obligatorily determined in Section 26 par. 1 letter a) to f) of the act on public procurement (points 11.1 to 11.6), the applicant shall prove this experience by a separate document providing for the required condition issued by the competent institution in the country of their registered seat. If such a separate document or equivalent document is not issued in the country of the applicant's registered seat, the applicant may replace it by an affidavit pursuant to the regulations valid in the country of their registered seat pursuant to Section 26 par. 3 of the act on public procurement and point 11.7. In case that the law of the member country where the applicant's registered seat is does not regulate the institute of affidavit, it may be replaced by a declaration made before a court, an administrative authority, notary public, other professional institution or commercial institution according to the regulations valid in the country of origin or in the country of the applicant's registered seat pursuant to Section 26 par. 4 of the act on public procurement and point 11.7.

11.11 If the applicant does not submit the document according to points 11.1 to 11.6 respectively according to point 11.9 and the documents according to point 12 and point 13, the applicant **will be excluded from the public tender**.

11.12 The group of suppliers shall prove meeting the participation conditions in public procurement related to personal status for each member of the group separately.

12. Participation conditions in public procurement according to Section 27 of the act on public procurement related to financial and economic position

12. The applicant must meet the participation conditions related to financial and economic position specified pursuant to Section 27 of the act on public procurement and proves meeting these conditions by submission of the **original documents or the certified copies of the documents** required in points **12.1 to 12.4**:

Within the proposal the applicant shall submit the following documents that prove their financial and economic position *as evidence* stating that in the previous period from the aspect of their economic and financial position the applicant was able to perform contracts of the same or similar character as the subject matter of the contract that is required, or in the current period from the aspect of economic and financial position the applicant is able to duly perform such a contract, *as evidence* stating that in the previous period after deduction of their liabilities the applicant had available liquid assets or assets with an adequate liquidity rate in connection with the performance of their contractual liabilities, eventually access to financial credit funds being sufficient for successful performance of such contracts, or in the current period the applicant has assured access to financial credit funds or other assets, in the amount being sufficient/necessary for due performance of such a contract. The applicant shall prove their financial and economic position by **submission of the original documents required in points 12.1 to 12.4 or of their certified copies**:

12.1 submission of the statement of the bank (banks) that the applicant is a client of on capability to meet financial liabilities for the years of 2007, 2008 and 2009 not older than three months as at the **proposal submission date**. The statement of the bank shall contain the following data:

12.1.1 in case of loan repayment the applicant follows the repayment schedule,

12.1.2 its current account as at the issue date of the present statement was not subject to execution.

12.2 submission of an affidavit of the applicant that they do not have liabilities in other banks.

12.3 In case of an applicant represented by a **group of suppliers** participating in the public procurement it shall prove meeting the participation conditions related to financial and economic position according to point 12 of the Call for Tenders for all members of the group **jointly**.

12.4 To present financial and economic position the applicant may use the financial resources of another person regardless of their legal relationship. In such case the applicant must prove to the public procurer that upon performance of the contract they can really dispose of the resources of the person whose position they use to manifest the financial and economic position.

13. Participation conditions in public procurement according to Section 28 to Section 30 of the act on public procurement related to technical or professional capability of the applicant

13. The applicant must meet the participation conditions related to technical or professional capability specified pursuant to Section 28 of the act on public procurement and proves meeting these conditions by submission of the **original documents or the certified copies of the documents** required in points **13.1 to 13.5**:

Within the proposal the applicant shall submit the following documents that prove their technical capability to deliver the subject matter of the order as evidence stating that in the previous period the applicant was able and technically capable to successfully perform contracts of the same or similar character as the contract that is required, or in the current period is able and technically capable to duly perform such a contract. The

applicant shall prove the required technical or professional capability **by submission of the original documents required in points 13.1 to 13.5 or their officially certified copies:**

- 13.1 submission of the list of goods deliveries for the last three years (2007, 2008 and 2009) with determination of the prices, delivery terms and customers; if the customer
- was a public procurer according to law, the evidence on performance of contracts was confirmed by this public procurer,
 - was a person different from a public procurer, the evidence on performance of contracts shall be confirmed by the customer; if it is not possible, by declaration of the applicant on their provision.

The submitted list of goods deliveries must contain:

- business name or name of the customer, contact of the customer, where the information can be verified,
- registered seat of the customer,
- name of the subject matter of contract performance, short description,
- contractual price and contractual delivery term.

The public procurer requires submitting a list of deliveries of the same or similar goods as the subject matter of the order with determination of the prices, whose contractual price for each year separately is at least **EUR 250,000 less VAT.**

- 13.2 data on technicians or technical bodies of those being responsible for quality check regardless of the fact in what contractual relationship they are with the applicant,
- 13.3 samples, description of photographs:
the applicant shall submit the official promotion letter on equipments that they shall verify the specified required technical parameters on (language mutation of the producer is admissible).
- 13.4 declarations of conformity and additional documents to them, by certificates issued by authorised entities or notified entities of the European Communities being entitled to review conformity of products.
- 13.5 quality management system certificate according to ISO 9001:2000 or other documents proving quality assurance measures (e.g. quality guideline, quality plan, quality policy, description of the applicant's measures for quality assurance, etc.).

The public procurer shall recognise as an equivalent certificate the one issued by the competent authorities of the member countries. The public procurer must also accept other proofs submitted by the applicant being equivalent to the measures for quality assurance according to the requirements of the respective certificate.

In case of an applicant represented by a **group of suppliers** participating in the public procurement it shall prove meeting the participation conditions related to technical or professional capability according to point 13 of the Call for Tenders for all members of the group **jointly.**

To present technical or professional capability the applicant may use the technical or professional capacity or another person regardless of their legal relationship. In such case the applicant must prove to the public procurer that upon performance of the contract they can really dispose of the capacities of the person whose capability they use to manifest the technical or professional capability.

14. **Is the sale of goods is reserved for a certain profession.**
The sale of goods is not reserved for a certain profession.
15. **Determination whether it is necessary to indicate the names and professional qualification of the persons responsible for contract performance:**

The public procurer requires specifying the names and professional qualification of the persons responsible for performance of the purchase contract.

16. Provision of Tender Specifications:

The applicants may collect the Tender Specifications in person at the address of the public procurer specified in point 1: hameln rds a.s. (Jsc.), Horná 36, 900 01 Modra.

The Tender Specifications will be issued daily at the time from 9:00 a.m. to 11:00 a.m. by **5th November, 2010**

The public procurer does not require a payment for the Tender Specifications.

Method of taking over the Tender Specifications:

- personal reception or sending by post

The procurer does not require a payment for the Tender Specifications.

17. Deadline and method of proposal submission:

The proposals may be delivered in person, by post within the term for proposal submission determined by the public procurer in the call for tenders, i.e.

by 23rd November, 2010 by 3:00 p.m.

The address where the proposals shall be delivered to:

In person to the address of the public procurer specified in point 18, room AB-107, within the term for proposal submission. The working hours of the public procurer are **from 8:00 a.m. to 3:00 p.m. local time.**

18. Opening of proposals:

On **23rd November, 2010** at 3:15 p.m.

The place of opening the proposals:

hameln rds a.s. (Jsc.)

Municipality (city): Modra

Street: Horná

Room: meeting room of the public procurer

Post code: 900 01

Number: 36

19. Criteria for proposal evaluation:

The total price for the subject matter of the order – **Laboratory instruments and laboratory equipment for protein research** including installation VAT incl.

20. The estimated contract value:

EUR 97,000

21. Expiration of the proposal bindingness period:

The proposal bindingness deadline is by **31st January, 2011.**

22. The public procurer reserves the right not to accept any proposals in case that they are above the assigned financial limit.

In Modra on 29th October, 2010