

CO CIPKEBIP
Centre of excellence for integrated approaches
in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana
VAT number: SI90147502
Tel. +386 1 477 3857, Fax. +386 1 477 3984
www.cipkebib.org

Code of contract by open procedure: **16-2011**
Date: **23.6.2011**

Invitation to submit a tender

for the contract by open procedure for the purchase of Acoustooptical beamsplitter (AOBS) with spectral detectors

Based on the Public Procurement Act, ZJN-2 (Official gazette of the Republic of Slovenia, no. 128/06, Official Journal of the European Union, no. 317/07, Official gazette of the Republic of Slovenia, no. 16/08, 34/08, Official Journal of the European Union, no. 314/09, Official gazette of the Republic of Slovenia, no. 19/10), in accordance with the 25th Article of ZJN-2 and a Decision to initiate the contract by open procedure of 3 June 2011, we invite you to submit a tender for the contract by the open procedure for the purchase of **Acoustooptical beamsplitter (AOBS) with spectral detectors**.

The estimated value of the contract by the open procedure is 205.000,00 EUR without value added tax.

The tender documentation is available on the internet: <http://www.cipkebib.org/> .

The contracting authority may, in accordance with the 80th Article ZJN-2, suspend the public procurement process at any time.

1. Object of the contract

The object of the contract by the open procedure is a purchase of **Acoustooptical beamsplitter (AOBS) with spectral detectors**.

2. Complete tender

A complete tender should include:

- a) A completed and signed bidder information **Form A**
- b) A completed and signed pro-forma invoice **Form B**
- c) A completed and signed declaration of eligibility **Form C**
- d) Statement of compliance with the technical requirements **Form D**
- e) Statement of the servicing response time **Form E**
- f) Submitted evidence of collaborations within the past five years with different subscribers
Appendix No. 1
- g) Completed and signed draft sales agreement **Appendix No. 2**

Tender documents should be put together in the above order and tied together on the way that individual sheets or attachments cannot be added, taken away or replicated at a later stage. The submitted forms should be signed and stamped. **Please attach also a photocopy of the entire tender (sheets should not be tied together).**

The bidder must meet the following conditions (as evidenced by the statement - Form C):

1. The bidder has valid registration to do business.
2. The bidder has a valid permit from the competent authority for the business, which is the subject of the contract, if the permission of such activities is requested and provided on the basis of special law.
3. The bidder and each of legal representatives, if a legal person is in question, have been not convicted of crimes specified in the first and second paragraph of 42nd Article of the ZJN-2.
4. The bidder has to ensure that is not in the list of business entities which, under the Prevention of Corruption Act, could not business with entities from 1, 2 and 3 paragraph of 28 articles on the Prevention of Corruption Act - ZPKor (Official Gazette RS, no. 8/04).
5. The bidder has to ensure that is not in compulsory settlement, bankruptcy or liquidation, and against the bidder has not been introduced the procedure of the compulsory settlement, bankruptcy or liquidation.
6. The bidder has to ensure that all outstanding obligations to the subcontractors in the previous public procurement procedures (Article 44 ZJN-2) have been paid.
7. The bidder has to ensure that is in accordance with the requirements of the contracting authority capable of performing the contract object technically, personally, timely and financially.
8. The bidder has to ensure that is not in the list of bidders with negative references prepared by the Ministry of Finance.
9. The bidder has to ensure that didn't get any additional penalty regarding the participation in public procurements on the basis of Article 15.a of the liability of legal persons for criminal acts (Official Gazette RS, no. 98/04 - ZOPOKD - UPB1 and 65/08).

Other conditions:

- a) Pro-forma invoice should be valid for the duration of the contractual relationship.
- b) All prices should be expressed in Euros. The final price should include all its constituent elements. Any discounts and the VAT should be shown separately.
- c) The pro-forma invoice should valid at least 3 months.
- d) The time of performance delivery shouldn't be more than 4 weeks from the date of signing the contract.

3. Technical requirements

Requirements and components to be included in the supply and installation of equipment:

1. Basic AOBS module with highly sensitive filter-free detector in the range between 400 and 800 nm. Requested is a computer controlled adjustable bandwidth for all fluorescence channels. Individual wavelengths have to be controlled through acousto-optical transmission filter. The beam-splitter has to be acoustooptical and must allow simultaneous combination of at least 4 wavelengths. Module needs to allow at least 3. optical inputs.

2. Required are the following laser systems:

- Ar laser (wavelengths 458, 488 (at least 20 mW power), 496, 514 nm)
- DPSS laser (wavelength 561 nm, at least 20 mW power)
- He/Ne laser (wavelength 633 nm, at least 5 mW power)

3. Integrated spectrometer has to contain at least three hybrid GaAsP detectors with maximum QE at 530 nm of about ~45 %. Required is one transmitted light detector.

4. The AOBS modul should be controlled with computer workstation with plenty of working and disk space, flat screen with 30 inch diagonale and computer table. The computer has to have installed the producers' software to run the AOBS module.

5. In addition to basic software additional software packages are required:

- a. physiology software
- b. 3D and 4D data analysis
- c. colocalization
- č. FRET and FRAP
- d. 3D deconvolution software
- e. spectral analysis software

6. Installation of the system and minimum of 7 days training for the end user.

7. All required technical specifications have to be labelled with numbers following specifications of this technical documentation.

4. Award criteria and conclusion of contract

The contracting authority will eliminate tenders which do not fulfil all the conditions of the contracting authority listed in the second (Complete range) and 3 points (Technical requirements) and will not be evaluated. The contracting authority has the right to exclude the offer from further consideration, if the offer is not made up as determined by the tender conditions.

The tender price must be expressed in Euros and not exceed **245.000,00 Euros**, including VAT. All individual items of the price must be denominated in Euros. The final price should include all elements of its constituent, including transport costs, with a functional layout of the equipment and training for users. Discounts and VAT must be shown separately.

The contracting authority does not allow the submission of variants.

The criterion for the selecting of the most appropriate bidder is price. Subject to compliance with all technical requirements of the contracting authority will select a bidder who will offer the lowest bid price, including VAT and the price without VAT.

In the case that more bidders offer the same best price, the contracting authority will choose a bidder that will provide the shortest delivery time.

After adopting the report on awarding the public contract, the contracting authority shall send, in line with the provisions of Article 79 of the ZJN-2 to all bidders, its decision on awarding the public contract.

The refused bidder can submit, to the contracting authority, a request for an additional explanation regarding the decision on awarding a public contract. This request has to clearly state which issues should be additionally explained by the contracting authority, and it should be submitted within three working days of the receipt of the notification regarding the contracting authority's decision. If the bidder's request is not submitted duly, if it is incomplete and if it does not comply with the conditions for the submission of the additional explanation, the contracting authority shall dismiss the request. The contracting authority has to send the requested additional explanation regarding its decision, or a notification of the dismissal of the request, to the concerned bidder within three working days. The day of receipt of the additional explanation regarding the awarding of the public contract, or the day of the receipt of the decision on awarding the public contract if the request is dismissed are also the beginnings of the period in which a request for an audit can be submitted in line with the provisions of the Auditing of Public Procurement Procedures Act.

When sending out the notification on its decision, the contracting authority shall also invite the selected bidder to sign the contract in line with the specifications of the bid. If the selected bidder does not respond to this invitation (within 10 days of the receipt of the notification regarding the awarding of the public contract), it shall be considered that the bidder withdrew from the bidding procedure. In this

case the contracting authority shall redeem the Tender Bond irrespective of the bidder's reasons for withdrawal.

The contract will be concluded with selected bidder.

The deadline for payment is 60 days from receipt of correct invoice.

5. Delivery requirements and time limit for submission of tender

The tender with all the required forms and attachments must be submitted in a sealed envelope in person Dr. Livija Tušar or by mail to the following address:

CO CIPKEBIP
Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39
SI-1000 Ljubljana
Slovenia

In the lower left corner of the envelope must be a visible sign **DO NOT OPEN – TENDER for contract by open procedure – Contract code: 16-2011**.

The reverse side must bear the full address of the sender, its telephone number and email address.

The tender is considered timely if it will be received by the contracting authority no later than **3 August 2011 until 10.00 hours** or sent by post as registered mail with acknowledgement of receipt and received by the contracting authority by the above date.

Late and incorrectly marked tenders shall be excluded from the further procedure and returned to the senders without having been opened.

Applications could be written in Slovenian or English language, the financial part of it must be shown in Euros.

6. Queries relating to the tender documentation

Queries relating to the tender documentation can only be placed through the Public-Procurement Portal of the Official Gazette of the Republic of Slovenia: <http://www.enarocanje.si/>.

The bidders could send in writing to the above address the requests for additional queries until **29 July 2011 until 10.00 hours**. The contracting authority shall answer which will be published at Public-Procurement Portal of the Official Gazette of the Republic of Slovenia.

The contracting authority shall not answer queries over the telephone.

7. and changes of contract by open procedure

The contracting authority self reserves the right to amend or to supplement tender documents. In case, that the contracting authority within a time period will modify or supplement the tender documentation, all changes will be published on his web page (<http://www.cipkebip.org/>) and on Public-Procurement Portal.

After the deadline for receipt of tenders the contracting authority will not alter or supplement contract documentation.

8. The public opening of tenders

The public opening of tenders will be at **11.00 hours on 3 August 2011** at the following address:

CO CIPKEBIP
Center of Excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, Classroom B220
Ljubljana 1000
Slovenia

The representatives of the bidders wishing to be present at the opening should present a letter authorising them to attend the event to the selection board prior to the opening of the tenders.

9. Contract award notice

Bidders could expect Notice of award within 10 days after the deadline of submission of tenders.

10. Additional information

Operation, program of development of centre of excellence, with title "Centre of excellence for integrated approaches in chemistry and biology of proteins" (No. operation OP13.1.1.2.02.0005), partly finances European Union, namely from European regional development fund. Operation is carried out under the Operational programme for strengthening regional development potentials for period 2007-2013, developmental priority: Competitiveness of enterprises and research excellence; priority orientation: Improvement of competitive abilities of enterprises and research excellence. Operation partly finances European Union, namely from European regional development fund, in height of 85 %. Share of Slovenian co-financing is 15 %.

Legal Notice:

Each bidder involved in the tendering procedure can request an audit of the procedure in line with the Auditing of Public Procurement Procedures Act (the Official Gazette of the Republic of Slovenia, No. 94/07). A request for auditing can be submitted during all phases of the awarding procedure, unless stipulated differently by the Public Procurement Act (ZJN-2) or the Auditing of Public Procurement Procedures Act (ZRPJN). The deadline for submitting a request for an audit is ten days after the receipt of the notification regarding the contracting authority's decision.

In the request the bidder should indicate the contact person, the contracting authority, the title and the code of the contract by open procedure and the following documents should be included: the award decision note, well justified violations, evidences of violations and the certificate of paid tax of 2.500 EUR. A tax of 2500 EUR should be paid on the bank account at the Ministry of Finance, no. 0110-1000358802 - implementation of the national budget of Republic of Slovenia, in line by 22. Article of Law on the revision of public procurement procedures, reference 11 161100-7111290-00000010. In the case when the call for tender was announced also in the Official Journal of the European Communities, the tax is doubled.

The bidder has to submit two copies of the request for auditing to the contracting authority. Within three days after the receipt of the request for auditing, the contracting authority shall send one copy to the selected bidder. The bidder also sends a copy of the request for auditing to the Ministry of Finance. A request for auditing is sent off as registered mail with an acknowledgement of receipt, or as electronic mail provided it is verified with a qualified certificate.

Yours sincerely,

Livija Tušar, Ph.D.
Director

Annex:

1. A completed and signed bidder information Form A
2. A completed and signed pro-forma invoice Form B
3. A completed and signed declaration of eligibility Form C
4. Statement of compliance with technical requirements Form D
5. Statement of servicing response time Form E
6. Submitted evidence of collaborations within the past five years with different subscribers Appendix No. 1
7. A completed and signed draft sales agreement Appendix No. 2

Form A

Contracting Authority:
CO CIPKEBIP
Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana
Tel. +386 1 477 3857, Fax. +386 1 477 3984

Code: **16-2011**

BIDDER INFORMATION

Subject of the contract by open procedure is purchase of **Acoustooptical beamsplitter (AOBS) with spectral detectors**.

Information about the bidder:

Name:	
Address:	
Legal representative:	
Tax Identification Number:	
Registration Number:	
Bank account numbers:	
Opened at a bank:	
Contact Person:	
GSM of contact person:	
Phone Number:	
Fax Number:	
E-mail address:	
Web page:	

Responsible for signing the contract:

Stamp and signature of the bidder

Place and date:

Form C

Contracting Authority
CO CIPKEBIP
Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana
Tel. +386 1 477 3857, Fax. +386 1 477 3984
Code: 16-2011

Bidder (company): _____
Address _____

DECLARATION of eligibility

Under the criminal and material responsibility declare that we are eligible to participate:

No	Terms	Meet the criteria (Yes/No)
1	We declare that we have a valid registration to do business	
2	We declare that we have a valid permit from the competent authority for the business, which is the subject of the contract, if the permission of such activities is requested and provided on the basis of special law.	
3	We declare that we and each of our legal representatives, if a legal person is in question, have been not convicted of crimes specified in the first and second paragraph of 42nd Article of the ZJN-2.	
4	We declare that we are not in the list of business entities which, under the Prevention of Corruption Act, could not business with entities from 1, 2 and 3 paragraph of 28 articles on the Prevention of Corruption Act - ZPKor (Official Gazette RS, no. 8/04).	
5	We declare that we are not in compulsory settlement, bankruptcy or liquidation, and against us has not been introduced the procedure of the compulsory settlement, bankruptcy or liquidation.	
6	We declare that we have paid all outstanding obligations to the subcontractors in the previous public procurement procedures (Article 44 ZJN-2).	
7	We declare that we are in accordance with the requirements of the contracting authority capable of performing the contract object technically, personally, timely and financially.	
8	We declare that in submitted tender has been presented a real and non-misleading data and evidences. We also declare that we are not in the list of bidders with negative references prepared by the Ministry of Finance.	
9	We declare that we didn't get any additional penalty regarding the participation in public procurements on the basis of Article 15.a of the liability of legal persons for criminal acts (Official Gazette RS, no. 98/04 - ZOPOKD - UPB1 and 65/08).	
10	We declare that in submitted tender has been presented real and non-misleading data and evidences. Photocopies of enclosed documents are adequate to the original one.	

We declare that all information provided in this tender is true. The evidences are not misleading. The photocopies of the original documents attached documents. We agree that the contracting authority all data and documents checks from official records. We declare that we will on the contracting authority's

request for information, which does not keep official records, submitted the appropriate original evidence.

By signing this form we also declare that we are familiar with all tender documentation and we accepted all conditions of this public contract.

We also declare that we will not have any claim to contracting authority if we will not be selected as the most favourable bidder.

Place _____, date _____

Stamp and signature of bidder:

Form D

Contracting Authority
CO CIPKEBIP
Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana
Tel. +386 1 477 3857, Fax. +386 1 477 3984
Code: 16-2011

Bidder (Company): _____
Address: _____

Declaration of compliance with technical requirements

Technical requirements for purchase of the »**Acoustooptical beamsplitter (AOBS) with spectral detectors**«:

No.	Technical requirements	Data value, an indication of regulation, or description. explanation of the requirements	In which the present document and place at which the information is given	Note
I.	II.	III.	IV.	V.
1	Basic AOBS module with highly sensitive filter-free detector in the range between 400 and 800 nm. Requested is a computer controlled adjustable bandwidth for all fluorescence channels. Individual wavelengths have to be controlled through acoustooptical transmission filter. The beamsplitter has to be acoustooptical and must allow simultaneous combination of at least 4. wavelengths. Module needs to allow at lease 3. optical inputs.			
2	Required are the following laser systems: - Ar laser (wavelengths 458, 488 (at least 20 mW power), 496, 514 nm) - DPSS laser (wavelength 561 nm, at least 20 mW power) - He/Ne laser (wavelength 633 nm, at least 5 mW power)			
3	Integrated spectrometer has to contain at least three hybrid GaAsP detectors with maximum QE at 530 nm of about ~45 %. Required is one transmitted light detector.			
4	The AOBS module should be controlled with computer workstation with plenty of working and disk space, flat screen with 30 inch diagonale and computer table. The computer has to have installed the producers software to run the AOBS module.			
5	In addition to basic software additional			

	software packages are required: a. physiology software b. 3D and 4D data analysis c. colocalization č. FRET and FRAP d. 3D deconvolution software e. spectral analysis software			
6	Installation of the system and minimum of 7 days training for the end user.			
7	All required technical specifications have to be labeled with numbers following specifications of this technical documentation.			

Instructions for filling the table:

The name, model/type and manufacturer of the offered product should be written under the serial numbers of I. to III.

The actual information or a de facto state or the required regulations, standards, etc. or briefly explain the particular/individual requirement for each point of technical requirements should be written in column III. For requests which could be expressed numerically, the numerical value, or unit, quantity, and etc. must be entered. For other information is required to accurately describe the feature or enter a "Yes" if the requirement is met. In the case that the bidder shall enter "No" means that the bidder not fulfil the contracting authority demand.

In column IV the position of additional data about the offered product have to be specified i.e. a technical book in an annex, chapter, page of the attached documentation. To facilitate the review is also necessary to visible mark (underline, circle, tick pid) mentioned additional data in enclosed documentation about the offered product.

In a column V the bidder may enter additional comments / information in connection with the information requested in columns III and IV.

Place _____, date _____

Stamp and signature of bidder:

Form E

Contracting Authority
CO CIPKEBIP
Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana
Tel. +386 1 477 3857, Fax. +386 1 477 3984
Code: 16-2011

Bidder (Company): _____
Address: _____

SERVICING RESPONSE TIME

We hereby state that our servicing response time is not more than five working days after the receipt of the client's notification.

This statement is an integral part of, and an annex to, the bidder's application relating to the public tender for the supply of the **Acoustooptical beamsplitter (AOBS) with spectral detectors**, contract code: 16-2011.

Place _____, date _____

Stamp and signature of the bidder:

Attachment no. 1

Contracting Authority
CO CIPKeBiP
Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana
Tel. +386 1 477 3857, Fax. +386 1 477 3984
Code: 16-2011

Seller (Company): _____
Address _____

Evidence of collaborations within the past five years with different subscribers

List at least three collaborations within the past five years with different subscribers.

No.	Reference customer	Equipment	Time of realization

Place _____, date _____

Stamp and signature of
bidder:

Attachment no. 2

SAMPLE SALES AGREEMENT

Code: 16-2011

Centre of excellence for integrated approaches in chemistry and biology of proteins
Jamova cesta 39, 1000 Ljubljana, represented by director dr. Livija Tušar, tax identification number:
SI90147502, as a client

and

_____, represented by _____
_____, as a supplier

Hereby agree and conclude the following

Sales agreement

No. _____

Article 1

The parties acknowledge that

- a) The client implemented the contract by open procedure on the basis of the 25th Article of the Public Procurement Act ZJN-2 for the purchase of **Acoustooptical beamsplitter (AOBS) with spectral detectors** (hereinafter: the object of the agreement),
- b) The supplier was selected as the best provider for the delivery of the object of the agreement,
- c) Operation, the development of centre of excellence program, entitled Centre of Excellence for integrated approaches in chemistry and biology of proteins (operations no. OP13.1.1.2.02.0005), partly funded by the European Union, namely by the European Regional Development Fund. The operation is carried out under the Operational programme for Strengthening Regional Development Potentials 2007-2013, development priority: Competitiveness of enterprises and research excellence, policy priorities: Improving the competitive abilities of enterprises and research excellence. The operation is partly financed by the European Union through the European Regional Development Fund, up to 85%. Slovenian co-financing share is 15%.

Article 2

A supplier sells, client buys object of the agreement on the basis of pro-forma invoice no. _____
from day _____.

The supplier declares that the object of agreement is fulfilling all technical requirements of the client determined in the "Invitation to submit the tender", with contract code: 16-2011, dated 23 June 2011 and confirmed by the supplier in a statement of compliance with technical requirements, which is an integral part of tender documentation.

Article 3

The parties agreed that the contractual price for the object of the agreement is _____
_____ EUR VAT is included and _____ EUR

without VAT. Both agreed that the final contractual price includes the purchase price; value added tax and other potential costs that could incur until reception of the object of the agreement. The supplier shall provide free-of-charge transportation of the equipment and its functional installation.

Article 4

The delivery period for the equipment that is the object of the agreement is _____ days after the signing date of the sale agreement.

The client shall sign the handover note after establishing that the correctly delivered equipment has been properly installed and that the supplier presented to the client the warranty certificates.

Article 5

The supplier account the invoice after delivery of the object of the agreement and the client pays it within 60 days.

Article 6

The responsibility for keeping the equipment undamaged is transferred from the supplier to the client once the equipment is delivered to the client.

The supplier provides the client with a warrantee to cover the quality of the equipment and its smooth operation at least to an extent equal to the extent of the warrantee given by the producer of the equipment to the supplier, i.e.,years following the date of the receipt of the equipment.

During the warrantee period the supplier shall provide for an on-site repair service that shall be carried out in a response time of five working days after the receipt of a notification.

If the equipment has not been repaired within the above period, the supplier shall provide, for the time during which the equipment is being repaired, an equivalent substitute piece of equipment or a part of the equipment. In this case the warranty period shall be extended by a time equal to the duration of the repair work.

All transport costs and other costs relating to the repair work made during the warranty period are charged to the supplier.

Article 7

The parties agreed that they will fulfill all requirements to execute the agreement.

Each Contracting Party may propose amendments to this sale agreement. Amendments shall be valid only if made in writing as an annex to this sale agreement.

Article 8

In the case that the contracting parties cannot settle a dispute by common consent, they shall abide by the decision of the competent court in Ljubljana.

Article 9

The sale agreement is drawn up in two identical copies so that each contracting party receives one copy. This agreement comes into force on the day when it is signed by both contracting parties.

Date:

Date:

Supplier:

Client:
Centre of excellence for integrated
approaches in chemistry and biology of
proteins

Director:

Dr. Livija Tušar