

TENDER DOCUMENTATION

**issued in the open procedure pursuant to
Act No. 137/2006 Coll., on Public Contracts, as amended
(hereinafter the “Act”)
for
an above-the-threshold public contract for supplies**

**TP14_034 Small Aperture Optical and Optomechanical
components
(hereinafter the “Open tender”)**

1. Basic information

Contracting Authority:	<p>Fyzikální ústav AV ČR, v. v. i. Na Slovance 2 182 21 Praha 8 IČO: 683 78 271 DIČ: CZ68378271 Represented by: prof. Jan Řídký, DrSc., the Director</p> <p>(hereinafter the „Contracting Authority”).</p>
Authorized representative:	<p>HOLEC, ZUSKA & Partneři, sdružení advokátů</p> <p>Palác Anděl, Radlická 1c/3185 150 00 Praha 5 IČO: 662 31 051 DIČ: CZ5912220776</p> <p>Responsible Partner: JUDr. Karel Zuska Contact person: JUDr. Lubomír Lanský email: zakazky@holec-advokati.cz</p> <p>tel.: +420 296 325 235 fax.: +420 296 325 240</p> <p>(hereinafter the “Authorized Representative”).</p>
Legal form:	<p>Above-the-threshold public contract for supplies administered in the form of an open tender (hereinafter the “Public Contract”).</p>
Subject matter of the Public Contract (name):	<p>The supply of optical and optomechanical components for beam transport</p>
Classification of the subject matter (classification of the supply):	<p>38600000-1 38620000-7 38622000-1 38623000-8 38651100-4 42671100-1</p>
Timing:	<p>Anticipated commencement date February 2015 and required completion date July 2015</p>

Legal issues not expressly regulated herein:	Legal issues related to the awarding procedure and Public Contract which are not expressly regulated herein shall be governed by the relevant provisions of the Act 137/2006 coll. (hereinafter "Act")
Cost of providing this TD:	Free of charge
Deadline for submissions of Bids:	5. 1. 2015
Foreseen value of the tender	10 000 000 CZK (app. 357 000 EUR)

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2. Preamble

This Tender Documentation (hereinafter the „**TD**“) has been elaborated analogically pursuant to Sec 44 and following and Sec 27 of the Act.

The TD represents a set of detailed requirements, documents, information, technical, business and other terms, which were determined by the Contracting Authority necessary for the submission of the bid.

The Contracting Authority reserves the right to implement any changes to this TD in accordance with the law at any moment before effective submission of the Bid.

The Contracting Authority is the beneficiary of a subsidy from the Ministry of Education, Youth and Sports of the Czech Republic for the project “ELI: EXTREME LIGHT INFRASTRUCTURE”, reg. No. CZ.1.05/1.1.00/02.0061, within the Operational Programme “Research and Development for Innovations”, priority axis 1 European Centres of Excellence, area of support 1.1 European Centres of Excellence (hereinafter the “**ELI-Beamlines Project**”).

The objective of the ELI-Beamlines Project is to build and operate an international research laboratory (research facility) utilising the latest generation of laser technology with subsequent implementation of a series of projects in basic and applied research. The subject, scope and objectives of the ELI-Beamlines Project are defined in further detail in the Decision of the European Commission of 20 April 2011, Ref. No. K(2011) 2753, on the major project of “ELI: EXTREME LIGHT INFRASTRUCTURE” and in the Decision of the Ministry of Education, Youth and Sports of the Czech Republic of 2 August 2011, Ref. No. 26310/2009-45, and also in documents following on from these decisions. The ELI-Beamlines Project is simultaneously a part of the Czech roadmap for major infrastructure for research, development and innovations approved by the Government of the Czech Republic.

The ELI-Beamlines Project is one of the pillars of the ELI Project, which is part of the ESFRI Roadmap created by the European Strategy Forum on Research Infrastructures established by the Commission of the European Communities with a view to implementing pan-European state-of-the-art research centres aimed at providing an absolutely open access to these facilities for scientific workers within the scientific specialisation of the given research facility exclusively on the basis of the scientific excellence of the workers (i.e. without regard to the legal or commercial status of the institutions or societies to which they belong).

With a view to successful implementation of the ELI-Beamlines Project, it is also necessary to provide for the subject of performance of this Tender. The subject of performance of this Tender will become part of the infrastructure for research, development and innovations, ELI-Beamlines (hereinafter the “**ELI-Beamlines Infrastructure**”), and will further be used for implementation of research projects.

3. Definitions of Terms

- 3.1. **Supplier (or the bidder)** shall be understood as a natural or a legal person that supplies products, provides services or executes works, if it has its registered office, place of business or permanent residence in the territory of the Czech Republic, or a foreign Supplier. For the purpose of this tender documentation Supplier shall be understood as a tenderer as well.
- 3.2. **Identification data** shall be understood as a business name or name, registered office, legal form, identification number of a person, if it was assigned, in the case of a legal person, and a business name, or name and surname, place of business or, if appropriate, permanent residence, identification number, if it was assigned, in the case of a natural person.
- 3.3. **Qualifications of Supplier** shall be understood as a suitability of an Supplier to perform public contracts.
- 3.4. **Sub-contractor** shall be understood as a person through which the Supplier is to perform a certain proportion of a public contract or which is to render certain things or rights to the Supplier to perform the public contract.

4. The subject of the performance in the public tender

- 4.1. The subject of the contract is the supply of optical and optomechanical components for beam transport.
- 4.2. The subject of the performance in the public tender involves the supply of the following equipment:
 - 4.2.1. The Contracting Authority has set out the specifications for the individual pieces of equipment which comprise the subject of the public tender . All specifications are listed in Annex no. 4 – **Requirements for Small Aperture Optical and Opto-mechanical components.**
 - 4.2.2. **The subject of the performance of the public tender includes the supply of all the required equipment, testing and the provision of warranty servicing.**
- 4.3. The Contracting Authority requires that this must involve completely new, unused equipment.

- 4.4. If the offered equipment does not conform to the aforementioned technical specifications, the Supplier's bid will be eliminated from the tender proceedings and the Supplier will be excluded. To this end, the Contracting Authority hereby reserves the right to verify the accuracy of the technical specifications set out in the bid (for example, by remeasuring a real sample) at the Supplier's expense. For the purpose of evaluating the guaranteed technical parameters, the Supplier shall state exact and specific trademark of the offered goods.
- 4.5. Transport and packaging of the device and all its components for clean room, and post-warranty service shall all form an integral part of this public contract's subject matter.
- 4.6. If the commercial names of some products or any other designations which are related to a specific supplier appear in the tender documentation, this merely involves the definition of the expected characteristics and the bidder is authorised to propose other technically and qualitatively comparable solutions.

5. Estimated Value of Public Contract

- 5.1. The estimated value of public contract is 10 000 000 CZK (app. 357 000 EUR).
- 5.2. At the same time, the expected (estimated) value is also the maximum level for the bid price and the tender caller requires that this limit not be exceeded by the bid price as a commercial condition of the tender. The evaluating committee will consider any bids with a bid price in excess of the designated limit to constitute bids which have not met the tender conditions and it will therefore exclude them. The Contracting Authority will then exclude any bidders who have submitted bids with a bid price in excess of the designated limit from any further participation in the tender proceedings.

6. The time and place of the performance of the public tender

- 6.1. Anticipated commencement date: February 2015
- 6.2. Anticipated completion date: July 2015
- 6.3. The time of performance of the public tender is stated in Art. VI of the purchase contract (see Annex No. 5).
- 6.4. The place of delivery of the equipment will take place in Prague or Central Bohemian Region. About the exact address the Seller shall be informed in the instruction given according to art. VI. Sec 1. of the purchase contract (see Annex No. 5).

7. QUALIFICATIONS OF THE SUPPLIERS

7.1. Qualification criteria pursuant to sec 50 *et seq* of the Act shall be met by those Suppliers who will demonstrate:

- fulfilment of the basic qualification criteria according to Sec 53 of the Act
- fulfilment of the professional qualification criteria according to Sec 54 of the Act
- fulfilment of technical qualification criteria according to Sec 56 of the Act

7.2. Demonstration of the fulfillment of qualifications under the requirements of the Contracting Authority shall be a prerequisite for the assessment and evaluation of the Supplier's bid in this open procedure.

7.3. Deadline for the fulfillment of qualification criteria

In open procedure the Supplier shall be obligated to demonstrate the fulfillment of qualifications within the time limit for the submission of tenders.

7.4. Basic qualification criteria - § 53 (1) of the Act

(a) has not been finally convicted of a criminal offence committed for the benefit of an organized crime group, of a criminal offence of participation in an organized crime group, legalisation of proceeds of criminal activity, accessoryship, taking bribes, bribery, indirect corruption, fraud, loan fraud, including the cases where they involve preparation for and attempts of complicity in such a criminal offence, or if the conviction on committing such a criminal offence has been expunged; this prerequisite shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by the statutory body or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, besides the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the Supplier both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,

(b) has not been finally convicted of a criminal offence, where the facts of the case are related to the object of business activities of the Supplier under separate legal regulations or where the conviction on committing such a criminal offence has been expunged; this condition shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator,

this prerequisite shall be met by both such a legal person as well as the statutory body thereof or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, in addition to the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the Supplier both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,

- (c) has not accomplished elements of unfair competition practices in the form of bribery under separate legal regulation in the preceding 3 years,
- (d) is not or has not been subject to insolvency proceedings involving its assets, in which the declaration of bankruptcy has been issued or insolvency petition has not been rejected due to lack of assets on the part of the Supplier to cover the costs of insolvency proceedings, or the declaration of bankruptcy has not been set aside because of the economic operator's insufficient property or in respect of which the receivership has been imposed on under separate legal regulation in the preceding 3 years,
- (e) is not being wound up,
- (f) has no outstanding tax arrears registered in tax records, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
- (g) has no outstanding arrears in respect of payments and penalties of public health insurance, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
- (h) has no outstanding arrears in respect of payments and penalties of the social security insurance and contribution to the State employment policy, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
- (i) has not been found guilty for grave professional misconduct in the preceding 3 years or has not been imposed a disciplinary punishment on under separate legal regulations, where demonstration of professional qualifications under separate legal regulations is required pursuant to § 54(d); when the Supplier pursues such an activity through a person in authority or any other person liable for the activity of an economic operator, this prerequisite shall be applicable to those persons,
- (j) is not enrolled on the black list of persons banned to participate in the performance of public contracts and
- (k) has not been imposed any effective penalty on in the preceding 3 years for facilitating the performance of illegal work under separate legal regulation.

7.5. The Supplier shall prove the fulfillment of basic qualifications prerequisites pursuant to § 53(1) and § 53(2) by furnishing

(a) an extract from the Penal (Criminal) Register [§ 53(1)(a) and § 53(1)(b),

(b) a statement of relevant Tax Authority, and a solemn declaration as regards the excise tax [§ 53(1)(f)],

(b) a statement of relevant authority or institution [§ 53(1)(h)],

(d) a solemn declaration [§ 53(1)(c) through § 53(1)(e) and § 53(1)(g), §53(1)(i) through § 53(1)(k)].

7.6. Professional qualification criteria - § 54 of the Act

The Supplier shall prove the fulfillment of professional qualifications prerequisites by furnishing

(a) an extract from the Company Register, if it is enrolled thereon or an extract from any other analogous register , if it is enrolled thereon,

(b) evidence of possession of a licence to pursue business activities under separate legal regulations to the extent corresponding to the subject-matter of the public contract, particularly, evidence proving relevant trade authorisation or licence.

7.7. Technical qualification criteria

Fulfillment of the technical qualification criteria will be demonstrated by the Supplier, who submits:

(a) a list of the principal deliveries effected by the Supplier in the past 3 years, with indication of the extent thereof and the time of performance; this list shall be supplemented with

1. a certificate issued or signed by a contracting authority, if the products were supplied to the contracting authority,

2. a certificate issued by another person, if the products were supplied to a person other than a contracting authority, or

3. the contract with another person and evidence of the effected performance by the Supplier, if it is not simultaneously possible to obtain the certificate pursuant to (2.) from such a person for reasons on the part thereof.

- 7.8. The Supplier shall prove the fulfillment of technical qualifications prerequisites by furnishing:

at least 2 deliveries involving the supply and assembly of Small Aperture Optical and Optomechanical components which are the subject of this tender documentation (see Annex no. 4 – Requirements for Small Aperture Optical and Opto-mechanical components) in the minimum value (for the entire equipment) of 1 000 000 CZK excl. VAT (app. 36 000 € excl. VAT) for each delivery.

8. Foreign Suppliers

- 8.1. Unless stipulated otherwise by separate legal regulation, a foreign Supplier shall demonstrate the fulfillment of qualifications in a manner under the legal order in force in the country of registered office, place of business or place of residence thereof, invariably to the extent required by the Act and by the Contracting Authority. Where particular evidence is not issued under the legal order in force in the country of registered office, place of business or place of residence of a Supplier, the Supplier shall be obligated to demonstrate the fulfillment of such part of qualifications by solemn declaration. Where the obligation, the meeting of which is to be demonstrated in the framework of qualifications, is not established in the country of registered office, place of business or place of residence of a Supplier, it shall take solemn declaration to this effect.
- 8.2. Evidence demonstrating the fulfillment of qualifications shall be submitted by a Supplier in the original language with an officially authenticated translation into the Czech language attached, unless stipulated otherwise by the Contracting Authority in tender conditions or by an international agreement binding upon the Czech Republic; it shall apply even in case that the Supplier with registered office, place of business or place of permanent residence in the territory of the Czech Republic demonstrates the fulfillment of qualifications by evidence in a language other than the Czech language.
- 8.3. The obligation to attach to the evidence the officially authenticated translation into the Czech language shall not apply to the evidence in the Slovak and English language.

9. Authenticity and Age of Evidence

- 9.1. Evidence demonstrating the fulfillment of basic qualifications prerequisites and the extract from the Company Register shall not date more than 90 days at the date of the submission of a tender in the case of open procedure.
- 9.2. The Supplier shall submit simple copies of documents proving qualification unless explicitly otherwise stipulated herein. Evidence demonstrating compliance with the

qualification requirements that are in other than the Czech or English language, must be submitted in an official translation. This does not apply to documents that are in Slovak language.

10. The List of Qualified Contractors

- 10.1. Supplier shall be entitled, in accordance with the provisions of Sec 127(1) of the Act, to demonstrate fulfillment of the basic qualification criteria pursuant to Sec 127(1)(a) and professional qualification requirements under Sec 54(a) to (d) of the Act by submitting an extract from the List of Qualified Contractors which demonstrates compliance to the extent in which the documents proving the fulfillment of these professional qualifications cover the requirements of the Contracting Authority for their demonstration. This excerpt from the List of Qualified Contractors shall be in accordance with Sec 127(4) of the Act not older than 3 months as of the last day of the deadline within which the bids may be submitted.

11. Changes in Qualifications - Section 58 of the Act

If the Supplier ceases to fulfill qualifications before the decision on the selection of the most suitable tender is taken, the Supplier shall be obligated to notify the Contracting Authority of this fact in writing not later than within 7 working days. The Supplier shall be obligated to furnish necessary evidence demonstrating the fulfillment of qualifications to the full extent within 10 working days as from the date of notification the Contracting Authority thereof.

11.1. Failure to fulfill qualification criteria

A contractor who fails to fulfill the qualification criteria defined herein to the required extent or who fails to comply with obligations laid down in Section 58 of the Act shall be excluded by the Contracting Authority from the awarding / tender procedure.

12. Sub-contractor

- 12.1. Where the Supplier is unable to demonstrate the fulfillment of certain part of qualifications required by the Contracting Authority pursuant to § 50(1)(b) and § 50(1)(d) to the full extent, it is entitled to demonstrate the fulfillment of lacking qualifications by means of a sub-contractor.
- 12.2. In such a case the Supplier shall be obligated to submit to the Contracting Authority
- (a) evidence demonstrating the fulfillment of the basic qualifications prerequisite pursuant to § 53(1)(j) and professional qualifications prerequisite pursuant to § 54(a) by a sub-contractor and

(b) a contract concluded with a sub-contractor, which implies the obligation of the sub-contractor to render the performance intended for the performance of the public contract by the Supplier, or to render things or rights that the Supplier is entitled to have at its disposal in the framework of the performance of the public contract, namely to the extent which is not less than that of fulfillment of qualifications demonstrated by the sub-contractor pursuant to § 50(1)(b) and § 50(1)(d).

12.3. The Supplier is not entitled to demonstrate the fulfillment of qualifications pursuant to § 54(a) by means of a sub-contractor.

13. Joint bid

13.1. If the subject-matter of the public contract is to be performed jointly by several Suppliers and they submit or intend to submit a joint tender to that effect, each Supplier shall be obligated to demonstrate the fulfillment of the basic qualifications prerequisites pursuant to § 50(1)(a), and the professional qualifications prerequisite pursuant to § 54(a) to the full extent. The fulfillment of qualifications pursuant to § 50(1)(b) through § 50(1)(d), shall be demonstrated jointly by all Suppliers.

13.2. If the subject-matter of the public contract is to be performed jointly by several Suppliers, they shall be obligated to submit to the Contracting Authority, together with evidence demonstrating the fulfillment of qualifications prerequisites, an agreement containing a commitment that all of those Suppliers will be held liable jointly and severally to the Contracting Authority and to third parties in respect of any legal relationships established in the context of the public contract, for the entire term of performance of the public contract as well as throughout the duration of other liabilities arising from the public contract.

14. The constituent elements of a Bid

The constituent elements of a Bid shall, in addition, be constituted by (see Annex No. 3 to the TD):

(a) the list of statutory bodies or members of such statutory bodies who have been in the preceding 3 years following the end of the time limit to submit tenders in an occupational, functional or any other relationship of that kind to the contracting entity,

(b) the list of shareholders, compiled within the time limit for the submission of tenders, having their total nominal value of their percentage of shares higher than 10 % of the equity capital, if the economic operator holds the form of a joint stock company,

(c) the declaration by the Supplier that it has neither concluded nor will conclude the contract banned under separate legal regulation in the context with the public

contract which is being awarded.

15. Technical conditions

- 15.1. Technical conditions and terms of performance hereunder are defined in more detail in Annexes No. 5 hereto, which is **Binding draft contract** and in Annexes No 4 – **Requirements for Small Aperture Optical and Opto-mechanical components.**

16. Structure of the bid price

- 16.1. Suppliers shall indicate the bid price in the structure as provided for in the table attached hereto as Annex No. 6 The Total price shall be the decisive factor for the assessment. Suppliers shall present the filled-in table as an integral part of their bid.
- 16.2. The bid price shall represent a firm and binding commitment as to the total price including all fees and any other costs related to the performance of the public contract.
- 16.3. The amount of the total price must be guaranteed for the entire term of the project implementation, the Contracting Authority will allow changes to the total price only in connection with amendment of tax legislation modifying VAT, if such should become effective during the project implementation term.

17. PAYMENT TERMS

- 17.1. The consideration for the performance of the public contract shall be paid by the Contracting Authority according to the rules defined in Annex No. 5 – **Binding draft contract.**

18. EVALUATION CRITERIA

- 18.1. Bids will be evaluated in accordance with Sec 78(1)(b) of the Act on the basis of the **lowest bid price.** Contracting Authority will evaluate the total bid price in CZK excl. VAT.

- 18.2. The evaluating committee will evaluate the amount of the Supplier's total bid price for the subject of the performance of the public tender. The amount of the Suppliers's bid price without VAT will be evaluated according to its absolute amount in Czech crowns.

The Total bid price parameter will be calculated in accordance with the ratio between the lowest proposed bid and the evaluated one. This ratio will be multiplied by 100 so that the total evaluation will be based at 100% on the price itself.

$$\frac{\text{The Cheapest (lowest) bid price}}{\text{The evaluated bid price}} \times 100$$

- 18.3. The evaluation of the bids will be realised by the members of the evaluating committee appointed by Contracting Authority in accordance with the law.
- 18.4. The evaluating committee will not carry out any evaluation, if a bid is only received from one bidder.

19. The method of processing of the Bid and its form

- 19.1. The Contracting Authority recommends that the Bid is divided in accordance with the following outline.

The Bid shall contain the following sections:

- (i) Cover Sheet in accordance to Annex No. 1 to the TD;
- (ii) Table of Contents of the Bid;
- (iii) Qualification documents
- (iv) Affidavits in accordance with Annex No. 2 and Annex No. 3 to the TD;
- (v) Price Bid;
- (vi) Price Calculation Documentation in accordance with Annex No. 6 to the TD;
- (vii) Signed Contract including Attachments and Appendices (Annex No. 5 to the TD).
- (viii) Signed Declaration (Annex No. 7 to the TD)

20. Recommended formal requirements for processing of the Bid

- 20.1.1. The Bid will be elaborated in written form, in the Czech or the English language, in accordance with the requirements of the Contracting Authority as specified in this TD and in accordance with the Act;
- 20.1.2. The Bid will be submitted in hard copy. For Bids in hard copy there shall be 1 (one) original submitted and 1 (one) paper copy shall be welcome by the Contracting authority; additionally, CD or other electronic media containing the scanned form of the Bid documents will be enclosed.
- 20.1.3. The original of the Bid must be clearly labeled "ORIGINAL" on the front page in the upper right corner; the copy of the Bid will be labeled the front page in the upper right corner as a "COPY".
- 20.1.4. The Bid will be printed/scanned so that is clearly legible and the paper shall be firmly bound, including all attachments. The Bid shall not contain corrections, crossed out words and other irregularities, which could be misleading;
- 20.1.5. Original Bid submitted in hard copy / paper form will be secured against tampering with single pages, e.g. tied with a string, with loosed ends of the string taped over and sealed. If the Bid is submitted in loose-leaf binder (or a similar) it must be secured against possible manipulation of individual sheets, but so that it is possible to turn the pages in the Bid without obstacle.
- 20.1.6. All sheets of the original Bid submitted in hard copy / paper form will be numbered by uninterrupted ascending numerical series beginning with number 1 on the table of contents of the Bid (may be handwritten). The title page of the Bid or leaves separating individual sections shall not be numbered. If the Bidder inserts into the Bid a separate document, which is already numbered, the Bidder shall number these clearly and distinctly again to maintain uninterrupted sequence.
- 20.1.7. The Bid submitted in hard copy / paper form shall be submitted in the prescribed number of copies in a single, non-transparent, sealed and completely intact envelope or other container.
- 20.1.8. If a Bid is made jointly by several Suppliers, it shall clearly specify the person who is authorized to represent these Suppliers vis-a-vis the Contracting Authority during the procurement procedure.

21. Affidavits

- 21.1. The Supplier shall submit the affidavits in accordance with Section 68 of the Act and on economical and financial readiness (in accordance with Annex No. 2 and 3 to this TD).

22. Signed Contract including Attachments and Appendices

- 22.1. The Supplier will submit Contract contained in the Annex No. 5 to this TD including all its appendixes and attachments.
- 22.2. The contract have to be signed by a person fully authorized to act on behalf of the Supplier.
- 22.3. Unless stipulated otherwise, the Supplier is not entitled to implement any changes to the wording of the contract except for filling in of any missing data.
- 22.4. Any deviation from the version of the contract attached to this TD (other than spelling corrections, changes in formatting or graphics) shall result in non-compliance of the bid, in which case the Supplier shall be excluded by the Contracting Authority from the participation in the award procedure.

23. Place, time and manner of submission of Bids

- 23.1. The Bid in hard copy / paper form shall be submitted in a sealed envelope as follows:

The upper left front corner of the envelope (package) will be marked with **Supplier identification data** and the full name of the award procedure ("TP14_034 Small Aperture Optical and Optomechanical components ") and below the text "Do not open before the opening session!"

The address of the Authorised representative for the submission of Bids:

HOLEC, ZUSKA & Partneři, sdružení advokátů
Palác Anděl, Radlická 1c/3185
150 00 Praha 5

will be normally given in the lower right corner.

- 23.2. The Bid in hard copy / paper form will be delivered personally, by registered mail or courier to the Authorised representative address during office hours, i.e. Monday - Friday 9:00 a.m. to 6:00 p.m.

- 23.3. The deadline for submissions of Bids shall expire on **5. 1. 2015 at 14:00 hours Prague local time** (the "*Deadline*").
- 23.4. The delivery time for submissions in hard copy / paper form shall be considered the time when the Authorised representative takes receipt of the Bid.
- 23.5. Bids submitted or received after the expiry of the deadline will not be unsealed/opened. The Contracting Authority shall promptly notify the Supplier that his Bid was submitted after the Deadline, in accordance with Sec71(6)of the Act.

24. Date, place and procedure for opening envelopes with Bids

- 24.1. Opening of envelopes with bids will be held on **5. 1. 2015 at 14:00 hours Prague local time** at the address of the Authorized Representative: HOLEC, ZUSKA & Partneři, sdružení advokátů, Palác Anděl, Radlická 1c/3185, 150 00 Praha 5 in a meeting room No.1. Representatives of Suppliers whose Bids have been duly received by the Deadline shall have the right to attend the opening of the envelopes. For organizational reasons, the number of representatives for each Supplier shall be limited to one individual.
- 24.2. Representatives from the Contracting Authority will require the Supplier's representative to submit their ID card or other proof of identity, powers of attorney and an extract from the Commercial Registry, or a similar document showing the composition of the statutory body. If the statutory representative of the Supplier attends the opening session, he shall prove his authorization only an excerpt from the Commercial Registry (or similar document showing the composition of the statutory body of the Bidder) and identity card. The above documents shall be submitted in an original or a certified copy, and may not be older (except for official identity documents) than 90 calendar days. The Contracting Authority shall keep the powers of attorney and registration certificates/ extracts (or their equivalent) for archiving.
- 24.3. The commission for the opening the envelopes established in accordance with the Act shall proceed in accordance with Sec 71 et seq. of the Act. Envelopes of the Suppliers who duly submitted the Bid will be opened in the order they were received by the Contracting Authority. After opening each envelope, the commission shall check the completeness of the Bid and notify Suppliers whether the Bid is deemed to have been submitted complete.
- 24.4. The committee shall open the envelopes with Bids according to the serial number of the received Bid and verify whether the Bid has been processed according to § 71 sect. 8 of the Act (etc. in the required language, whether the draft contract has been

signed by an authorised person). After this verification, the committee shall inform the present Suppliers about the following:

- 24.5. the supplier's identification data (i.e. the trade name or the name and surname, company seat or address)
- 24.6. whether the offer is according to § 71 sect. 8 of the Act
- 24.7. the total offer (bid) price.

25. Additional Information to Tender Conditions, Visit to Site of Performance

- 25.1. The Supplier is entitled to require in writing from the Contracting Authority via Authorised Representative additional information relating to tender conditions. The request in writing shall be delivered to the Authorised Representative not later than 6 working days prior to the expiry of the time limit for the submission of tenders.
- 25.2. The Authorised Representative shall forward the additional information relating to tender conditions and, if appropriate, supporting documents, not later than within 4 working days as from the date of delivery of the request.
- 25.3. The Requests for additional information from Suppliers must be received in writing or via e-mail at the address of Authorised Representative specified in this TD.
- 25.4. The Contracting Authority will provide additional information to the procedure in line with Sec 49 of the Act. Additional information, including the exact wording of the original query, will be sent to all Suppliers who have required for the supply of tender documentation or that have been supplied with such a tender documentation.
- 25.5. The Contracting Authority shall not organise a visit to the site of performance.

26. The tender allocation period

- 26.1. The tender allocation period commences as of the expiry of the deadline for the submission of bids and it amounts to a total of 90 days. The Suppliers are bound by their bids throughout this period.

27. The surety

- 27.1. The Contracting Authority does not require the provision of surety.

28. Bid variants

28.1. The Contracting Authority will not admit any bid variants.

29. Rights of the Contracting Authority

The Contracting Authority further reserves the following rights and conditions:

The Contracting Authority will not return submitted Bids;

The Contracting Authority does not accept alternative bids;

The Contracting Authority will not compensate Bidders for any costs or expenses incurred by the Suppliers during participation in the Open Procedure.

Annexes to the TD:

Annex No.1 – form Cover sheet

Annex No. 2– form Affidavit on Economical and Financial Readiness

Annex No. 3 – Affidavits - Sec 68 of the Act


Annex No. 4 – Requirements for Small Aperture Optical and Opto-mechanical components

Annex No. 5 - Contract for delivery
(including appendices)

Annex No. 6 – The calculation of the bid price

Annex No. 7 – Declaration on fulfillment of requirements

In Prague 30.10.2014


Fyzikální ústav AV ČR, v. v. i.

Represented by: prof. Jan Řídký, DrSc., the Director

Annex No.1 to the TD – Cover sheet form

Cover sheet

Bid for a public contract TP14_034 Small Aperture Optical and Optomechanical components
Contracting Authority: Fyzikální ústav AV ČR, v. v. i., Na Slovance 2, 182 21 Praha 8

General Supplier information	
Name / Business name	[to be filled in]
Seat / place of business	[to be filled in]
Legal form	[to be filled in]
ID Tax ID Banking details Partners in partnership Telephone Fax E-mail	[to be filled in]
Authorized representative	[to be filled in]
Contact address	[to be filled in]
Contact persons for matter related to public contract: Contact address Email Telephone Fax	[to be filled in]
Total Bid Price without VAT and tax	[to be filled in]

The Supplier hereby declares that the Supplier, the Supplier 's next of kin, the Supplier 's employees, the Supplier 's subcontractors and the employees and next of kin of the Supplier 's subcontractors have not been involved in the preparation of the tender documentation for this public tender. The Supplier hereby declares that it has not prepared the bid in association with any other supplier which has submitted a bid within the framework of these tender proceedings.

.....
 Authorized representative signature

Annex No. 2 to the TD – Affidavit on Economic and Financial Readiness to Fulfill the Tender.

Affidavit

given pursuant to Sec. 50 (1) (c) of the Act No. 137/2006 Coll., on Public Contracts (hereinafter the "Act")

The Supplier – a corporation **[add business name]**, with registered offices in **[fill in]**, ID **[fill in]**, acting through its **[fill in]**, hereby solemnly declares that given the present information he is financially and economically ready to fulfill the tender TP14_034 Small Aperture Optical and Optomechanical components in the extent and deadlines set by the Contracting Authority as they are defined by the tender documentation.

In _____ on _____ 2014

.....

[Business name – statutory representative / attorney for the Supplier – to be filled in by Supplier]

Affidavit

TP14_034 Small Aperture Optical and Optomechanical components

The Supplier – a corporation [add business name], with registered offices in [fill in], ID [fill in], acting through its [fill in],

Pursuant to Sec 68(3)(a) of the Act we hereby submit a list of statutory bodies and their members who were in the last three years prior to the date for submission of bids in an employment, functional or other similar relationship with the Contracting Authority:

(Supplier provides names and dates of birth of any such persons)

Name	d.o.b.

OR

We hereby solemnly declare that none of statutory bodies or their members were in the last three years prior to the date for submission of bids in an employment, functional or other similar relationship with the Contracting Authority .

(Supplier leaves the text as applicable)

Pursuant to Sec 68(3)(b) of the Act we hereby provide a list of shareholders, who hold shares exceeding 10 % of the registered capital, as of the date for submitting the bids: (Supplier who has the legal form of a joint stock company shall submit the required list)

If the Supplier has not the legal form of a joint stock company:

We hereby solemnly declare that we do not submit a list of shareholders as we have not the legal form of a joint-stock company.

(Supplier leaves the text as applicable)

We hereby solemnly declare in accordance with Sec 68(3)(c) of the Act that the Supplier has not and will not conclude a prohibited agreement as required by Act No. 143/2001 Coll., on the Protection of Economic Competition, as amended, in connection with the present public contract."

In _____ on _____ 2014

.....
[Business name – statutory representative / attorney for the Supplier – to be filled in by Supplier]

See the separate document

See the separate document

Annex No. 6 – Calculation of the bid price

For the calculation See the separate document (excel sheet)

Annex No. 7 – Declaration on fulfillment of Technical requirements

Declaration of the Supplier on fulfillment of Technical requirements

The Supplier hereby declares that Supplier's bid is fully in accordance with Mandatory Technical requirements as specified and requested by the Contracting Authority.

.....

Authorized representative signature