

WRITTEN REPORT BY CONTRACTING AUTHORITY

(pursuant to Sec. 85 of Act No. 137/2006 Coll. on Public Contracts)

Public Contract Name:

High Capacity Roughing Pump System

The Contracting Authority of the above mentioned above-the-threshold public contract for supplies of issued in the negotiation procedure without publication pursuant to Act No. 137/2006 Coll. on Public Contracts (hereinafter the "Act") drew up this written report.

A. Identification of the Contracting Authority, Subject matter of the public contract, Remuneration agreed in Contract

Contracting Authority:

Registered office:

Company identification No.:

**Person authorised to act on behalf
of the Contracting Authority:**

Fyzikální ústav AV ČR, v.v.i.

Na Slovance 2, 182 21 Prague 8

68378271

prof. Jan Řídký, DrSc., Director

The Contracting Authority, whose main activity is to conduct research and development in the physical sciences field – is the recipient of a grant for the project "ELI: Extreme Light Infrastructure" (hereinafter the "Project"). Part of realisation of the project is provision of vacuum chambers for experimental part of the project.

The Subject Matter of the public tender is a supply of such high capacity roughing pump system along with accessories.

The Subject Matter of the Public Contract for supplies includes a selection of a supplier that shall – based on a purchase contract supply performance as specified in **Annex 5 (Technical specification)** and **Annex 6 (Binding text of the purchase contract)** of the Tender Documentation.

The remuneration agreed in Contract:

47.850 EUR excl. VAT

B. Selected type of an Awarding Procedure

Open procedure pursuant to Sec. 27 of the Act.

C. Selected Bidder Identification, Most suitable bid selection justification, Public Contract parts to be performed via subcontractor

| Selected Bidder's Name | Registered Office | ID Number |
|------------------------|--|-----------|
| TEVAK, s.r.o. | Praha 10 - Hostivař, K Horkám 421/28, PSČ 10200 | 26689022 |

Evaluation:

The Evaluation Commission evaluated the below mentioned bids.

List of Evaluated Bids

| Bid Number based on Delivery Time | Bidder's Name | Registered Office | ID Number |
|--|--------------------------|---|------------------|
| 1. | TEVAK, s.r.o. | Praha 10 - Hostivař, K Horkám 421/28, PSČ 10200 | 26689022 |
| 2. | Edwards Services, s.r.o. | Lutín, Jana Sigmunda 300, PSČ 78349 | 27764907 |

Pursuant to the Art. 7.1 of the Tender Documentation Bids shall be evaluated pursuant to Sec. 78 (1) (a) of the Act on the basis of the economic merit of the bid.

Pursuant to the Art. 7.3 of the Tender Documentation the partial evaluation criteria are:

| Partial Evaluation Criteria: | Weight (%) |
|-------------------------------------|-------------------|
| a) Bid Price | 75 |
| b) Pump Down System | 25 |

The Evaluation Commission has assigned number of points within the each partial evaluation criterion in compliance with the conditions stated in the tender Documentation.

Points in partial evaluation criteria a) and b) were assigned based on the published mathematical formulas.

Regarding the partial evaluation criterion b) the Evaluation Commission simulated the pump down time will be by VacTran software version 3.47 available from www.vactran.com.

The Evaluation Commission used the answers to questions/directions stated in Annex No. 7 attached in Bids to calculate the pump down time.

The specifications of the simulations were:

- initial pressure = 1000 mbar,
- final pressure = 0.09 mbar,
- volume of chamber = 45 m³,
- pipe inner diameter = 261 mm,
- pipe length = 40 m,
- mitered elbows in the pipe = 8,
- total conductance volume of pipe and elbows = 2.33 m³. This conductance volume will be included in the simulation.
- number of calculation increments in the simulation = 100,
- outgassing and leakages will not be considered in the simulation.

Number of points assigned:

| % Weight of Partial Evaluation Criteria | 75 | 25 | Total Points |
|---|---------------------------------|----------------|--------------|
| Partial Evaluation Criteria | Total Bid Price [EUR excl. VAT] | Pump Down Time | |
| TEVAK, s.r.o. | 47 850 | 11,438935 | 98,78 |
| Points received: | 75,00 | 23,78 | |
| Edwards Services, s.r.o. | 69 107 | 10,880732 | 76,93 |
| Points received: | 51,93 | 25,00 | |

The Evaluation Commission determined the final placings by ordering bids due to assigned total number of points.

| Final Placings | Name of Bidder | Registered Office | Registration Number | Total points |
|----------------|--------------------------|---|---------------------|--------------|
| 1 | TEVAK, s.r.o. | Praha 10 - Hostivař, K Horkám 421/28, PSČ 10200 | 26689022 | 98,78 |
| 2 | Edwards Services, s.r.o. | Lutín, Jana Sigmunda 300, PSČ 78349 | 27764907 | 76,93 |

The Evaluation Commission recommended to the Contracting Authority to assign the public contract to the Bidder called **TEVAK, s.r.o.** as the Bidder received the highest number of points (98,78 points) and the bid has fulfilled all the statutory and legal conditions and requirements.

The Contracting Authority has accepted the recommendation.

Subcontractor: **Oerlikon Leybold Vacuum GmbH, ID HRB-Nr. 26670, Bonner Str. 498, DE-50968 Köln**

Parts: Production of subject matter.
Stated in detail in the contract submitted in the bid.

D. Identification of each bidder along with their bid prices

| Bid Number based on Delivery Time | Bidders Name | Registered Office | ID Number | Bid Price (EUR excl. VAT) |
|-----------------------------------|------------------------------|--|-------------|---------------------------|
| 1. | TEVAK, s.r.o. | K Horkám 421/28, Praha 10 - Hostivař, 10200 | 26689022 | 47.850,00 |
| 2. | PAP & spol. s.r.o. | Vančurova 1868, Most 434 01 | 41327021 | 115.500,00 |
| 3. | Pfeiffer Vacuum Austria GmbH | Diefenbachgasse 35, AT 1150 Wien, Austria | FN 125744 v | 81.300,00 |
| 4. | Edwards Services, s.r.o. | Jana Sigmunda 300, Lutín, 78349 | 27764907 | 69.107,00 |

E. Identification of excluded Applicants and justification for their exclusion

| Bid Number based on Delivery Time | Bidder's Name | Registered Office | ID Number |
|-----------------------------------|--------------------|----------------------|-----------|
| 2. | PAP & spol. s.r.o. | Most, Vančurova 1868 | 41327021 |

The Bidder has not proved meeting the required **technical qualification requirements** in accordance with the tender and legal conditions.

Pursuant to art. 3.5 a) of the Tender Documentation the Contracting Authority required the following:

Technical qualification criteria shall be met by a supplier submitting the following:

- as per Sec. 56 (1) (a): a list of at least 1 important delivery provided by the supplier in the past 3 years, specifying its subject and delivery date; the list must, as an annex, include the following:
 1. a letter of reference from a public contracting authority, if the delivery has been provided to a public contracting authority, or
 2. a letter of reference from another entity, if the delivery has been provided to an entity other than a public contracting authority, or

3. a contract with the entity referred to in item 2 above and a certificate of completion, if the bidder cannot obtain the letter of reference required in item 2 above for reasons on the part of the entity.

Specifications of important deliveries:

- An important delivery shall consist in a delivery of one roughing pump (or roughing pump system), which has a pumping speed of more than 3000 m³/hr at 1 mbar input pressure.

The Letter of reference must include (i) name of the reference entity, (ii) specification of the provided delivery, (iii) date of provision.

On p. 43 of the Bid the Bidder submitted a document called "Reference" in order to prove the required important delivery according to art. 3.5 a) of the Tender Documentation. The submitted letter of reference does not contain the date of provision as required, thus the Evaluation Commission moreover cannot assess whether the important delivery has been provided within the required time frame (i. e. "in the past 3 years"). The date of provision has to be included in letter of reference and it is not possible to substitute this requirement by stating the date of performance only in the list of important deliveries in the form of affidavit.

Evaluation Commission decided not to request additional documents proving qualification criteria meeting pursuant Sec. 59 (4) of the Act because the Bid of the Bidder does not meet also the following criterion from **technical conditions**:

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The pumping speed of the high capacity roughing pump system shall be greater than 5000 m³/hr at a pressure of 1 mbar, greater than 3000 m³/hr at a pressure of 10 mbar, greater than 1000 m³/hr at a pressure of 100 mbar and greater than 850 m³/hr at 1 bar.

The Bidder has stated on page 2 of the Bid that the pumping speed of the system is 554 m³/hr at a pressure of 1 bar. This does not meet the criterion mentioned above.

Given the above mentioned the Evaluation Commission has decided the reject the Bid pursuant to Sec. 60 (1) of the Act since the Bidder has not proved meeting the required technical qualification criteria stated by the Contracting Authority and by the Act and pursuant to Sec. 76 (1) of the Act due to non-compliance of the technical tender conditions. Evaluation Commission recommends the Contracting Authority to exclude the Bidder from the tender procedure.

The Contracting Authority has accepted the recommendation.

| Bid Number based on Delivery Time | Bidder's Name | Registered Office | ID Number |
|-----------------------------------|------------------------------|--|-------------|
| 4. | Pfeiffer Vacuum Austria GmbH | Diefenbachgasse 35, AT 1150 Wien, Austria | FN 125744 v |

The Art. 9.2 of the Tender Documentation stated:

9.2 *The draft contract must be signed by the applicant by a responsible person or a person empowered or authorised thereto. In such a case, the original copy or a certified copy of the authority or authorisation must be included in the bid. Otherwise the bid will be eliminated from the tender procedure.*

The Bidder submitted the Bid signed by Dr. Ing. Radan Salomonovič. There was a power of attorney issued by Dipl. Ing. Reinhard Schnitzler (executive director of the Bidder). The power of attorney was duly submitted in translation to the required language of the procedure. Unfortunately the document has not been submitted in the required form. There was not submitted either an original copy or a certified copy of the authority or authorisation in the bid as required by the Contracting Authority. The Bidder does not fulfil the tender and legal conditions and did not submit the draft contract signed by the person authorised to act on behalf or for the bidder since there was no such authorisation in required form attached.

Pursuant to Sec. 71 (9) Commission for Envelopes Opening rejected the Bid due to non-compliance with the Sec. 71 (7) (b) of the Act, because the draft contract is not signed by the person authorised to act on behalf or for the tenderer.

The Contracting Authority has accepted the recommendation. The Contracting Authority decided to exclude the Bidder pursuant the Sec. 71 (9) of the Act.

F. Applicant exclusion due to Abnormally Low Tender Price

No applicant was excluded due to abnormally low tender price.

G. Justification of Competitive Dialogue, Negotiated Procedure with Publication, Negotiated Procedure without Publication application, if applied

Not relevant.

H. Justification of Awarding Procedure cancellation, if cancelled

The tender procedure was not cancelled.


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