



WRITTEN REPORT OF THE CONTRACTING AUTHORITY

*pursuant to Section 217 of the Act No. 134/2016 Coll. on Public Contracts Awarding, as amended
(hereinafter the "Act")*

Contracting authority	Institute of Physics of the Czech Academy of Sciences, public research institution Registered Office: Na Slovance 2, 182 21 Prague 8, Czech Republic, Identification No.: 683 78 271 Person authorised to act on behalf of the Contracting authority: RNDr. Michael Prouza, Ph.D., Director
Representative of the Contracting authority pursuant to Section 43 of the Act:	Advokátní kancelář Volopich, Tomšíček & spol., s.r.o. , registered in the Commercial Register kept by Regional Court in Plzeň, Section C, File 29293, with its registered office at Vlastina 602/23, Severní Předměstí, 323 00 Plzeň, Id. No.: 024 76 649,
Public contract:	100Hz, 100mJ-class Amplifier Pursuant to Section 14 of the Act the Public Contract is a below threshold public contract for supplies. Pursuant to Section 53 of the Act the Contracting authority carries out the Procurement Procedure as a simplified below-threshold procedure.

(a) **The identification of the Contracting authority:**

Stated above.

(b) **Subject-matter of the Public Contract:**

The subject-matter of this Public contract is delivery of 100Hz, 100mJ-class Amplifier. The supply of this amplifier (whole system including ancillary equipment) is requested to form an integral part of the front end for a 10 J laser system being built at Science and Technology Facilities Council (STFC) site at Rutherford Appleton Laboratory (RAL) in the UK. The System will be placed, tested and operated at Rutherford Appleton Laboratory (RAL) in the UK before being commissioned at the HiLASE facility in the Czech Republic.

Subject-matter of the Public Contract is in detail specified in **Annex No. 1 Technical Specification** and **Annex No. 2 Purchase Contract** hereto.

(c) **The price agreed in the Public Contract:**

The contract was not concluded.

(d) **The type of procurement procedure used:**

Pursuant to Section 53 of the Act the Contracting authority carries out the Procurement Procedure as a simplified below-threshold procedure.



(e) **The identification of the participants:**

Identification data of the participant	Lastronics Jena GmbH Moritz-von-Rohr-Straße 9, 07745 Jena, Germany Company ID No.: Amtsgericht Jena HRB 504004, ID 19604077
---	--

(f) **The identification of all participants excluded from the Procurement Procedure including a statement of grounds for its exclusion:**

The Contracting Authority excluded from the procurement procedure the participant **Lastronics Jena GmbH**, Moritz-von-Rohr-Straße 9, 07745 Jena, Germany, Company ID No.: Amtsgericht Jena HRB 504004, ID 19604077, because of following reasons.

The Contracting authority has concluded that the bid of the participant failure to meet the following award criterion set in Article 2.3 of Procurement documentation:

*Maximum permissible total bid price is **180.000 EUR** (in words: one hundred eighty thousand euros) without VAT and without appropriate customs duties. The bid price must also include any and all costs even those not explicitly specified but about which the economic operator knew or should and could have known considering its professional knowledge, exercising all professional care.*

The maximum permissible total bid price cannot be exceeded by the participant in their bids. Should the participant's total bid price exceed the referred-to maximum value, then the participant shall be excluded for the reason of its failure to meet the award criteria.

In accordance with Section 37 of the Act, the maximum permissible total bid price is an objective condition for the economic operator's participation in the Procurement procedure and, in accordance with Section 103 (1) (a) of the Act, an obligatory data for the purposes of evaluating the bids.

The total bid price was one of the criteria for evaluating bids. Pursuant to the Section 46 (2) of the Act after the expiry of the time limit for the submission of tenders, the tender cannot be altered in the data to be subject of the evaluation of tenders. Because of that the Contracting Authority could not apply the Section § 46 of the Act and allow the Participant to explain or supplement this data (*total bid price*) in the bid.

The Participant's total bid price is **206.000 EUR net of VAT**. Because the maximum permissible total bid price was exceeded by the Participant in its bid, the Contracting Authority was obliged to exclude the participant for the reason of its failure to meet the award criteria.



- (g) **The identification of the economic operators with which a contract or a framework agreement was concluded, including a statement of reasons for their selection:**

The contract was not concluded.

- (h) **The identification of subcontractors of the economic operators specified in paragraph g), where they are known to the Contracting authority:**

N/A.

- (i) **Justification of the use of a negotiated procedure with prior publication or a competitive dialogue procedure, where such procedures was used:**

N/A.

- (j) **Justification of the use of a negotiated procedure without prior publication, where such procedure was used:**

N/A.

- (k) **Justification of the use of a light regime, where such regime was used:**

N/A.

- (l) **Justification of the cancellation of the Procurement Procedure or of not setting up a dynamic purchasing system where such cases occurred:**

The Contracting Authority received in the deadline for the submission of bids, i.e. 19. August 2019 10:00 AM, bid only from one participant in this Procurement Procedure, company Lastronics Jena GmbH, with its registered office at: Moritz-von-Rohr-Straße 9, 07745 Jena, Germany. Because this participant was excluded from the Procurement Procedure, the Contracting authority was obliged to cancel the Procurement Procedure (*pursuant to the Section 127 (1) of the Act.*), because in the Procurement Procedure no one participant remained.

- (m) **Justification of the use of means of communication other than electronic means for the submission of tenders, where such other means were used:**

N/A

- (n) **A list of persons who were found to have a conflict of interest and a list of subsequently adopted measures, where a conflict of interest was detected:**

No conflict of interest was detected.



- (o) **Where the contracting authority does not divide an above-threshold public contract into lots, it shall indicate the justification of such procedure, unless it has already indicated it in the procurement documents:**

N/A (below-threshold public contract)

- (p) **Justification of laying down the requirement of turnover when proceeding pursuant to Section 78 (3), where it has not already indicated it in the procurement documents:**

N/A.

In Prague, on23.09.2019.....



RNDr. Michael Prouza, Ph.D., Director
Institute of Physics of the Czech Academy of Sciences,
public research institution

Institute of Physics
The Czech Academy of Sciences
182 21 Prague 8, Na Slovance 2
Czech Republic
-1-