

## L4 - Beamline Negotiated Procedure Overview

At the IoP request, in relation to the L4 beamline acquisition for the ELI Project, the Ministry of Regional Development and the Ministry of Education, Youth and Sports (the Managing Authority) have expressed their consent to apply a procedure defined in Sec 23 (5) a) of the Czech Act No. 137/2006 Coll., on Public Contracts, as amended (hereinafter the "Act" and the procedure hereinafter the "**Negotiated Procedure**").

This document provides tentative information about the individual phases of the Negotiated Procedure. The Contracting Authority is however within the boundaries of fulfilling the statutory condition for a Negotiated Procedure pursuant Sec 23 (5) a) of the Act to decide the course of action for each specific phase or round of the procedure in accordance with its need and with the development of the procedure.

The Negotiated Procedure will be carried out in three basic phases:

- **Qualification phase**, the purpose of which is to allow that notified applicants prove their qualification to the Contracting Authority as defined in the qualification documentation by the Contracting Authority (the applicant who qualify hereinafter the "**Qualified Applicants**", the documentation hereinafter the "**Qualification Documentation**");
- **Negotiation phase**, the purpose of which shall be the elaboration of a detailed tender documentation by the Contracting Authority based on negotiations with the Qualified Applicants on the technical, legal and economical aspects of the tender (hereinafter the "**Tender documentation**");
- **Bidding phase**, in which the Qualified Applicants will be requested to submit their bids in accordance with the Tender documentation.

### 1 Negotiation phase

The negotiation phase shall be held in 1 or more rounds, unless provided otherwise by the Contracting Authority, usually in the form of meetings to be

held separately, or based on prior written submissions of the Qualified Applicants.

### 1.1 The aim of the process

The objective of the process is to find a solution that meets the needs of the Contracting Authority and to define legal and technical terms for the implementation of this solution. The aim is also to seek and find such a business and financial terms which are to be defined by the Contracting Authority so that Qualified Applicants may submit a successful bid for public contract.

### 1.2 Contents of the discussions

The Contracting Authority has the right to negotiate on / discuss all aspects of the tender, especially the definition of the subject of the tender and its legal aspects.

### 1.3 Conducting the negotiations

The Contracting Authority shall, prior to each phase or round decide on the detailed course of action. The Contracting Authority shall be obliged to maintain confidentiality with regard to all proposed solutions. The manner of conducting negotiations will be announced in advance in written communication to the Qualified Applicants.

### 1.4 The result of negotiations

After arriving at the one final solution, the Contracting Authority shall notify all interested parties of the end of the negotiation phase in writing along with an invitation to submit their bids for the selected solution(s) under the terms of the Tender Documentation.

### 1.5 Information required in the 1<sup>st</sup> round

First of all, Qualified Applicants will be requested to submit a **detailed technical solution concept** under a Non-Disclosure Agreement.

Qualified applicants will also be requested to **respond to questions provided by the Contracting Authority**. These will primarily concern:

- **Technical issue** - performance, cooperation, project phasing;
- **Legal and economic issues** - warranties, terms, collateral and funding.

## 2 Tender phase - evaluation of tenders

Based on negotiation phase the Contracting Authority will launch final Tender documentation incl. detailed technical specification and legal and commercial terms.

### 2.1 Evaluation criteria – tentative information

The basic criterion for the selection of the potential contractor shall be, in accordance with Sec 78(2) of the Acts, the economic value. Partial evaluation criteria including their individual weight shall be provided in the Negotiated procedure documentation in accordance with provisions of Sec 78(6) of the Act.

## 3 Estimated timeline

The following timetable sums up Contracting Authority's estimate on the timing of the negotiated procedure, where the timing of the negotiation phase as well as the bidding phase depends on external factors, for these reasons please note that this is only an indicative estimate, not a binding timeline.

Step	Term estimate /Deadline
Notification / invitation to enter into negotiations	27.9. 2013
Deadline for submissions of Applications and demonstration of fulfilment of qualification criteria	18.10. 2013
Opening of envelopes	18.10. 2013
Negotiation phase starts	18. 10. 2013
Distribution of the questionnaire for the Negotiation phase	18.10. 2013
Interviews/meetings	November/ December 2013
Negotiation phase ends	December 15th, 2013
Invitation to submit bids (including final version of Tender Documentation)	End of December 2013
Bids submission deadline	January 2014
Decision on winning bidder	January 2014
Appeal period	15 days
Contract signature	January 2014

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## 4 Qualification phase – qualification tentative information

Contracting Authority reserves the right to implement at any phase of the Negotiated Procedure a **Qualification phase**, the purpose of which shall be to allow Participants to prove their qualification to the Contracting Authority in proportion to the character and extent of the L4 beamline.

In the qualification phase the notified applicants may be requested to provide such documents and information that proves that they fulfil the conditions set forth by the Contracting Authority for their further participation in the Negotiated Procedure and for the awarding of the tender.

The qualification may also be included as part of the Bid.

### 4.1 Qualification criteria

In case qualification shall be required, it shall probably consist of the following qualification requirements.

#### 4.1.1 Basic

Standard requirements, form of demonstration: statutory declaration and submission of documents.

#### 4.1.2 Professional

Standard requirements, form of demonstration: statutory declaration and submission of documents.

#### 4.1.3 Technical

Technical requirements may tentatively be based on requirements focusing on applicants':

- **Team** (Standard requirements);
- **Reference projects** (Standard requirements: projects references (including in-house research and development), mandatory contact for reference check).