



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 143 Vacuum components branch L1-E1 including supporting frames II

1.

Basic

information

<p>Contracting Authority:</p>	<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>
<p>Authorized representative:</p>	<p>HOLEC, ZUSKA & Partneři, sdružení advokátů Palác Anděl, Radlická 1c/3185 150 00 Praha 5 IČO: 662 31 051 DIČ: CZ5912220776 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>
<p>Legal form:</p>	<p>Above-the-threshold public contract for supplies administered in the form of open procedure</p>
<p>Subject matter of the Public Contract (name):</p>	<p>TP14_143 Vacuum components branch L1-E1 including supporting frames II</p>
<p>Classification of the subject matter (classification of the supply):</p>	<p>CPV 38000000-5 CPV 44142000-7 CPV 42122500-5</p>
<p>Timing:</p>	<p>Anticipated commencement date December 2015 and required completion date August 2016</p>
<p>Legal issues not expressly regulated herein:</p>	<p>Legal issues related to the Open Procedure and the Public Contract which are not expressly regulated herein shall be governed by the relevant provisions of the Act.</p>
<p>Cost of providing this TD:</p>	<p>Free of charge</p>
<p>Deadline for submissions of Bids:</p>	<p>18.12. 2015 at 14:00 hours</p>

Foreseen value of the tender	520 000 EUR excluding VAT
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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 a 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“).

With a view to successful implementation of the ELI-Beamlines Project, it is also necessary to provide for the subject of performance of this Public Contract.

3. The subject of the performance of the Public Contract

The subject matter of the Public contract is delivery Vacuum components branch L1-E1 including supporting frames. Detailed description of the subject matter is listed in Annex No. 3 – Technical Specifications and Annex No 4 - Contract for Work (hereinafter the “Works“).

- 3.1. The Contracting Authority requires that the subject of the performance must involve completely new, unused equipment.
- 3.2. 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.
- 3.3. 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.
- 3.4. If the commercial names of some products or any other designations which are related to a specific supplier appear in the TD, this merely involves the definition of the expected characteristics and the bidder is authorized to propose other technically and qualitatively comparable solutions.

4. Estimated Value of Public Contract

- 4.1. The estimated value of the Public Contract is 520 000 EURO excluding VAT.

- 4.2. 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.

5. **The time and place of the performance of the Public Contract**

- 5.1. Anticipated commencement date: December 2015
- 5.2. Anticipated completion date: August 2016
- 5.3. The delivery and system verification of the instrument will take place at the Eli- Beamlines laser center in Dolní Břežany, the Czech Republic.

6. **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.

7. **Technical conditions**

- 7.1. Technical conditions and terms of performance hereunder are defined in more detail in Annexes No. 4 hereto, which is **Binding draft contract** and in Annexes No 3 Technical Specification.

8. **Qualification**

For the qualification requirements see the Annex No. 7 hereto.

9. **Recommended structure of a bid**

- 9.1. The Contracting Authority recommends that the bid is divided in accordance with the following outline.

The bid shall contain the following sections:

- 9.1.1. Cover sheet

- 9.1.2. Table of contents of the bid
- 9.1.3. Qualification Documentation
- 9.1.4. Affidavit according to sec. 68/3 of the Act
- 9.1.5. Price Bid breakdown (Annex No. 5)
- 9.1.6. Price Bid Table (excel sheet) (Annex No. 6)
- 9.1.7. Technical concept document
- 9.1.8. Signed contract including attachments and appendices

10. Payment terms

- 10.1. The consideration for the performance of the Public Contract shall be paid by the Contracting Authority according to the rules defined in Annex No. 4 – Contract for work.

11. Evaluation criteria

- 11.1. Should the Contracting Authority receive only one bid the evaluation of bids shall not take place.
- 11.2. Otherwise the bids shall be evaluated in accordance with Section 78 (1) b) of the Act on the basis of the bid price (**lowest bid price**). Contracting Authority will evaluate the total bid price in EUR excl. VAT.
- 11.3. 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 EUR.

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.

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

- 11.4. The evaluation of the bids will be realised by the members of the evaluating committee appointed by Contracting Authority in accordance with the law.

12. Requirements for processing of the Bid

- 12.1. The bid will be elaborated in written form, in the English or Czech language, in accordance with the requirements of the Contracting Authority as specified in this TD and in accordance with the Act; nonobligatory parts of the bid (e.g. preliminary quotes by subcontractors) may remain in any original language.

- 12.2. 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.

- 12.3. 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".
- 12.4. 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;
- 12.5. 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.
- 12.6. 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.
- 12.7. 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.

13. Affidavits

- 13.1. 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 2 a) to this TD).

14. Signed Contract including Attachments and Appendices

- 14.1. The Supplier will submit Contract contained in the Annex No. 4 to this TD including all its appendixes and attachments.
- 14.2. The contract have to be signed by a person fully authorized to act on behalf of the Supplier.
- 14.3. 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.
- 14.4. 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.

15. Place, time and manner of submission of Bids

15.1. 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 **bidder identification data** and the full name of the Negotiated Procedure ("TP14 143 Vacuum components branch L1-E1 including supporting frames II") 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.

15.2. 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.

15.3. The deadline for submissions of Bids shall expire on **18.12. 2015 at 14:00 hours** Prague local time (the "Deadline").

15.4. The delivery time for submissions in hard copy / paper form shall be considered the time when the Authorised Representative takes receipt of the Bid.

15.5. 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.

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

16.1. Opening of envelopes with bids will be held on **18.12. 2015 at 14:00 hours** Prague local time at the address HOLEC, ZUSKA & Partneři, sdružení advokátů, Palác Anděl, Radlická 1c/3185, 150 00 Praha 5. Representatives of bidders 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 bidder shall be limited to one individual.

16.2. 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 bidders 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 bidders whether the bid is deemed to have been submitted complete.

16.3. 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. 7 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 bidders about the following:

- the supplier's identification data (i.e. the trade name or the name and surname, company seat or address)
- whether the offer is according to § 71 sect. 7 of the Act
- the total offer price.

17. Additional Information to tender conditions, visit to site of performance

- 17.1. The bidder 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. The Contracting Authority will appreciate if the bidders will formulate potential questions regarding the tender in English language in order to maintain terminology used in the Technical Specification and avoid misunderstanding.
- 17.2. The Authorised Representative shall provide 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.
- 17.3. 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 that have been supplied with such a tender documentation.
- 17.4. The Contracting Authority shall not organize a visit to the site of performance.

18. The tender allocation period

- 18.1. 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 bidders are bound by their bids throughout this period.

19. The surety

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

20. Bid variants

- 20.1. The Contracting Authority will not admit any bid variants.

21. Rights of the Contracting Authority

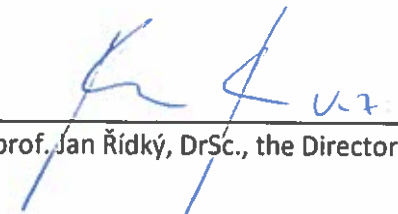
The Contracting Authority further reserves the following rights and conditions:

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 bidders during participation in the Procedure.

In Prague 2015



prof. Jan Řídký, DrSc., the Director

Annexes to the TD:

Annex No.1 – Form cover sheet

Annex No. 2 – Affidavit according to sec. 68 of the Act

Annex No. 3 – Technical specifications (Requirements Specification Document + Verification Control Document)

Annex No. 4 - Contract for work

(including appendices)

Annex No. 5 – Price Bid breakdown

Annex No. 6 – Price Bid Table (excel sheet)

Annex No. 7 – Qualifications documentation

Annex No.1 to the TD – Form cover sheet

Cover sheet

Bid for a public contract “TP14 143 Vacuum components branch L1-E1 including supporting frames II”

Contracting Authority: Fyzikální ústav AV ČR, v. v. i., Na Slovance 2, 182 21 Praha 8

General information on Supplier	
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 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 in EUR without VAT	[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.

.....
Date and Authorized representative signature

Annex No. 2 – Affidavit according to sec. 68 of the Act

TP14 143 Vacuum components branch L1-E1 including supporting frames II

Affidavit

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 _____ 2015

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



Annex No. 2a

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 143 Vacuum components branch L1-E1 including supporting frames II in the extent and deadlines set by the Contracting Authority as they are defined by the tender documentation.

In _____ on _____ 2015

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

Annex No. 5 – Recommended structure of Price Bid breakdown
TP14_143 Vacuum components branch L1-E1 including supporting frames II

Price of Deliverables hereof

Deliverable	Price of Deliverable excl. VAT - <u>EUR</u>	VAT in %	Price of Deliverable incl. VAT
D1	ADD	ADD	ADD
D2	ADD	ADD	ADD
D3	ADD	ADD	ADD
D4	ADD	ADD	ADD
D5	ADD	ADD	ADD
The total Price of the Work (e.g. for all Deliverables D1 to D5)	ADD <i>This total price shall be added by the Contractor into Art. X para 1 of the Contract for Work</i>	ADD	ADD



Declaration

The data contained herein may be forwarded to third persons for the purposes of bid assessment including the execution of independent expert opinions in compliance with the Research and Development Operational Program rules.

In _____ on _____ 2015

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

Annex No. 6 – Price Bid Table

TP14_143 Vacuum components branch L1-E1 including supporting frames II

See separate document (excel).

Item	Dwg title	Dwg no	Manufacturer	QTY	Price per piece excluding VAT	Total price excluding VAT				
1	Bellows DN250_230			20		0,00 €				
				Sum for bellows				0,00 €		
2	Pipes			1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
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				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				Sum for pipes					0,00 €	
				3	Support frames for pipes			3		0,00 €
								12		0,00 €
								1		0,00 €
								Sum for Support frames for pipes		
4	Support frames for chambers			2		0,00 €				
				2		0,00 €				
				Sum for Support frames for chambers				0,00 €		
				Sum for Support frames for chambers				0,00 €		
5	Chambers			1		0,00 €				
				1		0,00 €				
				1		0,00 €				
				Sum for Support frames for chambers				0,00 €		

Total price excluding VAT	0,00 €
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Fill in just orange cells

Annex No. 7 – Qualifications documentation
TP14_143 Vacuum components branch L1-E1 including supporting frames II

See separate document

Annex No. 7 – Qualifications documentation

1 QUALIFICATION OF SUPPLIERS

3.1 Qualification pursuant to Section 50 and subsequent provisions of the Act shall be met by a supplier that demonstrates meeting of the following:

a) basic qualification criteria pursuant to Section 53 of the Act,

(Bidders may partly use a pattern of affidavit attached hereto as **Annex No. 1** and partly **will be obliged** to obtain and submit documents specified below in art. 3.3 hereof)

b) professional qualification criteria pursuant to Section 54 of the Act,

c) technical qualification criteria pursuant to Section 56 of the Act,

d) economic and financial ability to fulfil the contract.

3.2 Qualification meeting demonstration time

The applicant shall be obliged to demonstrate that he meets the qualification in the bid submission term specified in the Tender Documentation.

3.3 Basic qualification criteria

3.3.1 Basic qualification criteria shall be met by a supplier:

a) who has not been convicted of a crime committed for the benefit of an organized criminal group, the crime of participating in an organized criminal group, money laundering, complicity, graft, bribery, indirect bribery, fraud, credit fraud, including the preparation of, attempt at, or participation in such a crime, or whose conviction of such a crime has been deleted from the criminal record.

If the bidder is a legal entity, this requirement must be met by the legal entity as well as by its statutory body or by every member of its statutory body and, if the bidder's statutory body or a member of the bidder's statutory body is a legal entity, this requirement must be met by the legal entity as well as by its statutory body or by every member of its statutory body.

If the bid is submitted by a foreign legal entity through its organizational unit, this requirement must be met, in addition to the above persons and entities, also by the head of the organizational unit.

Foreign bidder must meet this basic qualification requirement both in relation to the Czech Republic and in relation to the country of the bidder's registered office, place of business or residence;

1. According to Section 53, paragraph 3 (a) of the Act, the required evidence of this basic qualification is an extract from the Penal Register of the bidder. If the bidder is a legal entity, the evidence must include an extract from the Penal Register of the legal entity as well as of its statutory bodies or of every member of its statutory body. If the bid is submitted by a foreign legal entity through its organizational unit, the evidence must include an extract from the Penal Register of the head of the organizational unit as well as of the foreign legal entity and its statutory body or of every member of the statutory body of such foreign legal entity;

2. The documents constituting the evidence of this basic qualification must be attached to the bid as uncertified copies. The winner of the tender may be required to submit originals or certified copies before entering into the contract;

b) who has not been convicted of a crime the elements of which are related to the bidder's line of business as defined in special legislation, or whose conviction of such a crime has been deleted from the criminal record.

If the bidder is a legal entity, this requirement must be met by the legal entity as well as by its statutory body or by every member of its statutory body and, if the bidder's statutory body or a member of the bidder's statutory body is a legal entity, this requirement must be met by the legal entity as well as by its statutory body or by every member of its statutory body.

If the bid is submitted by a foreign legal entity through its organizational unit, this requirement must be met, in addition to the above persons and entities, also by the head of the organizational unit.

Foreign bidder must meet this basic qualification requirement both in relation to the Czech Republic and in relation to the country of the bidder's registered office, place of business or residence;

1. According to Section 53, paragraph 3 (a) of the Act, the required evidence of this basic qualification is an extract from the Penal Register of the bidder. If the bidder is a legal entity, the evidence must include an extract from the Penal Register of the legal entity as well as of its statutory bodies or of every member of its statutory body. If the bid is submitted by a foreign legal entity through its organizational unit, the evidence must include an extract from the Penal Register of the head of the organizational unit as well as of the foreign legal entity and its statutory body or of every member of the statutory body of such foreign legal entity;
2. The documents constituting the evidence of this basic qualification may be attached to the bid as uncertified copies. The winner of the tender may be required to submit originals or certified copies before entering into the contract;

c) who has not engaged in conduct constituting unfair competition through bribery in terms of special legislation in the past three years;

1. According to Section 53, paragraph 3 (d) of the Act, the bidder must submit an affidavit explicitly confirming that the bidder meets this basic qualification requirement. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**;

d) whose assets are not or were not, in the past three years, the subject of insolvency proceedings in which a bankruptcy order was issued or in which an insolvency petition was rejected because of insufficiency of assets to cover the costs of insolvency proceedings or in which the bankruptcy was cancelled because of deficiency of assets or in which receivership was instituted according to special legislation;

1. According to Section 53, paragraph 3 (d) of the Act, the bidder must submit an affidavit explicitly confirming that the bidder meets this basic qualification requirement. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**;

e) who is not in liquidation;

1. According to Section 53, paragraph 3 (d) of the Act, the bidder must submit an affidavit explicitly confirming that the bidder meets this basic qualification requirement. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**;

f) who has no tax debts registered in the Czech Republic and in the country of the bidder's registered office, place of business or residence;

1. According to Section 53, paragraph 3 (b) of the Act, the bidder must submit as evidence of this basic qualification a certificate from the competent tax authority and an affidavit stating that the bidder is not in arrears with excise tax payments. The certificate and affidavit must explicitly confirm that the bidder meets this basic qualification requirement;
2. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**. Other documents constituting the evidence of this basic qualification may be attached to the bid as uncertified copies. The winner of the tender may be required to submit originals or certified copies before entering into the contract;

g) who is not in arrears with public health insurance contributions and with any penalties for non-payment of such contributions, both in the Czech Republic and in the country of the bidder's registered office, place of business or residence;

1. According to Section 53, paragraph 3 (d) of the Public Procurement Act, the bidder must submit an affidavit explicitly confirming that the bidder meets this basic qualification requirement. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**;

h) who is not in arrears with social security contributions and with any penalties for non-payment of such contributions or with contributions payable under the national employment policy both in the Czech Republic and in the country of the bidder's registered office, place of business or residence;

1. According to Section 53, paragraph 3 (c) of the Act, the bidder must submit as evidence of this basic qualification a certificate from the competent authority or institution. The certificate must explicitly confirm that the bidder meets this basic qualification requirement;
2. The documents constituting the evidence of this basic qualification may be attached to the bid as uncertified copies. The winner of the tender may be required to submit originals or certified copies before entering into the contract;

i) (Intentionally omitted)

j) who is not listed in the register of persons and entities banned from public contracts or in the register of persons and entities banned from contracts;

1. According to Section 53, paragraph 3 (d) of the Public Procurement Act, the bidder must submit an affidavit explicitly confirming that the bidder meets this basic qualification requirement. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**;

k) who has not been fined for facilitating illegal work in terms of special legislation in the past three years;

1. According to Section 53, paragraph 3 (d) of the Act, the bidder must submit an affidavit explicitly confirming that the bidder meets this basic qualification requirement. The affidavit must be submitted in original and bidders may use an affidavit attached hereto as **Annex No. 1**.

3.4 Professional qualification criteria

Professional qualification criteria shall be met by a supplier:

- a) that shall submit an extract from the Commercial Register if it is enrolled thereon or an extract from any other similar register if enrolled thereon, not older than 90 days as of the qualification demonstration, i.e. bid submission date,
- b) business authorisation document under special legal regulations to an extent corresponding to the Subject Matter of the Public Contract, in particular, a document demonstrating the appropriate trade licence or an extract from the Trade Register.

3.5 Technical qualification criteria

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

- a) as per Sec. 56 (1) (a): **a list** of at least 2 important deliveries provided by the supplier **within the last 36 months of the bid submission date**, 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:

- important delivery shall consist in a delivery of a vacuum chamber (chambers) in amount of at least 150.000 EUR excl. VAT, provided to one client,

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

- b) as per Sec. 56 (2) (e) of the Act: a certificate of education and professional qualifications of the economic operator and those of the economic operator's managerial staff or of persons with equal status and persons responsible for providing relevant services,

The Contracting Authority hereby defines the minimum level of technical qualification criteria, corresponding to the type, extent and complexity of the public contract as follows:

- a) Minimum 1 person: **Project Manager**
 - Minimum level of education: University degree with technical specialization (f.e. Machinery Engineering or Electrical Engineering)
 - Minimum level of professional qualification:
 - 5 years of experience with project management (R&D)
- b) Minimum 1 person: **Vacuum Engineer**
 - Minimum level of education: University degree with technical specialization (e.g. Machinery Engineering or Electrical Engineering)
 - Minimum level of professional qualification:
 - 3 years of experience with vacuum technology
 - Communicative English

- c) Minimum 2 persons: **Designer**
 - Minimum level of education: secondary education
 - Minimum level of professional qualification:
 - 3 years of experience with CAD design (fulfilment of this requirement shall be mentioned in the CV)

- d) Minimum 1 person: **Technologist – welding**
 - Minimum level of education: at least Secondary school with technical specialization
 - Minimum level of professional qualification:
 - Qualification in an extent corresponding to ISO 14731 standard (fulfilment of this requirement shall be demonstrated by submitting a certificate or a similar confirmation confirming the above mentioned standard)

- e) Minimum 2 persons: **Welder**
 - Minimum level of professional qualification:
 - Qualification in an extent corresponding to ISO EN 287-1 standard (fulfilment of this requirement shall be demonstrated by submitting a certificate or a similar confirmation confirming the above mentioned standard)

Bidders shall demonstrate this qualification by submitting the following:

- a) A list of the technicians indicating whether technicians are internal staff (i.e. employees having an employment contract, agreement on the performance of work or agreement for work activities, or whether technicians are members of the statutory body of the bidder), or subcontractors (i.e. the bidder then shall follow the Article 3.9. hereof); this list shall take the form of an affidavit indicating which persons fulfil what part of the above defined technical qualification criteria.

- b) Signed curricula vitae of the technicians proving the above mentioned requirement and providing at least the following information:
 - Name and last name of the technician,
 - Identification of his/her position in team,
 - Highest attained level of education,
 - The mention of specific experience in the required position,
 - Total length of practice and experience in relevant position for the contract (number of years),
 - Overview of professional experience and its length, including a description of significant relevant activities,
 - Date and signature of the team member
 - **Annexes:**
 - Proof of attained level of education (Secondary School or University diploma where Secondary school/University degree is required),
 - Appropriate certificate or similar confirmation where required.

Annexes of the curricula vitae may be submitted in Czech, English, German, French, Italian or Latin language.

- 3.6 The supplier shall submit copies of documents demonstrating qualification meeting unless expressly stipulated otherwise herein. Documents demonstrating that

qualification criteria have been met and that are in other than Czech, Slovak or English language must be officially translated into Czech or English.

3.7 The applicant shall be authorised under provisions of Section 127 paragraph 1 of Act No. 137/2006 Coll. on Public Contracts – by submitting an extract from the List of Qualified Suppliers – to fully replace the demonstration of meeting basic qualification criteria pursuant to Section 53 paragraph 1 art. a) through j) and professional qualification criteria pursuant to Section 54 of the Act to such extent to which the documents demonstrating meeting these professional qualification criteria cover the Contracting Authority 's requirements for their demonstration. The extract from the List of Qualified Suppliers must not be older than 3 months pursuant to Section 127 paragraph 4 of the Act.

3.9 If the qualification is demonstrated through a subcontractor, the supplier shall be obliged to provide the Contracting Authority with the following documents:

- A document by which the subcontractor shall demonstrate meeting of the basic qualification criteria pursuant to Section 53 paragraph 1 subparagraph j), i.e. statutory declaration stating that the subcontractor is not included in the register of persons not allowed to be involved in public contracts.
- A document by which the subcontractor shall demonstrate meeting of the professional qualification criteria pursuant to Section 54 subparagraph a), i.e. Certificate of Incorporation not older than 90 days from the bid submission date.
- A contract concluded with the subcontractor demonstrating the subcontractor's obligation to provide specific performance intended for performance of the Public Contract by the supplier or provision of items or rights with which the supplier shall be authorised to dispose in performing the Public Contract, to a minimum extent to which the subcontractor has demonstrated qualification meeting.

However, the supplier shall not be authorised to demonstrate qualification meeting pursuant to Section 53 and Section 54 subparagraph a) through the subcontractor.

3.10 Should the Subject Matter of the Public Contract be performed jointly by a number of suppliers and they submit a joint bid for this purpose, each of the suppliers shall be obliged to demonstrate meeting of the basic qualification criteria pursuant to Section 53 of the Act and professional qualification criteria pursuant to Section 54 subparagraph a) to the full extent. The suppliers shall also be obliged to submit a contract including an obligation that all of these suppliers shall be bound jointly and severally towards the Contracting Authority and third parties arisen from any legal relationship in connection with this Public Contract, which shall apply throughout the Public Contract performance.

3.11 **Qualification demonstration of foreign persons**

Unless otherwise provided by a special legal regulation, a foreign supplier shall demonstrate qualification meeting in a manner specified by the law applicable in the country of its registered office, place of business or residence, which shall apply to the extent required by such law and the Contracting Authority . If a particular document is not issued under the law applicable in the country of the registered office, place of business or residence of the foreign supplier, the foreign supplier shall be obliged to demonstrate meeting of such part of the qualification in form of a statutory declaration (affidavit). If an obligation the meeting of which is to be demonstrated within the qualification is not defined in the country of the registered office, place of business or residence of the foreign supplier, the foreign supplier shall provide a statutory declaration in respect of such fact.

Documents demonstrating qualification meeting shall be submitted by the foreign supplier in the original language, accompanied by their official translation into Czech or English, unless otherwise provided by the Contracting Authority in this

Tender Documentation or an international contract by which the Czech Republic is bound; this shall also apply should qualification meeting be demonstrated by documents in other than Czech language by a supplier with a registered office, place of business or residence in the territory of the Czech Republic. The Contracting Authority allows for this Public Contract that the applicant may also submit qualification meeting documents in English,; that means that the applicant does not need to submit official translation into Czech for qualification meeting documents submitted in English.

3.12 Consequence of failing to meet the qualification

A supplier failing to meet the qualification criteria to the required extent or failing to perform the obligation laid down in Section 58 of the Act shall be excluded by the Contracting Authority from the tender process.

In Prague 2015

prof. Jan Řídký, DrSc., the Director

Annex No. 1

SUPPLIER'S STATUTORY DECLARATION
concerning the compliance with the qualification prerequisites

TP14_143 Vacuum components branch L1-E1 including supporting frames II

I (we) below signed honestly declare that the supplier (trade name) complies
with the basic qualification prerequisites according § 53(1) a)-k) Act, i.e. that:

- (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

Date:

Signature: