



EUROPEAN UNION  
European Structural and Investing Funds  
Operational Programme Research,  
Development and Education



MINISTRY OF EDUCATION,  
YOUTH AND SPORTS

# PROCUREMENT DOCUMENTATION

*for a below-threshold public contract for supplies called:*

## **„Fibre-Based Laser Front-End System”**

awarded in a simplified below-threshold procedure pursuant to Section 53 of the Act No. 134/2016 Coll.,  
on Public Procurement, as amended (hereinafter the „*Act*“),

(hereinafter the “*Procurement Documentation*”, “*Public Contract*” and “*Procurement Procedure*”)

### **Funding source:**

Operational Programme Research, Development and Education

### **Contracting authority:**

**Institute of Physics of the Czech Academy of Sciences, public research institution**  
with its registered office at Na Slovance 2, 182 00 Prague 8, identification No.: 683 78 271  
hereinafter the “*Contracting authority*”



**FZU**

Fyzikální ústav  
Akademie věd  
České republiky



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## 1. Basic data on Contracting authority and Procurement Procedure

### 1.1. Basic data on Contracting authority

Contracting authority	<b>Institute of Physics of the Czech Academy of Sciences, public research institution</b>
Registered Office:	Na Slovance 2, 182 00 Prague 8, Czech Republic
Identification No.:	683 78 271
Tax Identification No.:	CZ68378271
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:	<b>KAROLAS Legal s.r.o., advokátní kancelář</b> , registered in the Commercial Register kept by Municipal Court in Praha, File No. C 269742, with its registered office at Klimentská 2062/6, Nové Město, 110 00 Praha 1, Id. No.: 057 32 069  <b>Contact person:</b> Mgr. Marek Stowasser tel.: +420 773 092 884 e-mail: <a href="mailto:marek.stowasser@karolas.cz">marek.stowasser@karolas.cz</a> , <a href="mailto:info@karolas.cz">info@karolas.cz</a>
Type of Public contract:	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.

### 1.2. Access to Procurement Documentation

This Procurement Documentation was published on the profile of the Contracting authority: <https://www.e-zakazky.cz/profil-zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.

The electronic tool used by the Contracting authority to carry out the submission of bids: <https://www.tenderarena.cz/profil/FZU>.

The information and data listed in this Procurement Documentation and its annexes define the minimum technical and other mandatory requirements of the Contracting authority for the submission of bids and the fulfilment of the Public Contract. The participants are obliged to respect these requirements in their bids.



## 2. Subject-matter of the Public Contract

### 2.1. Specification of the subject-matter of the Public Contract

The subject matter of the Public Contract is the supply of Fibre-Based Laser Front-End System for the HiLASE Centre.

Subject-matter of the Public Contract is in detail specified in **Annex No. 1 Purchase Contract** and **Annex No. 3 Technical Specification** hereto.

### 2.2. Classification of the subject matter of the Public Contract in accordance with Common Procurement Vocabulary

CPV Code	Description
38636100-3	Lasers

### 2.3. Maximum permissible total bid price

Maximum permissible total bid price is **EUR 150 000 without VAT**. The Contracting authority draws attention of economic operators to the fact that although total bid price is limited and cannot be exceeded, the lower price limit is not defined and economic operators are encouraged to submit their most competitive price.

The subject matter of the Public Contract shall be funded from Research, Development and Education Operational Programme.

### 2.4. Funding of the Public Contract

The subject matter of the Public Contract shall be funded from Research, Development and Education Operational Programme.

### 2.5. Time and place of delivery of the subject of matter of the Public Contract

Expected initiation of performance:	immediately after the effectiveness of the Purchase Contract
Expected ending of performance:	31.10.2023  A full breakdown of the delivery schedule will be provided within 1 month of the effectiveness of the Purchase Contract.
Place of delivery:	<b>HiLASE</b> Centre, located at Za Radnicí 828, 252 41 Dolní Břežany, Czech Republic

### 2.6. Technical conditions

Technical conditions for the subject matter of the Public Contract are in detail specified in **Annex No. 3 Technical Specification** hereto.

The technical parameters stated in **Annex No. 3 Technical Specification** are defined as maximal/minimal requirements, i.e. the economic operator is entitled to offer more advantageous product.



If the technical conditions are set by a direct or indirect reference to the economic operators or products, or patents for inventions, utility models, industrial designs, trademarks or designations of origin, the economic operator may offer another equivalent solution.

If the **Annex No. 3 Technical Specification** contains references to a specific product or standards or technical documents the economic operator may offer another equivalent solution. In this case the economic operator proves, that the proposed supplies satisfy in an equivalent manner the requirements defined by the Contracting authority in the Technical Specification.

The Contracting authority draws attention of all participants to the fact that if a participant fails to meet all the requirements given by **Annex No. 3 Technical specification**, such a participant may be excluded for the reason of its failure to meet the Technical conditions of the subject matter of the Public Contract.

## 2.7. Business conditions

Business conditions for the performance of the Public Contract are specified in **Annex No. 1 Purchase Contract** hereto.

The economic operator is obliged to fill only the places labelled as follows: **[to be filled in by bidder]** within the Purchase Contract. **The economic operator is not entitled to make any other changes in the Purchase Contract.**

The draft of the contract must be signed by an authorised person of the participant – either its director or a person empowered or in other way authorised thereto. In the latter case the power of attorney or authorisation must be included in the bid.

**The economic operator is entitled to include simple copies of the signed contract and potentially of the power of attorney into the bid.**

## 3. Qualification of participants

The economic operator is not required to prove any qualification criteria.

## 4. Requirements for processing the bid price

The economic operator is required to offer the total bid price (“**Total Bid Price**”) in EUR net of VAT.

The economic operator is obliged to state **the Total Bid Price in the table that is attached hereto as an Annex No. 2 Cover Bid Note**. The Total Bid Price shall be also inserted **into the Article 4.1 of the Purchase Contract (Annex No. 1)**.

In case of a discrepancy, the amount of the Total Bid Price stated in the Price Bid Table shall be the relevant figure.

Value added tax shall be paid in accordance with the applicable legal regulations.

**The Contracting authority sets maximum permissible Total Bid Price in EUR 150 000 without VAT.** The maximum permissible total bid price cannot be exceeded by the participants 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.

The Total Bid Price is the maximum price that cannot be exceeded during performance of the Public Contract and shall include all costs that the economic operator shall incur during performance of the Public Contract. The Total 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 Total Bid Price may only be modified in connection with changes to tax regulations regarding the VAT.

Payment conditions are specified in the Purchase Contract that is as an **Annex No. 1** integral part of this Procurement Documentation.

## 5. Evaluation criteria

Bids shall be evaluated pursuant to Section 114 (1) of the Act on the basis of their economic advantageousness.

**The Contracting authority shall evaluate the economic advantageousness solely on the basis of the lowest bid price.** The winning bid will be the bid with lowest bid price

The Contracting authority will evaluate the Total Bid Price in EUR net of VAT.

The Total Bid Price shall be given in the structure and under the conditions defined in the Article 4 herein.

The Contracting authority shall evaluate the bids by the means of comparison of the Total Bid Price given by economic operators in their bids.

## 6. Bid processing conditions and requirements

### 6.1. Conditions for the submission of bids

The Contracting authority shall only accept bids in electronic form. Bids in paper form are not permitted.

**Bids shall be submitted not later than 3<sup>rd</sup> May 2023 at 10:00 AM.**

Bids shall be submitted electronically using the eGORDION v. 3.3 - Tender arena (hereinafter "Tenderarena") electronic tool which is available at [www.tenderarena.cz](http://www.tenderarena.cz). Economic operators may find at this link also a guide for using the Tenderarena electronic tool (via link "Help" in footer) and helpdesk contacts.

**Bids shall be submitted in electronic form only using the Tenderarena electronic tool within the time limit for the submission of bids.**

If the bid is not delivered to the Contracting authority within the time limit for the submission of bids or in the manner required in this Procurement Documentation, it shall not be considered as submitted and it shall not be taken into consideration in the procurement procedure.

Bids in electronic form shall not exceed the size of 200 MB; of which a maximum of 100 MB are documents proving qualifications and a maximum of 100 MB are other documents provided in bids. Acceptable file formats for submission of bids are. Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG.

For the submission of bids in electronic form the bids must be encrypted with a certificate provided at the Tenderarena electronic tool; the certificate is attached to the Procurement Documentation at [www.tenderarena.cz](http://www.tenderarena.cz). In the case of encryption with other certificates, such a bid will be considered not delivered to the Contracting authority in the manner laid down in this Procurement Documentation and such a bid will not be considered as submitted to the Contracting authority. The bid encryption with a certificate is carried out automatically in the Tenderarena electronic tool before the bid is submitted to the Tenderarena electronic tool using public certificate provided by the Contracting authority.

The Contracting authority points out that the Contracting authority bears no responsibility for any technical conditions on the economic operator's side. The Contracting authority recommends economic operators



to consider especially the speed of their Internet connection when submitting bids so that bids are submitted within the time limit for submission. This means uploading all attachments of the bid and final submission of the bid to the Tenderarena electronic tool.

To submit a bid via the Tenderarena electronic tool the economic operator shall be registered as a supplier in the Tenderarena electronic tool.

The economic operator must be registered as a contractor in the Tenderarena; link "contractor's registration" ("*registrace dodavatele*" at [www.tenderarena.cz](http://www.tenderarena.cz)). A user of the contractor must have a system role of a participant ("*účastník zakázky*"). Registration of the economic operator takes up to 48 hours (on working days) after all required documents have been submitted (either by post or electronically). Registration on Tenderarena electronic tool is not charged.

Detailed information on the registration to Tenderarena are available at [www.tenderarena.cz](http://www.tenderarena.cz).

The bid submitted in electronic form must include identification details of the participant, in particular the following: commercial name of the company, registered office, ID No., legal form, person authorised to act on behalf of the participant or a person authorised to represent the participant, contact address for correspondence between the participant and the Contracting authority.

The bid must be written **in Czech, Slovak or English**.

Simple copies of the signed documents provided in the bids are sufficient.

If the bid is submitted jointly by more participants (joint bid), the participant shall specify a person in the bid who shall be empowered to represent these participants for communicating with the Contracting authority during the Procurement Procedure.

The participant shall submit the bid containing the following documents and parts, whereas the following structure is only recommended:

**a) Cover Bid Note**

The cover bid note shall include the following details: Public Contract name, basic identification details of the Contracting authority and participant (including persons empowered to be involved in further proceedings and stating an enterprise categorisation in accordance with the Recommendation 2003/361/ES), participant shall state the contact e-mail address for electronic communication with the Contracting authority (the address will be used for the Service of the Contracting authority's electronically signed documents concerning the assessment and evaluation of the bids during this Procurement Procedure), date and signature of the person authorised to act on behalf of the participant.

The cover bid note shall also include the statement of the economic operator that the economic operator fully and without reservations accepts the business and technical conditions stated in the draft of Purchase Contract and Technical Specification, which were the integral parts of the Procurement documentation.

The participant may use **Annex No. 2** hereto.

**b) Purchase Contract - a copy of the signed contract is sufficient (Annex No. 1 hereto)**

The Contracting authority would like to point out that pursuant to Section 211 (3) of the Act all communication between the Contracting authority and economic operators shall be carried out by electronic means. Therefore, the Purchase Contract concluded with the selected economic operator must be **signed electronically**, i.e. by an electronic signature (qualified certificate) according to the Regulation (EU) No. 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (eIDAS).

The Purchase Contract may be signed with the selected economic operator in the paper form only



if the selected economic operator demonstrates that it has no possibility to obtain the electronic signature and to sign the Purchase Contract electronically.

- c) **List of subcontractors if any** (art. 7.3 hereof)
- d) **Affirmation on No Conflict of Interest and No Relation to Russia** (**Annex No. 4** hereto)

In case that the Act or the Contracting authority requires to submit a document in compliance with the Czech law, participant is entitled to submit a similar document issued pursuant to the legal code of the country where the document has been issued. The document shall be submitted in Czech, Slovak or English language.

The document may be substituted by an affirmation in the case that the document is not being issued pursuant to the legal code of the country of participant's registered office.

## **7. Other conditions**

In accordance with Section 39 (5) of the Act, the Contracting authority may verify the credibility of the data, documents, samples or models provided by the participant and may also acquire them itself.

### **7.1. Identification of the real owner of the selected economic operator**

In relation to the determination of the real owner of the supplier, if the supplier is a Czech legal entity, the Contracting Authority will proceed according to the rules contained in Section 122(4) of the Act, or Section 122(5) of the Act should the supplier be a foreign legal entity. In the latter case, the supplier may be requested to submit the following:

- 1) an extract from foreign evidence of beneficial owners; or
- 2) identification data of all persons that are its beneficial owners, and
- 3) documents that demonstrate the relation of persons under paragraph 2) to the economic operator; such documents include, but are not limited to:
  - a copy of an entry in the Commercial register or other similar records,
  - a list of shareholders,
  - a decision made by the governing body regarding payment of share in profit,
  - a memorandum of association, a letter of formation or articles of association.

### **7.2. Exclusion of a participant on the grounds of its legal form**

The Contracting authority draws attention to the economic operator that in accordance with Section 48 (7) and (9) of the Act, the Contracting authority may exclude from the procurement procedure a participant that is a joint-stock company or has a legal form similar to a joint-stock company and has issued other than exclusively booked shares. If the selected economic operator has its registered office abroad and is a joint-stock company or has a legal form similar to a joint-stock company, the contracting authority shall require it to submit an affirmation in writing within a reasonable time limit showing which persons are holders of shares whose aggregate nominal value exceeds 10 % of the registered capital of the participant and indicating the source on which the information on the amount of the share of shareholders is based.

### **7.3. Subcontracting**

Pursuant to Section 105 (1) of the Act, the Contracting authority requires submission of a list of





subcontractors with indication which share of the Public Contract will be subcontracted to each of these subcontractors.

#### 7.4. Explanation to the Procurement documentation

The Contracting authority shall provide explanations of procurement documents based on a written request of participants pursuant to Section 98 of the Act. The requests for explanation of the Procurement documents must be delivered in to the following address: [info@karolas.cz](mailto:info@karolas.cz) and in a copy of the email address to [magdalena.mastna@hilase.cz](mailto:magdalena.mastna@hilase.cz). The requests must be delivered in time, which means in the deadline pursuant to Section 98 (3) of the Act.

#### 7.5. Conflict of interests pursuant to Act No. 159/2006 Coll., on Conflict of Interests, as amended, and Declaration in relation to International Sanctions

Pursuant to Section 4b of Act No. 159/2006 Coll., on Conflict of Interest, as amended (hereinafter the "**Conflict of Interest Act**"), a company in which a public official referred to in Section 2(1)(c) of the Conflict of Interest Act or a person controlled by him/her owns a share representing at least 25% of the shareholder's participation in the company may not participate in procurement procedures under the Conflict of Interest Act as a participant in the procurement procedure or as a subcontractor through which the participant in the procurement procedure demonstrates qualification. The Contracting authority requires that the economic operator and the subcontractor through which it demonstrates its qualifications are not in a conflict of interest pursuant to Section 4b of the Conflict of Interest Act.

The economic operator shall provide in its bid an affidavit stating unequivocally that neither it nor the subcontractor through which it demonstrates qualification (if any) has breached the requirement of Section 4b of the Conflict of Interest Act. It is required to use a form of an affirmation that is attached hereto as an **Annex No. 4 Affirmation – Affirmation on No Conflict of Interest and in relation to International Sanctions**, to fulfil this obligation.

The economic operator shall also provide information related to the Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's destabilising activities in Ukraine, as amended by Council Regulation (EU) No. 2022/1269 of 21 July 2022 (hereinafter the "**Regulation**"), and that the economic operator is not a person within the meaning of Article 5k of the Regulation and that the economic operator is not subject to sanctions under the relevant law governing the implementation of international sanctions. It is required to use a form of an affirmation that is attached hereto as an **Annex No. 4 Affirmation – Affirmation on No Conflict of Interest and in relation to International Sanctions**, to fulfil this obligation.

## 8. Final provisions

The Contracting authority does not allow variants of bids.

The Contracting authority shall not reimburse the participants for the costs incurred in connection with their participation in the Procurement Procedure, even if the Procurement Procedure has been cancelled by the Contracting authority.

**The list of the annexes:**

1. Purchase Contract
2. Cover Bid Note
3. Technical Specification
4. Affirmation – Affirmation on No Conflict of Interest and in relation to International Sanctions



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**On behalf of the Contracting authority:**

In Prague, on ..... 13. 04. 2023

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



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## **Annex No. 1 – Purchase Contract**

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## Annex No. 2 – Cover Bid Note

### Cover Bid Note Public Contract Name:

### „Fibre-Based Laser Front-End System”

Contracting authority	Institute of Physics of the Czech Academy of Sciences, public research institution
Registered Office:	Na Slovance 2, 182 00 Prague 8, Czech Republic
Company Identification No.:	683 78 271
Tax Identification No.:	CZ68378271
Person authorised to act on behalf of the Contracting authority:	RNDr. Michael Prouza, Director

**Economic operator Business Name incl. Legal Form:** [to be filled in by economic operator]

**Registered Office:** [to be filled in by economic operator]

**Company Identification No.:** [to be filled in by economic operator]

**Tax Id. No.:** [to be filled in by economic operator]

**Small / Medium-sized enterprises  
(in accordance with the  
Recommendation 2003/361/ES):**

[YES/NO - to be filled in by economic operator]

**Person authorized  
to represent the participant:**

[to be filled in by economic operator]

**Contact person:**

[to be filled in by economic operator]

**Contact address:**

[to be filled in by economic operator]

**Tel:**

[to be filled in by economic operator]

**E-mail of the Contact Person:**

[to be filled in by economic operator]

### **Total Bid Price:**

Total bid price (in EUR without VAT)	VAT	Total bid price (in EUR including VAT)
[to be filled in by economic operator]	[to be filled in by economic operator]	[to be filled in by economic operator]



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**The Economic operator hereby fully and without reservations accepts the business and technical conditions stated in the draft of Purchase Contract, which were the integral parts of the Procurement documentation.**

In [to be filled in by economic operator] On [to be filled in by economic operator]

.....  
[Signature - to be filled in by economic operator ]  
[Business name - Authorized Representative to be  
filled in by economic operator]





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## **Annex No. 3 – Technical Specification**

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## Annex No. 4 – Affirmation – No Conflict of Interest and in relation to International Sanctions

### Affirmation on No Conflict of Interest and in relation to International Sanctions

#### “Fibre-Based Laser Front-End System”

**Economic operator Business Name incl. Legal Form:** [to be filled in by economic operator]

**Registered Office:** [to be filled in by economic operator]

**Company Identification No.:** [to be filled in by economic operator]

**Authorized Representative:** [to be filled in by economic operator]

The economic operator hereby solemnly declares that as a participant in the abovementioned Procurement Procedure, pursuant to Act No. 159/2006 Coll., on Conflict of Interest, as amended, is not a company in which a public official or a person controlled by him/her owns a share representing at least 25% of the shareholder's participation in the company.

The economic operator also declares that any subcontractor through which the economic operator demonstrates qualification criteria in the Procurement Procedure is not such a company as stated above.

The economic operator declares that it is well aware of the contents of Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's destabilising activities in Ukraine, as amended by Council Regulation (EU) No. 2022/1269 of 21 July 2022 (hereinafter the "**Regulation**"), and that it is not a person within the meaning of Article 5k of the Regulation, i.e. that it is not:

- (A) a Russian national, natural or legal person or entity or body established in Russia;
- (B) a legal person, entity or body which is more than 50 % owned, directly or indirectly, by any of the entities referred to in (A) above; or
- (C) a natural or legal person, entity or body acting on behalf of, or at the direction of, any of the entities referred to in (A) or (B) above.

The economic operator declares that it is not subject to sanctions under the relevant law governing the implementation of international sanctions.

The economic operator further declares that the above also applies in relation to any subcontractors it uses for the performance of the Public Contract whose share of the subject-matter of the Public Contract is more than 10 %.

The economic operator declares that if a Public Contract is concluded between the Contracting authority and the economic operator, the economic operator will ensure the truthfulness of this declaration throughout the period of performance of the Public Contract.

In [to be filled in by economic operator] On [to be filled in by economic operator]

.....  
[Signature - to be filled in by economic operator]

[Business Name - Authorized Representative to be filled in by economic operator]