

INVITATION FOR SUBMISSION OF BIDS

PROCUREMENT DOCUMENTATION

for a below-threshold public contract for supplies called:

“High-Precision DLIP Laser System for Multi-Beam Interference Micromachining”

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*”)

Contracting Authority:

Institute of Physics of the Czech Academy of Sciences, public research institution
with its registered office at Na Slovance 2, 182 21 Prague 8, identification No.: 683 78 271
(hereinafter the “*Contracting Authority*”)



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1. Basic data on Contracting Authority and Procurement Procedure

1.1. Basic data on Contracting Authority

Contracting Authority	Institute of Physics of the Czech Academy of Sciences, public research institution
Registered Office:	Na Slovance 2, 182 21 Prague 8, the 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:	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, <u>Contact person:</u> JUDr. Tomáš Tomšíček, attorney tel.: +420 270 006 260 e-mail: zakazky@akvt.cz
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/profily/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.

This Procurement Documentation also serves as **an invitation to tender** pursuant to Section 53 (1) of the Act. The Contracting Authority hereby invites an unlimited number of economic operators to submit their bids.

2. Subject-matter of the Public Contract

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

Subject-matter of the Public Contract is the manufacture and delivery of a High-Precision Direct Laser Interference Patterning (DLIP) Laser System for Multi-Beam Interference Micromachining. DLIP system shall use multiple beam configurations, enabling the creation of periodic surface structures with feature sizes down to 0.5 μm . It will serve as a core unit for research and prototyping of large-area functional surface texturing, combining UV and visible ns-lasers with fs-laser capability for hybrid processing. The system must be compatible with existing control software infrastructure (DMC – Direct Machining Control) and allow real-time communication over SL2-100 or XY2-100 protocols. All optical and mechanical components must support operation in a cleanroom laboratory environment.

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

The Purchase Contract shall be concluded with one (1) selected economic operator.

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

CPV Code	Description
38636100-3	Lasers
38000000-5	Laboratory, optical and precision equipments (excl. glasses)

2.3. Maximum permissible total bid price

Maximum permissible Total Bid Price is **195 000 EUR without VAT**.

The Contracting Authority draws attention of economic operators to the fact that total bid price is limited and cannot be exceeded.

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.

2.4. Time and place of delivery of the subject of matter of the Public Contract

Expected initiation of performance:	Immediately after conclusion of the Purchase Contract.
Expected ending of performance:	stipulated in the Purchase Contract
Place of delivery:	HiLASE Centre Institute of Physics of the Czech Academy of Sciences Za Radnicí 828 252 41 Dolní Břežany Czech Republic

2.5. Technical conditions

Technical conditions for the subject matter of the Public Contract are in detail specified in **Annex No. 1 - Technical Specification** hereto.

The technical parameters stated in **Annex No. 1 - Technical Specification** are defined as minimal requirements, i.e. the economic operator is entitled to offer more advantageous product. If the participant

offers less advantageous product it shall be excluded for the reason of its failure to meet the award criteria.

If the technical conditions are set by a direct or indirect reference to particular 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. In this case, the economic operator proves, that the proposed supplies satisfy equivalently the requirements defined by the Contracting Authority in the Technical specification.

2.6. Business conditions

Business conditions for the performance of the Public Contract are specified in **Annex No. 2 - Purchase Contract** hereto.

The economic operator is obliged to fill only the places highlighted with “**yellow colour**” within the Purchase Contract.

The economic operator does not have to complete the annexes of 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.

2.7. Social, ecological and innovative aspects

The Contracting authority will award the Public Contract in accordance with the principles of socially and environmentally responsible procurement. Socially and environmentally responsible procurement also takes into account the related impacts of the Public Contract, especially in the areas of employment, social and labour rights and the environment.

Aspects of socially and environmentally responsible procurement procedure are taken into account in particular in this Procurement Documentation and in the text of the Purchase Contract.

3. Qualification of participants

The economic operator is required to prove the following qualification criteria:

1. Basic qualification criteria
2. Technical qualification criteria

3.1. Basic qualification criteria

An economic operator shall not be qualified if it:

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,

- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or is in a similar situation pursuant to the law of the country of its registered office.

If a participant in the Procurement procedure is a branch of a business of

- a) a foreign legal person, the condition specified in Article 3.1 (a) hereof shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in Article 3.1 (a) hereof shall be met by (i) this legal person, (ii) every member of the governing body of this legal person, and (iii) the person representing this legal person in the governing body of the economic operator and (iv) the head of the branch.

The economic operator shall prove that it fulfils the basic qualification requirements by submitting an affirmation indicating the fulfilment of the required qualification criteria. It is recommended to use a form of an affirmation that is attached hereto as an **Annex No. 4 – Affirmation on Basic Qualification Criteria**.

3.2. Technical qualification criteria

The Contracting Authority sets the following technical qualification criterion to prove experience that is necessary for the Public Contract to be performed to an appropriate level of quality:

The economic operator shall prove its technical qualification by submitting:

- a) **according to Section 79 (2) paragraph b) of the Act: a list of at least 3 (three) important supplies provided by the economic operator in the past 3 years before the commencement of the Procurement Procedure:**

Minimal extent and specifications of significant supplies:

at least 3 (three) supplies of a Laser System designed for precise material processing (e.g. machining, cleaning, cutting) including software and other accessories, with value exceeding 100.000,- EUR without VAT for each significant supply.

The economic operator shall prove that it fulfils this technical qualification requirement by submitting the **list of the significant supplies** including the identification of clients (including their functional contact data), price information and dates of delivery (month and year of delivery) of the supplies and a brief description of the supplies (it is recommended to use a form of an affirmation that is attached hereto as **Annex No. 6 – List of Important Supplies**).

- b) **according to Section 79 (2) paragraph k) of the Act: a technical description** of the device offered in a level of detail that allows verification of compliance with the technical requirements stated in the Annex No. 1 - Technical Specification. This description shall furthermore become an annex to the Purchase contract. Of the device offered in a level of detail that allows verification of compliance with the technical requirements stated in the Annex No. 1 – Technical Specification. This description shall furthermore become an annex to the Purchase contract.

4. Requirements for processing the bid price

The economic operator is required to state the total bid price (“**Total Bid Price**”) in EUR without VAT in the signed draft of the Purchase Contract (Art. 4.1 of the contract).

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

The Contracting Authority draws attention of economic operators to the fact that Total Bid is **limited by the maximum permissible total bid price of and cannot be exceeded.**

The Total Bid Price is the maximum price that cannot be exceeded during the performance of the Public Contract and shall include all costs that the economic operator will incur during the 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.

Payment conditions are specified in the Purchase Contract that is as an Annex No. 2 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 evaluates the total bid price in EUR net of VAT. The price shall be given in the structure and under the conditions defined in the Article 4 herein.

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 economic operator shall not be authorised to make the bid subject to any conditions. Any conditions or provision of several different values in the bid in parts that are subject to the evaluation shall constitute a reason to eliminate the bid and exclude the Participant from the Procurement Procedure.

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 in the time limit published on the profile of the Contracting authority.

Bids shall be submitted electronically using the eGORDION v. 3.3 - Tender arena (hereinafter "***Tenderarena***") electronic tool which is available at www.tenderarena.cz. Economic operators may find at this link also a guide for using the Tenderarena electronic tool (via link "***Help***" in the 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. 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 a 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 login to the Tenderarena electronic tool and submit a bid via the Tenderarena electronic tool the economic operator shall be registered in Central Economic Operator Database – “*Centrální databáze dodavatelů (CDD)*” at www.fen.cz. Registration is not charged and takes up to 48 hours (on working days) after all required documents have been submitted (either by post or electronically). **Helpdesk contacts are available at www.fen.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, a 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 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, a 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, 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), the 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. 3** hereto.

B) Purchase Contract - a copy of the signed contract is sufficient (Annex No. 2 hereto)

The Purchase Contract concluded with the selected economic operator may be signed either 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), or physically.

The Total bid price must be indicated in the Annex No. 2 – Purchase Contract.

C) Documentation proving qualifications prerequisites meeting in line with art. 3 hereof (the participant may use Annex No. 4 and Annex no. 6)

D) Filled Affirmation of the Economic Operator (on grounds of the Conflicts of Interest Act ad EU Sanctions Regulation) (Annex No. 5 hereto).

In case that the Act or the Contracting Authority requires to submit a document in compliance with the Czech law, the 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.

6.2. Opening of bids

In accordance with section 109 of the Act, the opening of bids will be carried out in electronic form only. Opening a bid in electronic form shall be understood as granting access to the content of the bid to the Contracting Authority. The Contracting Authority shall open bids in electronic form after the expiry of the time limit for the submission of bids. When opening bids in electronic form, the Contracting Authority shall check whether the tenders were submitted within the prescribed time limit, whether they are authentic and whether the data message containing the bid has not been tampered with before the opening.

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 themselves.

7.1 Identification of the real owner of the selected economic operator

If the selected economic operator is a Czech legal entity, the Contracting authority shall ascertain the data on its real (beneficial) owner pursuant to the Act governing the register of beneficial owners.

Should the selected economic operator be a foreign legal entity, the Contracting authority will require from the selected economic operator pursuant to Section 122 (5) of the Act the submission of an extract from foreign records similar to the records of real (beneficial) owners or in the absence of such records the submission of the following as a condition for the conclusion of the contract:

- a) identification data of all persons that are its real owners, and
- b) documents that demonstrate the relation of persons under paragraph a) to the economic operator; such documents include, but are not limited to:
 - an extract from foreign records similar to a copy of an entry in the Commercial register,
 - 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

The selected economic operator shall submit the aforementioned information and documents in the language stipulated by Article 6.1 hereof.

7.2 Reservations

In accordance with Section 53 (5) of the Act, the Contracting Authority reserves the right to publish the notice of exclusion of a participant from the procurement procedure or the notice of selection of an economic operator on the Contracting Authority profile. In that case, the notices shall be considered to be delivered to all participants at the moment of their publication.

7.3 Exclusion of a participant on the grounds of its legal form

The Contracting Authority draws the attention of 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.

7.4 Explanation of the Procurement documentation

The Contracting Authority shall provide explanations of procurement documents based on a written request of participants pursuant to Section 98 and Section 54 (5) of the Act. The requests for an explanation of the Procurement documents must be delivered to the following address: zakazky@akvt.cz and in a copy of the e-mail address jan.segl@hilase.cz. The requests must be delivered in time, which means in the deadline pursuant to Section 98 (3) of the Act.

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. Technical Specification**
- 2. Purchase Contract**
- 3. Cover Bid Note**
- 4. Affirmation on Basic Qualification Criteria**
- 5. Affirmation of the Economic Operator**
- 6. List of Important Supplies**

On behalf of the Contracting Authority:

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