

Notification to enter into negotiations within the framework of a negotiated procedure

1 Basic information on the negotiated procedure

(hereinafter the "*Negotiated Procedure*")

Contracting Authority:	<p>Fyzikální ústav AV ČR, v. v. i. Na Slovance 2 182 21 Praha 8 IČO: 683 78 271 DIČ: CZ68378271 Represented by: doc. Jan Řídký, DrSc., Director Person responsible for technical matters: Ing. Bedrich Rus, PhD Telephone: +420 266 052 871 e-mail: rus@fzu.cz</p> <p>(hereinafter the "<i>Contracting Authority</i>").</p>
Authorized representative:	<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: Mgr. Matej Kliman e-mail: mkliman@holec-advokati.cz tel.: +420 296 325 235 fax.: +420 296 325 240</p> <p>(hereinafter the "<i>Authorized Representative</i>").</p>

Legal form:	Above-the-threshold public contract for supplies administered in the form of a negotiation procedure without publication pursuant to Sec 23 (5) a) of the Czech Act No. 137/2006 Coll., as amended (hereinafter the "Act" and " Public Contract ").
Subject matter of the Public Contract (name):	Development and delivery of key subsystems of L2 Stage 1 high repetition rate OPCPA beamline (public tender for supplies for the purposes of research and development)
Classification of the subject matter (classification of the supply):	CPV - 73000000-2 Research and Development and related services CPV - 73100000-3 Research and experimental applications CPV - 73110000-6 Research CPV - 73120000-9 Experimental applications CPV - 38636100-3 Lasers
Timing:	Subject to negotiations
Legal issues not expressly regulated herein:	Legal issues related to the awarding procedure and the Public Contract which are not expressly regulated herein shall be governed by the relevant provisions of the Act and in the future documentation for the Negotiated Procedure with participation of applicants in this process.
Deadlines for submitting of Applications to enter the Negotiated Procedure electronically	January 22 nd , 2014

2 Substantiation of the usefulness of the tender in accordance with section 86 (2) of the Act. No. 137/2006 Coll. and Section 1 of the Regulation No. 232/2012 Coll.:

2.1 Description of Contracting Authority's needs, which will be met by this public contract:

The Contracting Authority, whose main activities focus on research and development in the field of physics, is the beneficiary of grant provided in connection with the "ELI: EXTREME LIGHT INFRASTRUCTURE" Project (hereafter the "Project").

The Contracting Authority, in its position as the beneficiary, is bound to fulfil the technical aims of the Project as defined in the Project's objectives.

The main objective of the Project is delivery of ultra-short high-energy laser pulses for the generation and applications of high brightness X-ray sources, for particle acceleration, and for research projects in high-field physics and laboratory astrophysics.

The ELI Beamlines project requires a PW-class, high repetition rate, high power contrast laser system for use in a wide-ranging, internationally based scientific research programme. The provisional specification is an output pulse energy of >15 J, pulse duration ≤ 15 fs and repetition rate of at least 10 Hz, with a contrast of at least $1:10^{11}$ @ 20 ps before the main pulse.

The architecture of the L2 system is to be based on an OPCPA amplifier chain, to provide the short pulse capability, pumped by a frequency doubled, diode pumped, solid state laser (DPSSL) operating at 10 Hz.

A two stage procurement strategy has been devised that mitigates the substantial technical risks at the lowest possible cost. These include the performance of low dispersion compression gratings, $>10^{10}$ pulse contrast and the maintenance of >200 nm amplification bandwidth in the >1 J regime at high repetition rate (≥ 10 Hz).

2.2 Description of the public contract's subject matter

Stage 1, which is the subject of the current procurement, involves the modeling and design of the complete L2 system and the construction of the first part of the L2 chain to validate the modeling and design and to mitigate the most serious technical risks. **Stage 2**, which will be a subject of a future procurement, will take the information developed in Stage 1 and will deliver the additional OPCPA amplification to boost the energy to >20 J, using total available pump energy (frequency upconverted output of the 100 J high-rep rate laser) of 60 J and pulse compression systems necessary to realize the full L2 OPCPA beamline specification. **Stage 1** delivery has for the goal

demonstrating the concept of high-repetition rate OPCPA power beamline using recently developed 10 J 10 Hz Yb:YAG pump laser and two OPCPA amplifiers. A specific goal is demonstrating generation of optical spectrum with bandwidth of 200 nm or larger, centered at nominally 850 or 800 nm depending on the choice of the amplifier crystals (LBO or YCOB). Stage 1 shall provide quantitative benchmark against design values such as amplified spectrum, temporal contrast (superfluorescence), pulse energy stability, beam profile, etc. It will serve as testbed for dispersion management in the OPCPA chain and for ultra-broadband pulse stretcher and pulse compressor using low-dispersion gratings (e.g. 900 l/mm). Another important activity within Stage 1 will be development of operation of the chain at 20 Hz or higher repetition rate.

A supplier for Stage 1 is sought that has world leading experience in both OPCPA and DPSSL systems and, furthermore, an extensive track record in the provision of state-of-the-art laser facilities to the scientific user community. Furthermore, the Supplier must have and make available specific equipment necessary to conduct the programme of the technical risk reduction to the Stage 1 development. This includes notably a 10 J laser running at 10 Hz, equipped with frequency doubling providing in excess of 5 J per pulse.

2.3 Description of the mutual relation between the public contract subject matter and the Contract Authority's needs:

The subject matter of the public contract will ensure development, manufacture and proper integration of the key system to be delivered to the research centre being built, which in turn will mean that the Contracting Authority fulfils its obligations arising to it from the decision granting aid to the Project.

2.4 Use of Negotiated Procedure without publication

At the IoP request, in relation to the L2 beamline acquisition for the ELI Project, the Ministry of Regional Development and Ministry of Education, Youth and Sports (the Managing Authority) have expressed their consent to apply a procedure defined in Sec. 23 (5) of the Act.

3 The manner and basic terms of the Negotiated Procedure

3.1 Negotiated Procedure. Phasing

The Negotiated Procedure commenced by this notification will have the following phases:

- **Application phase**, in which the notified applicants may apply to enter the Negotiated Procedure within the prescribed deadline (the applicants who qualify hereinafter the "*Participants*")
- **Negotiations phase**, the purpose of which shall be the elaboration of a detailed tender documentation by the Contracting Authority based on the

negotiations with the Participants on the technical, legal and economical aspects of the tender (hereinafter the "**Tender Documentation**"). For the purposes of this phase the Contracting Authority is prepared to conclude a Non Disclosure Agreement with each participant to safeguard their interests.

- **Bidding phase**, in which the Participants will be requested to submit their bids in accordance with the Tender Documentation.

Additional information is contained in the Negotiated Procedure overview attached hereto.

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

3.2 The manner and terms for the provision of Tender Documentation

Tender Documentation shall be provided by the Contracting Authority to each Participant pursuant to Sec 48 of the Act after the conclusion of the negotiation phase as described above in Art. 3.1 above together with the request to submit the bid.

3.3 The manner and form in which the Negotiated Procedure will take place

The Negotiated Procedure will be carried out **both in writing and in verbal form** with all Participants separately, i.e. the Contracting Authority shall not provide any information received from one Participant to other Participants save for information which shall be included into the Tender Documentation as information defining the actual terms of the tender.

The negotiations **in verbal form** may take place both in the form of personal meetings or in the form of video- or teleconferences. The verbal negotiations shall be recorded for the purpose of documenting the Negotiated Procedure.

The Participants shall be informed about the term of the first meeting after **submitting their applications to participate in the Negotiated Procedure**.

3.4 Completion of Negotiated Procedure – tentative information

The tentative dates for the final meeting(s) shall be on February 28, 2014, from 10:00 to 14:00 hours, at the seat of Contracting Authority (may alternatively be held through videoconference).

3.5 Deadline and place for bid submissions

The deadline and the place for submissions of bids will be defined in the Tender Documentation after the end of the negotiations phase.

3.6 Qualification criteria (tentative information)

The Contracting Authority is notifying all known leading entities, which are in the Contracting Authorities' view qualified and capable of the delivery subject of this Negotiated Procedure. Therefore, in the present phase of the Negotiated Procedure, the Contracting Authority does not stipulate any qualification criteria.

However, should the need arise at any time during the negotiated procedure to check the Participants' qualification, As an option, the Contracting Authority reserves the right to implement a **Qualification phase**, the purpose of which shall be to allow Participants to prove their qualification to the Contracting Authority in proportion to the character and extent of the L2 beamline.

3.7 Remuneration

The Contracting Authority will not pay any remuneration for participation in the Negotiated Procedure. Participation in the Negotiated Procedure is at the sole expense of Participants.

3.8 Evaluation criteria – tentative information

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

3.9 Additional information

Applicants/Participants are entitled to request additional information on Negotiated Procedure in writing via email.

The Contracting Authority will provide additional information to the procedure at its earliest convenience in accordance with applicable law. Additional information, including the exact wording of the original query, will be sent to all applicants who have received this documentation.

3.10 Rights of the Contracting Authority

The Contracting Authority further reserves the following rights and conditions:

- a) The Contracting Authority will not return submitted Applications nor any other documentation presented by the Participants as part of the Negotiated Procedure;
- b) The Contracting Authority may require that alternative version of the bid are prepared in accordance with Sec 70 of the Act (further requirements in this respect will be indicated in the Negotiated Procedure documentation);
- c) The Contracting Authority will not compensate applicants/Participants for any costs or expenses incurred by the applicants/Participants in connection with their participation in the Negotiated Procedure.

3.11 Confidentiality of information

Applicants shall treat all information provided to them during the Negotiated Procedure as confidential (except for information that are publicly available) and the Applicants shall issue a Declaration to this effect. The Applicants shall be obliged to refrain from any action, which might undermine transparency and non-discriminatory nature of the negotiation process, especially any acts, which could result in a distortion of competition between Applicants within the award procedure.

3.12 Inspection of the place of performance

The Contracting Authority will not organize any inspections of the place of performance.

4 The method of processing Applications and their form

The term "Application" shall mean a written request from an Applicant expressing their wish to participate in the Negotiated Procedure and supported by documents as may required by this Notification delivered in electronic form (via email) to the Contracting Authority. The Application and all other documents and data will be provided either in the Czech or English language (documents in a language other than Czech or English will be accompanied by certified translation into Czech or English) via email by a person authorized to act on behalf of the Applicant.

4.1 Recommended structure of Applications

The Contracting Authority requires that the Application contains at least the following information:

- a) Applicant's declaration that the subject of the delivery within the Negotiated Procedure shall be a delivery for the purpose of research and development not for commercial purposes.
- b) Information on the Applicant, i.e. its business name, legal form, registered address, tax identification number, contact person details and description of his/her authorization for the purposes of these negotiations;
- c) A copy/scan of an extract from the Commercial Registry or similar corporate records-keeper / authority proving existence / incorporation of the company;
- d) A document showing license allowing Applicant to perform the subject matter of the present Public Contract; if such document is not available in your country please declare that document provided under para c) above fulfils this requirement;
- e) Confidentiality declaration in the extent as provided for in Annex 1 hereto.
- f) Should the Applicant act as a member of a consortium established for the purposes of participation in the Negotiated procedure, the Application should contain information about the consortium members (giving information on individual members in the extent of para a) above, organization structure (lead consortium member etc.) and tentative areas of responsibility of individual consortium members for the fulfilment of the contract);
- g) Should the Applicant anticipate to fulfil the tender with the use of a subcontractor(s) the Application shall contain a written information about such subcontractor(s) (giving information in the extent of para a) above and tentative subcontractor's share in the fulfilment of the contract);

Recommended formal requirements for processing Applications

The Application should be submitted in electronic form via email. Any documents provided in connection with application should be scanned into a pdf.

5 Place, time and manner of submission of Applications

Applications in electronic form shall be mailed to the email address of the Authorized Representative: mdankovsky@holec-advokati.cz by EOB on January 22nd, 2014 CET, i.e. by 24:00 (GMT+1). Receipt of the email will be

acknowledged during normal business hours on that date or on the following day. Following delivery, the Contracting Authority shall check the completeness of the Application and notify Applicants whether the Application is deemed to have been submitted complete.

If you have any questions about this document, negotiation procedure or information that needs to be included in your application please contact the Authorized representative at the following email address: mdankovsky@holec-advokati.cz. Please note that the Authorized Representative will disregard all requests for information delivered after 9 am on the last day of the deadline (22nd January 2014).