

WRITTEN REPORT BY CONTRACTING AUTHORITY

(pursuant to Sec. 85 of Act No. 137/2006 Coll. on Public Contracts)

Public Contract Name:

Direct Write Laser Lithography System

The Contracting Authority of the above mentioned below-the-threshold public contract for supplies issued in the simplified below-the-threshold procedure pursuant to Act No. 137/2006 Coll. on Public Contracts (hereinafter the "Act") drew up this written report.

A. Identification of the Contracting Authority, Subject matter of the public contract, Remuneration agreed in Contract

Contracting Authority:

Institute of Photonics and Electronic of the CAS, v. v. i.

Registered office:

Chaberská 57, 182 51 Praha 8 - Kobylisy
67985882

Company identification No.:

Person authorised to act on behalf of the Contracting Authority:

Prof. Ing. Jiří Homola, CSc., DSc., Director

The Direct Write Laser Lithography System (DWLLS) allows for the precise fabrication of microstructures for a variety of applications. The DWLLS provides fabrication capabilities of microstructures having feature small sizes having high an aspect ratio (height/width). The subject matter of this public contract is further described in the art. 4 of the Tender Documentation and Annex 4 of the Tender Documentation.

The subject matter is also a provision of a user manual in English or Czech language, printed together with electronic version and provision of training in a length of 3 days at the public contract implementation place (the Czech Republic, Prague 8, Chaberská 57) and declaration of conformity.

The Contracting Authority required a provision of warranty in a length of at least 24 months for the supply.

The remuneration agreed in Contract:

4.099.500 CZK excl. VAT

B. Selected type of an Awarding Procedure

Simplified below-the-threshold procedure pursuant to Sec. 38 of the Act No. 137/2006 Coll., on Public Contracts.

C. Selected Bidder Identification, Most suitable bid selection justification, Public Contract parts to be performed via subcontractor

Bidders Name	Registered Office	ID Number
OptiXs, s.r.o.	Křivoklátská 37/3, Letňany, 199 00 Praha 9	02016770

The Evaluation Commission evaluated the below mentioned bids.

List of Evaluated Bids

Bid Number based on Delivery Time	Name of Bidder	Registered Office	ID Number
2.	OptiXs, s.r.o.	Křivoklátská 37/3, Letňany, 199 00 Praha 9	02016770
3.	MIT, spol. s r. o.	Klánova 71/56, Praha 4 14700	46348395

Pursuant to the art. 7.1 of the Tender Documentation Bids shall be evaluated pursuant to Section 78 paragraph 1 (b) of the Act based on the total bid price.

Bid Number based on Delivery Time	Name of Bidder	Registered Office	ID Number	Bid Price (CZK net of VAT)
2.	OptiXs, s.r.o.	Křivoklátská 37/3, Letňany, 199 00 Praha 9	02016770	4 099 500,-
3.	MIT, spol. s r. o.	Klánova 71/56, Praha 4 14700	46348395	4 364 000,-

The Evaluation Commission determines the final placings by ordering bids due to respective bid prices.

Final Placing	Name of Bidder	Registered Office	Ident. No.	Bid Price (CZK excl. VAT)
1.	OptiXs, s.r.o.	Křivoklátská 37/3, Letňany, 199 00 Praha 9	02016770	4 099 500,-
2.	MIT, spol. s r. o.	Klánova 71/56, Praha 4 14700	46348395	4 364 000,-

The Evaluation Commission recommended to the Contracting Authority to assign the public contract to the Bidder called **OptiXs, s.r.o.** as the Bidder offered the lowest bid price and the bid has fulfilled all the statutory and legal conditions and requirements.

The Contracting Authority has accepted the recommendation.

Subcontractor:

LOT-QuantumDesign GmbH
Im Tiefen See 58,
64293 Darmstadt, Germany
producer of the subject matter

D. Identification of each bidder along with their bid prices

Bid Number based on Delivery Time	Name of Bidder	Registered Office	ID Number	Bid Price (CZK net of VAT)
1.	KLOÉ SA	1068 Rue de la Vieille Poste, 34000 Montpellier, France	TVA FR 24434148433; SIRET 43414843300023	4 500 000,-
2.	OptiXs, s.r.o.	Křivoklátská 37/3, Letňany, 199 00 Praha 9	02016770	4 099 500,-
3.	MIT, spol. s r. o.	Klánova 71/56, Praha 4 14700	46348395	4 364 000,-

E. Identification of excluded Applicants and justification for their exclusion

Bid Number based on Delivery Time	Bidders Name	Registered Office	ID Number
1.	KLOÉ SA	1068 Rue de la Vieille Poste, 34000 Montpellier, France	SIRET 43414843300023

Regarding to **technical conditions** the Evaluation Commission assessed the bid and stated the following:

The Contracting Authority required pursuant to Art. 4.3. of the Tender Documentation bidders to submit the description and specification of the offered performance in the form of fulfilled Annex No. 4 of the Tender Documentation. Bidders were obligated to follow the instructions stated hereto.

In accordance with the instructions mentioned in the given Annex bidders were obligated to state the concrete values describing the offered performance for the requirements REQ_03 - REQ_12.

The Bidder KLOÉ SA has stated instead of a concrete value for the requirement REQ_03 only that the offered solution disposes of the required functionality for the given requirement.

The Bidder has not met the technical tender conditions since he has not stated the correct value for the above mentioned requirement REQ_03.

Regarding to **business conditions** the Evaluation Commission assessed the bid and stated the following:

The Bidder KLOÉ SA stated different information and values within the contract (per se art. 9.1 of the Tender Documentation) and the document submitted in the bid called "OFFER : 160413_3". The Contracting Authority required in accordance with the art. 9.1 of the given contract the warranty of quality of the Object of Purchase for the period of 24 months. Further on the Art. 5.4. of the given contract specified the manner of the payment as follows:

5.4 The Purchase Price for the Object of Purchase shall be paid in CZK on the basis of a tax documents – invoices, to the account of the Seller designated in the invoice. The Purchase Price shall be paid in the following manner:

a) 50 % of the Purchase Price shall be paid after the signature of this Contract; and

50 % of the Purchase Price shall be paid after the delivery of the final invoice to which the signed Handover Protocol shall be attached.

b) The Buyer shall realize for each payment as itemized in previous section on the basis of duly issued invoices within 30 days from their receipt of the invoice via bank transfers. The invoice shall be considered to be paid for on the day when the invoiced amount is deducted from the Buyer's account on behalf of the Seller's account.

Within the document called "OFFER : 160413_3" the Bidder stated that only "1 year warranty period" is included and as a payment manner "40% with purchase order – 60% at delivery" was stated. There is a discrepancy between the tender conditions given in the contract and thus the binding contract submitted in the bid and other parts of the submitted bid.

This discrepancy cannot be anyhow remedied in terms of the Act.

The Bidder has not met the tender business conditions of the Contracting Authority on warranty and payment conditions since the Bidder offered different values within his bid.

Conclusion: Given the above mentioned the Evaluation Commission has decided to reject the Bid pursuant to Sec. 76 (1) of the Act due to non-compliance of the technical tender conditions and due to non-compliance of the business tender conditions. Evaluation Commission recommended the Contracting Authority to exclude the Bidder from the tender procedure.

The Contracting Authority has accepted the recommendation.

F. Applicant exclusion due to Abnormally Low Tender Price

No applicant was excluded due to abnormally low tender price.

G. Justification of Competitive Dialogue, Negotiated Procedure with Publication, Negotiated Procedure without Publication application, if applied

Not relevant.

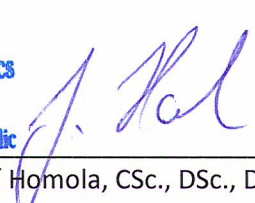
H. Justification of Awarding Procedure cancellation, if cancelled

The tender procedure was not cancelled.

05. 05. 2016

In Prague on 2016

INSTITUTE OF PHOTONICS AND ELECTRONICS
ASCE, s.r.o.
(1)
Chaberská 57, 182 51 Praha 8, Czech Republic


Prof. Ing. Jiří Homola, CSc., DSc., Director

Investigation of Computer Systems. Requested Records with the following description:

1-01-00000

Investigation of Computer Systems. Requested Records with the following description:

The following records are requested:

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Investigation of

INSTITUTE OF ELECTRONICS AND ELECTRONICS
ASAC, ELL
(1)
Chomsky St, 101 St Paul & Cuthbert
St. Paul, Minn. 55101