



## INVITATION TO SUBMIT A BID

for the small size public contract

***„Commissioning and operation of aerosol sample delivery systems including development and implementation of computer software for on-line data analysis”***

(“**Public Contract**”) that is to be concluded in the procedure according to the Rules for applicants and beneficiaries (“**Rules**”) under the Research, Development and Education Operational Programme.

|   |  |
|---|--|
| Name of the contracting authority:                                  | Institute of Physics of Academy of Sciences of the Czech Republic, public research institution |
| Registered office:  | Na Slovance 2, Praha 8, PSČ: 182 21  |
| Identification No.:   | 68378271   |
| Tax Identification No.:   | CZ68378271   |
| Person authorized to act<br>on behalf of the contracting authority: | RNDr. Michael Prouza, Ph.D., director  |
| Contact person:   | Václav Mráz  |
| Telephone:  | 00 420 601 560 318   |
| E-mail:   | vaclav.mraz@eli-beams.eu   |

(“**Contracting Authority**”)

### 1. GENERAL INFORMATION

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

- 1.1 The Contracting Authority does not follow the rules for public procurements set out in the act no. 134/2016 Coll., on public procurement (“**Act**”), because the Public Contract is considered a small size public contract within the meaning of Section 27 of the Act.
- 1.2 However, the award procedure is subject to the Rules because the Public Procurement is financed from the Research, Development and Education Operational Programme.



- 1.3 If the Contracting Authority uses references to the Act, it means that the Contracting Authority shall proceed analogically in relation to the Act. However, these links to the Act do not imply that the Public Contract is awarded in accordance with the Act.

## 2. PUBLIC PROCUREMENT SPECIFICATION

The subject-matter of the Public Contract is the provision of services related to the commissioning and operation of aerosol sample delivery systems as well as the development and implementation of computer software for on-line data pre-analysis, for the ELI Beamlines international laser research facility (which is operated by the Contracting Authority) by a provider. The services that form the subject-matter of the Public Contract are intended for any needs of the Contracting Authority within the field of sample delivery and on-line data analysis. However, the main tasks will be:

- (1) Commissioning and operations support for aerosol sample delivery systems including (but not limited to) aerodynamic lens focusing, Gas Dynamics Virtual Nozzle manufacturing and operations, electrospray ionization, Mie scattering on-line diagnostics and characterization of aerosol injection processes into high vacuum.
- (2) Supporting the implementation into the ELI Beamlines data infrastructures of software for on-line data pre-processing including, but not limited to, the “Hummingbird” software. Adaptations and optimization of already available software for ELI Beamlines-specific purposes. Support in the specification of the computer infrastructures/hardware necessary for the implementation of the relevant software.
- (3) Other design, advisory, construction, installations or software development services that are of benefit for the main objectives.

All the services provided shall be paid by the Contracting Authority based on hourly billing rate offered by a bidder in this procedure.

The Contracting Authority is entitled to order services up to the total price stipulated in art. 3.1 hereof. However, the Contracting Authority is not bound to any minimum extent of services to be ordered. Extent of services ordered to be given by actual needs of the Contracting Authority.

## 3. THE TIME AND PLACE OF DELIVERY

- 3.1 The contract for services will be concluded for a fixed time period. The day on which the total price charged by the provider under the contract exceeds the limit of EUR 75 000 (without VAT or any similar tax) is the date of termination of the contract.
- 3.2 All works under this Contract shall be carried out by the provider at its premises, the premises of the Contracting Authority or at the premises of a third party, as agreed between the provider and the Contracting Authority. Outputs or results shall be provided to the Contracting Authority by means agreed by the provider and authorized representative of the Contracting Authority.

## 4. BUSINESS AND PAYMENT TERMS

- 4.1 Business and payments terms and conditions for performing the Public Contract are contained in the binding draft of the contract that forms Annex 2 hereto. After the most suitable bid placed within the Public Contract awarding procedure is selected, the



Contracting Authority will conclude with the selected bidder the contract attached hereto as the binding draft contract with only missing parts completed in line with the selected bid (identification data of the selected bidder, price, etc.).

- 4.2 The bidder does not have to include the completed contract in its bid. By submitting its bid the bidder expresses its unconditional consent with wording of the contract which will be concluded after this procedure is completed.
- 4.3 If the bidder includes in its bid any additional business or legal terms or any reference thereto or the draft contract modified in any way such additional or contrary terms shall be deemed irrelevant and the Contracting Authority will request that the bidder concludes the contract in line with art. 4.1 hereof.
- 4.4 If the selected bidder refuses to conclude the contract for Public Procurement performance in line with art. 4.1 hereof the Contract Authority will conclude the contract with a bidder on the second, third or other places always under the condition that all the bidders with higher ranking refused to conclude the contract.

## 5. THE DATE AND PLACE OF THE SUBMISSION OF BIDS

- 5.1 Bids must be submitted to the address: **Fyzikální ústav AV ČR, v. v. i. - ELI, DEP. 95 – Václav Mráz, Za Radnicí 835, Dolní Břežany, post code: 252 41, Czech Republic, on 23. 04. 2021 until 14:00** at the latest.
- 5.2 Bids may be supplied by post, courier, or personally to the above mentioned address in working days between 8-15 hours. On the last day of the period for the submission for bids the bids may be submitted until **14:00** o'clock.

## 6. ADDITIONAL INFORMATION

- 6.1 The supplier is entitled to require in written form explanations regarding the tender conditions from the Contracting Authority. The written request must be received by the Contracting Authority no later than 4 working days before the deadline for submission of bids.
- 6.2 The Contracting Authority sends explanations regarding the tender condition and possibly related documents no later than 2 working days after receiving written request from the supplier. If the request from the supplier is not delivered in time and despite this fact the Contracting Authority decides to provide explanations regarding the tender conditions, then the time limit in the preceding sentence does not need to be observed by the Contracting Authority.
- 6.3 The explanations regarding the tender conditions (including the exact wording of the request of the supplier) shall be provided to all suppliers at the same time and sent in the same manner as this invitation.
- 6.4 The Contracting Authority is entitled to provide explanations regarding the tender conditions without prior request. In such cases the Contracting Authority proceeds analogically according to the preceding paragraphs.



- 6.5 The Contracting Authority may modify the tender conditions before the deadline for submission of bids elapses. The modification has to be notified to the suppliers in the same manner as the tender conditions that were subject of modification. If the Contracting Authority through explanations of the tender conditions makes modification of the tender conditions and the nature of the such modification requires it, the Contracting Authority shall adequately extend the deadline for the submission of bids. In the event such a modifications, which may extend the range of potential bidders, the Contracting Authority will extend the deadline so that the potential bidders have the entire length of the original deadline for the submission of bid.

## 7. QUALIFICATION REQUIREMENTS

- 7.1 Any bidder has to prove that it fulfills the following qualifications prerequisite:

- Proper qualification of the person responsible for the provision of the services

The bidder shall identify a person/ a representative of the bidder responsible for the provision of the services under the Public Contract, or a person that will supervise the quality of the provided services (if the services are to be provided by a team of persons) (“**Responsible person**”).

The Responsible person is duly qualified if it meets at least one of the two conditions set out below:

- a) the Responsible person personally took part in provision of similar services to a third person or internally to own organization or
- b) the Responsible person published relevant work in a peer reviewed journal, both within the last 5 years before commencement of this procedure.

“Similar services” and “relevant work” shall mean services or work in the form of or similar to the following activities: commissioning and operation of aerosol sample delivery systems and development and implementation of computer software for on-line data analysis.

In case of a) above: The bidder shall make a part of its bid an affidavit on due provision of previous similar services provided by the Responsible person that shall contain at least the following information (1) identification of the Responsible person, (2) name of the client or own organization and its registered seat, (3) description of services provided and (4) year(s) of their provision.

In case of b) above: The bidder shall make a part of its bid an affidavit (1) identifying the Responsible person and (2) listing an article(s) (that relate both to the topic of the commissioning and operation of aerosol sample delivery systems and to the topic of the development and implementation of on-line data analysis software) published in a peer reviewed scientific journal for which the Responsible person was the corresponding author.

Bidders are recommended to use a form affidavit that is attached hereto as an Annex No 3.

- 7.2 The Contracting Authority reserves the right to check the information on qualification



provided by the bidder by any means.

## 8. EVALUATION CRITERIA

- 8.1 Bids shall be evaluated on the basis of the lowest bid price criterion.
- 8.2 In the case that two or more bids contain the same lowest bid price, the time of the submission of the bid shall be the decisive element, i.e. the bid that was submitted earlier shall have priority over the bid that was submitted later.

## 9. BID PRICE

- 9.1 The bid price shall be expressed in EUR as an hourly rate without VAT or any other similar tax.
- 9.2 The bidder shall stipulate the hourly rate in the cover sheet of its bid.

A model of the cover sheet is annexed hereto as Annex No 1.

The bid price (as an hourly rate) is the maximum price that cannot be exceeded and shall include all costs that the bidder shall incur during provision of the services (except as otherwise stated in the contract – e.g. travel costs and daily allowance).

## 10. FORMAL BID REQUIREMENTS

All bids must be submitted in writing in duly sealed envelope designated by the identification data of the bidder. The envelope must be designated by inscription “**DO NOT OPEN**” and by title of the Public Procurement „*Commissioning and operation of aerosol sample delivery systems including development and implementation of computer software for on-line data analysis*”. On the envelope shall be the address to which the Contracting Authority may send information regarding the Public Contract.

- 10.1 The bid shall contain identification data of the bidder. This requirement is fulfilled by filling the cover sheet of the bid, which forms Annex 1 hereto.
- 10.2 The bid must be submitted in Czech, Slovak or English language. This requirement is fulfilled if documents that by its nature cannot be in the required language are at least translated into one of the required languages.
- 10.3 All pages in the bid must be secured against unauthorized manipulation (e.g. bound by string and sealed), so that additional documents cannot be inserted nor any pages removed. The bid must be clearly readable, without any crossed words or other discrepancies.
- 10.4 The bidder must submit a bid in its original (paper) form.
- 10.5 The bid must be structured in the following manner:

a) **Cover sheet**

The bid shall include a cover sheet, a model annexed hereto as Annex 1



b) **Affidavit on qualification criterion**

See art. 7 hereof.

11. **FINAL PROVISIONS**

- 11.1 The Contracting Authority is entitled to cancel the award procedure anytime prior to the signature of the contract.
- 11.2 The Contracting Authority does not allow alternative bids.
- 11.3 The Contracting Authority is entitled to change or supplement the provisions of this invitation.
- 11.4 The bidders shall bear all their costs connected with their participation in the award procedure initiated by this invitation.
- 11.5 The Contracting Authority reserves the right to publish/ distribute notices on the Public Contract awarding conclusions in the same way as this Invitation to bid.

12. **LIST OF ANNEXES**

- a) Annex 1 (Cover sheet)
- b) Annex 2 (Draft of the contract)
- c) Annex 3 (Affidavit on qualification criterion)

In Prague on April 12<sup>th</sup>, 2021

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RNDr. Michael Prouza, Ph.D., director



**ANNEX 1**

**COVER SHEET OF THE BID (BID SHEET)**

**Public Contract title:** *Commissioning and operation of aerosol sample delivery systems including development and implementation of computer software for on-line data analysis*

**Contracting Authority:** Fyzikální ústav AV ČR, v.v.i.  
**Registered office:** Na Slovance 2, 182 21 Praha 8  
**Registration No.:** 68378271  
**Person authorized to act on behalf of the bidder:** RNDr. Michael Prouza, Ph.D., director  
**Contact person:** Václav Mráz  
**Telephone:** 00 420 601 560 318  
**E-mail:** vaclav.mraz@eli-beams.eu

**Bidder:** .....  
**Registered office:** .....  
**Identification No.:** .....  
**Person authorized to act on behalf of the bidder:** .....  
**Contact person:** .....  
**Contact address:** .....  
**Telephone:** .....  
**E-mail:** .....

**Bid price:**  
**Bid price:** ..... **EUR without VAT or similar tax per one hour of services provision**

By submitting this bid the bidder expresses its consent with binding draft contract of the Contracting Authority annexed to Invitation to bid for this Public Contract and commits to conclude the contract with the Contracting Authority if this bid is selected as the most suitable one.

If other person than a statutory representative of the bidder signs this cover sheet respective authorization in simple copy shall be provided in the bid.

In \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
 Company name  
 Authorised representative



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



MINISTRY OF EDUCATION,  
YOUTH AND SPORTS

## **ANNEX 2**

### **DRAFT OF THE CONTRACT**

*Attached as a separate document*



**ANNEX 3**

**AFFIDAVIT**

I /we hereby declare that during the last five years before commencement of this procedure:

- a) the following services have been provided by the following Responsible person:

| <b>INFORMATION ON SERVICES PROVIDED</b>             |   |
|---|---|
| General subject matter of the performance           | Commissioning and operation of aerosol sample delivery systems and development and implementation of computer software for on-line data analysis or similar relevant services |
| Responsible person                                  | <input type="text"/>  |
| Name of a client (or own organization), address     | <input type="text"/>  |
| Year(s) of provision                                | <input type="text"/>  |
| Brief detailed description of the services provided | <input type="text"/>  |

**OR**

- b) the following article(s) has(ve) been published in a peer reviewed journal where the Responsible person was the corresponding author:

| <b>INFORMATION ON PUBLISHED PEER REVIEWED ARTICLES</b> |  |
|--|--|
| Responsible person (as the corresponding author):      | <input type="text"/>   |
| Article 1  | <input type="text"/><br><i>Title of the article and identification of the journal to be inserted</i> |



|                       |   |
|-----------------------|---|
| Article 2 (optional)  | <br><i>Title of the article and identification of the journal to be inserted</i> |
| Article 3. (optional) | <br><i>Title of the article and identification of the journal to be inserted</i> |

In ..... on .....

.....

**Name of the provider**

**Name of representative of the provider**