



INVITATION TO SUBMIT A BID

for the small size public procurement

„Design, prototyping and prototype testing of aerosol and liquid jet sample delivery instruments, and related pressure systems for the ELIBIO project”

(“Public Procurement”) 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 on behalf of the contracting authority:	RNDr. Michael Prouza, Ph.D., director
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(“Contracting Authority”)

1. GENERAL INFORMATION

The subject matter of the Public Contract shall be funded from Research, Development and Education Operational Programme, project No. CZ.02.1.01/0.0/0.0/15_003/0000447, project title “ELIBIO – Structural Dynamics of Biomolecular Systems” (hereinafter the “ELIBIO project”).

- 1.1 The Contracting Authority does not follow the rules for public procurements set out in the act no. 134/2016 Coll., on public contracts awarding (“Act”), because the Public procurement is considered a small size public procurement within the meaning of Section 27 of the Act.
- 1.2 However, the award procedure is subject to Rules due to the fact that 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 Procurement is awarded in accordance with the Act.

2. PUBLIC PROCUREMENT SPECIFICATION

Subject-matter of the Public Procurement is provision of design, prototyping and prototype testing services for aerosol and liquid jet sample delivery systems, including pressure systems, optimized for the specific needs in the diffraction and spectroscopy application of the ELIBIO project at the ELI Beamlines international laser research facility. A provider will provide services according to orders made by a representative of the ELIBIO project team appointed by the Contracting Authority. Design works that form subject-matter of this Public Procurement are intended for any needs of the Contracting authority falling within aerosol and liquid jet sample delivery systems implementation. However, the main tasks the Contracting Authority intends to procure under the contract for services that is to be concluded in this procedure will be:

- a) Design and prototyping of aerosol and liquid jet sample delivery systems for the ELIBIO project, including pressure regulating systems. Prototypes developed under this contract will be made available, free of charge, to the Contracting Authority for in-house research and user operations. Prototypes made available shall include instructions for use. These instructions shall include the descriptions regarding the following procedures:
 - transport and handling;
 - storage and installation;
 - safe operation and maintenance procedures.
- b) Other design, construction or installations 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. Prototypes developed under this Contract will be made available, free of charge, to ELIBIO for in-house research and user operations.

The Contracting Authority is entitled to order services up to the 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 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 (typically in electronic form or in the form of prototypes).

4. BUSINESS AND PAYMENT TERMS

- 4.1 Business and payments terms and conditions for performing the Public Procurement are contained in the binding draft of the contract that forms Annex 2 hereto. After the most suitable bid placed within the Public Procurement 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 Contracting 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 2. 4. 2018 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 was the 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 (past similar duly provided performance):

A provider shall prove it has provided two systems for aerosol and liquid jet sample delivery instruments for single particle coherent diffractive imaging or femtosecond serial nanocrystallography within the last 6 years.

- 7.2 The bidder shall make a part of its bid an affidavit on due provision of previous similar performance that shall contain at least the following information (1) name of the client and its registered seat, (2) description of performance provided and (3) year of their provision.

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

- 7.3 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 a 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 its offered hourly rate within cover sheet of its bid which 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 services.

10. FORMAL BID REQUIREMENTS

- 10.1 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 *„Design, prototyping and prototype testing of aerosol and liquid jet sample delivery instruments, and related pressure systems for the ELIBIO project”*. On the envelope shall be address to which the Contracting Authority may send information regarding the Public Procurement.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 The bidder must submit a bid in its original (paper) form.
- 10.6 The bids must be structured in the following manner:
- a) **Cover sheet**
The bid shall include a cover sheet as annexed hereto (Annex 1 to this invitation)
 - b) **Affidavit on similar previous service**
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 a notice on Public Procurement 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 previous similar service)

In Prague on 19.3...... 2018

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RNDr. Michael Prouza, Ph.D., director