



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



QUALIFICATION DOCUMENTATION

In the sense of § 50 par. 2 Act No. 137/2006 Coll., on public contracts, as amended
(hereinafter the “Act”)

Under-the-threshold public contract for supplies

**Software for monitoring system of ionizing radiation,
gases and clean areas
(hereinafter the “Tender”)**

1. Basic information

Contracting Authority:	Fyzikální ústav AV ČR, v. v. i. Na Slovance 2 182 21 Praha 8 IČO: 683 78 271 DIČ: CZ68378271 Represented by: prof. Jan Řídký, DrSc., the Director (hereinafter the „Contracting Authority”).
Authorized representative:	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: JUDr. Lubomír Lanský email: zakazky@holec-advokati.cz tel.: +420 296 325 235 fax.: +420 296 325 240 (hereinafter the “Authorized Representative”).
Legal form:	Under-the-threshold public contract for supplies (hereinafter the “ Public Contract ”).
Subject matter of the Public Contract (name):	The subject of the public tender is development and delivery of the software for monitoring system of ionizing radiation, gases and clean areas.
Classification of the subject matter (classification of the supply):	35113200-1 Nuclear, biological, chemical and radiological protection equipment 90721600-3 Radiation protection services 72230000-6 Custom software development services 72240000-9 Systems analysis and programming services 72212461-8 Analytical or scientific software development services

Legal issues not expressly regulated herein:	Legal issues related to the awarding procedure and Public Contract which are not expressly regulated herein shall be governed by the relevant provisions of the Act 137/2006 coll. (hereinafter "Act")
Cost of providing this TD:	Free of charge
Deadline for submissions of Application:	9. 3. 2016
Foreseen value of the tender	3 000 000 CZK excluding VAT

2. Preamble

The Contracting Authority is the beneficiary of a subsidy from the Ministry of Education, Youth and Sports of the Czech Republic for the project "ELI: EXTREME LIGHT INFRASTRUCTURE – Phase 2", project. No. CZ.02.1.01/0.0/0.0/15_008/0000162, within the "Research, Development and Education Operational Programme" and project "ELI Beamlines: International Centre of Excellence", project No. LQ 1606, within the "National Sustainability Programme II" (hereinafter jointly the "ELI-Beamlines Project").

The objective of the ELI-Beamlines Project is to build and operate an international research laboratory (research facility) utilising the latest generation of laser technology with subsequent implementation of a series of projects in basic and applied research.

The ELI-Beamlines Project is one of the pillars of the ELI Project, which is part of the ESFRI Roadmap created by the European Strategy Forum on Research Infrastructures established by the Commission of the European Communities with a view to implementing pan-European state-of-the-art research centres aimed at providing an absolutely open access to these facilities for scientific workers within the scientific specialisation of the given research facility exclusively on the basis of the scientific excellence of the workers (i.e. without regard to the legal or commercial status of the institutions or societies to which they belong).

With a view to successful implementation of the ELI-Beamlines Project, it is also necessary to provide for the subject of performance of this Tender. The subject of performance of this Tender will become part of the infrastructure for research, development and innovations, ELI-Beamlines (hereinafter the "ELI-Beamlines Infrastructure").

3. Award procedure

- 3.1. To assure transparency of the award procedure and clear definition of qualification requirements, the Contracting Authority drew up with reference to § 50 par. 2 of the Act this Qualification Documentation which determines obligatory qualification requirements of tenderers that are interested in taking part in the restricted procedure pursuant to § 28 of the Act. Concurrently, the contracting entity quotes brief description of the subject-matter of public contract in this qualification documentation. The detailed information shall be stated in the Invitation to submit tenders and in the Tender Documentation.
- 3.2. **Please note!!:** In order to achieve the objective of this tender, the Contracting Authority will need to release certain confidential information to Applicants within the framework of technical specifications, and for this reason it recommend that

Applicants sign the non-disclosure agreement (NDA) that forms an integral part of their Application; non-compliance with this request will constitute in second phase of this tender a breach of tendering terms and the reason to exclude Applicant from further proceedings. We recommend that Applicants sign the NDA when applying to participate in /qualify for the tender because the tender documentation cannot be released to Applicants who will not sign NDA (and who will be subsequently excluded in the second stage of the proceedings following qualification) so as to unnecessary avoid delay in subsequent stages of proceedings. The Contracting Authority also requires that the Applicant submits one original of the NDA included into the Application (as its part) and four other originals of the NDA in a separate plastic coat / envelope / cover so that these four originals could be taken out and signed by the Contracting Authority. All originals must be signed by a person authorised to act on behalf of the Applicant.

- 3.3. It is awarded in the restricted procedure according to the § 28 thereof, i.e. two rounds tender procedure (prequalification and bid phases) with no negotiations on tenders allowed.

4. The subject of the performance in the public tender

- 4.1. The subject of the public tender is development and delivery of the software for monitoring system of ionizing radiation, gases and clean areas. The monitoring system will be used for monitoring of quantities and parameters that have impact on safety and radiation protection in the ELI Beamlines research centre located in Dolní Břežany. The monitoring system will enable the user to have an overview of the overall situation in the building and in its particular parts, including movement of personnel in the controlled area and current state of their dose account. The monitoring system shall contain dose rates monitoring in the laser building interiors, surface contamination of personnel, personal dosimetry of staff and other people entering the radiation controlled area, gas leakage monitoring, and indication of clean rooms conditions.

5. Estimated Value of Public Contract

- 5.1. The estimated value of public contract is 3 000 000 CZK.
- 5.2. The maximum level for the bid price is 3 500 000 CZK without VAT. The maximum level for the bid price and the tender caller requires that this limit not be exceeded by the bid price as a commercial condition of the tender. The evaluating committee will consider any bids with a bid price in excess of the designated limit to constitute bids

which have not met the tender conditions and it will therefore exclude them. The Contracting Authority will then exclude any bidders who have submitted bids with a bid price in excess of the designated limit from any further participation in the tender proceedings.

6. Requirements of the Contracting Authority on qualifications of tenderers

6.1. Fulfilment of qualification

Tenderer shall be obliged to demonstrate fulfilment of the qualification criteria within the deadline set for submitting Application. Tenderer shall be obliged to meet qualification criteria pursuant to Sec 50 et seq of the Act. Tenderer shall be obliged to demonstrate the fulfilment of qualification criteria pursuant to Sec 51 et seq of the Act. Tenderer shall be obliged to demonstrate that they meet qualification criteria by any and all documents stipulated by the law and documents requested by the Contracting Authority in this Qualification documentation.

Qualification shall be met by Tenderer who demonstrate fulfilment of the following criteria:

- (i) basic qualification criteria pursuant to Sec 53 of the Act,
- (ii) professional qualification criteria pursuant to Sec 54 of the Act,
- (iii) technical qualification criteria pursuant to Sec 56 of the Act.
- (iv) Submission of an Affidavit on economical and financial readiness to fulfil the tender pursuant to Section 50 (1) (c) of the Act.

6.2. Authenticity and validity of documentation demonstrating fulfilment of qualification (Sec 57 of the Act)

Unless otherwise stipulated in the Act or this QD, the documentation, which is to be submitted by Tenderer in order to substantiate fulfilment of their qualification, may be submitted as simple copies or scanned documents. Nevertheless, the Contracting Authority reserves the right to require that originals or verified copies of the documentation that demonstrates fulfilment of qualification are submitted by Tenderer, to whom the contract will be awarded as required by Sec 82 of the Act. Documentation proving fulfilment of basic qualification criteria and the extract from the Commercial Registry (or an extract from a similar registry in which the Tenderer may be registered) may not be older than 90 calendar days as of the last day when fulfilment of the qualification criteria may be substantiated. The contracting authority reserves the right prior to the awarding of the contract to request actualised version of these document from the Tenderer, to whom the contract will be awarded.

Should the Contracting authority require a solemn declaration in the form of an affidavit, then this declaration is to be signed by the statutory body of the Tenderer; should another person sign this declaration, then the original or an officially verified copy of authorization of that person must form part of the documentation submitted by the Tenderer in order to demonstrate qualification.

6.3. Demonstrating qualification of foreign entities (Sec 51(7) of the Act)

Unless otherwise provided by special legal regulation, a foreign Tenderer shall demonstrate fulfilment of qualification criteria in a manner specified by the law applicable in the country of its registered office, place of business or residence, which shall apply to the extent required by such law and the Contracting Authority. If a particular document is not issued under the law applicable in the country of the registered office, place of business or residence of the foreign Tenderer, the foreign Tenderer shall be obliged to demonstrate fulfilment of such part of the qualification criteria in the form of a statutory declaration (affidavit). If an obligation the meeting of which is to be demonstrated within the qualification procedure is not defined / does not exist in the country of the registered office, place of business or residence of such foreign Tenderer, the foreign Tenderer shall provide a statutory declaration with respect to such fact. Documents demonstrating fulfilment of qualification criteria shall be submitted by the foreign Tenderer in the original language, accompanied by their official translation into Czech or English; this shall also apply should fulfilment of qualification criteria be demonstrated by documents in other than Czech language by an Tenderer with a registered office, place of business or residence on the territory of the Czech Republic. The obligation to accompany submitted documentation by its official translation into the Czech language does not apply to documentation supplied in the English or Slovak language¹.

6.4. Substantiating fulfilment of qualification using a sub-contractor (Sec 51(4) of the Act)

If an Tenderer is not capable of substantiating the fulfilment of a certain part of the qualification criteria required by the Contracting Authority according to Section 50(1)(b) and (d) to the full extent on his own, the said Tenderer shall be entitled to substantiate fulfilment of the qualification criteria in the extent required hereunder by using a sub-contractor, with the exception of substantiating the fulfilment of qualification pursuant to Sec 54 (a). In such cases, the Tenderer is obliged to submit to the Contracting Authority:

¹ The fact that according to the law of the seat of the Applicant submission of a specific document is not required for the demonstration of fulfilment of a specific qualification criterion is irrelevant in the case where such document required by this Qualification Documentation and or Czech law can be issued or obtained.

- (i) **documentation** substantiating fulfilment of the basic qualification criteria according to Section 53(1)(j) of the Act and the professional qualification criteria according to Section 54(a) by the sub-contractor, and
- (ii) **contract executed with the sub-contractor**, which includes the sub-contractor's binding commitment to provide performance required for the performance of the contemplated public contract, or for the provision of items or rights which the Tenderer will be entitled make full use of within the framework of performance of the present public contract at least to the extent for which the sub-contractor substantiated fulfilment of the qualification criteria according to Section 50(1)(b) to d) of the Act.

6.5. Special provisions applicable to joint Application filed by several Tenderer (Sec 51(5) and (6) of the Act)

If the subject of the public contract is to be performed by several Tenderer jointly, and if they submit or intend to submit a joint bid to this end, each of the Tenderer is obliged:

- (i) to substantiate the fulfilment of the basic qualification criteria according to Section 50(1)(a) (see Article 6.9. of this Qualification Documentation below); and
- (ii) the professional qualification criteria according to Section 54(a), which is to be demonstrated by submitting an extract from the Commercial Registry if the Tenderer is registered in it, or an extract from another similar registry, in full.

All of the Tenderer must jointly substantiate fulfilment of the other professional and technical qualification criteria, required by the Contracting Authority, according to Section 50(1)(b) and d) of the Act (i.e. the professional qualification criteria – see Article 6.11 of this Qualification Documentation and technical qualification criteria – see Article 6.13 of this Qualification Documentation).

If the subject of the public contract is to be performed by several Tenderer jointly, they will be obliged to submit to the Contracting Authority the contract which contains a binding commitment of all involved Tenderer to be bound jointly and severally with regard to the Contracting Authority as well as any other third parties based on their legal relations arising in association with the public tender / Public Contract throughout the entire period of performance of the Public Contract and throughout the duration of any other obligations arising from the Public Contract together with any other documents substantiating their fulfilment of qualification criteria.

6.6. Demonstrating fulfilment of qualification criteria by an extract from the List of Qualified Applicants (LQS)

The use of an extract from the LQS shall be governed by provisions of Sec 127 of the Act.

6.7. Demonstrating fulfilment of qualification criteria by an extract from the List of Certified Applicants (LCS)

The use of an extract from the LCS shall be governed by provisions of Sec 134 of the Act.

6.8. Demonstrating fulfilment of qualification criteria by an extract from a foreign list of Applicants, or a certificate issue abroad

The use of an extract from a foreign list of Applicants shall be governed by provisions of Sec 143 of the Act.

6.9. Basic qualification criteria

Basic qualification criteria as stipulated in Sec 53(1) of the Act will be met by those Tenderer who,

- a) have not been sentenced for a criminal offence committed on behalf of an organized crime group, a criminal offence involving participation in an organized crime group, for criminal offences of money laundering, complicity, acceptance of bribes, bribery, indirect bribery, fraud or loan fraud, including cases involving preparation or an attempt or participation in any such criminal offence or if a sentence for the perpetration of any such offence has been expunged; if this involves a legal entity, this requirement must be met by both, by the legal entity itself and by the statutory body or each member of the statutory body and, if the Tenderer's statutory body or any member of its statutory body is a legal entity, this requirement must be met by both, the legal entity and the statutory body or each member of the statutory body of the given legal entity; if a bid or the Request for participation is submitted by a foreign legal entity through its organizational unit, the requirement according to this letter must not only be met by the aforementioned individuals, but also by the executive of the organizational unit in question; the Tenderer must meet this basic qualification criteria both in relation to the territory of the Czech Republic as well as to the country of its registered office, place of business or a place of residence,
- b) has not been sentenced for a criminal offence associated with the subject of the Tenderer's business activities according to the special legal regulations or if a sentence for the perpetration of any such offence has been expunged; if this involves a legal entity, this condition must be met by both, the legal entity and by the statutory body or each member of the statutory body and, if the Tenderer's statutory body or any member of its statutory body is a legal entity, this requirement must be met by both, the legal entity and by the statutory body or each member of the statutory body of the given legal entity; if a bid or a request for participation is submitted by a foreign legal entity through its organizational units, the requirements according to this letter must not only be met by the aforementioned individuals, but also by the executive of

the organizational unit in question; the Tenderer must meet this basic qualification criteria both in relation to the territory of the Czech Republic as well as to the country of its registered office, place of business or a place of residence,

- c) have not been involved in any form of unfair trading in the form of bribery according to the special legal regulation in the last 3 years,
- d) whose assets are not subject to or had not been subject in the last three years to any insolvency proceedings in which a bankruptcy ruling has been issued or a motion on the declaration of insolvency has been rejected due to the assets being insufficient to cover the costs of the insolvency proceedings, or which has been placed in receivership in accordance with the special legal regulations,
- e) are not in liquidation,
- f) are not included in the records of tax arrears, both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence,
- g) are not included in the records of insurance arrears or penalties for public health insurance, both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence,
- h) are not included in the records of insurance arrears or penalties for social security contributions and contributions to the state employment policy, both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence,
- i) have not been punished or been subjected to the imposition of any disciplinary measures in the last three years in accordance with the special legal regulations, provided that professional qualification is required according to the special legal regulations according to Section 54(d); if the Tenderer carries out these activities via a responsible representative or any other individual responsible for the Tenderer's activities, this requirement will also apply to the individual in question,
- j) are not listed in the register of entities which are prohibited from participating / performing in public tenders,
- k) have not been fined for facilitation of illegal employment according to the special legal regulations in the last 3 years,

- l) Basic qualification criteria are met by suppliers who have not been subject, in the past three years, to temporary administration or to measures aiming to resolve critical situations pursuant to Act on Recovery and Resolution in the Financial Market.

6.10. Demonstrating fulfilment of the basic qualification criteria

Tenderer shall demonstrate meeting the basic qualification criteria in accordance with the previous paragraph by submitting the following:

- (i) an extract from the Register of Criminal Offences – letters a) and b) (by both, the legal entity and the statutory body or each member of the statutory body of the given legal entity, both in relation to the territory of the Czech Republic as well as to the country of its registered office, place of business or a place of residence),
- (ii) confirmation from the competent tax authority and a statutory declaration with regard to the excise tax – letter f) (both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence),
- (iii) confirmation from the competent authority or institution – letter h) (both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence),
- (iv) a statutory declaration (affidavit) – letters c) to e) and g), i) to l) (Suggested wording of this affidavit is attached hereto as Annex No. 6 to this Qualification Documentation).

6.11. Professional qualification criteria

6.12. Fulfilment of professional qualification criteria shall be duly demonstrated by Tenderer who submits:

- (i) an extract from the Commercial Registry, if registered therein or an extract from any other similar corporate records-keeper if registered therein;
- (ii) a document proving authorization to carry out business activities under special legal regulations to the extent corresponding to the subject matter of the present Public Contract, in particular, a document demonstrating the appropriate trade license or an extract from the Trade Registry, including individual branches of trade; documents demonstrating the authorization to provide at the least the activities which are necessary to the fulfilment of the subject matter of this Public Contract .

The submitted documentation (for example the extract from the Trade Registry) must clearly show that the Tenderer is entitled to execute those activities which shall form the subject-matter of the contract.

6.13. Technical qualification criteria

6.13.1. Fulfilment of technical qualification criteria shall be demonstrated by Tenderer who provides / submit the following documents:

a list of at least 1 important supply of software for monitoring system of ionizing radiation delivered in the past 3 years, with an indication of their scale, location, date of performance, and financial performance. **The following attachments shall be provided along with this list:**

- (i) a certificate issued by a public contracting authority, if the supplies were provided to a public contracting authority, or
- (ii) a certificate issued by another entity if the supplies were provided to an entity other than a public contracting authority, or
- (iii) a contract and a relevant fulfilment document, if the certificate under the preceding paragraph (ii) cannot be obtained from this entity for reasons on their part (including internal projects finished by the Tenderer).

The certificates have to include information whether the supplies were duly performed.

An important supply is considered a supply provided to a single client. It is required that supply amounted to at least CZK 500,000.00, without VAT.

The list of qualified personal

1 person: Specialist of radiation protection

Minimum level of education: university education in the field of dosimetry or radiation protection

Minimum level of professional experience: 5 years of experience related to dosimetry or radiation protection

1 person: System / business analyst

Minimum level of professional experience: 5 years of experience in the position of a system or business analyst

1 person: Software analyst / architect

Minimum level of professional experience: 5 years of experience in the position of a software analyst or architect

One or more above mentioned requirements may be fulfilled by one person under the condition that the person will meet all requirements requested for such position.

- 6.14. Submission of an Affidavit on economical and financial readiness to fulfil the tender pursuant to Section 50 (1) (c) of the Act.

Suggested wording of this affidavit is attached hereto as Annex No. 2 to this Qualification Documentation.

7. Consequences of a failure to comply with qualification criteria

If the Tenderer fails to demonstrate compliance with the qualification requirements in full, he will be, pursuant to Sec 60(1) of the Act, excluded from participation in awarding procedure. The Contracting authority shall notify such excluded Tenderer of its decision without undue delay, in writing, stating the reasons.

8. Limiting the number of Tenderer in the Tender Procedure

- 8.1. The Contracting Authority shall not apply any further limitations of the number of Tenderer in the Tender Procedure.
- 8.2. The Contracting Authority shall invite all Tenderer to participate in the Tender Procedure who demonstrate compliance with the qualification in the required extent.

9. The method of processing Applications and their form

- 9.1. Recommended requirements for structuring and processing of Applications and the documents to assess compliance with the qualification criteria

The term Application means a set of documents proving the qualification of the Tenderer which is deemed also as a request by an Tenderer to participate further in Tender Procedure. The Application and all other documents and data will be provided in the Czech or English language (documents in a language other than Czech or English will be accompanied by an official translation into Czech or English;) in writing and Application shall be signed by a person authorized to act on behalf of the Tenderer in accordance with the extract from the Commercial Register or a person duly authorized by the statutory body; the power of attorney must be included in the Application.

10. Recommended structure of Applications

The Contracting Authority recommends that the Application is divided in accordance with the following outline.

The Application shall contain the following sections:

- ✓ Cover sheet according to Annex No. 1 of this qualification documentation
- ✓ Table of contents of the Application;

- ✓ Documents demonstrating compliance with the basic qualification requirements;
- ✓ Documents demonstrating compliance with professional qualifications;
- ✓ Documents demonstrating compliance with technical qualifications;
- ✓ Affidavit on economical and financial readiness (Annex 2 to this Qualification Documentation)
- ✓ NDA (1 + 4)
- ✓ Duly signed affidavit by Tenderer that he was not involved, even through other persons, in the preparation of this Qualification Documentation;

11. Recommended formal requirements for processing Applications

- The Application will be elaborated in written form, in the Czech or the English language, in accordance with the requirements of the Contracting Authority as specified in this Qualification documentation and in accordance with the Act;
- The Application will be submitted in hard copy in 1 (one) original submitted and 1 (one) paper copy shall be welcome by the Contracting authority); additionally, CD or other electronic media containing the scanned form of the Application documents will be enclosed.
- The original of the Application must be clearly labelled "ORIGINAL" on the front page in the upper right corner; the copy of the Application will be labelled the front page in the upper right corner as a "COPY".
- The Application will be printed/scanned so that is clearly legible, the paper shall be firmly bound, including all attachments. The Application shall not contains corrections, crossed out words and other irregularities, which could be misleading;
- Original Application will be secured against tampering with single pages, e.g. tied with a string, with loosed ends of the string taped over and sealed. If the Application is submitted in loose-leaf binder (or a similar) it must be secured against possible manipulation of individual sheets, but so that it is possible to turn the pages in the Application without obstacle;
- All sheets of the original Application will be numbered by uninterrupted ascending numerical series beginning with number 1 on the table of contents of the Application (may be handwritten). The title page of the Application or leaves separating individual sections shall not be numbered. If the Tenderer inserts into the Application a separate document, which is already numbered, the Tenderer shall number these clearly and distinctly again to maintain uninterrupted sequence;
- The Application shall be submitted in the prescribed number of copies in a single, non-transparent, sealed and completely intact envelope or other container as specified in Article 12 hereof.

- 11.1. If an Application is made jointly by several Tenderer, it shall clearly specify the person who is authorized to represent these Tenderer vis-a-vis the Contracting Authority during the Tender Procedure.
- 11.2. The Tenderer shall not participate in the tender process more than once, such as in a joint Application made by several Tenderer or as a subcontractor of another contractor for the purposes of fulfilment of qualification. In the event of a breach of this condition, the Contracting Authority shall have the right to excludes such Tenderer, respectively all Applications / bids in which the Tenderer participates.

12. Place, time and manner of submission of Applications

- 12.1. The Application shall be submitted in a sealed envelope as follows:

The upper left front corner of the envelope (package) will be marked with Tenderer identification data and the full name of the award procedure ("**Software for monitoring system of ionizing radiation, gases and clean areas**") and below the text "*Do not open before the opening session!*"

The address for the submission of Applications
HOLEC, ZUSKA & Partneři, sdružení advokátů
Palác Anděl, Radlická 1c/3185
150 00 Praha 5

will be normally given in the lower right corner. The Application will be delivered personally, by registered mail or courier to the address of an authorized person during office hours, i.e. Monday - Friday 9:00 to 6:00 p.m.

- 12.2. The deadline for submissions of Applications shall expire on 9. 3. 2016 at 12:00 hours Prague local time (the "**Deadline**").
- 12.3. The delivery time shall be considered the time when the Authorised representative takes receipt of the Application.
- 12.4. Applications submitted or received after the expiry of the deadline will not be unsealed /opened. The Contracting Authority shall promptly notify the Tenderer that his Application was submitted after the Deadline, in accordance with Sec 71(6) of the Act.

13. Date, place and procedure for opening envelopes with Applications

- 13.1. Opening of envelopes with applications will be held on 9. 3. 2016 12:00 hours Prague local time at the address of the Authorized Representative: HOLEC, ZUSKA & Partneři, sdružení advokátů, Palác Anděl, Radlická 1c/3185, 150 00 Praha 5 in a meeting room No. 1. Representatives of Tenderer whose Applications have been duly received by the Deadline shall have the right to attend the opening of the envelopes. For organizational reasons, the number of representatives for each Tenderer shall be limited to one individual.
- 13.2. The commission for the opening the envelopes established in accordance with the Act shall proceed in accordance with Sec 71 et seq of the Act. Envelopes of the Tenderer who duly submitted the Application will be opened in the order they were received by the Contracting Authority. After opening each envelope, the commission shall check the completeness of the Application and notify Applicants whether the Application is deemed to have been submitted complete.

14. Miscellaneous

14.1. Confidentiality of information

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

14.2. Inspection of the place of performance

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

15. Authenticity and Age of Evidence

- 15.1. Evidence demonstrating the fulfillment of basic qualifications prerequisites and the extract from the Company Register shall not date more than 90 days at the date of the submission of a tender in the case of open procedure.
- 15.2. The Applicant shall submit simple copies of documents proving qualification unless explicitly otherwise stipulated herein. Evidence demonstrating compliance with the qualification requirements that are in other than the Czech or English language, must be submitted in an official translation. This does not apply to documents that are in Slovak language.

16. Affidavits

- 16.1. The Applicant shall submit the affidavits in accordance with Section 68 of the Act and on economical and financial readiness (in accordance with Annex No. 2 and 3 to this Documentation).

17. Additional Information to Tender Conditions

- 17.1. The Applicant is entitled to require in writing from the Contracting Authority via Authorised Representative additional information relating to tender conditions. The request in writing shall be delivered to the Authorised Representative not later than 6 working days prior to the expiry of the time limit for the submission of tenders.
- 17.2. The Authorised Representative shall forward the additional information relating to tender conditions and, if appropriate, supporting documents, not later than within 4 working days as from the date of delivery of the request.
- 17.3. The Requests for additional information from Applicants must be received in writing or via e-mail at the address of zakazky@holec-advokati.cz.
- 17.4. The Contracting Authority will provide additional information to the procedure in line with Sec 49 of the Act.

18. The tender allocation period

- 18.1. The tender allocation period commences as of the expiry of the deadline for the submission of bids and it amounts to a total of 90 days. The Applicants are bound by their bids throughout this period.

19. The surety

- 19.1. The Contracting Authority does not require the provision of surety.

20. Bid variants

- 20.1. The Contracting Authority will not admit any bid variants.

21. Rights of the Contracting Authority

The Contracting Authority further reserves the following rights and conditions:

The Contracting Authority will not return submitted Bids;

The Contracting Authority does not accept alternative bids;

The Contracting Authority will not compensate Bidders for any costs or expenses incurred by the Applicants during participation in the Restricted Procedure.

Annexes to the TD:

Annex No.1 – form Cover sheet

Annex No. 2– form Affidavit on Economical and Financial Readiness

Annex No. 3 – Affidavits - Sec 68 of the Act

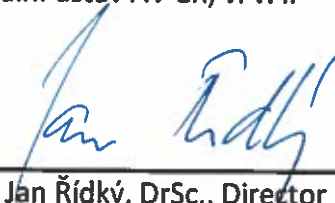
Annex No. 4 – Technical Query - Preliminary information

Annex No. 5 – NDA

Annex No. 6 – Affidavit – Basic qualification

+ 4x NDA

Fyzikální ústav AV ČR, v. v. i.



Prof. Jan Řídký, DrSc., Director

Annex No.1 to the TD – Cover sheet form

Cover sheet

Software for monitoring system of ionizing radiation, gases and clean areas

Contracting Authority: Fyzikální ústav AV ČR, v. v. i., Na Slovance 2, 182 21 Praha 8

General Applicant information	
Name / Business name	[to be filled in]
Seat / place of business	[to be filled in]
Legal form	[to be filled in]
ID Tax ID Banking details Telephone Fax E-mail	[to be filled in]
Authorized representative	[to be filled in]
Contact address	[to be filled in]
Contact persons for matter related to public contract: Contact address Email Telephone Fax	[to be filled in]

The Applicant hereby declares that the Applicant, the Applicant 's next of kin, the Applicant 's employees, the Applicant 's subcontractors and the employees and next of kin of the Applicant 's subcontractors have not been involved in the preparation of the tender documentation for this public tender. The Applicant hereby declares that it has not prepared the bid (Application) in association with any other Applicant which has submitted a bid (Application) within the framework of these tender proceedings.

.....
Authorized representative signature

Annex No. 2 to the TD – Affidavit on Economic and Financial Readiness to Fulfill the Tender.

Software for monitoring system of ionizing radiation, gases and clean areas

Affidavit

given pursuant to Sec. 50 (1) (c) of the Act No. 137/2006 Coll., on Public Contracts (hereinafter the "Act")

The Applicant – a corporation [*add business name*], with registered offices in [*fill in*], ID [*fill in*], acting through its [*fill in*], hereby solemnly declares that given the present information he is financially and economically ready to fulfill the tender **Software for monitoring system of ionizing radiation, gases and clean areas** in the extent and deadlines set by the Contracting Authority as they are defined by the tender documentation.

In _____ on _____ 2016

.....

[Business name – statutory representative / attorney for the Applicant – to be filled in by Applicant]

Affidavit

The Applicant – a corporation [add business name], with registered offices in [fill in], ID [fill in], acting through its [fill in],

*Pursuant to Sec 68(3)(a) of the Act we hereby submit a list of statutory bodies and their members who were in the last three years prior to the date for submission of bids in an employment, functional or other similar relationship **with the Contracting Authority**:*

(Applicant provides names and dates of birth of any such persons)

Name	d.o.b.

OR

We hereby solemnly declare that none of statutory bodies or their members were in the last three years prior to the date for submission of bids in an employment, functional or other similar relationship with the Contracting Authority .

(Applicant leaves the text as applicable)

Pursuant to Sec 68(3)(b) of the Act we hereby provide a list of shareholders, who hold shares exceeding 10 % of the registered capital, as of the date for submitting the bids: (Applicant who has the legal form of a joint stock company shall submit the required list)

If the Applicant has not the legal form of a joint stock company:

We hereby solemnly declare that we do not submit a list of shareholders as we have not the legal form of a joint-stock company.

(Applicant leaves the text as applicable)

We hereby solemnly declare in accordance with Sec 68(3)(c) of the Act that the Applicant has not and will not conclude a prohibited agreement as required by Act No. 143/2001 Coll., on the Protection of Economic Competition, as amended, in connection with the present public contract."

In _____ on _____ 2016

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[Business name – statutory representative / attorney for the Applicant – to be filled in by Applicant]

Annex No. 4 – Technical Query
Preliminary information – see separate document

Annex No. 5 – NDA

see separate document

Software for monitoring system of ionizing radiation, gases and clean areas

I (we) below signed honestly declare that the supplier (trade name) complies

- a) have not been sentenced for a criminal offence committed on behalf of an organized crime group, a criminal offence involving participation in an organized crime group, for criminal offences of money laundering, complicity, acceptance of bribes, bribery, indirect bribery, fraud or loan fraud, including cases involving preparation or an attempt or participation in any such criminal offence or if a sentence for the perpetration of any such offence has been expunged; if this involves a legal entity, this requirement must be met by both, by the legal entity itself and by the statutory body or each member of the statutory body and, if the Tenderer's statutory body or any member of its statutory body is a legal entity, this requirement must be met by both, the legal entity and the statutory body or each member of the statutory body of the given legal entity; if a bid or the Request for participation is submitted by a foreign legal entity through its organizational unit, the requirement according to this letter must not only be met by the aforementioned individuals, but also by the executive of the organizational unit in question; the Tenderer must meet this basic qualification criteria both in relation to the territory of the Czech Republic as well as to the country of its registered office, place of business or a place of residence,
- b) has not been sentenced for a criminal offence associated with the subject of the Tenderer's business activities according to the special legal regulations or if a sentence for the perpetration of any such offence has been expunged; if this involves a legal entity, this condition must be met by both, the legal entity and by the statutory body or each member of the statutory body and, if the Tenderer's statutory body or any member of its statutory body is a legal entity, this requirement must be met by both, the legal entity and by the statutory body or each member of the statutory body of the given legal entity; if a bid or a request for participation is submitted by a foreign legal entity through its organizational units, the requirements according to this letter must not only be met by the aforementioned individuals, but also by the executive of the organizational unit in question; the Tenderer must meet this basic qualification criteria both in relation to the territory of the Czech Republic as well as to the country of its registered office, place of business or a place of residence,
- c) have not been involved in any form of unfair trading in the form of bribery according to the special legal regulation in the last 3 years,
- d) whose assets are not subject to or had not been subject in the last three years to any insolvency proceedings in which a bankruptcy ruling has been issued or a motion on the declaration of insolvency has been rejected due to the assets being insufficient to cover the costs of the insolvency proceedings, or which has been placed in receivership in accordance with the special legal regulations,
- e) are not in liquidation,

- f) are not included in the records of tax arrears, both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence,
- g) are not included in the records of insurance arrears or penalties for public health insurance, both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence,
- h) are not included in the records of insurance arrears or penalties for social security contributions and contributions to the state employment policy, both in the Czech Republic and in the country of the Tenderer's registered office, place of business or a place of residence,
- i) have not been punished or been subjected to the imposition of any disciplinary measures in the last three years in accordance with the special legal regulations, provided that professional qualification is required according to the special legal regulations according to Section 54(d); if the Tenderer carries out these activities via a responsible representative or any other individual responsible for the Tenderer's activities, this requirement will also apply to the individual in question,
- j) are not listed in the register of entities which are prohibited from participating / performing in public tenders,
- k) have not been fined for facilitation of illegal employment according to the special legal regulations in the last 3 years,
- l) Basic qualification criteria are met by suppliers who have not been subject, in the past three years, to temporary administration or to measures aiming to resolve critical situations pursuant to Act on Recovery and Resolution in the Financial Market.

In _____ on _____ 2016

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[Business name – statutory representative / attorney for the Applicant – to be filled in by Applicant]