



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



PROCUREMENT DOCUMENTATION

for a below-threshold public contract for supplies called:

„Large size focusing off-axis parabolic mirrors for BT in E4, E5, E3, diagnostic station”

awarded in a simplified below-threshold procedure pursuant to Section 53 of the Act No. 134/2016
Coll., on Public Procurement, as amended (hereinafter the „*Act*”),

(hereinafter the “*Procurement Documentation*”, “*Public Contract*” and “*Procurement Procedure*”)

Project Name:

“ELI: EXTREME LIGHT INFRASTRUCTURE – Phase 2”

reg. no: CZ.02.1.01/0.0/0.0/15_008/0000162

Operational Programme Research, Development and Education

Contracting authority:

Institute of Physics of the Czech Academy of Sciences, public research institution
with its registered office at Na Slovance 2, 182 21 Prague 8, identification No.: 683 78 271
hereinafter the “*Contracting authority*”



Fyzikální ústav
Akademie věd ČR, v. v. i.



Table of contents

1. BASIC DATA ON CONTRACTING AUTHORITY AND PROCUREMENT PROCEDURE	3
1.1. BASIC DATA ON CONTRACTING AUTHORITY	3
1.2. ACCESS TO PROCUREMENT DOCUMENTATION	3
2. SUBJECT-MATTER OF THE PUBLIC CONTRACT	4
2.1. SPECIFICATION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT	4
2.2. CLASSIFICATION OF THE SUBJECT MATTER OF THE PUBLIC CONTRACT IN ACCORDANCE WITH COMMON PROCUREMENT VOCABULARY	4
2.3. ESTIMATED VALUE OF THE PUBLIC CONTRACT	4
2.4. TIME AND PLACE OF PERFORMANCE OF THE SUBJECT OF MATTER OF THE PUBLIC CONTRACT	4
2.5. TECHNICAL CONDITIONS	4
2.6. BUSINESS CONDITIONS	5
3. QUALIFICATION OF PARTICIPANTS.....	6
3.1. BASIC QUALIFICATION CRITERIA	6
3.2. PROFESSIONAL QUALIFICATION CRITERIA.....	7
3.3. TECHNICAL QUALIFICATION CRITERIA.....	7
3.4. SUBMISSION OF QUALIFICATION DOCUMENTS.....	7
4. REQUIREMENTS FOR PROCESSING THE BID PRICE	8
5. EVALUATION CRITERIA.....	8
6. BID PROCESSING CONDITIONS AND REQUIREMENTS.....	9
5.1. CONDITIONS FOR THE SUBMISSION OF BIDS	9
5.2. OPENING OF ENVELOPES WITH BIDS.....	10
7. OTHER CONDITIONS	11
8. FINAL PROVISIONS	12
THE LIST OF THE ANNEXES:	12
ANNEX NO. 1 – TECHNICAL SPECIFICATION	13
ANNEX NO. 2 – PURCHASE CONTRACT	14
ANNEX NO. 3 - AFFIRMATION - BASIC AND PROFESSIONAL QUALIFICATION CRITERIA	15
ANNEX NO. 4 - AFFIRMATION – TECHNICAL QUALIFICATION CRITERIA.....	16
ANNEX NO. 5 – COVER BID NOTE	17



1. Basic data on Contracting authority and Procurement Procedure

1.1. Basic data on Contracting authority

Contracting authority	Institute of Physics of the Czech Academy of Sciences, public research institution
Registered Office:	Na Slovance 2, 182 21 Prague 8, Czech Republic
Identification No.:	683 78 271
Tax Identification No.:	CZ68378271
Person authorised to act on behalf of the Contracting authority:	RNDr. Michael Prouza, Ph.D., Director
Representative of the Contracting authority pursuant to Section 43 of the Act:	Advokátní kancelář Volopich, Tomšíček & spol., s.r.o. registered in the Commercial Register kept by Regional Court in Plzeň, Section C, File 29293, with its registered office at Vlastina 602/23, Severní Předměstí, 323 00 Plzeň, Id. No.: 024 76 649 <u>Contact person:</u> JUDr. Tomáš Tomšíček, attorney tel.: +420 377 519 999 email: vz@akvt.cz
Type of Public contract:	Pursuant to Section 14 of the Act the Public Contract is a below-threshold public contract for supplies. Pursuant to Section 53 of the Act the Contracting authority carries out the Procurement Procedure as a simplified below-threshold procedure.

1.2. Access to Procurement Documentation

This Procurement Documentation was published as a whole in full, including all annexes, on the profile of the Contracting authority: <https://www.e-zakazky.cz/profil-zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.

The information and data listed in this Procurement Documentation and its annexes define the minimum technical and other mandatory requirements of the Contracting authority for the submission of bids and the fulfilment of the Public Contract. The participants are obliged to respect these requirements in their bids.



2. Subject-matter of the Public Contract

2.1. Specification of the subject-matter of the Public Contract

The subject-matter of the Public Contract is delivery of 4 pieces of Large size focusing off-axis parabolic mirrors. The products are integral parts of the following standalone systems: “Laser driven ion acceleration (ELIMAIA)”, “Laser electron acceleration (HELL)”, “P3 platform in plasma physics” and “PW-laser diagnostics”. The requested Off-Axis Parabolic (OAP) mirrors will be used as a final focusing element of a 1 PW-class laser beam in high intensity experiments for ion acceleration, electron acceleration, plasma physics, and also for demagnification of the beam output from a leakage mirror for laser diagnostics purposes.

The subject-matter of the Public Contract is in detail specified in **Annex No. 1 Technical Specifications** and **Annex No. 2 Purchase Contract** hereto.

If the Procurement Documentation contains references to a specific product or standards or technical documents the economic operator may offer another equivalent solution. In this case the economic operator proves, that the proposed supplies satisfy in an equivalent manner the requirements defined by the Contracting authority in the Technical specifications.

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_008/0000162, project title “ELI: EXTREME LIGHT INFRASTRUCTURE – Phase 2”.

2.2. Classification of the subject matter of the Public contract in accordance with Common Procurement Vocabulary

CPV Code	Description
38000000-5	Laboratory, optical and precision equipments (excl. glasses)
38600000-1	Optical instruments
38622000-1	Mirrors

2.3. Estimated value of the Public Contract

Estimated value of the Public Contract is CZK 4 200 000 without VAT.

2.4. Time and place of performance of the subject of matter of the Public Contract

Expected initiation of performance: immediately after the contract signature

Expected ending of performance: within 9 months from the contract signature as stipulated in Annex No. 2 Purchase Contract

The place of delivery is ELI Beamlines facility, Dolní Břežany, district Prague-west, as stipulated in Annex No. 2 Purchase Contract.

2.5. Technical conditions

Technical conditions for the respective subject matters of the Public Contract are in detail specified in **Annex No. 1 Technical Specifications**.



If the technical conditions are set by a direct or indirect reference to the economic operators or products, or patents for inventions, utility models, industrial designs, trademarks or designations of origin, the economic operator may offer another equivalent solution.

If the Annex No. 1 Technical Specifications contains references to a specific product or standards or technical documents the economic operator may offer another equivalent solution. In this case the economic operator proves, that the proposed supplies satisfy in an equivalent manner the requirements defined by the Contracting authority in the Technical specifications.

2.6. Business conditions

Business conditions for the performance of the Public Contract are specified in **Annex No. 2 Purchase Contract** hereto. The draft of the contract must be signed by an authorised person of the participant (either its director or a person empowered or in other way authorised thereto). In the latter case the original or a certified copy of the power of attorney or authorisation must be included in the bid.

The participant is obliged to fill only the places labelled as follows: **to be filled in by economic operator** within the Purchase Contract.



3. Qualification of participants

The economic operator is required to prove the following qualification criteria:

1. Basic qualification criteria
2. Professional qualification criteria
3. Technical qualification criteria

3.1. Basic qualification criteria

An economic operator shall not be qualified if it:

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or is in a similar situation pursuant to the law of the country of its registered office.

The economic operator shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic by submitting:

- a) a copy of an entry in the Criminal Records in respect of Article 3.1 (a) of this Procurement Documentation; if the economic operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in Article 3.1 (a) hereof. Where a legal person is a member of the governing body of the economic operator, the condition specified in Article 3.1 (a) hereof shall be met by (i) this legal person, (ii) every member of the governing body of this legal person, and (iii) the person representing this legal person in the governing body of the economic operator;
- b) a confirmation from a relevant tax office in respect of Article 3.1 (b) of this Procurement Documentation,
- c) a written affirmation regarding excise duty in respect of Article 3.1 (b) of this Procurement Documentation,
- d) a written affirmation in respect of Article 3.1 (c) of this Procurement Documentation,
- e) a confirmation from a relevant district social security administration in respect of Article 3.1 (d) of this Procurement Documentation,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of Article 3.1 (e) of this Procurement Documentation.



3.2. Professional qualification criteria

The economic operator shall prove its professional qualification criteria in relation to the Czech Republic by submitting: a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.

3.3. Technical qualification criteria

The Contracting authority sets following technical qualification criteria in order to prove experience that is necessary for the Public Contract to be performed to an appropriate level of quality:

- a) **a previous supply of at least one large size focusing off-axis parabolic mirror with clear aperture with dimensions of at least 250x250 mm² and surface accuracy of at least $\lambda/10$ (peak-to-valley) under test wavelength of 633 nm.**

The economic operator shall prove that it fulfils the technical qualification criteria by submitting: a list of significant supplies provided over the past **three years** before commencement of the Procurement Procedure including detailed enough description of the provided supplies, prices and dates of their provision and the identification of clients in respect of Article 3.3 (a) of this Procurement Documentation (it is recommended to use a form of an affirmation that is attached hereto as **Annex No 4. Affirmation – Technical Qualification Criteria**).

3.4. Submission of qualification documents

Where the Contracting authority requires a document to be submitted, the economic operator shall submit a copy of the document. Before the contract is concluded, the Contracting authority shall request the selected economic operator to submit the originals or certified copies of the qualification documents, unless they have already been submitted during the Procurement Procedure.

Where the Contracting authority requires a document to be submitted, the economic operator shall submit it in Czech, Slovak or English language or it shall be submitted along with its translation into one of these languages.

The documents demonstrating basic qualification under the Article 3.1 of this Procurement Documentation and professional qualification under the Article 3.2 of this Procurement Documentation shall demonstrate the fulfilment of the required qualification criterion **not later than three months before the date of the submission of the bids**.

The economic operator may substitute the submission of qualification documents in its bid by an affirmation or a European Single Procurement Document pursuant to Section 87 of the Act. It is recommended to use a form of an affirmation that is attached hereto as an **Annex No. 3 Affirmation - Basic and Professional Qualification Criteria**.

Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting authority.

The economic operator may prove a certain part of the technical qualification or professional qualification through other persons. In that case, the economic operator is obliged to submit to the Contracting authority:

- a) documents proving that the professional qualification pursuant to the Article 3.2 of this Procurement Documentation has been fulfilled by the other person,
- b) documents proving that a missing part of the qualification has been fulfilled by the other person,
- c) document proving that the basic qualification was fulfilled pursuant to the Article 3.1 of this Procurement Documentation by the other person, and
- d) a written commitment of the other person to provide performance of the Public Contract or to



provide things or rights which the economic operator is entitled to use when performing the Public Contract, at least to the extent to which the other person has proved its qualification instead of the economic operator.

In case of joint participation of economic operators, the basic and professional qualifications pursuant to the Article 3.2 of this Procurement Documentation shall be proved by each economic operator separately.

4. Requirements for processing the bid price

The economic operator is required to offer the bid price in EUR, USD, GBP or CZK, in each case excluding VAT.

The economic operator is obliged to state the bid price in the table that is an Annex No. 2 of the Purchase Contract (*Price Sheet*).

Value added tax shall be paid in accordance with the applicable legal regulations.

The Contracting authority sets maximum permissible total bid price in CZK 4 600 000. The maximum permissible total bid price cannot be exceeded by the participants in their bids. Should the participant's total bid price exceed the referred-to maximum value, then the participant shall be excluded for the reason of its failure to meet the award criteria. **For the purpose of calculating whether or not the maximum permissible total bid price was exceeded, the Contracting authority shall use the exchange (middle) rate of Czech National Bank, which will be valid at the last day, on which bids could be submitted.**

The total bid price is the maximum price that cannot be exceeded during performance of the Public Contract and shall include all costs that the economic operator shall incur during performance of the Public Contract. The bid price must also include any and all costs even those not explicitly specified but about which the economic operator knew or should and could have known considering its professional knowledge, exercising all professional care.

The total bid price may only be modified in connection with changes to tax regulations regarding the VAT.

Payment conditions are specified in the Purchase Contracts that is as an Annex No. 2 integral part of this Procurement Documentation.

5. Evaluation criteria

Bids shall be evaluated pursuant to Section 114 (1) of the Act on the basis of their economic advantageousness.

The Contracting authority evaluates the total bid price in CZK net of VAT. The price shall be given in the structure and under the conditions defined in the Article 4 herein. **The Contracting authority shall (only for the purposes of evaluation, not for the purposes of performance the Purchase Contract) change the bid price into CZK. The exchange rate shall be the middle rate of Czech National Bank, which will be valid at the last day, on which bids could be submitted.**

The Contracting authority shall evaluate the economic advantageousness solely on the basis of the lowest bid price. The winning bid will be the bid with lowest bid price.



6. Bid processing conditions and requirements

5.1. Conditions for the submission of bids

The Contracting authority shall only accept bids in a paper form. Bids in electronic form are not permitted.

Bids shall be submitted not later than 6 December 2017 at 10:00 AM.

Bids shall be submitted to the Representative of the Contracting authority and to the address:

Advokátní kancelář Volopich, Tomšíček & spol., s.r.o.

Panská 895/6

110 00 Praha 1 - Nové Město

Czech Republic

Bids may be delivered in an appropriate manner at the address above on working days from 8:30 AM to 17:00 PM; by 10:00 AM only on the final day of the term. Any other delivery shall not be deemed proper submission of a bid.

Bids in paper form shall be delivered in a properly sealed envelope denoted with the title of the Public Contract in the following way:

[Post address of Participant]

Large size focusing off-axis parabolic mirrors for BT in E4, E5, E3, diagnostic station

Do not open before the term of opening of envelopes - Public Contract

Advokátní kancelář Volopich, Tomšíček & spol., s.r.o.

Panská 895/6

110 00 Praha 1 - Nové Město

Czech Republic

The bid must include identification details of the participant, in particular the following: commercial name of the company, registered office, ID No., legal form, person authorised to act on behalf of the participant or a person authorised to represent the participant, contact address for correspondence between the participant and the Contracting authority.

The bid must be written in **Czech, Slovak or English**.

All bid sheets shall be numbered in an ascending continuous series and put firmly together or stitched so that they are adequately secured against falling out of the bid. The bids shall be properly readable with no cancellation and overwriting. The Contracting authority recommends submitting the bid in an electronic form on a CD (flash USB), either in an MS Office or a compatible or .pdf format as well.

The participant shall submit the bid in an original copy. In addition to this original copy, the Contracting authority also recommends submitting a copy of the participant's bid.

If the bid is submitted jointly by more participants (joint bid), the participant shall specify a person in the bid who shall be empowered to represent these participants for communicating with the Contracting authority during the Procurement Procedure.



The participant shall submit the bid containing the following documents and parts, whereas the following structure is only recommended:

a) **Cover Bid Note**

The cover bid note shall include the following details: Public Contract name, basic identification details of the Contracting authority and participant (including persons empowered to be involved in further proceedings and stating an enterprise categorisation in accordance with the Recommendation 2003/361/ES), participant shall state the contact e-mail address for electronic communication with the Contracting authority (the address will be used for the Service of the Contracting authority's electronically signed documents concerning the assessment and evaluation of the bids during this Procurement Procedure), date and signature of the person authorised to act on behalf of the participant. The participant may use Annex No. 5 hereto.

b) **Documents proving qualification structured as mentioned in Article 3 hereof (Annex No. 3 and 4 hereto)**

c) **Purchase Contract with Technical Specification (Annex No. 1 hereto) and Total bid price structured as required under Article 4 hereof**

The Purchase Contract shall be signed by a person authorised to act on behalf of or in the capacity of the participant where the participant shall be obliged to use the draft contract wording mentioned in Annex No. 2 hereto and to complete only those parts, which are explicitly specified by the Contracting authority to be filled by the participant with a blue colour.

In case that the Act or the Contracting authority requires to submit a document in compliance with the Czech law, participant is entitled to submit a similar document issued pursuant to the legal code of the country where the document has been issued. The document shall be submitted in Czech, Slovak or English language.

The document may be substituted by an affirmation in the case that the document is not being issued pursuant to the legal code of the country of participant's registered office.

5.2. Opening of envelopes with bids

Envelopes shall be opened on 6 December 2017 at 10:05 AM at the address of the the Representative of the Contracting authority, Advokátní kancelář Volopich, Tomšíček & spol., s.r.o., Panská 895/6, 110 00 Praha 1 - Nové Město, Czech Republic.

Representatives of all participants who have submitted their bids in the award period (no more than two persons per one participant) shall be entitled to take part in the opening of envelopes (however, not the subsequent assessment and evaluation of the bids). For opening of envelopes, representatives of the participants shall identify themselves by a Power of Attorney issued by the person authorised to act on behalf of the participant.



7. Other conditions

In accordance with Section 39 (5) of the Act, the Contracting authority may verify the credibility of the data, documents, samples or models provided by the participant and may also acquire them itself. The Contracting authority may subject the samples to tests and rely on the outcomes of such tests.

Should the selected economic operator be a legal entity, the Contracting authority requires from the selected economic operator pursuant to Section 104 (2) of the Act submission of the following as a condition for the conclusion of the contract:

- a) identification data of all persons that are its real owners of pursuant to the Act on Selected Measures against Legitimisation of Proceeds of Crime and Financing of Terrorism, and
- b) documents that demonstrate the relation of persons under paragraph a) to the economic operator; such documents include, but are not limited to:
 - a copy of an entry in the Commercial register or other similar records
 - a list of shareholders,
 - a decision made by the governing body regarding payment of share in profit
 - a memorandum of association, a letter of formation or articles of association

The selected economic operator shall submit the aforementioned information and documents in the language stipulated by Article 6.1 hereof.

In accordance with Section 53 (5) of the Act, the Contracting authority reserves the right to publish the notice of exclusion of a participant from the procurement procedure or the notice of selection of an economic operator on the Contracting authority profile. In that case, the notices shall be considered to be delivered to all participants at the moment of their publication.

The Contracting authority draws attention to the economic operator that in accordance with Section 48 (7) and (9) of the Act, the Contracting authority may exclude from the procurement procedure a participant that is a joint-stock company or has a legal form similar to a joint-stock company and has issued other than exclusively booked shares. If the selected economic operator has its registered office abroad and is a joint-stock company or has a legal form similar to a joint-stock company, the contracting authority shall require it to submit an affirmation in writing within a reasonable time limit showing which persons are holders of shares whose aggregate nominal value exceeds 10 % of the registered capital of the participant, and indicating the source on which the information on the amount of the share of shareholders is based.

Explanation to the Procurement documentation

The Contracting authority shall provide explanations of procurement documents based on a written request of participants pursuant to Section 98 of the Act. The requests for explanation of the Procurement documents must be delivered in to the following address: vz@akvt.cz and in a copy of the email address to Ivana.Vrbova@eli-beams.eu and David.Kurz@eli-beams.eu . The requests must be delivered in time, which means in the deadline pursuant to Section 98 (3) of the Act.



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8. Final provisions

The Contracting authority is entitled to cancel the Procurement Procedure pursuant to Section 127 (2) of the Act.

The Contracting authority does not allow variants of bids.

The Contracting authority shall not reimburse the participants for the costs incurred in connection with their participation in the Procurement Procedure, even if the Procurement Procedure has been cancelled by the Contracting authority.

The list of the annexes:

1. **Technical Specification**
2. **Purchase Contract**
3. **Affirmation - Basic and Professional Qualification Criteria**
4. **Affirmation - Technical Qualification Criteria**
5. **Cover Bid Note**

On behalf of the Contracting authority:

14. 11. 2017

In Prague, on

**RNDr. Michael Prouza, Ph.D.,
Director
Institute of Physics of the Czech Academy of Sciences,
public research institution**



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MINISTRY OF EDUCATION,
YOUTH AND SPORTS

Annex No. 1 – Technical Specification



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MINISTRY OF EDUCATION,
YOUTH AND SPORTS

Annex No. 2 – Purchase Contract



Annex No. 3 - Affirmation - Basic and Professional Qualification Criteria

Affirmation on Basic and Professional Qualification Criteria

*pursuant to the Sec 86 (2) of the Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter the "Act")*

Public Contract Name:

**„Large size focusing off-axis parabolic mirrors for BT in E4, E5, E3,
diagnostic station”**

Economic operator Business Name incl. Legal Form: [to be filled in by economic operator]

Registered Office: [to be filled in by economic operator]

Company Identification No.: [to be filled in by economic operator]

Authorized Representative: [to be filled in by economic operator]

1. Basic Criteria

The Economic operator hereby solemnly declares that it:

- a) was not convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has not outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has not outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has not outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is not in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or is in a similar situation pursuant to the law of the country of its registered office.

2. Professional Criteria

The Economic operator hereby solemnly declare that it fulfils the professional criteria stipulated by the Contracting authority within the Public Contract pursuant to Section 77(1) of the Act.

In [to be filled in by economic operator] On [to be filled in by economic operator]

.....
[Signature - to be filled in by economic operator]

[Business name - Authorized Representative to be filled in by economic operator]



Annex No. 4 - Affirmation – Technical Qualification Criteria

Affirmation on Technical Qualification Criteria

*pursuant to the Sec 86(2) of the Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter the "Act")*

Public Contract Name:

**„Large size focusing off-axis parabolic mirrors for BT in E4, E5, E3,
diagnostic station”**

Economic operator Business Name incl. Legal Form: [to be filled in by economic operator]

Registered Office: [to be filled in by economic operator]

Company Identification No.: [to be filled in by economic operator]

Authorized Representative: [to be filled in by economic operator]

The economic operator hereby solemnly declare that it fulfils the technical qualification criteria stipulated by the Contracting authority within the Public Contract pursuant to Sec 79 (2) (b) of the Act,

List of the Important Supplies:

Identification of Client (Name and Registered Seat)	Dates of Provision (using months and years)	Price	Description of Significant Supply	Contact Persons of Clients (Names) and Contact Data (Email/Phone)
[to be filled in by economic operator]	[to be filled in by economic operator]	[to be filled in by economic operator]	[to be filled in by economic operator]	[to be filled in by economic operator]

since we have realized the below mentioned supplies within the last three years.

In [to be filled in by economic operator] On [to be filled in by economic operator]

.....
[Signature - to be filled in by economic operator]

[Business name - Authorized Representative to be filled in by economic operator]



Annex No. 5 – Cover Bid Note

Cover Bid Note

Public Contract Name:

**„Large size focusing off-axis parabolic mirrors for BT in E4, E5, E3,
diagnostic station”**

Contracting authority	Institute of Physics of the Czech Academy of Sciences, public research institution
Registered Office:	Na Slovance 2, 182 21 Prague 8, Czech Republic
Company Identification No.:	683 78 271
Tax Identification No.:	CZ68378271
Person authorised to act on behalf of the Contracting authority:	RNDr. Michael Prouza, Ph.D., Director

Economic operator Business Name incl. Legal Form: [to be filled in by economic operator]
Registered Office: [to be filled in by economic operator]
Company Identification No.: [to be filled in by economic operator]
Tax Id. No.: [to be filled in by economic operator]
Small / Medium-sized enterprises
(in accordance with the
Recommendation 2003/361/ES): [YES/NO - to be filled in by economic operator]
Bank: [to be filled in by economic operator]
Person authorized
to represent the participant: [to be filled in by economic operator]
Contact person: [to be filled in by economic operator]
Contact address: [to be filled in by economic operator]
Tel: [to be filled in by economic operator]
E-mail of the Contact Person: [to be filled in by economic operator]

In [to be filled in by economic operator] On [to be filled in by economic operator]

.....
[Signature - to be filled in by economic operator]
[Business name - Authorized Representative to be filled in by economic operator]