



TENDER DOCUMENTATION

Pursuant to Section 44 of Act No. 137/2006 Coll. on Public Contracts

For processing a bid to an above-the-threshold public contract for services
submitted in
an *open procedure* called:

ENGINEERING DESIGN OF OPTIMIZED ELEMENTS OF TECHNOLOGY INFRASTRUCTURE OF ELI EXPERIMENTAL HALLS WITH RESPECT TO PROMPT IONIZING RADIATION

Project Name:

**ELI: "Lasers for Generation of Repetition Ultrashort Pulses and
Multiple Petawatt Power"**

Contracting Authority:



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

TENDER DOCUMENTATION

For processing a bid to an above-the-threshold public contract for services under Act No. 137/2006 Coll. on Public Contracts (hereinafter referred to as "the Act")

Public Contract name: Engineering design of optimized elements of technology infrastructure of ELI experimental halls with respect to prompt ionizing radiation

Hereinafter also referred to as "the Public Contract"

Contracting Authority: Institute of Physics AS CR, public research institute
Registered office: Na Slovance 2, 182 21 Prague 8
Company identification No. 68378271
Tax identification No. CZ68378271
Acting through doc. Jan Řídký, CSc., the Director

(hereinafter for the purposes hereof referred to as the "Client")

Pursuant to Section 151 of the Act, the Contracting Authority shall be represented in exercising rights and obligations connected with the tender process by **OTIDEA a.s.**, Company identification No. 27142442, registered office at Na Příkopě 31, 110 00 Prague 1.

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1 SPECIFICATION OF SUBJECT MATTER OF PUBLIC CONTRACT

1.1 Description of Subject Matter of Public Contract

The Client is in charge of managing the ELI (Extreme Light Infrastructure) International Research Laser Centre in the Czech Republic (hereinafter referred to as "ELI Project"). The ELI Project is one of the projects scheduled within the so-called ESFRI Roadmap. The main purpose of the ELI Project is to build a state-of-the-art facility and subsequently implement a number of research and application projects involving interaction of light with mass at light intensity that is approximately 100 times higher than the currently achievable values. More information on the ELI Project implementation in the Czech Republic can be found at: www.eli-beams.eu.

The subject of the tender process is the selection of a supplier that shall - based on a concluded contract for work - undertake for the Client to prepare a detailed engineering design of specific parts of the prompt radiation shielding for the final configuration of the ELI laser building and its backbone technology systems, to optimize specific parts of local shielding of experimental halls, e.g. wall penetrations of large laser beams with respect to operational flexibility and future scalability, and to provide assessment of cumulative dose uptake for individual categories of ELI staff and users. Part of this engineering design will

be used as input information for the preparation of detailed construction documentation of the ELI center. The subject of the services required is not supply of measurement instrumentation, detectors, measurement software, shielding systems or their components, materials, etc.

The required work consists of the following parts:

a) Assessment of major wall penetrations of the experimental halls and development of local shielding provisions

The purpose of this task is a detailed numerical analysis of the impact of the final configuration of major wall penetrations in the experimental halls and surrounding areas to the performance of the designed bulk shielding. Arrangement of the experimental halls in the ELI laser building and other information needed for preparation of the bid is provided in **Annex No. 3** Technical Specifications, the indivisible part hereof. The analysis shall focus in particular on:

- Wall and ceiling penetrations of large laser beams, taking into account flexibility of configurations of the laser beam distribution as well as its upgradability
- Wall penetrations for the finally configured air-conditioning systems
- Technological door for personnel access
- Design optimization of the entry labyrinths

The proposed components of the shielding (material, structure, thickness, etc.) must respect the established classification of areas and also a maximum annual dose uptakes for ELI personnel, as specified in the Radiological Classification of Areas.

The Deliverable resulting from this task will be a detailed project report including baseline engineering design of local shielding of all scheduled major wall penetrations.

b) Detailed engineering design of shielding of minor wall penetrations in the experimental halls

The purpose of this task is the detailed engineering (implementation) shielding design of penetrations smaller than 50x50 cm in the walls of the experimental halls E3 to E6 and surrounding areas in the ELI laser building. The basis for accomplishing this task will be the model penetrations provided in **Annex No. 3** Technical Specifications hereto. Penetrations of this type will especially include:

- Cable trays and cable routes for the control and data acquisition of the experimental systems
- Service penetrations for distribution of coolants fluids and gases, lighting, etc.
- Wall and ceiling penetrations for the central vacuum system

The proposed local shielding provisions of the wall penetrations (material, structure, thickness, etc.) must respect the established classification of areas and also maximum annual dose uptakes for ELI personnel, as specified in the Radiological Classification of Areas.

The Deliverable resulting from this task will be a detailed project report including baseline engineering design of local shielding of all scheduled minor wall penetrations.

c) Optimized engineering design of specific beam dumps of charged particles and design of local shielding of small secondary sources

The purpose of this task is the optimization of the engineering structures of specific beam dumps for laser-accelerated beams of charged particles, namely of the structured dumps for proton beams for the experimental halls E3 and E6, and also of local shielding of small secondary sources in the experimental halls E1 and E2. The work shall include in particular the following subtasks:

- The maximum efficiency of the dumps adequately supplementing the bulk shielding fabric
- Dump flexibility for various experimental configurations in E3 and E6
- Dump adaptability
- Identification of optimal materials of the dumps to minimize the lockout time as result of material activation
- Minimization of the final beam dump size and to minimization of costs
- Analysis and design of local shielding of small secondary sources of prompt ionizing radiation in the experimental halls E1 and E2 (for details see **Annex No. 3** Technical Specifications hereto)

The Deliverable resulting from this task will be a project report including detailed technical design of the optimized dumps, design of local shielding of small secondary sources in the experimental halls E1 and E2, and physical and engineering analysis according to the above points.

d) Detailed numerical analysis of activation of materials of technology structures of the experimental halls

The purpose of this task is the numerical assessment of short-term activation of materials within the beam dumps (using Deliverable c) mentioned above) and of in-cell elements such as structures of the vacuum interaction chambers, frame assemblies and other mechanical structures in the experimental halls (baseline design of the vacuum interaction chambers will be provided by the Client). The results of the analysis must provide an optimum short- and long-time usage profile of the experimental halls, including impact on annual dose uptake assessment. The information needed for preparation of the bid concerning this part d) are in **Annex No. 3** Technical Specifications hereto.

The Deliverable resulting from this task will be a detailed project report including complete results of the analysis according to the above points.

e) Detailed analysis of safe working regime of the ELI staff based on the final version of the construction documentation, setting benchmark formal criteria with regard to maximum cumulative dose uptake

The purpose of this task is to provide a detailed analysis of the impact of the individual types of ionizing radiation produced during the generation of secondary sources of radiation and particles in the experimental halls, to the annual dose uptake for each category of the worker groups and ELI users. The analysis shall be based on a document provided by the Client in the implementation (realization) phase of the tender process (after the signing of Contract for work), stating the expected occupancy depending on the type of experiment and on the experimental hall, total expected duration of the experiment (days and time profile), and the number and categories of workers. The ELI worker groups and external researchers shall include:

- ELI technical and maintenance staff
- Full-time researchers ELI
- PhD students
- External users carrying out medical research
- External users or researchers visitors

The analysis must take into account both doses from prompt ionizing radiation and due to residual dose arising as a result of activation of beamline materials and beam dumps.

The Deliverable resulting from this task will be a detailed project report containing results of analysis according to the above requirements. The report will show that all doses can be demonstrated to be ALARA (As Low As Reasonably Achievable).

The Applicant shall undertake to provide all of the above-mentioned based on instructions of the Client and in accordance with applicable legal regulations. The mutual communication between the Client and the supplier shall take place in person, through emails and by phone; personal meetings intended to consult partial results of deliverables mentioned above and also intended to hand over and specify underlying (source) documents are also necessary.

1.2 Public Contract delivery schedule

| | |
|--|--|
| Commencement Expected: | October 15, 2011 |
| Completion Expected: | |
| Article 1.1 a) of the Tender documentation signature of the contract | within 6 weeks after the |
| Article 1.1 b) of the Tender documentation signature of the contract | within 6 weeks after the |
| Article 1.1 c) of the Tender documentation signature of the contract | within 4 months after the |
| Article 1.1 d) of the Tender documentation signature of the contract | within 8 months after the |
| Article 1.1 e) of the Tender documentation signature of the contract | within no later than 28th March 2013 |

The Client declares that the binding deadlines for the performance of individual parts of the Work are listed in **Annex No. 4** (Binding contract wording) in line with the above deadlines.

1.3 Place of performance of the Public Contract

Registered seat of the Client and other places necessary for Contract performance are deemed to be the Contract performance place.

1.4 Maximum value of the performance of the Public Contract

Maximum value of the performance of the Public Contract:
5 300 000,- CZK excluding VAT

Maximum value of the performance of the Public Contract as defined by the Client is the highest bid price in this tender procedure that shall not be exceeded.

The subject matter of the Public Contract shall be funded from the Research and Development for Innovations Operational Programme (hereinafter referred to as "RDIOP") of the Priority Axis 1 (PO1).

1.5 Subject matter of the Public Contract classification

The Classification of the subject matter of the Public Contract corresponds to the following item:

- Engineering-related scientific and technical services – **CPV code: 71350000-6**

2 BID PROCESSING CONDITIONS AND REQUIREMENTS

- 2.1 Bids shall be submitted in writing and in a properly sealed envelope marked - on its closing - with the company identification / name and a stamp or signature of the statutory body of the applicant or a person authorised to represent the applicant. The envelope must be labelled "**Do Not Open**" and include a name of the Public Contract "**Engineering design of optimized elements of technology**"

infrastructure of ELI experimental halls with respect to prompt ionizing radiations". The envelope must further include an address to which notices pursuant to Section 71 paragraph 6 of the Act shall be sent.

- 2.2 Bids shall be submitted not later than **September 12th 2011, 11:00 AM** at the following address: **OTIDEA a.s., Palác Broadway, Na Příkopě 31, 110 00 Prague 1** (entrance B in the middle of the Broadway Arcade, 2nd floor). Bids may be delivered in any appropriate manner (by post, courier service, in person, etc.) at the address above on working days from 8:30 AM to 3:30 PM; by 11:00 AM only on the final day of the term. Any other delivery shall not be deemed proper submission of a bid.
- 2.3 The bid must include identification details of the applicant, in particular the following: commercial name of the company, registered office, ID No., person authorised to act on behalf of the applicant or a person authorised to represent the applicant, contact address for correspondence between the applicant and the Client.
- 2.4 The bid including all annexes must be written in Czech or English, unless stated below otherwise, and must contain a draft contract signed by the person authorised to act on behalf of or in the capacity of the applicant.
- 2.5 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.
- 2.6 The applicant shall be bound to the entire contents of the bid until October 31, 2011.
- 2.7 The applicant shall submit the bid in an original copy. In addition to this original copy, the Client also requires submitting a copy of the applicant's bid.
- 2.8 The applicant shall also submit the bid in an electronic form on a CD, either in an MS Office or a compatible or .pdf format (this obligation shall not apply to documents demonstrating meeting of the applicant's qualification).
- 2.9 If the bid is submitted jointly by more applicants (joint bid), the applicant shall specify a person in the bid who shall be empowered to represent these applicants for communicating with the Client during the tender process.
- 2.10 The bid must be submitted in the following structure:
 - a) bid cover note
The cover note shall include the following details: Public Contract name, basic identification details of the Client and applicant (including persons empowered to be involved in further proceedings), maximum permissible bid price according to the Tender Documentation, date and signature of the person authorised to act on behalf of the applicant. The applicant shall use **Annex No. 1** hereto.
 - b) contents
It must include all sections of the bid mentioned below, structured as required, to which numbers of appropriate sheets or pages shall be assigned.
 - c) general information on the applicant
Name of the applicant, legal form, registered office, Company identification No., Tax identification No., banking details, names of company statutory body members incl. contact details (phone, fax, e-mail, address), person



authorised to be involved in further proceedings including written authorisation to represent and company profile.

- d) documents demonstrating qualification meeting structured as mentioned in Article 3 of the Tender Documentation
- e) bid price according to Article 5 of the Tender Documentation
- f) relevant details and information for purposes of evaluation under Article 7 of the Tender Documentation including the performance schedule
- g) draft contract signed by a person authorised to act on behalf of or in the capacity of the applicant where the applicant shall be obliged to use the draft contract wording (binding contract wording) mentioned in **Annex No. 4** hereto.
- h) statutory declaration pursuant to Section 5.3 of Annex No. 2 of the Guide for Applicants and Beneficiaries of the RDIOP (Rules for Selecting Suppliers in the framework of the Operational Programme Research and Development for Innovations), where the Applicant states that neither (i) the applicant, nor any person closely related to the applicant nor any of its employees, nor (ii) any subcontractor, nor any person closely related to the subcontractor nor its employees participated in the drafting of the tender documentation and that the applicant did not create the bid in cooperation with another supplier who is submitting a bid. The applicant can use the text of **Annex No. 5** of this tender documentation.

2.11 The applicant shall be authorised to require in writing additional information on these tender conditions in form of a written application addressed to the contact person. The Client shall provide answers to properly asked questions in writing pursuant to Section 49 paragraph 2 and 3 of the Act.

3 QUALIFICATION OF SUPPLIERS

3.1 Qualification pursuant to Section 50 and subsequent of the Act shall be met by a supplier that demonstrates meeting of the following:

- basic qualification criteria pursuant to Section 53 of the Act
- professional qualification criteria pursuant to Section 54 of the Act
- economic and financial qualification criteria pursuant to Section 55 of the Act
- technical qualification criteria pursuant to Section 56 of the Act

3.2 Qualification meeting demonstration time

The applicant shall be obliged to demonstrate meeting the qualification in the bid submission term specified in paragraph 2.2 of the Tender Documentation.

3.3 Basic qualification criteria

3.3.1 Basic qualification criteria shall be met by a supplier:

- a) that has not been lawfully sentenced for an offence committed in favour of an organised criminal group, offence of participation in an organised criminal group, legalising yield obtained from criminal activity, sharing, bribe accepting, bribing, indirect bribery, fraud, loan fraud including cases of preparation or an attempt or participation in such criminal activity or blinding a sentence for committing such criminal activity. If a legal person is concerned, these criteria must be met by a statutory body or every member of a statutory body and if the statutory body of the applicant or member of the statutory body of the applicant includes a legal person, these criteria must be met by the statutory body or every member of the statutory body of that legal person. If the bid or participation application is



submitted by a foreign legal person through its branch, these criteria under this paragraph must also be met, in addition to the specified persons, by the manager of that branch and these basic qualification criteria must be met both in relation to the territory of the Czech Republic and the country of its registered office, place of business or residence,

- b) that has not been lawfully sentenced for an offence the facts of which are connected with the applicant's line of business under special legal regulations or sentencing for committing such criminal activity has been blinded. If a legal person is concerned, these criteria must be met by a statutory body or every member of a statutory body and if the statutory body of the applicant or member of the statutory body of the applicant includes a legal person, these criteria must be met by the statutory body or every member of the statutory body of that legal person. If the bid or participation application is submitted by a foreign legal person through its branch, these criteria under this paragraph must also be met, in addition to the specified persons, by the manager of that branch and these basic qualification criteria must be met both in relation to the territory of the Czech Republic and the country of its registered office, place of business or residence,
- c) that has not in the past three years committed the facts of acting of unfair competition in form of bribery under a special legal regulation (Section 49 of the Commercial Code),
- d) against the assets of which there are currently no insolvency proceedings – and have not been any in the past three years - with a decision on bankruptcy being rendered or an insolvency proposal not being rejected due to the fact the assets were not enough to settle the costs of the insolvency proceedings or bankruptcy being cancelled because the assets were absolutely insufficient, or receivership being introduced under special legal regulations,
- e) that is not subject to winding up,
- f) with which there are no delinquent taxes included in the tax records, both in the Czech Republic and in the country of the registered office, place of business or residence of the applicant,
- g) that has no outstanding insurance and penalty relating to the public health insurance, both in the Czech Republic and in the country of the registered office, place of business or residence of the applicant,
- h) that has no outstanding insurance and penalty relating to the social security and state employment policy contribution, both in the Czech Republic and in the country of the registered office, place of business or residence of the applicant,
- i) that has not lawfully been - in the past 3 years - disciplinary sanctioned or no disciplinary measure has lawfully been imposed on it under special legal regulations if professional qualification demonstration under special legal regulations is required under Section 54 paragraph d), if the applicant exercises this activity through a responsible representative or any other person responsible for the applicant's activity, these criteria shall apply to such persons,
- j) that is not included in the register of persons not allowed to be involved in public contracts,
- k) that shall submit a list of statutory bodies or members of statutory bodies that have worked for the Client in the past three years and
- l) that, if being a joint-stock company, shall submit a current list of shareholders with an equity share exceeding 10%.

3.3.2 The applicant shall demonstrate meeting the basic qualification criteria by submitting the following:

- a) Extract from Penal Register for paragraphs 3.3.1 a), b) of the Tender Documentation. The applicant, if being a legal person, shall submit the Extract from

Penal Register on behalf of the statutory body or all members of the statutory body. If the bid is submitted by a foreign legal person through a branch, the applicant shall provide the Extract from Penal Register on behalf of the branch manager and statutory body or all members of the statutory body of the foreign person. The Extract from Penal Register must not be older than 90 days as of the bid submission deadline date.

- b) Confirmation of the appropriate tax office and statutory declaration in relation to the consumption tax for paragraph 3.3.1 f) of the Tender Documentation that must not be older than 90 days as of the bid submission deadline date.
- c) Confirmation of the appropriate Czech Social Security Administration body for paragraph 3.3.1 h) of the Tender Documentation that must not be older than 90 days as of the bid submission deadline date.
- d) Statutory declaration for paragraphs 3.3.1 c), d), e), g), and j) of the Tender Documentation – the applicant may use the declaration in **Annex No. 2** hereto.
- e) List of statutory bodies or members of statutory bodies of the applicant that have worked for the Client in the past three years, for paragraph 3.3.1 k), in form of a statutory declaration.
- f) Current list of shareholders with equity share exceeding 10 %, if being a joint-stock company, for paragraph 3.3.1 l).

3.4 Professional qualification criteria

Professional qualification criteria shall be met by a supplier:

- a) that shall submit a Certificate of Incorporation if registered therein or an extract from any other similar records if registered therein, not older than 90 days as of the qualification demonstration, i.e. bid submission deadline date,
- b) business authorisation document under special legal regulations to an extent corresponding to the Subject Matter of the Public Contract, in particular, a document demonstrating the appropriate trade licence or an extract from the Trade Register.

3.5 Economic and financial qualification criteria

Economic and financial qualification criteria shall be met by a supplier submitting:

- a) A valid and effective insurance contract for general third party liability arising in relation with the performance under the Public Contract, with the sum insured amounting to no less than 5 000 000,- CZK.

In case that several suppliers submit a joint bid pursuant to Section 51 par. 6 of the Act, the Client shall specify that the appropriate proof of insurance must demonstrably cover damage caused by any supplier within the frame of such syndicate (consortium). This fact shall be clearly reflected in the submitted document and the Client shall be entitled to full indemnity amount in case of damage caused by any supplier associated with the syndicate. The Client does not allow for the sums insured by the members of the syndicate to be grouped together or added.

Should the supplier present such qualification criteria through a subcontractor, the supplier shall submit to the Client its contract concluded with the subcontractor wherein the subcontractor takes over an unlimited, joint and several liability in relation to the Client that might arise from inferior, belated or otherwise defective performance of the supplier, for the case that the supplier itself refuses or is unable to provide compensation to the Client. The Client has the exclusive right to make a decision about the occurrence of damage, the scope of such damage and about the liability for such damage.

All liability claims fall due in 30 days and any objection of the supplier, the subcontractor or a member of the supplier consortium regarding the existence of the damage or the extent of the compensation shall have no suspensive effect.

- b) A statement of overall trade turnover of the supplier received pursuant to special legislation for the last three fiscal periods amounting to no less than 5 000 000,- CZK for each of these periods. To prove the trade turnover achieved the applicant shall use **Annex No. 6** hereto "The declaration on turnover – sample"

3.6 Technical qualification criteria

Technical qualification criteria shall be met by a supplier submitting the following:

- a) List of at least 3 important services or projects delivered (carried out) by the supplier in the past 3 years, specifying their extent and provision times; the list must, as an annex, include the following:
- Certificate issued by a public contracting authority if services were provided to a public contracting authority, or
 - Certificate issued by any other person if services were provided to a person other than a public contracting authority, or
 - Statutory declaration of the supplier if services were provided to a person other than a public contracting authority and it is not possible to obtain the certificate as per previous point from that person for reasons on the side of such person,

An important service is considered a service consisting in realization of the design of shielding of nuclear, medical or laser research facilities.

The Client requires that at least two important services as defined above amounted to at least 3 000 000,- Kč (or 120 000,- Euro). The certificate or statutory declaration must include (i) name of the customer, (ii) name of the project within which the services were provided, (iii) factual description of the subject and extent of the provided services.

- b) List of engineers or technical departments that shall participate in performing the Public Contract under provisions of Section 56 paragraph 2 subparagraph b) of the Act, to a minimum extent of 5 persons, in form of a statutory declaration. The legal relation of the given expert to the supplier shall be specified for each team member.
- c) Supplier's certificate of education and qualification for persons responsible for providing the appropriate services under provisions of Section 56 paragraph 2 subparagraph e) of the Act. In particular, the Client requires that the supplier has at its disposal a team of at least 5 persons who shall be involved in performing the Public Contract, regardless of whether they are employees of the supplier or persons in any other relation to the supplier. The applicant shall demonstrate meeting this qualification criterion by submitting structured CVs of individual members of the team with their handwritten signatures demonstrating meeting the minimum level of the required qualification and experience. The CVs of individual team members must include at least these required details:
- i) Name and surname;
 - ii) Highest level of education;
 - iii) Total length of experience and experience in the relevant position for the Public Contract (number of years);
 - iv) Survey of relevant professional experience relating to the position for the Public Contract including a brief description of activities and key projects the appropriate expert has worked on
 - v) Study document (university diploma)

vi) Date and personal signature.

The Client requires that the CVs of all members of the Supplier's team mention that they have completed a university education in physical and engineering or of technical nature.

The Client also requires that the leader of the Supplier's team has at least 10 years of experience in managing projects in the field of design of shielding systems for nuclear research or medical facilities. This fact must be explicitly demonstrated in the candidate's CV.

Furthermore, the Contracting Authority requires that a minimum of 3 members of the team have each at least 3 years of experience with at least two numerical tools for calculating the transport of particles and radiation in matter, necessary for the shielding calculations, i.e., MCNP (X), Fluke, Attila, MicroShield, or other relevant codes. This fact has to be explicitly demonstrated in the candidate's CVs.

- d) Supplier's Certification of Quality Management System pursuant to the Czech technical standards ČSN EN ISO 9001 for the performance of activities similar to the subject matter of this public contract, i.e. Consultancy and management of research and development projects in the field of nuclear industry or nuclear medicine, or similar certification issued in accordance with the relevant European standards. The Certificate shall be issued by an authorized person, and it shall clearly show its validity and the name of the issuer who shall be a company accredited in an EU member state, or there may be a similar certificate issued in compliance with the EU standards.
- 3.7 The supplier shall submit copies of documents demonstrating qualification meeting. Documents demonstrating qualification meeting that are in other than Czech, Slovak, English, German or French language must be officially translated into Czech or English.
- 3.8 The applicant shall be authorised under provisions of Section 127 paragraph 1 of Act No. 137/2006 Coll. on Public Contracts – by submitting an extract from the List of Qualified Suppliers – to fully replace the demonstration of meeting basic qualification criteria pursuant to Section 53 paragraph 1 subparagraphs a) through j) and professional qualification criteria pursuant to Section 54 of the Act to such extent to which the documents demonstrating meeting these professional qualification criteria cover the Client's requirements for their demonstration. The extract from the List of Qualified Suppliers must not be older than 3 months pursuant to Section 127 paragraph 4 of the Act.
- 3.9 If the qualification is demonstrated through a subcontractor, the supplier shall be obliged to provide the Client with the following documents:
- A document by which the subcontractor shall demonstrate meeting of the basic qualification criteria pursuant to Section 53 paragraph 1 subparagraph j), i.e. statutory declaration stating that the subcontractor is not included in the register of persons not allowed to be involved in public contracts,
 - A document by which the subcontractor shall demonstrate meeting of the professional qualification criteria pursuant to Section 54 subparagraph a), i.e. Certificate of Incorporation if registered therein or an extract from any other similar records if registered therein, not older than 90 days from the bid submission deadline date,
 - A contract concluded with the subcontractor suggesting the subcontractor's obligation to provide performance intended for performance of the Public Contract by the supplier or provision of items or rights with which the supplier shall be authorised to dispose in performing the Public Contract, to a minimum extent to which the subcontractor has demonstrated qualification meeting.

However, the supplier shall not be authorised to demonstrate qualification meeting pursuant to Section 53 and Section 54 subparagraph a) of the Act through the subcontractor.

- 3.10 Should the Subject Matter of the Public Contract be performed jointly by a number of suppliers and they submit a joint bid for this purpose, each of the suppliers shall be obliged to demonstrate meeting of the basic qualification criteria pursuant to Section 53 of the Act and professional qualification criteria pursuant to Section 54 subparagraph a) to the full extent. The suppliers shall also be obliged to submit a contract including an obligation that all of these suppliers shall be bound jointly and severally towards the Client and third parties arisen from any legal relationship in connection with this Public Contract, which shall apply throughout the Public Contract performance.

3.11 Qualification demonstration by foreign persons

Unless otherwise provided by a special legal regulation, a foreign supplier shall demonstrate qualification meeting 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 Client. 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 supplier, the foreign supplier shall be obliged to demonstrate meeting of such part of the qualification in form of a statutory declaration. If an obligation the meeting of which is to be demonstrated within the qualification is not defined in the country of the registered office, place of business or residence of the foreign supplier, the foreign supplier shall provide a statutory declaration in respect of such fact.

Documents demonstrating qualification meeting shall be submitted by the foreign supplier in the original language, accompanied by their official translation into Czech, unless otherwise provided by the Client in these Tender Conditions or an international contract by which the Czech Republic is bound; this shall also apply should qualification meeting be demonstrated by documents in other than Czech or Slovak language by a supplier with a registered office, place of business or residence in the territory of the Czech Republic. The Client allows for this Public Contract that the applicant may also submit qualification meeting documents in English, German, Slovak or French; that means that the applicant does not need to submit official translation into Czech for qualification meeting documents submitted in English, German, Slovak or French.

3.12 Consequence of failing to meet the qualification

A supplier failing to meet the qualification criteria to the required extent or failing to perform the obligation laid down in Section 58 of the Act shall be excluded by the Client from the tender process.

4 TECHNICAL CONDITIONS

- 4.1 The Subject Matter of the Public Contract must meet all requirements specified in this Tender Documentation and **Annex No. 3 Technical specifications hereto.**

5 BID PRICE PROCESSING MANNER

- 5.1 The applicant shall be obliged to give the total bid price for all the parts of the subject matter of the Public Contract in the following structure: price in CZK net of VAT, VAT rate, VAT amount in CZK and total bid price in CZK including VAT.

- 5.2 The bid price shall be a fixed and binding maximum permissible price including all fees and any other costs connected with performing the Public Contract. The bid price must also include any costs not explicitly specified but about which the supplier knew or should and could have known considering its professional knowledge, exercising all professional care.
- 5.3 The price may only be exceeded in connection with any change to tax regulations regarding the VAT.
- 5.4 Total bid price excluding VAT must not exceed maximum value of the performance of the Public Contract pursuant to paragraph 1.4 hereof.
- 5.5 The Applicant shall provide in its bid the breakdown of the total bid price pursuant to Section VI. par. 5 of the binding contract wording that forms **Annex No. 4** hereto.

6 PAYMENT CONDITIONS

- 6.1 The price for the Public Contract performance shall be paid by the Client in the Czech currency based on tax documents – invoices.
- 6.2 Invoicing for performing the Public Contract including payment conditions is specified in the binding contract wording that is an integral part of this Tender Documentation in form of **Annex No. 4** and the contractor shall not be authorised to depart from the specified invoicing. The invoicing address shall be the Client's address – Fyzikální ústav AV ČR, v.v.i., Na Slovance 2, 182 21 Praha 8.

7 EVALUATION CRITERIA

- 7.1 Bids shall be evaluated pursuant to Section 78 paragraph 1 of the Act based on the economic benefit of the bids.
- 7.2 Partial evaluation criteria:
- | | partial criterion significance: |
|--|---------------------------------|
| a) Total bid price | 60 % |
| b) Quality of the bid offered delivery | 40 % |

Within the partial criterion ad a) the Client shall evaluate the amount of the total bid price net of VAT in CZK processed pursuant to Article 5 of the Tender Documentation.

Evaluation method:

The evaluated bid shall be given the point value that shall be produced by a multiple of 100 and the ratio of the price of the cheapest bid received to the price of the evaluated bid, see the following formula:

$$\text{Criterion points} = 100 * \frac{\text{Price of the cheapest bid received}}{\text{Price of the evaluated bid}}$$

Within the partial criterion ad b), the Client shall evaluate the performance quality offered by the applicant. This partial evaluation criterion is divided into the following subcriteria:

| Sub-criterion name | Sub-criterion specification | Significance in % |
|---|--|-------------------|
| Technical quality of the proposed solution and suitability and applicability of underlying documentation and tools used. | The score calculation within this sub-criterion shall be based on the technical quality of the solution offered for the individual tasks in Section I, letters a) to e) of this tender documentation, especially as regards suitability and correct application of relevant numeric tools used for calculation of particles and radiation transport through matter and further tools or underlying information used for the requested implementation solutions. Higher scores shall go to bids which would clearly demonstrate factual comprehension of the nature of tasks and which would provide specific information about the methods of solution, including the information on the applicability of the numerical tools needed to calculate transport of particles and radiation in matter and other tools and underlying information necessary for the proper fulfillment of the defined tasks. | 35 |
| Proposed methodology of delivery especially with the view of correct procedures used by the applicant, the sequence of partial steps taken in the course of the performance of the Public Contract (or parts thereof) | The score calculation within this sub-criterion shall be based on the proposed solution of individual parts of the Performance together with the logical links between individual steps. Higher scores shall go to bids that shall present a credible and specific design of technical procedures for the solution that shall also demonstrate the expertise and knowledge of the applicant regarding the specific technical procedures that make up the performance. | 35 |
| Proposed management of delivery of the performance of the Public Contract, including requirements for cooperation with the Client | The score calculation within this sub-criterion shall be based on the proposed project management, role descriptions of the project team and the proposed mode for cooperation with the Client. Scoring points shall be awarded especially for team members applying their technical expertise in the work on individual deliverables. Higher scores shall go to bids describing the roles and technical competence of individual team members in relation to their specific tasks and to the bids describing a specific plan of and need for cooperation and collaboration with the Client especially on drafting detailed construction documentation | 30 |

Evaluation method:

For criteria that cannot be expressed in numbers, the Evaluation Panel shall determine an order of bids from the most suitable to the least suitable one and shall assign such point evaluation expressing the level of meeting the partial criterion, however, a maximum of 100 points, to each bid.

The evaluation according to the point method shall be provided by the Evaluation Panel by multiplying individual bid point evaluations according to partial criteria with the appropriate significance of the given criterion. Based on the sum of the resultant values of individual bids, the evaluation commission shall determine an order showing how successful the bids are with the most successful bid being the one with the highest value.

- 7.3 The applicant shall not be entitled to include any conditions into its bid. Including conditions or giving several different values in its bid in such parts of bid that are subject to the evaluation shall constitute a reason to disqualify the bid and exclude the applicant from the tender process. The Client shall proceed by analogy in case the applicant submits in its bid any value that is subject to evaluation that is expressed in a different quantity or form than required by the Client.

8 OTHER REQUIREMENTS

- 8.1 The applicant shall be obliged to specify in its bid parts of the Public Contract it intends to assign to one or more subcontractors and provide identification details of all these subcontractors.
- 8.2 The Client shall reserve the right to verify the information provided by the applicant with third parties and the applicant shall be obliged to provide the Client with assistance in this regard.
- 8.3 The Client shall not allow alternative bids.

9 BUSINESS CONDITIONS

- 9.1 The applicant shall be obliged, without any reserve, to accept the binding draft contract (binding contract wording) in form of **Annex No. 4** hereto .
- 9.2 The draft contract must be signed – on the part of the applicant – by an authorized representative or a person to whom such representation was delegated or entrusted. In such a case, the original copy or a certified copy of the power of attorney shall be included in the draft of the contract of the applicant.

10 OPENING ENVELOPES WITH BIDS

Envelopes shall be opened on **September 12th 2011 at 1 PM** at the registered office of OTIDEA a.s at **Palác Broadway, Na Příkopě 31, Prague 1** (entrance B in the middle of the Broadway Arcade, 2nd floor). Representatives of all applicants who have submitted their bids in the bid submission term (not more than two persons per one applicant) shall be authorised to take part in the envelopes opening (however, not the subsequent reviewing and evaluation of the bids). For envelopes opening, representatives of the applicants shall identify themselves by a Power of Attorney issued by the person authorised to act on behalf of the applicant.


LIST OF ANNEXES:

1. Bid Cover Note (to be completed and signed by the applicant)
2. Statutory Declaration (to be completed and signed by the applicant)
3. Technical Specifications
4. Binding Contract Wording (to be completed and signed by the applicant)
5. Statutory declaration pursuant to Annex No. 2 of the Guide for Applicants and Beneficiaries of the RDIOP
6. Declaration of turnover - sample



On behalf of the Client:

On 25 -07- 2011


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doc. Jan Řídký, CSc., Director

Fyzikální ústav AV ČR
veřejná výzkumná instituce
182 21 Praha 8, Na Slovance 2
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