

# Tender documentation

issued pursuant to Sec 44 of Act No. 137/2006 Coll., on Public Contracts

For submission of bids to an above-the-threshold public contract for services in an open awarding procedure with a name:

*Detailed design and demonstrator of a femtosecond OPCPA system at kHz repetition rate using thin disk pump laser technology*

Project name:

**„ELI: Extreme Light Infrastructure“**

**Registration No. CZ.1.05/1.1.00/02.0061,**

Operational Programme Research and Development for Innovation,

Priority Axis 1 European Centers of Excellence,

Area of Intervention 1.1. European Centers of Excellence

Contracting Authority:

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

## Tender documentation

For submission of bids above-the-threshold public contract for services pursuant to Act No. 137/2006 Coll., on Public Contracts (hereinafter the "Act")

### Name of the Public Contract:

**Detailed design and demonstrator of components a femtosecond OPCPA system at kHz repetition rate using thin disk pump laser technology**

**Contracting Authority:** Fyzikální ústav AV ČR, v.v.i.  
**Seat:** Na Slovance 2, 182 21 Praha 8  
**ID:** 68378271  
**Tax ID:** CZ68378271

### Person authorized on behalf of

**The Contracting Authority:** doc. Jan Řídký, DrSc., Director

(hereinafter the "**Contracting Authority**" for the purposes of this Tender documentation and for the purposes of the attached binding draft contract, the Contracting Authority shall be referred to as the "**Client**")

The Contracting Authority shall be represented in the awarding procedure, in accordance with Sec 151 of the Act by **OTIDEA a.s.**, ID: 27142442, with its seat at Na Příkopě 31, 110 00 Praha 1.

**Contact person:** Vladimír Levandovský  
**Telephone:** 286 884 367-8  
**Fax:** 220 951 321  
**Email:** [vladimir.levandovsky@otidea.cz](mailto:vladimir.levandovsky@otidea.cz)

**Person responsible for technical matters:** Bedřich Rus  
**Telephone:** 266 052 871  
**Email:** rus@fzu.cz

## 1 DEFINITION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT

### 1.1 Description of the subject matter

The Contracting Authority is the recipient of funding provided by the Ministry of Education, Youth and Sports of the Czech Republic for the Project “ELI: Extreme Light Infrastructure”, Reg. No. CZ.1.05/1.1.00/02.0061, granted within the framework of the Operational Program Research and Development for Innovation (“OP RDI”), Priority Axis I European Centers of Excellence, Area of Intervention 1.1 - European Centers of Excellence (hereinafter the “**ELI-Beamlines Project**”).

The subject of the present Public Contract for services includes a selection of a supplier who shall undertake – based on a concluded contract for work – to deliver, to the Contracting Authority, for the purposes of the ELI Project, **a detailed design of the pump laser system for the OPCPA amplifier, construction of key subsystems for demonstration purposes, delivery of key components, as well as design of the OPCPA amplifier itself including a system for synchronization with the pump laser with parameters defined in Annex No. 3 and to train the equipment’s operators.**

The applicant agrees to perform all of the above according to the instructions as may be issued by the Contracting Authority and in accordance with valid law. The communication between the Contracting Authority and the contractor during the implementation may take place in person, by email and telephone; meetings will be required for handovers and in order to elaborate on the documentation.

### 1.2 Public contract time schedule

Anticipated commencement date: **1. 7. 2012**

Anticipated completion date: **31. 8. 2013**

The Contracting Authority refers to **Annex No. 4** hereto (binding draft contract) where the required deadlines for the delivery of individual Deliverables to the Contracting Authority are defined.

### 1.3 Place of performance of public contract

Place of performance shall be understood as the seat of the Contracting Authority and other locations as may be required to implement the contract.

### 1.4 Estimated value of the Public Contract<sup>1</sup>

Estimated value: **16,000,000 CZK excl. VAT**

The estimated value has been set by the Contracting Authority as the contract’s maximum value [price] and as such, the applicants’ bids shall not exceed this maximum amount.

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<sup>1</sup> According to provisions of Section 13(1) and (2) of the Act the term estimated value of a public contract shall be understood as an amount of financial liability estimated by the contracting authority and ensuing from the performance of the public contract that the contracting authority shall be obligated to set for the purposes of the award procedure prior to its initiation. In establishing the estimated value, the price net of value added tax, shall be always conclusive. The contracting authority shall calculate the estimated value in compliance with the rules laid down in this Act and on the basis of data and information on contracts of equal or equivalent subject-matter; where such information is not available, the contracting authority shall establish the estimated value based on data and information obtained by means of market research of required performance, or, if appropriate, on the basis of data and information gained in another suitable manner. With regard to the experience with bid of foreign applicants, the contracting authority would like to emphasize that the estimated value does not constitute the bid price and the bid price as submitted by the applicants shall not be higher than the estimated value.

The subject matter of the public contract will be funded from the Operational Program Research and Development for Innovation ("OP RDI"), Priority Axis 1 (PA1).

### 1.5 Classification of the subject matter of public contract

Classification of the subject matter of public contract corresponds to item:

- Scientific and engineering services – **code CPV: 71350000-6**

## 2 TERMS AND CONDITIONS FOR THE PREPARATION OF THE BID

- 2.1 Bids shall be submitted in duly sealed envelopes bearing the name of applicant's company on the overleaf and secured with a stamp or signature of the statutory body of applicant or person authorized to represent the applicant. The envelope must be clearly marked "**Do not open**" and with the name of the public contract "**Detailed design and demonstrator of components a femtosecond OPCPA system at kHz repetition rate using thin disk pump laser technology.**" The envelope must specify the address to which notifications pursuant to Article 71(6) of the Act may be sent.
- 2.2 Bids shall be submitted no later than on the 25<sup>th</sup> of May 2012 before 11:00 am at the address of the OTIDEA company, at Palace Broadway, Na Příkopě 31, 110 00 Prague 1 (entrance in the middle passage B Broadway, 2nd floor). Bids may be delivered by any suitable means (mail, courier, personally, etc.) at the above address on business days between 8:30 am and 3:30 p.m. and on the last day of the submission period before 11:00 am. Other methods of delivery shall not be considered to constitute a properly delivered bid.
- 2.3 The bid must list identification information of the applicant, including: business name, address, identification number, a person authorized to act on behalf of the applicant, or a person authorized to represent the applicant, contact address for correspondence between the applicant and the Contracting Authority.
- 2.4 The bid, including all of its attachments, unless stated otherwise, shall be prepared in Czech or English language and must include a signed binding draft contract (Annex No. 4 of the Tender documentation), signed by the person authorized to act on behalf of or for the applicant.
- 2.5 All sheets in the bid shall be numbered using a continuous series and rigidly bound to each other or sewn together, so that they are adequately secured against removal from the binding. Bids shall be clear and legible, with no deletions or over-writing.
- 2.6 The applicant shall be bound by the entire contents of the bid for 90 days from the deadline for the submission of bids.
- 2.7 The applicant shall submit the bid in one original; the Contracting Authority recommends that in addition to the original submission of the bid, the applicant also submits one simple copy of the bid.
- 2.8 The applicant shall submit the bid also in electronic form on a CD-ROM, in MS Office or compatible, or in PDF format The draft contract shall be provided on the CD in a standard rewritable format (e.g. DOC).

- 2.9 If the bid is submitted by more applicants together (joint bid), the bid shall also specify the person who is authorized to represent the applicants in contact with the Contracting Authority during the awarding procedure.
- 2.10 The bid must be submitted in the following structure:
- a) Cover sheet for the bid  
The Cover sheet shall contain the following information: name of the public contract, the basic identification information of the Contracting Authority and the applicant(s) (including information on persons authorized to act on their behalf), the highest acceptable bid price, broken down according to specifications provided herein, the date and signature of the person authorized to act on behalf of the applicant. The applicant shall use wording provided in **Annex No. 1** hereto.
  - b) Table of Contents  
It must contain all of the chapters in the bid according to the required structure, which assigned page numbers.
  - c) General information about the applicant:  
Name of the applicant, legal form, seat, registration numbers, banking details, names of company statutory bodies and their contacts (phone, fax, email address), persons authorized to represent the company in negotiations, including written authorization to represent the company, and the company profile.
  - d) Documents proving fulfilment of the qualifications criteria in the structure as set out in Article 3 of the Tender documentation
  - e) The bid price, broken down as required in Article 5 hereof
  - f) The required relevant data and information for evaluation purposes in accordance with Article 7 hereof, including detailed conceptual design solution of the subject matter
  - g) Signed binding draft contract by the person authorized to act on behalf of the applicant; the applicant is required to use the wording of the contract as referred to in Annex No. 4 to this Tender documentation
- 2.11 The applicant shall be entitled to request additional information in writing with respect to these award terms and conditions in the form of a written request addressed to the Contracting Authority's contact person. The Contracting Authority will provide answers to all duly submitted questions in writing in accordance with Sec 49(2) and (3) of the Act.

### **3 QUALIFICATION OF THE CONTRACTORS**

- 3.1 Qualification criteria pursuant to Sec 50 *et seq* of the Act shall be met by those applicants who will demonstrate:
- fulfilment of the basic qualification criteria according to Sec 53 of the Act
  - fulfilment of the professional qualification criteria according to Sec 54 of the Act
  - fulfilment of technical qualification criteria according to Sec 56 of the Act

### 3.2 **Deadline for the fulfilment of qualification criteria**

Applicants must demonstrate compliance with the qualification requirements within the period for the submission of bids referred to in paragraph 2.2 of the Tender documentation.

### 3.3 **Basic qualification criteria**

3.3.1 Basic qualification criteria are met by a contractor 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 supplier'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 supplier 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 supplier'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 supplier'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 supplier 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 (Sec 49 of the Commercial Code),
- 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 its registered office and in the country of the supplier'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 supplier'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 supplier's registered office, place of business or a place of residence,
- i) has not been subject to disciplinary punishment during the last 3 years and who has not been subject to any disciplinary measure imposed on him through a final decision pursuant to the special legal regulations during the last 3 years if demonstrating of professional qualifications pursuant to the special legal regulations is required pursuant to Section 54 (d); if the bidder performs this activity through an authorised representative or some other person responsible for the bidder's activity, this criterion applies to these persons – THE CONTRACTING ENTITY DOES NOT REQUIRE THAT THIS CRITERION BE DEMONSTRATED,
- j) are not listed in the register of entities which are prohibited from participating / performing in public tenders,
- k) has not been subject to a fine for allowing illegal work pursuant to Section 5 (e) (3) of Act No. 435/2004 Coll., on employment, imposed through a final decision during the last 3 years,
- l) submit a list of its statutory bodies or the members of its statutory bodies who have worked for the Contracting Authority in the last 3 years and
- m) submit an up-to-date list of all its shareholders who hold at least a 10 % share in the company, if the supplier has the legal form of a joint stock company.

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

- a) an extract from the Register of Criminal Offences for paras 3.3.1 a), b) of the Tender documentation. Extract from the Register of Criminal Offences shall be submitted by applicant, if a legal person, for its statutory body or all members of the Board. If the applicant wishes to submit the bid of a foreign legal entity through its organizational unit, the applicant shall submit criminal records extracts for the branch manager(s), as well as the statutory body or all members of the statutory authority of a foreign entity. The extract from the Criminal Register shall not be older than 90 days as of the date of expiry of the deadline for submission of bids.
- b) confirmation from the tax office and in relation to the excise tax affidavit for para 3.3.1 f) of the Tender documentation, which must not be older than 90 days as of the date of expiry of the deadline for submission of bids.
- c) confirmation of the competent authority of the Czech Social Security Administration for para 3.3.1 h) of the Tender documentation, which must not be older than 90 days as of the date of expiry of the deadline for submission of bids.
- d) affidavits with reference to paragraphs 3.3.1 c), d), e), g), i), j) and k) of the Tender documentation; the applicant may use wording provided in **Annex No. 2** hereto.
- e) the list of statutory bodies or members of statutory bodies of the applicant who worked for the Contracting Authority in the last three years for para 3.3.1 l), in the form of an affidavit.
- f) up-to-date list of shareholders who hold more than 10 % of the company, if the applicant is a joint stock company for para 3.3.1 m).

### 3.4 Professional qualification criteria

Fulfilment of professional qualification criteria will be demonstrated by contractor who:

- a) will present a certificate of registration / incorporation, if it is registered, or extract from any other similar evidence, if registered therein, not older than 90 days as of the date when qualification is demonstrated, i.e. as of the date of expiry of the deadline for submission of bids,
- b) proof of authorization to do business in accordance with special laws to the extent corresponding to the subject matter of public procurement, especially the proof of a business license or an extract from the Trade Register.

### 3.5 Technical qualification criteria

Fulfilment of the technical qualification criteria will be demonstrated by a contractor, who submits:

- a) a list of at least 3 important services provided by the contractor in the last 3 years giving their extent and time period over which they were provided; this list shall include the following attachments
  - a certificate issued by a public contracting authority, if the services were provided to a public contracting authority, or
  - a certificate issued by another entity if the services were provided to an entity other than a public contracting authority, or
  - and affidavit of the contractor, if the services were provided to a person other than a public contracting authority and, if the certificate under the preceding paragraph cannot be obtained from this entity for reasons on their part;

An “important” service shall be considered a service in the development or applications of femtosecond lasers , where at least one of the above services reached the amount of 2,000,000 CZK (80,000 EURO). The certificate or a statutory declaration must give (i) the name of the client, (ii) the name of the project, under which the services were provided, (iii) the factual description of the content and scope of services provided.

- b) A list of team members who will participate in the public contract under the provisions of Sec 56(2)(b) of the Act, the minimum being 3 people, in the form of an affidavit. For each team member a contractual relationship with the applicant needs to be specified (e.g. labour law relationship, under authorship contract, etc.) and the position for which he/she will be responsible. The Contracting Authority requires that the list includes at least the following positions:
  - Project leader
  - 2 members of implementing team

In the event that a member of the team will be in a different relationship to the applicant than employment contract with the contractor, the contractor shall provide subcontractor contracts as well as an affidavit that such person has familiarized himself with the Tender documentation and an affidavit of the person to the effect that if the award will go to the contractor he shall be bound and set aside the time necessary for the execution of the contract throughout its duration.

- c) a certificate of completed education and professional qualifications of the contractor for persons responsible for providing the services under the provisions of Sec 56(2)(e) of the Act, i.e. at least for persons listed under letter b) above, the Contracting Authority requires a minimum level of education and experience level of the individual positions as follows:



- Project leader - a university degree in physics or engineering field and 10 years of experience in similar position with the management and delivery of development projects in the field of femtosecond lasers and optical technologies. These facts must be specifically demonstrated by the applicant on his CV.
- Members of the team - a university degree in physics or engineering field.

Applicants demonstrate compliance with the qualification requirements by the signed structured CVs for individual team members, which shall demonstrate compliance with min. extent of required qualifications and practical experience. The professional CVs of individual team members must include at least the following required information:

- i) name and last name;
- ii) the highest level of completed education;
- iii) the total length of practice and experience in relevant positions in a contract (years);
- iv) a summary of relevant professional experience related to position for public contracts, including a brief description of the activities and major projects on which the expert worked;
- v) proof of completed education (e.g. university diploma)
- vi) the date and the handwritten signature.

- 3.6 The contractor shall submit copies of documents proving qualification. Evidence demonstrating compliance with the qualification requirements that are in other than the Czech, Slovak, English, German or French language, must be submitted in an official translation into Czech or English language.
- 3.7 The applicant shall be entitled, in accordance with the provisions of Sec 127(1) of the Act to demonstrate fulfilment of the basic qualification criteria within the scope pursuant to Section 127 (1) (a) of the Act and professional qualification requirements under Sec 54 of the Act by submitting an extract from the List of Qualified Contractors which demonstrates compliance to the extent in which the documents proving the fulfilment of these professional qualifications cover the requirements of the Contracting Authority for their demonstration. This excerpt from the List of Qualified Contractors shall be in accordance with Sec 127(4) of the Act not older than 3 months.
- 3.8 Where the fulfilment of the qualification criteria shall be demonstrated through a subcontractor, the contractor shall submit the following documents to the Contracting Authority:
  - A document, which demonstrates subcontractor's compliance with the basic qualification criteria as provided under Sec 53(1)(j) of the Act, i.e. a statutory declaration that the subcontractor is not included in the register of persons prohibited from performing public contracts,
  - A document, which demonstrates subcontractor's compliance with the professional qualification criteria as provided under Sec 54(a), i.e. a certificate of registration incorporation, if it is registered, or extract from any other similar evidence, if registered therein, not older than 90 days as of the deadline for the submission of bids,
  - An agreement concluded with the subcontractor proving that the subcontractor entered into a binding commitment to provide the intended performance of the public contract or the contractor, or to provide goods or rights, which will entitle the

contractor to perform the public contract, at least to the extent in which the subcontractor has demonstrated compliance with qualification criteria. The contractor is however cannot demonstrate compliance with qualification requirements pursuant to Sec 53 and Sec 54(a) by using a subcontractor.

- 3.9 If the public contract is to be performed by several contractors together and for this purpose they submit a joint bid, each of the contractors shall then demonstrate compliance with the basic qualification requirements pursuant to Sec 53 of the Act and the professional qualifications provided under Sec 54(a) in their entirety. Contractors will also be required to submit a contract, which contains a commitment that all of these contractors will be bound jointly and severally, for the whole duration of the contract, vis-a-vis the Contracting Authority and any other third parties on the basis of any legal relationship that may arise in connection with this tender procedure.

3.10 **Demonstrating fulfilment of qualification criteria of foreign entities**

Unless otherwise provided by special legal regulation, a foreign supplier 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 the Act 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 supplier, the foreign supplier shall be obliged to demonstrate fulfilment of such part of the qualification criteria in the form of a statutory declaration [an affidavit issued and executed by the statutory officer of the applicant]. 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 supplier, the foreign supplier shall provide a statutory declaration with respect to such fact.

Documents demonstrating fulfilment of qualification criteria shall be submitted by the foreign supplier in the original language, accompanied by their official translation into Czech or English, unless otherwise provided by the Contracting Authority in these Qualification Conditions or by international treaty by which the Czech Republic is bound; this shall also apply should fulfilment of qualification criteria be demonstrated by documents in other than in Czech, Slovak or English language by a supplier with a registered office, place of business or residence on the territory of the Czech Republic. For this particular public contract, the Contracting Authority decided to allow that the applicants may also submit documents demonstrating fulfilment of qualification criteria in Slovak, English, German or French language; this means that the applicant does not need to submit official translations into Czech language for documents demonstrating fulfilment of qualification criteria that were submitted in Slovak, English, German or French language.

3.11 **Failure to fulfil qualification criteria**

A contractor who fails to fulfil the qualification criteria defined herein to the required extent or who fails to comply with obligations laid down in Section 58 of the Act shall be excluded by the Contracting Authority from the awarding / tender procedure.

## 4 TECHNICAL CONDITIONS

- 4.1 The subject matter must meet all performance requirements specified in this Tender documentation and in **Annex No. 3**, which forms an integral part hereof.

## 5 STRUCTURE OF THE PRICE OF THE BID

- 5.1 The applicant must indicate the total bid price, in a breakdown indicating the price in CZK without VAT, the applicable VAT rate, the amount of VAT separately in CZK and the total bid price in CZK including VAT.
- 5.2 The bid price shall represent a firm and binding commitment as to the maximum allowable price including all fees and any other costs related to the performance of the public contract. The tender price must include all costs that are not explicitly mentioned, but which the contractor may anticipate due to their professional expertise and professional care or which he should and could have anticipated.
- 5.3 The price may be exceeded only in relation to statutory changes to the VAT rates.
- 5.4 The total bid price without VAT shall not exceed the maximum estimated value of the public contract in accordance with Article 1.4 of this Tender documentation.
- 5.5 The applicant shall provide a breakdown of the bid price in the structure pursuant to Article VI (4) of the draft binding contract which is attached hereto as **Annex No. 4**.

## 6 PAYMENT TERMS

- 6.1 The consideration for the performance of the public contract shall be paid by the Contracting Authority in the Czech currency based on tax documents - invoices. Billing address is the address of the Contracting Authority – Fyzikální ústav AV ČR, v.v.i., Na Slovance 2, 182 21 Praha 8. The individual tax documents - invoices shall be payable within 30 days of issue.
- 6.2 Invoicing terms are set forth in the draft contract, which is attached hereto as Annex No. 4 and forms an integral part of the Tender documentation, and the contractor shall not be entitled to depart from these terms in any manner.
- 6.3 Should the Contracting Authority be obliged to respect conditions and requirements set forth by state authorities which provide the subsidy that is used to pay for the performance of the public contract, which may trigger an amendment of the payment terms agreed in the contract, no such deviation by the Contracting Authority (the Client) due to these fact shall represent a breach of contract.

## 7 EVALUATION CRITERIA

- 7.1 Tenders will be evaluated in accordance with Sec 78(1) of the Act on the basis of value for money.
- 7.2 Partial evaluation criteria are:
- |  |                          |      |
|--|--------------------------|------|
| a) The total bid price                 | partial weight criteria: | 60 % |
| b) The quality of the offered services |                          | 40 % |

**For the sub-criteria a)**

Contracting Authority will evaluate the total bid price in CZK excl. VAT, as prepared pursuant to Section 5 of the Tender documentation.

Method of evaluation:

Evaluated bid will receive a point value that is calculated as a multiple of 100 and the value ratio between the best (lowest submitted) bid and the evaluated bid – refer to the formulae below:

$$\text{Number of points for this criteria} = 100 * \frac{\text{the lowest bid price}}{\text{price of the evaluated bid}}$$

**For the sub-criteria b)**

Contracting Authority will evaluate the quality of the service offered by the applicant.

1) The applicant shall submit to the Contracting Authority a detailed conceptual design solution for the subject matter of this public contract, from which the Contracting Authority will be able to consider and evaluate the technical quality, completeness and the level of the physical and engineering aspects of the proposed solution.

For the purpose of assessing the accuracy and completeness of the bid, the conceptual design on the basis of thin disks must be documented, firstly, by an experiment proving that the proposed solution achieved the average laser output power greater than  $\geq 50$  W at a repetition rate of laser pulses  $\geq 1$  kHz and, secondly, by arguments put forward by the applicant, which are documented by relevant calculations, demonstrating that the proposed solution is able to achieve the required extremely high energy at a repetition frequency of  $\geq 1$  kHz, while maintaining high quality and stability of the output beam. The evaluation committee will assess whether the submitted detailed conceptual designs meet the basic technical requirements set forth by the Contracting Authority in the Tender documentation and its annexes.

2) In the event that submitted proposal for solution will be found by the evaluation committee as actually feasible, it will be further evaluated in terms of presented design concept, elimination of potential risks, while better evaluation will be awarded to a conceptually clear solution avoiding the most risk.

Method of evaluation:

For criteria that cannot be expressed numerically, the evaluation committee shall order the bids from best to least appropriate and assign to each bid a score that expresses the degree of fulfilment of the criteria b), the best score being 100 points.

This point evaluation will be further processed so that each point evaluation of submitted bids according to the respective sub-criteria will be multiplied by the weight of the respective criteria. The evaluation committee shall then order the individual bids on the basis of the sum of achieved values for individual bids and the most successful bid is determined by reaching the highest value.

- 7.3 Applicants are not entitled to make qualified bids. Submitting a qualified bid or specifying several different values in the bid in those parts that are subject to evaluation shall constitute a reason for the exclusion of the bid from evaluation process and exclusion of the applicant from bidding in the tender. Similarly, the Contracting Authority will proceed identically if the bid is placed with a value that is subject to evaluation, in another variable or form other than required by the Contracting Authority.

## **8 OTHER REQUIREMENTS**

- 8.1 Applicants are required to specify in their bids those parts of the tender / public contract that they intend to perform using one or more subcontractor, and must indicate the identity of these subcontractors.
- 8.2 The Contracting Authority reserves the right to verify the information provided from third parties, and applicants shall be obliged to provide all necessary assistance in this regard.
- 8.3 The Contracting Authority will not allow alternative bids.

## **9 TERMS AND CONDITIONS**

- 9.1 Applicants shall be required to accept the binding draft contract, as attached hereto in the form of Annex No. 4, without reservations.
- 9.2 The binding draft contract must be signed by the applicant's authorized person or person so authorized. An original or certified copy of any such authorization or power of attorney will constitute a part of the contract returned signed by the applicant.

## **10 OPENING OF THE SUBMITTED BIDS**

The opening of the envelopes with submitted bids will be held on 25<sup>th</sup> of May 2012 at 1 pm at the headquarters of OTIDEA, Broadway Palace, Na Příkopě 31, Prague 1 (entrance B of the middle passage Broadway, 2nd floor). Opening of the envelopes (but not the subsequent assessment and evaluation of bids) may be attended by applicants who properly submitted bids within the given deadlines (maximum two persons per applicant). Prior to the opening of the envelopes, these representatives shall demonstrate their credentials by presenting respective powers of attorney issued by a person authorized to act on behalf of the applicant.

### **LIST OF ANNEXES:**

1. Cover sheet (to be filled in and signed by the applicant)
2. Affidavit (to be filled in and signed by the applicant)
3. Technical specification of the performance required
4. Draft binding wording of the contract (to be filled in and signed by the applicant)

### **On behalf of the Contracting Authority:**

On .....

.....  
doc. Jan Řídký, DrSc., Director

Annex No. 1

# COVER SHEET

## NAME OF THE PUBLIC CONTRACT:

Detailed design and demonstrator of components a femtosecond OPCPA system at kHz repetition rate using thin disk pump laser technology

**Contracting Authority:** Fyzikální ústav AV ČR, v.v.i.  
**Seat:** Na Slovance 2, 182 21 Praha 8  
**ID:** 68378271

**Person authorized to represent the Contracting Authority:** doc. Jan Řídký, DrSc., Director

**Applicant:** .....

**Registered offices:** .....

**Corporate ID:** .....

**Tax ID:** .....

**Authorized representative:** .....

**Banking details:** .....

**Persons representing applicant:** .....

**Contact person:** .....

**Contact address:** .....

**Tel.:** ..... **e-mail:** .....

## **Bid price:**

**Total price excl. VAT:** ..... CZK

**Total price incl. VAT:** ..... CZK

.....  
Business name – signature of  
authorized person (to be filled in by  
the applicant)

## Annex No. 2

# Affidavit

given pursuant to Act No. 137/2006 Coll., on Public Contracts (hereinafter the "Act")

I hereby solemnly declare, that

With reference to Sec 53(1)(c) of the Act - contractor has not, in the last three years, committed acts constituting unfair competitive practice in the form of bribery pursuant to Sec 49 of the Commercial Code,

With reference to Sec 53(1)(d) of the Act - contractor is not or has not been subject to insolvency proceedings involving its assets, in which the declaration of bankruptcy has been issued or insolvency petition has not been rejected due to lack of assets on the part of the economic operator to cover the costs of insolvency proceedings, or the declaration of bankruptcy has not been set aside because of the economic operator's insufficient property or in respect of which the receivership has been imposed on under separate legal regulation,

With reference to Sec 53(1)( e) of the Act - contractor is not being wound up [in liquidation],

With reference to Sec 53(1)(f) of the Act - contractor has no outstanding tax arrears registered in tax records (excise tax), both in the Czech Republic and in the country of registered office, place of business or residence,

With reference to Sec 53(1)( g) of the Act - contractor has no outstanding arrears in respect of payments and penalties of public health insurance, both in the Czech Republic and in the country of registered office, place of business or residence of the contractor,

With reference to Sec 53(1)( j) of the Act - contractor is not enrolled on the black list of economic operators banned to participate in the performance of public contracts,

With reference to Sec 53(1)(k) of the Act - during the last three years, a fine has not been imposed on the contractor through a final decision for allowing illegal work pursuant to Section 5 (e) (3) of Act No. 435/2004 Coll., on employment,

With reference to Sec 53(1)(l) of the Act - we attach the list of statutory organs of or members of statutory bodies who worked for the Contracting Authority within the last three years<sup>1</sup>:

Name	Last name

With reference to Sec 53(1)(m) of the Act - we attach an up-to-date list of shareholders who hold more than 10 % of shares (to be attached hereto)<sup>1</sup>

<sup>1</sup> Should there be no such persons the applicant shall make an explicit declaration to that effect - no statutory representatives or members of its bodies worked for the Contracting Authority within the last three years. Applicants shall add lines into table as may be required.



In ..... On .....

.....  
(Business name – statutory  
representative of the applicant – to be  
filled in by applicant)

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<sup>1</sup> Applies only to joint-stock companies





## **Annex No. 3 – Technical specification**



## **Annex No. 4 – Binding text of the contract**