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TENDER DOCUMENTATION

issued pursuant to Sec 44 of Act No. 137/2006 Coll., on Public Contracts,
as amended (the "Act"),

for preparation of bids for an above-the-threshold public contract for supplies
tendered in *open proceedings* pursuant to § 27 of the Act, published in the Public
Procurement Bulletin under No. 479977

NAME OF THE PUBLIC CONTRACT:

MOVPE APPARATUS

Contracting Authority:





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TENDER DOCUMENTATION

This tender documentation (TD) forms a basis for preparation of bids in open proceedings seeking public contract for supplies pursuant to Act No. 137/2006 Coll., on Public Procurement, as amended (hereinafter the "Act"). The rights, obligations and terms and conditions stipulated herein are governed by the Act.

Public Contract name: MOVPE Apparatus

Name of the project
under OP PC:

"Laboratory for preparation and characterization of semi-conductor structures based on nitrides – LABONIT," Reg. No. CZ.2.16/3.1.00/21560

Contracting Authority: Fyzikální ústav AV ČR, v.v.i.
Seat: Na Slovance 2, 182 21 Praha 8
Identification No.: 68378271
Tax Identification No.: CZ68378271
**Person authorized to represent
the Contracting Authority:** Prof. Jan Řídký, DrSc., Director

(Hereinafter the "**Contracting Authority**" for the purposes of this Tender documentation and / or "Buyer" for the purposes of the hereto attached Purchase Contract)

Contact person: Vladimír Levandovský
Telephone: +420 266 052 591
E-mail: levandovsky@fzu.cz

Provision of additional information to tender documentation:

Bidders (suppliers) are entitled to request additional information to the tender documentation in writing pursuant to § 49(1) of the Act; request in writing shall be delivered to the above specified contact person (by post or by email incorporating an electronic signature). Any such written request must be delivered to the Contracting Authority no later than 6 business days prior to the bid submission deadline. Other requests for information (for instance personally, or over the telephone) will not be accepted. The Contracting Authority shall provide responses to all duly submitted requests pursuant to Sec 49(2) and (3) of the Act.

1 DEFINITION OF THE SUBJECT-MATTER OF THE PUBLIC CONTRACT

1.1 Classification of the subject matter of the public contract

Classification of this public contract corresponds to item:

- CPV code: 38000000-5 – Laboratory, optical and high-precision equipment (excl. glass)

Type of public contract: above-the-threshold public contract for supplies

Type of tendering proceedings: open proceedings



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1.2 Description of the subject matter of the public contract

This public contract is divided in accordance with § 98 of the Act into the following parts:

- 1) **Part 1 - MOVPE apparatus** – the subject matter of this public contract is supply (acquisition) of apparatus based on organo-metallic epitaxy technology allowing preparation of nitride nano-hetero-structures. The apparatus will possess construction using the latest knowledge allowing production of the highest quality nitride nano-hetero-structures. Acquisition shall be understood as purchase, tailor-made solution, delivery, installation and commissioning of the apparatus. The apparatus must comply with all technical and safety standard valid in the Czech Republic for this type of equipment. Performance hereunder includes handover of the complete documentation for the apparatus.
- 2) **Part 2 – Chamber for removal of ammonia and metal-organics** - the subject matter of this public contract is supply (acquisition) of a scrubber removing ammonia and metal-organics in the gases exhausted from the MOVPE process. Acquisition shall be understood as purchase, delivery, installation. The equipment must comply with all technical and safety standard valid in the Czech Republic for this type of equipment. Performance hereunder includes handover of the complete documentation for the equipment.

Bidders may submit bids for one of the parts only or for both parts. Bids for both parts shall however be submitted separately in separate envelopes.

More detailed specification of the subject matter and additional technical requirements of the Contracting Authority are provided in Chapter 4 below.

1.3 Term

Anticipated commencement:	immediately after contract execution
Anticipated completion of part 1:	within 7 months from contract execution
Anticipated delivery of part 2:	within 4 months from contract execution
Anticipated installation of part 2:	within 1 month from delivery of the MOVPE apparatus

The term of the public contract is subject to successful completion of the tendering procedure. The Contracting Authority reserves the right to unilaterally adjust the anticipated dates with regard to its actual operational and organizational needs. The LABONIT Project end on 30 June 2015 and all project activities must be completed by that date, including all purchases and installations of equipment.

1.4 Place of Performance

Place of performance shall be the premises of the Fyzikální ústav AV ČR, v.v.i. ("IoP"), at Cukrovarnická 10, Praha 6, building F, room No. F107.

1.5 Anticipated value

Anticipated value of the public contract is **30 139 000,- CZK excl. VAT**, structured as follows:

- Anticipated value of part 1 is 28 900 000,- CZK excl. VAT;
- Anticipated value of part 2 is 1 239 000,- CZK excl. VAT.

The public contract is financed under Operational programme Prague – Competitiveness (**OPPC**). This public contract is co-financed by the European Regional Development Fund.



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2 CONDITIONS AND REQUIREMENTS REGARDING THE DRAWING UP OF A TENDER

- 2.1 Bids shall be submitted in writing separately for each part in duly sealed envelopes bearing the name of the bidder's company on the overleaf and secured against tampering with a stamp or signature of the statutory body of bidder or person authorized to represent the bidder. The envelope must be clearly marked "**Do not open**" and with the name of the public contract and the respective part of the public contract, i.e. "**Part 1 – MOVPE apparatus**" or "**Part 2 - Chamber for removal of ammonia and metal-organics.**" The envelope must specify the address to which notifications pursuant to Article 71(5) of the Act may be sent to bidders
- 2.2 Bids shall be submitted no later than on **June 16, 2014 by 10:00 am** to the address of the Contracting Authority's seat at Na Slovance 1999/2, 182 21 Praha 8, Czech Republic, to the mail room at the ground floor by the main entrance (please use the entrance from Pod Vodárenskou věží 1 street). Bids may be delivered by any suitable means (mail, courier, personally, etc.) at the above address on business days between 7:30 am and 3:15 p.m. and on the last day of the submission period only **by 10:00 am**. Other methods of delivery shall not be considered to constitute a properly delivered bid.
- 2.3 The bid must include, in line with § 68 of the Act, **identification data of the bidder**, i.e. primarily: business name, registered office, identification number, legal form, persons authorized to act on behalf of / represent the bidder, contact details for correspondence. The bid must also include **signed draft contract**, duly signed by the person authorized to act on behalf of / represent the bidder. The bid shall also include:
- a) the list of statutory bodies or members of such statutory bodies of the bidder who have been in the preceding 3 years (prior to submission date) in an occupational, functional or any other relationship of that kind to the Contracting Authority, or an affidavit confirming that no statutory body or member of such statutory body of the bidder have been in the preceding 3 years (prior to submission date) in an occupational, functional or any other relationship of that kind to the Contracting Authority;
 - b) if the bidder has the legal form of a joint stock company, a list of shareholders, dated as of the submission date for the bid, who hold at least 10% shares of the total nominal value of the registered capital in the bidder's company,
 - c) the declaration of the bidder that it has not concluded nor will conclude any contract banned under Act no. 143/2001 Coll., on Protection of Competition (the "CPA"), as amended in the context with the public contract which is being awarded hereunder.
- 2.4 The bid may be prepared in the Czech or English language. Manuals may be submitted in English same as the corporate prospects, promotional and other materials, which are not specifically requested by the Contracting Authority but which the bidders may decide to attach to the bid.
- 2.5 All sheets constituting the bid shall be numbered using a series of continuous ascending numbers and rigidly bound to each other or sewn together, so that they



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- are adequately secured against tempering or removal from the binding. Bids shall be clear and legible, with no deletions or over-writing.
- 2.6 Bidders shall be bound by the entire content of their bid for 120 days from the deadline for the submission of bids.
- 2.7 Bidders shall submit the bid in one hardcopy original; the Contracting Authority recommends that one simple copy of the entire bid is submitted as well. All shall printed matter shall be clear and legible, with no deletions or over-writing.
- 2.8 Bidders shall submit the bid also in electronic form on a suitable data carrier, i.e. CD-ROM or flash disk, in MS Office or PDF compatible format. The filled-in draft contract shall be also saved on the CD-ROM in a standard open & modifiable format (such as .DOC or similar) in the form as signed and bound into the hardcopy bid, with the attached signature of the authorized person on the part of the bidder.
- 2.9 If the bid is submitted by more than one Bidder jointly (joint bid), the bid shall also specify the person who is authorized to represent the Bidders in contact with the Contracting Authority during the tendering procedure.
- 2.10 The bid (for each part separately) must be submitted in the following structure:
- a) **Cover sheet** specifying the basic identification information of the bidder, the maximum admissible bid price date and the date and signature of the person authorized to act on behalf of the bidder. Bidder may use the form provided in Annex 1 hereto;
 - b) **Table of Contents** containing all of the chapters in the bid according to the required structure, which assigned sheet / page numbers;
 - c) **General information on the bidder** – name of the bidder, legal form, seat, corporate ID, tax ID, banking details, names of the statutory representatives, contact details (telephone, fax, e-mail, address, contact person), persons authorized to act on behalf of the bidder and their power of attorney;
 - d) **Documents proving fulfilment of the qualification criteria** in the structure as set out in Article 3 of the tender documentation incl. Affidavit on the economic and financial capacity to fulfil the public contract hereunder and description and specification of the performance offered demonstrating that the Contracting Authority's requirements regarding subject matter of the contract are met (refer to Annexes No. 2, 3, and 4 hereto);
 - e) **Information pursuant to § 68(3) of the Act**, i.e. list of statutory bodies or members of such statutory bodies of the bidder who have been in the preceding 3 years (prior to submission date) in an occupational, functional or any other relationship of that kind to the Contracting Authority, , or an affidavit confirming that no statutory body or member of such statutory body of the bidder have been in the preceding 3 years (prior to submission date) in an occupational, functional or any other relationship of that kind to the Contracting Authority, a list of shareholders, dated as of the submission date for the bid, who hold at least 10% shares of the total nominal value of the registered capital in the bidder's company, if the bidder has the legal form of a joint stock company, and the declaration of the bidder that it has not concluded nor will conclude any contract banned under Act no. 143/2001 Coll., on Protection of Competition (the "CPA"), as amended in the context with the public contract which is being awarded hereunder (please refer to Annex No. 6 hereto);



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- f) Statement defining **the bid price** in the structure according to Article 5 hereof;
- g) Signed binding draft wording of the contract by a person duly authorized to act on behalf of the bidder; bidders shall use the wording as provided in Annex 5a and 5b.

3 QUALIFICATION CRITERIA

3.1 Qualification criteria shall be met by those bidders who will demonstrate:

- a) fulfilment of the basic qualification criteria according to § 53 of the Act,
- b) fulfilment of the professional qualification criteria according to § 54 of the Act,
- c) who will submit declaration on their economic and financial capacity to provide performance required hereunder (using form provided in Annex 3),
- d) fulfilment of technical qualification criteria according to § 56 of the Act.

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

All bidders must demonstrate compliance with the qualification requirements within the period for the submission of bids referred to in paragraph 2.2 hereof.

3.3 **Basic qualification criteria**

3.3.1 Basic qualification criteria for both parts of the public contract will be met by bidders 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) have not been finally 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



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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,
- 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) are not been found guilty for grave professional misconduct in the preceding 3 years or has not been imposed a disciplinary punishment under separate legal regulations, where demonstration of professional qualifications under separate legal regulations is required pursuant to § 54(d); when the Bidder pursues such an activity through a person in authority or any other person liable for the activity of a Bidder, this prerequisite shall be applicable to those persons
- j) are not listed in the register of entities which are prohibited from participating / performing in public tenders,
- k) have not been penalized in the preceding 3 years for allowing illegal employment in accordance with special legal regulation.

3.3.2 Bidders demonstrate fulfilment of the basic qualification criteria for both parts of the public contract by submitting:

- a) extract from the Criminal Registry Records for 3.3.1 a), b) hereof. Extracts from the Criminal Registry Records shall be submitted on behalf of the legal entity submitting the bid and its statutory body(ies) or all members of the statutory body, as applicable. Should the bid submitted by a foreign corporation via its organizational branch, the bidder shall submit the extract from the Criminal Registry Records for the branch manager and the legal entity and its statutory body(ies) or all members of the statutory body of the foreign corporation, as applicable. The extract from the Criminal Registry Records shall not be older than 90 days as of the date of bid submission.
- b) Confirmation of the relevant financial authority and in relation to the consumption tax in the form of an affidavit for 3.3.1 f) hereof, which shall not be older than 90 days as of the date of bid submission.
- c) Confirmation of the relevant authority or institution (in Czech Republic by confirmation issued by the relevant branch of the Czech Social Security

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Administration) for 3.3.1 h) herein, which shall not be older than 90 days as of the date of bid submission.

- d) Affidavits for 3.3.1 c), d), e), g), i), j) and k) hereof; bidders may use affidavit forms provided in Annex No. 2 hereto.

3.4 Professional qualification criteria

Fulfilment of professional qualification criteria for both parts of the contract separately will be demonstrated by bidders who submit:

- a) a certificate of registration from the Commercial Registry, or extract from any other similar evidence, if registered therein, not older than 90 days as of the date of bid submission,
- b) document demonstrating that the bidder carries an authorization to perform business activities according to special regulation at least in the extent corresponding to the performance actually provided hereunder.

3.5 Technical qualification criteria

Fulfilment of the technical qualification criteria for both parts of the contract separately will be demonstrated by a bidder, who submits:

- a) according to § 56(1)(a) of the Act a list of important services or projects delivered by the bidder in the past 3 years, specifying their extent and the time over which they were provided. This list will be provided in the form of an affidavit and will contain information on the name of the Contracting Authority, project name, place and date of completion and the financial value of the supply within the project; the affidavit will be accompanied by
- Certificate issued by a public contracting authority to that effect, if the services were provided to a public contracting authority, or
 - Certificate issued by any other person or entity if services were provided to a person other than a public contracting authority, or
 - Contract with other person / entity and document demonstrating performance by the bidder, if the confirmations required above cannot be obtained from such person due to reasons on their part.

An important project /service for part 1 hereof shall be considered as delivery of technology apparatus based on the organo-metallic epitaxy allowing preparation of nitride nano-hetero-structures in the financial value of at least 20 000 000,- CZK excl. VAT for one client. Bidders shall demonstrate implementation / delivery of at least three such important projects.

An important project /service for part 2 hereof shall be considered as delivery of a scrubber removing ammonia and metal-organics in the financial value of at least 750 000,- CZK excl. VAT for one client. Bidders shall demonstrate implementation / delivery of at least one such important project.

- b) In accordance with § 56(1)(e) of the Act, the bidders shall provide description of the goods / equipment to be supplied. The Contracting Authority requires concrete technical specification incl. specification of the producer for all goods, which will be subject to delivery hereunder. Bidders shall also submit a filled in table providing technical specification as outlined in Annex No. 2a) of draft contracts.

- 3.6 Bidders shall submit simple copies of documents demonstrating qualification. Documents demonstrating qualification which are in other than Czech, Slovak or English language must be submitted in an official translation into the Czech or English language. Documents demonstrating basic qualification criteria and the



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extract from the Commercial Registry (or other similar registry) may not be older than 90 as of the bid submission date.

- 3.7 Bidders shall be entitled, in accordance with provisions of Sec 127(1) of the Act, to demonstrate fulfilment of the basic qualification criteria pursuant to 3.3.1 hereof and professional qualification requirements pursuant to 3.4 hereof 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 not be older than 3 months as of the bid submission date.
- 3.8 Where fulfilment of the qualification requirements will be demonstrated through a subcontractor, bidders shall submit to the Contracting Authority the following documentation:
- Document demonstration that the subcontractor(s) meets the basic qualification criteria according to § 53(1)(j), i.e. an affidavit by the subcontractor that he is not registered on the black list – list of persons prohibited from being involved in public procurement,
 - Document demonstration that the subcontractor(s) meets the professional qualification criteria according to § 54(a), i.e. a certificate of registration from the Commercial Registry, or extract from any other similar evidence, if registered therein,
 - subcontract concluded with the subcontractor which implies the obligation of the subcontractor to provide performance for the public contract hereunder, or such things or rights, which will be thus available to the bidder in the extent that is necessary to perform hereunder / meet the qualification demonstrated by the subcontractor.
- Bidders are not allowed to demonstrate fulfilment of qualification pursuant to § 53 and § 54 (a) of the Act using subcontractors.
- 3.9 Should the public contract be performed by several bidders together and for this purpose they submit a joint bid, each of the joint bidders shall be required to demonstrate compliance with the basic qualification requirements pursuant to § 53 and the professional qualifications pursuant to § 54 (a) of the Act in their entirety. Joint bidders will also be required to submit a contract containing a commitment that all of these joint bidders will be bound jointly and severally, for the whole duration of the public 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 and performance of the public contract.
- 3.10 In case there are any changes in the bidders qualification please proceed as required under § 58 of the Act.
- 3.11 Bidders who fail to demonstrate qualification in the required extent will be excluded by the Contracting Authority from further participation in the tender.
- 3.12 Bidders who will be invited to conclude the contract(s) shall submit documents demonstrating fulfilment of the qualification criteria in originals or notarized copies prior to the contract execution.



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4 DETAILED DESCRIPTION AND TECHNICAL SPECIFICATION OF THE SUBJECT MATTER

- 4.1 Subject matter for the part 1 hereof is specified in more detail in Annex No. 1 to the draft Contract for Work (CfW), which is attached hereto as Annex No. 5a).
- 4.2 Subject matter for the part 2 hereof is specified in more detail in Annex No. 1 to the draft Purchase Contract (PC), which is attached hereto as Annex No. 5b).
- 4.3 All equipment, which shall form a part of the subject matter must comply with all requirements arising from technical or safety standards valid in the Czech Republic for these types of equipment. Performance required hereunder shall include handover of complete documentation to the equipment / apparatus / goods and Compliance Certificate. The Contracting Authority requires that the entire subject matter and all its parts will be new, not re-used.
- 4.4 The tender documentation specifies the minimum technical requirements in Annex No. 2a) to both draft contracts. It is permitted that bidders supply the same or higher level solution, than those described in the technical specification, but it must always comply with the minimum requirements as set forth herein.
- 4.5 Bidders must always comply with technical requirements stipulated herein; should a bidder fail to comply with these he shall be excluded from further proceedings. Bidders are obliged to prove guaranteed technical parameters to the Contracting Authority as specified herein, i.e. bidders shall submit detailed technical specification of the offered solution containing at least the best achievable measuring parameters, which must demonstrate compliance with the minimum technical parameters specified in Annex No. 1 to the contract (providing visual as well analytical demonstration) in the Czech or English language (other language mutations will not be admissible). Specified parameters must be achieved also during installation of the apparatus / equipment in the laboratory of the Contracting Authority. The submitted documentation shall form an Annex No. 2b) to (both) draft contracts.
- 4.6 Should this tender documentation refer to specific commercial trademarks / products or solution, or other designations or visual presentations having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the bidder are entitled to propose other technically or qualitatively compliant solution.

5 STRUCTURE OF THE BID PRICE

- 5.1 Bidders are obliged to specify the total offered bid price, including all required performance, in the following structure:
 - 5.1.1 for part 1 hereunder: price to be quoted in € excl. VAT, VAT rate, calculated VAT amount € separately, and the total price quoted in € including VAT.
 - 5.1.2 for part 2 hereunder: price to be quoted in € excl. VAT, VAT rate, calculated VAT amount € separately, and the total price quoted in € including VAT.
- 5.2 The total bid price must include the entire subject matter and will represent a fixed, binding amount as the maximum amount and maximum admissible price, including all fees and other costs that may be associated with the performance

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- provided hereunder, such as transportation to the place of performance, packaging, custom duties, assembly and installation costs, insurance cost etc.
- 5.3 The bid price may be exceeded exclusively in connection with the change of tax legislation related to mandatory VAT, by an amount corresponding to this legislative amendment only.
- 5.4 The Contracting Authority hereby advises Bidders that due to the amount of allocated funding, **the maximum value of the performance for part 1** hereof – acquisition of the complete MOVPE apparatus **cannot exceed 1 300 000,- € incl.** VAT and all installation- and transportation-related costs, custom duties and other potential and related fees and that in the case of a bid being submitted citing a higher bid price than the maximum value of the public contract, such bid will be excluded from the procedure and the Bidder excluded from further participation in the proceedings.
- 5.5 The Contracting Authority hereby advises Bidders that due to the amount of allocated funding, **the maximum value of the performance for part 2** hereof – acquisition of the scrubber **cannot exceed 1 500 000,- CZK incl.** VAT and all installation- and transportation-related costs, custom duties and other potential and related fees and that in the case of a bid being submitted citing a higher bid price than the maximum value of the public contract, such bid will be excluded from the procedure and the Bidder excluded from further participation in the proceedings.

6 PAYMENT TERMS

- 6.1 Payment terms have been specified in the attached binding draft contract, which forms an integral part hereof as Annex No. 5a) for part 1 hereof and Annex No. 5b) for part 2 hereof.

7 EVALUATION CRITERIA

- 7.1 Bids shall be evaluated in both parts hereof, in line with § 78(1)(b) of the Act on the basis of the lowest bid price.
- 7.2 Method of evaluation applicable to both parts hereunder – the evaluation commission shall rank the bids according to the quoted bid price from the lowest to the highest, thereby producing the resulting order of bids.

8 ADDITIONAL REQUIREMENTS AND CONDITIONS

- 8.1 Bidders shall be obliged to specify in their bids whether they intend to subcontract any part of the performance required hereunder to subcontractors and what those parts are, and to provide identification data of all these subcontractors if such subcontractor will participate on the performance by a share exceeding 10% of the total value of bid.
- 8.2 The Contracting Authority does not allow bid variants.
- 8.3 The Contracting Authority reserves the right to verify any information provided by Bidders using third parties, and Bidders shall be obliged to provide the Contracting Authority with all necessary cooperation in this matter.
- 8.4 Bidders bear the cost of submitting bids hereunder alone.

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- 8.5 The Contracting Authority reserves the right to change, clarify or add conditions stipulated herein observing the principles set forth in § 40(3) of the Act.
- 8.6 The selected bidders will be obliged, pursuant to § 2e) of Act No. 320/2001 Coll., on Financial Inspections, as amended, to provide cooperation in case of an audit of the public contract and its performance.

9 COMMERCIAL TERMS

- 9.1 Bidders are obliged to accept without reservation or change the text of the draft contract for the relevant part hereunder, which forms an integral part hereof as Annex No. 5a) (for part 1) and Annex No. 5b) (for part 2). Bidders are authorized to fill in their identification data, the bid price and other clearly marked information that are to be filled in. Bidders are not authorized to change or add to the contracts in any manner, with exception of those parts which the Contracting Authority highlighted. Any breach of this condition will result in exclusion of the Bidder from the tendering proceedings.
- 9.2 The draft contract must be duly signed by Bidders, by the statutory representative or the person duly authorized to do so. Original or notarized copy of the power of attorney must be in that case attached to the draft contract as signed by the Bidder. Signed contract forms an integral part of the bid. Any breach of this condition will result in exclusion of the Bidder from the relevant part of the tendering proceedings.

10 OPENING OF ENVELOPES WITH BIDS

- 10.1 Opening of the envelopes with bids shall take place pursuant to § 71(4) of the Act immediately after the expiry of the bid submission date, at the seat of the Contracting Authority at Na Slovance 1999/2, Praha 8 (entrance from the Pod Vodárenskou věží 1 street), in the meeting room.
- 10.2 All Bidders who submitted their bid within the deadline shall be authorized to attend the opening, maximum two persons per bidder. Bidders shall present their authorization prior to the opening.

11 SITE INSPECTION

- 11.1 The Contracting Authority does not anticipate that site inspection will take place due to the nature of the performance required hereunder.

12 CONCLUSION

- 12.1 Information and data provided herein (incl. all Annexes) defined the binding requirements of the Contracting Authority with respect to the performance of the public contract. These requirements must be accepted by the Bidders in full and without reservation, respecting these requirements in preparation of their bid. Non-acceptance of these requirements / conditions (incl. those specified in the respective Annexes) shall be deemed to constitute failure to comply with the tender conditions.
- 12.2 Should this tender documentation of its Annexes refer to specific commercial trademarks / products or solutions, or other designations or visual presentations



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having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the bidder are entitled to propose other technically or qualitatively fully compliant solution.

- 12.3 Bidders confirm by the act of submission of their bids that they have made themselves familiar with this tender documentation including all its Annexes, and that consider these clear and legible, and that they had clarified with the Contracting Authority prior to submitting their bids any and all disputable provision or technical uncertainties and that they agree and will comply with these conditions.
- 12.4 Bidders confirm by the act of submission of their bids that they are bound by the entire contents of their bids as submitted, for the entire term of the tendering procedure.

LIST OF ANNEXES:

1. Cover sheet for both parts of the public contract
2. Affidavit on compliance with basic qualification requirements
3. Affidavit on economic and financial capacity for both parts of the public contract
4. Form / List of important project
5. a) binding draft wording for part 1 of the public contract with annexes
b) binding draft wording for part 2 of the public contract with annexes
6. Information pursuant to § 68(3) of the Act

On behalf of the Contracting Authority:

In Prague on 04/18/2014

[signed]

prof. Jan Řídký, DrSc., Director