

PROCUREMENT DOCUMENTATION

for a below-threshold public contract for supplies called:

„Femtosecond laser system”

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

Contracting authority:

Charles University, Faculty of Mathematics and Physics

with its registered office at Ke Karlovu 2072/3, 121 16 Praha 2, identification No.: 00216208
hereinafter the “**Contracting authority**”

1. Basic data on Contracting authority and Procurement Procedure

1.1. Basic data on Contracting authority

Contracting authority	Charles University, Faculty of Mathematics and Physics
Registered Office:	Ke Karlovu 2072/3, 121 16 Praha 2
Identification No.:	00216208
Tax Identification No.:	CZ00216208
Person authorised to act on behalf of the Contracting authority:	Doc. RNDr. Mirko Rokyta, CSc., Dean
Contact person of the Contracting authority:	Mgr. Ivana Vrbová tel.: +420 608 736 526 email: ivana.vrbova@matfyz.cuni.cz
Type of Public contract:	Pursuant to Section 14 of the Act the Public Contract is a below-threshold public contract for supplies. Pursuant to Section 53 of the Act the Contracting authority carries out the Procurement Procedure as a simplified below-threshold procedure.

1.2. Access to Procurement Documentation

This Procurement Documentation was published as a whole in full, including all annexes, on the profile of the Contracting authority: https://zakazky.cuni.cz/profile_display_15.html

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

2. Subject-matter of the Public Contract

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

The subject-matter of the Public Contract is a delivery of femtosecond laser system based on ytterbium-doped active medium for the use in time-resolved experiments.

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

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

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

CPV Code	Description
38636100-3	Lasers

2.3. Estimated value of the Public Contract

Estimated value of the Public Contract is **CZK 5.400.000 without VAT and without appropriate customs duties**. In case of delivery from abroad, the customs duties shall be paid by the Contracting authority.

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

Expected initiation of performance: immediately after the contract signature

Expected ending of performance: within 6 months from the delivery of the Order by the Buyer to the Seller.

The place of delivery is at the address: Charles University, Faculty of Mathematics and Physics, Ke Karlovu 3, 12116 Prague 2, Czech Republic, as stipulated in Annex No. 2 Purchase contract.

2.5. Technical conditions

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

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

2.6. Business conditions

Business conditions for the performance of the Public Contract are specified in **Annex No. 2 Purchase Contract** hereto. The draft of the contract must be signed by an authorised person of the participant (either its director or a person empowered or in other way authorised thereto). In the latter case the original or a certified copy of the power of attorney or authorisation must be included in the bid. The participant is obliged to fill only the places labelled as follows: **[to be filled in by economic operator]** within the Purchase Contract.

3. Qualification of participants

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

Technical qualification criteria

3.1. Technical qualification criteria

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

- a) **a previous supply of at least one femtosecond laser system in minimal financial extent of CZK 5.400.000 without VAT**

The economic operator shall prove that it fulfils the technical qualification criteria by submitting: a list of significant supplies provided over the past **three years** before commencement of the Procurement

Procedure including detailed enough description of the provided supplies, prices and dates of their provision and the identification of clients in respect of Article 3.1 (a) of this Procurement Documentation (it is recommended to use a form of an affirmation that is attached hereto as **Annex No 3. (Affirmation – Technical Qualification Criteria)**).

3.2. Submission of qualification documents

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

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

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

- a) documents proving that a missing part of the qualification has been fulfilled by the other person, and
- b) a written commitment of the other person to provide performance of the Public Contract or to provide things or rights which the economic operator is entitled to use when performing the Public Contract, at least to the extent to which the other person has proved its qualification instead of the economic operator.

4. Requirements for processing the bid price

The economic operator is required to offer **the bid price in CZK, in each case excluding VAT**.

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

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

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

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

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

5. Evaluation criteria

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

The Contracting authority evaluates the total bid price **in CZK net of VAT**. The price shall be given in the structure and under the conditions defined in the Article 4 herein.

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

6. Bid processing conditions and requirements

6.1. Term of bid submission

Bids shall be submitted not later than **August 5, 2022 at 10:00 A.M.**

6.2. Submission requirements

The Contracting Authority will only accept bids submitted in electronic format. An electronic tool E-ZAK, available online at https://zakazky.cuni.cz/profile_display_15.html will be used to submit the offer in electronic form.

For submitting the bid in the E-ZAK the participant must be a registered supplier. The Contracting Authority reminds the participant that registration is not immediate and is subject to approval by the E-ZAK administrator. Registration usually takes two business days if run electronically (electronic signature is in that case obligatory). If the registration is run by sending hardcopy of the requested documents, it takes more days in relation to the shipment provider.

6.3. Identification data

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

6.4. Required language

The bid must be written in Czech, Slovak or English and contain a draft contract signed by the person authorised to act on behalf of or in the capacity of the applicant.

6.5. Formal recommendations

Acceptable file formats for submission of bids are Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG.

6.6. Joint bid

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 Contracting Authority during the tender procedure.

6.7. Bid structure

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

a) Bid cover note

The bid cover note shall include the following details: Public Contract name, including the name of part of the public contract, basic identification details of the Contracting Authority and participant (including persons empowered to be involved in further proceedings and stating an enterprise categorisation in accordance with the Recommendation 2003/361/ES), participant shall state the **contact e-mail address** for electronic communication with the Contracting Authority (the address will be used for the service of the Contracting Authority's electronically signed documents concerning the assessment and evaluation of the bids during this tender procedure), date and signature of the person authorised to act on behalf of the participant. The participant may use **Annex No. 4** hereto.

b) **Qualification:** Documents demonstrating **qualification** meeting structured as mentioned in Article 3 hereof.

c) **Bid price** structured as required under Article 4 of the Tender Documentation.

d) **Evaluation:** Relevant information for purposes of evaluation according to Article 5 of this tender documentation.

- e) **Purchase 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 appropriate draft contract wording mentioned in appropriate **Annex No. 2 Purchase Contract** hereto and to complete only those parts, which are explicitly specified by the Contracting Authority to be filled by the applicant with a yellow colour.

6.8. Request to explain the tender documentation

The Contracting Authority will provide explanations to the tender documentation based on a request pursuant to Section 98 of the Act. The written form of the request for explanation of the tender documentation must be delivered by e-mail: **ivana.vrbova@matfyz.cuni.cz**, or through the data box: piyj9b4 or through the **E-ZAK**.

7. Other conditions

In accordance with Section 39 (5) of the Act, the Contracting authority may verify the credibility of the data, documents, samples or models provided by the participant and may also acquire them itself. If the selected economic operator is a Czech legal entity, the Contracting authority shall ascertain the data on its real (beneficial) owner pursuant to the Act governing the register of beneficial owners. Should the selected economic operator be a foreign legal entity, the Contracting authority will require from the selected economic operator pursuant to Section 122 (5) of the Act the submission of an extract from foreign records similar to the records of real (beneficial) owners or in absence of such records the submission of the following as a condition for the conclusion of the contract:

- a) identification data of all persons that are its real owners, and
- b) documents that demonstrate the relation of persons under paragraph a) to the economic operator, such documents include, but are not limited to:
 - an extract from foreign records similar to a copy of an entry in the Commercial register,
 - a list of shareholders,
 - a decision made by the governing body regarding payment of share in profit
 - a memorandum of association, a letter of formation or articles of association

The selected economic operator shall submit the aforementioned information and documents in the language stipulated by Article 6.4 hereof.

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

8. Final provisions

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

The Contracting authority does not allow variants of bids.

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

In accordance with Section 53 (5) of the Act, the Contracting authority reserves the right to publish the notice of exclusion of a participant from the procurement procedure or the notice of

selection of an economic operator on the Contracting authority profile. In that case, the notices shall be considered to be delivered to all participants at the moment of their publication.

The list of the annexes:

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

On behalf of the Contracting authority:

In Prague, on July 19,2022

**Doc. RNDr. Mirko Rokyta, CSc.
dean
Charles University, Faculty of
Mathematics and Physics**

Annex No. 1 – Technical Specification

Annex No. 2 – Purchase Contract

Annex No. 3 - Affirmation – Technical Qualification Criteria

Affirmation on Technical Qualification Criteria

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

Public Contract Name:
„Femtosecond laser system”

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

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

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

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

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

List of the Important Supplies:

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

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

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

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

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

Annex No. 4 – Cover Bid Note

Cover Bid Note

Public Contract Name:

„Femtosecond laser system”

Contracting authority	Charles University, Faculty of Mathematics and Physics
Registered Office:	Ke Karlovu 2072/3, 121 16 Praha 2
Company Identification No.:	00216208
Tax Identification No.:	CZ00216208
Person authorised to act on behalf of the Contracting authority:	Doc. RNDr. Mirko Rokyta, CSc., Dean

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

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

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

Tax Id. No.: [to be filled in by economic operator]

**Small / Medium-sized enterprises
(in accordance with the
Recommendation 2003/361/ES):**

[YES/NO - to be filled in by economic operator]

Bank: [to be filled in by economic operator]

**Person authorized
to represent the participant:** [to be filled in by economic operator]

Contact person: [to be filled in by economic operator]

Contact address: [to be filled in by economic operator]

Tel: [to be filled in by economic operator]

E-mail of the Contact Person: [to be filled in by economic operator]

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

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

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