



UNIVERZITA
KARLOVA

WRITTEN REPORT OF THE CONTRACTING AUTHORITY

pursuant to Section 217 of Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter referred to as "**the Act**")

for an above-threshold public supply contract
entered in an open procedure pursuant to Section 56 of the Act

Name of the public contract:

Multi-detector positron lifetime spectrometer Lot No. 3

(hereinafter referred to as the "**public contract**")

The tender procedure was published in the Tenders Electronic Daily under the contract registration
number:

Z2025-007951

The Contracting Authority:

Charles University
Faculty of Mathematics and Physics
Company Reg. No: 00216208
registered office: Ovocný trh 560/5, 116 36 Praha 1

1. IDENTIFICATION OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority:	Charles University, Faculty of Mathematics and Physics
Company Reg. No.:	00216208
Registered office:	Ovocný trh 560/5, 116 36 Praha 1
Person authorized to represent the Contracting Authority:	doc. RNDr. Mirko Rokyta, CSc. dean of the Faculty of Mathematics and Physics
Profile of the Contracting Authority at:	https://zakazky.cuni.cz/profile_display_15.html

2. SUBJECT OF THE PUBLIC CONTRACT

Subject-matter of the public contract

2.1 The Contracting Authority divided the public contract in the sense of Section 35 and Section 101 of the Act into lots:

Lot No. 1: Digitizer

Lot No. 2: Detectors

Lot No. 3: High voltage supplies

Lot No. 4: Vacuum chamber with induction heating

2.2 Each lot of the public contract is a separate subject of the Contracting Authority's procedure in the procurement procedure. The economic operator is entitled to submit a tender for all lots of the public contract.

2.3 Unless the Documentation of procurement procedure stipulates otherwise, the individual provisions of the Documentation of procurement procedure apply to each lot of the public contract.

2.4 Unless the Documentation of procurement procedure stipulates otherwise, the economic operator is obliged to submit the required documents **for each lot of the public contract for which he submits a tender, separately.**

Subject-matter of lot No. 3 of the public contract

2.5 The subject-matter of lot 3 of the public contract is the supply of high voltage supplies according to the Contracting Authority's requirements.

2.6 The subject-matter of lot 3 of the public contract is further specified in the draft purchase contract (Annex No. 2c of the Documentation of the procurement procedure) and in the technical specification of lot 3 of the public contract subject (Annex No. 4c of the Documentation of the procurement procedure).

Classification of the subject of the public contract

2.7 The Contracting Authority has defined the subject of the public contract according to the main vocabulary of the single classification system for public procurement purposes (Common Procurement Vocabulary):

Lot No. 3: High voltage supplies

CPV code:

38300000-8 Measuring instruments
38424000-3 Measuring and control equipment
38000000-5 Laboratory, optical and precision equipments (excl. glasses)

3. THE PRICE AGREED IN THE PUBLIC CONTRACT

3.1 The procurement procedure of lot No. 3 of the public contract was cancelled.

4. THE TYPE OF PROCEREMENT PROCEDURE USED

4.1 The public contract was awarded in an open procedure according to Section 56 of the Act.

5. THE IDENTIFICATION OF THE PARTICIPANTS INCLUDING THEIR TENDER PRICES

5.1 Identification of participants who submitted a tender:

Lot No. 3: High voltage supplies

Participant No.	Participant	Company Reg. No.	Registered office	The tender price in the CZK
1.	COSTRUZIONI APPARECCHIATURE ELETTRONICHE NUCLEARI C.A.E.N. GmbH	00102680	Brunnenweg 9, 64331 Weiterstadt, Germany	11.654,- EUR

6. THE IDENTIFICATION OF ALL PARTICIPANTS EXCLUDED FROM THE PROCUREMENT PROCEDURE INCLUDING A STATEMENT OF GROUNDS FOR THEIR EXCLUSION

6.1 The identification of all participants excluded from the procurement procedure of lot No. 3 of the public contract:

Participant **No. 1**

Participant: **COSTRUZIONI APPARECCHIATURE ELETTRONICHE NUCLEARI C.A.E.N. - SOCIETA' PER AZIONI**
Company Reg. No.: 00102680
Registered office: Brunnenweg 9, 64331 Weiterstadt

Justification:

The Contracting Authority commenced the lot No. 3 of the procurement procedure of the public contract on 05.02.2025. The Contracting Authority commenced the open procedure by sending a contract notice for publication in the Tenders Electronic Daily and in the Official Journal of the European Union. The contract notice for publication was published in the Tenders Electronic Daily on 07.02.2025., under the contract registration number: Z2025-007951.

As part of the public procurement procedure, a meeting of the evaluation committee (hereinafter referred to as the "**Committee**") took place, which, based on the decision of the Contracting Authority in accordance with Section 42 of the Act, performs tasks related to the evaluation of tenders, assessment of fulfilment of the conditions for participation in the procurement procedure and assessment of the abnormally low tender price.

At the meeting, the Committee concluded that the participant did not meet the conditions for participation in the procurement procedure, to the following extent:

Relevant provisions of the documentation of procurement procedure:

It follows from paragraph 7.15 of the tender documentation that "*The participant will elaborate the tender price for the purpose of evaluation of tenders of lot 3 of the public contract according to the cover sheet of the tender for the lot 3 of the public contract (Annex No. 1c of the Documentation of procurement procedure). The tender price will be divided into the price without VAT, VAT and the price including VAT*".

It follows from paragraph 7.16 of the tender documentation that "*The tender price in lot 3 of the public contract means the total price for the supply of high voltage supplies according to the draft purchase contract **in CZK without VAT** (hereinafter referred to as the "tender price in lot 3 of the public contract")*".

Relevant provisions of the Act:

Section 46 (2) of the Act implies that "*After the expiry of the time limit for the submission of tenders, the tender cannot be altered, unless this Act stipulates otherwise; however, upon request made under subsection (1), the tender may be supplemented with data, documents, samples or models that will not be evaluated according to the evaluation criteria*".

Failure of the participant to meet the conditions for participation in the procurement procedure:

The participant submitted a cover sheet as part of its tender in the wording corresponding to Annex No. 1c of the tender documentation.

However, in the submitted document, the participant filled in the tender price (price without VAT, VAT and the price including VAT) in EUR instead of CZK, as the Contracting Authority required in paragraph 7.16 of the tender documentation.

Based on the above facts, the Committee stated that the participant's tender does not contain a properly prepared tender price in accordance with Article 7 of the documentation of procurement procedure. The participant thus failed to meet the conditions for participation in the tender procedure specified in Article 7 of the documentation of procurement procedure.

Given that:

- participant indicated in the of the draft of cover sheet the tender price for the purposes of evaluation the tenders in EUR and
- this data will be evaluated according to the evaluation criteria specified in the documentation of procurement procedure,

the participant cannot change the exchange rate of its tender price based on the invitation of the Contracting Authority made pursuant to Section 46 of the Act. Based on this fact, the Committee decided not to invite the participant to submit the tender price in CZK using the procedure pursuant to Section 46 of the Act, as this procedure would clearly change the participant's tender price, i.e. change the data for the purposes of evaluating the tenders.

In view of the above facts, the Committee concluded that the participant, by following the above procedure, fulfilled the legal reason for his exclusion from the procurement procedure pursuant to Section 48 (2)(a) of the Act, when the participant's tender does not meet the requirements for the procurement award criteria.

Based on the above facts, the Contracting Authority decided to exclude the participant from participation in the procurement procedure as stated above.

In addition to the above, the participant's tender submitted to the procurement procedure also contained other shortcomings, in particular the following:

- the participant's tender does not contain all documents to prove basic qualification (in particular, copy of an entry in the Criminal Records for legal person and members of the governing body of the participant, confirmation from the Czech Tax Office on the absence of tax arrears, confirmation from a relevant tax office in the country of participant's registered office, confirmation from the Czech Social Security Administration on the absence of arrears, confirmation from a relevant district social security in the country of participant's registered office, copy of an entry in the Commercial Register).
- the participant's tender includes a list of significant supplies, which does not indicate that the participant meets the technical qualifications.

7. THE IDENTIFICATION OF THE ECONOMIC OPERATORS WITH WHICH A CONTRACT WAS CONCLUDED INCLUDING A STATEMENT OF REASONS FOR THEIR SELECTION

7.1 The procurement procedure of lot No. 3 of the public contract was cancelled.

8. THE IDENTIFICATION OF SUBCONTRACTORS OF THE ECONOMIC OPERATORS WITH WHICH THE CONTRACT WAS CONCLUDED

8.1 The procurement procedure of lot No. 3 of the public contract was cancelled.

9. JUSTIFICATION OF THE CANCELLATION OF THE PROCUREMENT PROCEDURE

9.1 The procurement procedure of lot No. 3 of the public contract was cancelled on 10.05.2025.

Justification:

The Contracting Authority commenced the Lot No. 3 of the procurement procedure on 05.02.2025. The Contracting Authority commenced the open procedure by sending a contract notice for publication in the Tenders Electronic Daily. The contract notice for publication was published in the Tenders Electronic Daily on 07.02.2025.

In Lot No. 3 of the procurement procedure, the following participants submitted tender:

Lot No. 3 - High voltage supplies

Participant number	Participant	Company Reg. No.	Registered office
1.	COSTRUZIONI APPARECCHIATURE ELETTRONICHE NUCLEARI C.A.E.N. - SOCIETA' PER AZIONI	00102680	Brunnenweg 9, 64331 Weiterstadt

The participant quoted the wrong tender price. Instead of the tender price in CZK, it was quoted in EUR.

Based on the above facts, the Committee stated that the participant's tender does not contain a properly prepared tender price in accordance with Article 7 of the documentation of procurement procedure. The participant thus failed to meet the conditions for participation in the tender procedure specified in Article 7 of the documentation of procurement procedure.

On the basis of the above, the tenderer was excluded from procurement procedure pursuant to Section 48 (2) (a) of the Act.

As there are no participants in Lot No. 3 of the procurement procedure after the deadline for submission of the tenders (resp. the only participant was excluded from Lot No. 3 of procurement procedure), the Contracting Authority cancels Lot No. 3 of the procurement procedure in accordance with Section 127(1) of the Act.

10. A LIST OF PERSONS WHO WERE FOUND TO HAVE A CONFLICT OF INTEREST AND A LIST OF SUBSEQUENTLY ADOPTED MEASURES, WHERE A CONFLICT OF INTEREST WAS DETECTED

10.1 No conflict of interest was detected for any person.

In Prague on 22.05.2025

Charles University
Faculty of Mathematics and Physics
pp KOUKAL LEGAL, advokátní
kancelář s.r.o.
JUDr. Pavel Koukal, lawyer and
Managing Partner