

Contracting Authority's Written Report on Public Contract

pursuant to Sec. 217 of Act No. 134/2016 Coll., the Public Procurement Act, as amended till July 15th, 2023 (the "**PPA**")

1. Contracting Authority

Name:	Ústav jaderné fyziky AV ČR, v.v.i.
ID No.:	61389005
Registered office:	Husinec - Řež, čp. 130, 250 68 Řež
Person authorised to act on behalf of the Contracting Authority:	Ing. Ondřej Svoboda, Ph.D., director
Attorney:	HOLEC, ZUSKA & PARTNEŘI advokátní s.r.o., Palác Anděl, Radlická 3185/1c, 150 00 Praha 5

(hereinafter the "**Contracting Authority**")

2. Public Contract identification:

Name of the Public Contract:	Experimental cave and control hutch for the BEER instrument at ESS
Reference No. of the Public Contract:	Z2023-030478
Date of dispatch of Contract Notice	July 13 th , 2023

(hereinafter the "**Public Contract**")

3. Subject Matter of Public Contract

The subject matter of the Public Contract is construction work, involving an experimental cave and control hutch for the BEER instrument at ESS, to be installed at the European Spallation Source (ESS) in Lund, Kingdom of Sweden, by the selected Supplier as the Contractor for the Contracting Authority as the Client in accordance with the Contract including its Annexes.
Further details are defined in the Tender Documentation.

Classification of the Subject Matter (CPV):

45223000 -6	structures construction work
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4. Contractual price

The contractual price is 2 485 720 EUR excluding VAT.

5. Legal form of the procurement procedure

Public procurement procedure for a Public Contract for construction work in the under-the-limit regime to be contracted in negotiated procedure with publication pursuant to Sec. 60 et seq. of PPA as amended till July 15th, 2023.

6. List of suppliers participating in the procedure

- 1) **MShield s.r.o.**, ID No.: 09201700, with its seat at: Sluneční 2270/14, 594 01 Velké Meziříčí, Czech Republic
- 2) **NUVIA a.s.**, ID No.: 25506331, with its seat at: Modřínová 1094, Nové Dvory, 674 01 Třebíč, Czech Republic

7. List of suppliers excluded from participating in the procedure

None of the suppliers has been excluded from participation in the procedure for the Public Contract.

8. Contract conclusion:

The contract was concluded with **MShield s.r.o.**, ID No.: 09201700, with its seat at: Sluneční 2270/14, 594 01 Velké Meziříčí, Czech Republic.

Reasoning:

Eventually just one participant remained in the public procurement procedure, which submitted its (final) bid within the prescribed deadline and, according to the evaluation committee's assessment of the bid, met the tender requirements. In view of this fact and pursuant to Section 122 (2) PPA, the Contracting Authority decided to select this participant for the award of the Public Contract. The participant as selected supplier submitted all the documents required under Section 122 (3) PPA prior to the conclusion of the contract. The necessary approvals of the supervisory board and the founder of the Contracting Authority were obtained prior to the conclusion of the contract. The contract was therefore concluded with this selected supplier.

9. Subcontractors

The Contracting Authority is not aware of any subcontractors of the awarded contractor MShield s.r.o. other than its subcontractor for the qualification, which is **VIA ALTA a.s.**, ID No.: 26906741, with its seat at: Nádražní 377, 675 21 Okříšky, Czech Republic.

10. Justification for the use of the negotiated procedure with publication

The Contracting Authority exercised its right to use the negotiation procedure with publication for the award of this Public Contract, in accordance with the following legal provisions and for the following reasons:

- According to Sec. 60 (1) letter a) PPA, the needs of the Contracting Authority cannot be met without adjusting the performance available on the market,
- According to Sec. 60 (1) letter b) PPA, the performance of the Public Contract includes the design of a solution,
- Considering, among others, the quite unusual subject matter of the Public Contract as well as its research and development nature, the process might require negotiations to take place, in accordance with Sec. 60 (1) letter c) PPA, prior to the commissioning of the work under the Public Contract, and thus the negotiated procedure with publication represents the preferred process, and
- Notwithstanding the foregoing, the Contracting Authority is entitled to use the negotiated procedure with publication, in accordance with Sec. 52 letter b) point 1 PPA, even without fulfilling the conditions under Sec. 60 PPA, since this Public Contract is to be contracted in under-the-limit regime.

In Prague on April 18th, 2024

Mgr. Jan Dudák, advokát
HOLEC, ZUSKA & PARTNEŘI advokátní s.r.o.

On behalf of: **Ústav jaderné fyziky AV ČR, v.v.i.**