

Contracting Authority:

Ústav jaderné fyziky AV v ČR, v. v. i.
Husinec - Řež, čp. 130, 250 68 Řež
Czech Republic
ID No.: 61389005

Attorney:

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**Tender Documentation clarification No. II pursuant to Sec. 98 of Act No.
134/2016 Coll., on Public Procurement, as amended (the “PPA”)**

In Prague on May 13th, 2024

Public procurement procedure for supplies in above-the-limit regime to be contracted in open proceedings: **Photomultipliers for ECAL@HADES - FAIR III**, reg. No.: Z2024-016382.

Question No. 1

„Thank you for your helpful response. We have one further question with respect to the stipulated delivery times of the partial deliveries of the products. After speaking with our production in Japan, we think we can meet your expectations with respect to the required quantities of the partial deliveries but the currently estimated delivery time for the first partial delivery of 20 PMTs would approximately be 22-24 weeks (5 months and 2 weeks to 6 months) instead of 5 months as required in the document. Also, each of the proceeding partial deliveries is expected to follow after 6-8 weeks (1 month and 2 weeks to 2 months) instead of 4 weeks (1 month) as it is claimed in the tender. The reason is, that the goods need to be shipped from our production in Japan to Germany before we can send them to you. Since a delay is answered with immediate penalties according to the document, we think that it would be best if you know about our conditions with respect to the delivery time in advance.

Please let us know how to proceed in this matter.

Can you please also let us know if we need to make these messages public somehow or do you take care about that?“

Answer No. 1

With regard to the currently estimated delivery times, thank you for the information on your current situation, production capacity and delivery times. In response, the Contracting Authority has decided, in the interests of opening up the procurement procedure to the widest possible participation, to take account of this information and to revise the draft Contract attached as Annex 1 to the Tender Documentation accordingly. In particular, this revision consists of extending the delivery periods in Article 5.3 of the draft Contract. The revision is shown in the document named “Annex No. 1 - Framework Purchase Contract_TD clarification II (rev)”, which is published together with this clarification. Pursuant to Section 99 PPA, the Contracting Authority extends the deadline for the submission of bids simultaneously with this change to the Tender Documentation, as set out below.

With regard to the legal requirement to publish messages concerning clarification of the Tender Documentation, the following should be noted. According to Section 98 (3) PPA, if a Supplier requests a clarification of the Tender Documentation in writing, the Contracting Authority must publish the clarification, including the exact wording of the request, without identifying the Supplier. It follows that only the Contracting Authority, and not the Supplier, must ensure that such requests (i.e., the messages in question) are published.

Annexes hereto

Together with this clarification, the Contracting Authority publishes the following documents as updates to the Tender Documentation or its annexes:

- a) Annex No. 1 - Framework Purchase Contract_TD clarification II (rev) and
- b) Annex No. 1 - Framework Purchase Contract_TD clarification II (clean)

The two documents referred to in letters a) and b) above are identical except for the highlighting of the changes in the track change mode. From now on, only the latest clean version of the Contract is valid, namely Annex No. 1 - Framework Purchase Contract_TD clarification II (clean). Please use only this version of the Contract in your Bid, and not the previous version.

Extension of the deadline for submission of bids

The Contracting Authority hereby extends the Deadline for submission of bids as follows:

The new Deadline for submission of bids shall be 13.06.2024 at 10:00 AM.

Sincerely,

Mgr. Jan Dudák, attorney
i.s. JUDr. Karel Zuska, attorney
HOLEC, ZUSKA & PARTNEŘI advokátní s.r.o.

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