



Invitation to Tender and Tender documentation

Supplies of material for AMS MILEA

A small-scale public contract awarded on the basis of an exception within the meaning of § 31 of Act No. 134/2016 Coll., on the award of public contracts, as amended (hereinafter the "PPA") in a tender procedure outside the regime of the Act with reasonable use of the rules for negotiations without publication on the basis of fulfillment of the conditions of the provisions of § 63 (3) letter b) PPA. For this contract, the contracting authority does not proceed in any of the types of tender procedure, and any references to individual institutes regulated in the PPA are only analogous and cannot be interpreted as voluntary submission of the contract to the procurement procedure regime according to the PPA.

1 IDENTIFICATION OF THE CONTRACTING AUTHORITY:

The contracting authority: **Nuclear Physics Institute of the CAS, p.r.i.**

Headquarters: Husinec - Řež 130, Řež 250 68

ID No: 61389005

VAT No: CZ61389005

Represented by: Ing. Ondřej Svoboda, Ph.D., ředitel

Profile: <https://ezak.ujf.cas.cz/>

The Institute of Nuclear Physics of the Academy of Sciences of the Czech Republic, v.v.i., with its registered office at Husinec-Řež 130, 250 68 Řež (hereinafter referred to as the "**Contracting Authority**") hereby, by analogy, pursuant to § 67 (1) PPA and in accordance with the conditions for awarding contracts within the Jan Ámos Komenský Operational Program, within the project: **RES-HUM - Prepared for the future: understanding the long-term resilience of human culture reg. number CZ.02.01.01/00/22_008/0004593**

i n v i t e s

to negotiations for the conclusion of **the Supply Contract** (hereinafter the "**Contract**") and to the submission of a price offer for the performance of a public contract, submitted by analogy in accordance with § 63 (3), letter b) PPA company **Ionplus AG, se sídlem Lerzenstrasse 12, CH-8953 Dietikon, Švýcarsko, IČO: CHE-418.217.794.**



2 JUSTIFICATION FOR USING THE PROCEDURE OF DIRECTLY APPROACHING ONE SUPPLIER

For the awarding of the subject public procurement of a small scale, the prerequisites for the use of the negotiation procedure without publication are met, analogously according to the provisions of § 63 (3), letter b) PPA, since the subject of the public procurement can only be supplied by the above-mentioned supplier, due to the necessary compatibility with the existing AMS system and also the elimination of the incompatibility of the subject of performance with this equipment and unreasonable technical difficulties during implementation and operation in the case of procurement from another supplier. Therefore, the contracting authority conducts the tender with appropriate use of some rules for negotiations without publication.

Each manufacturer of AMS accelerator systems uses sets of materials and spare parts, e.g., cathodes, holders, reservoirs, etc., of their own design depending on the arrangement of the ion source and the robotic sample changer. For these reasons, the material from different manufacturers of AMS systems (High Voltage Engineering, Europe; National Electrostatic Corporation, USA; Ionplus, Switzerland) can be used again and only for accelerator systems from the same manufacturers.

For these reasons, it is necessary to purchase from the Swiss company Ionplus AG, which supplied the AMS accelerator system (named MILEA) for the RAMSES project (within the OP VVV) and is therefore the exclusive supplier of various components of this system, including spare parts and requested material.

3 SUBJECT MATTER OF THE PUBLIC PROCUREMENT

The subject of the public procurement is the supply of material and spare parts for the AMS MILEA accelerator, which will take place continuously during the duration of the Contract (see paragraph 4 of this Call), according to the requirements specified by the Contracting Authority in the technical and business conditions, which are an integral part of this Call.

Deliveries will take place on the basis of partial calls for fulfillment (partial orders). The first delivery will begin at the request of the Contracting Authority - assumption August 2024.

The actual scope of fulfillment of selected items (within partial orders) will always be based on the current needs of the Principal during the duration of the Contract.

The delivery also includes:

- a) transportation to the headquarters of the Contracting Authority,
- b) provision of warranty service during the warranty period.

4 PLACE AND TIME OF DELIVERY

Place of performance: headquarter of the Contracting authority, Husinec - Řež 130, Řež, post code 250 68, Czech Republic.

Duration of the Supply Contract: from the effective date of the contract until 31.12.2025 or until the maximum possible value of CZK 1.95 million CZK excluding VAT is paid, if this fact occurs earlier.



Deadline (delivery date): within 4 weeks from the call for performance, if it is not in the Technical specifications Annex (column I) otherwise stated.

5 ESTIMATED VALUE AND HIGHEST POSSIBLE VALUE OF THE PUBLIC PROCUREMENT

The estimated value of the Public contract is CZK 1,680,000 without VAT (this corresponds to approximately CHF 65 653).

The estimated value was determined by the Contracting Authority on the basis of experience with the purchase of the same material/spare parts in the previous three years, further according to the prediction of needs for the duration of the Contract and according to the prices found on the market in the current period.

The estimated value is determined as described above and is determined as an amount corresponding to the total estimated consumption/purchase (total estimated consumption of measurement units according to Appendix No. 1 – Technical specification) in the period for which the Contract will be concluded, i.e. until 31 December 2025.

The quantities per unit specified by the Contracting authority (in Appendix No. 1 – Technical specification) are set as an assumed procurement plan. The contracting party reserves the right to take a different quantity according to its needs, or not to take some items, i.e. not to use the total estimated value of the performance, because it cannot accurately predict its actual needs in a given period, or events that will occur in the future.

The highest possible value of this contract (the highest possible financial drawing from the contract) is set at CZK 1,950,000 excluding VAT.

6 COMMERCIAL AND TECHNICAL TERMS

The commercial terms and conditions are defined in the form of a draft Supply Contract (Appendix No. 2), which is part of this procurement documentation. By submitting an offer to this procedure, the participant sends his comments to these terms and conditions and after their final approval, accepts them fully and without reservation.

The technical conditions are set out in Appendix No. 1 – Technical specifications, to which the contract participant will add their bid prices, or specify the technical parameters of the items, delivery times of individual items, add other suggestions or requirements.

7 INFORMATION ON CONDUCT OF NEGOTIATIONS / METHOD AND PLACE OF SUBMISSION OF THE OFFER

Negotiations with the supplier will be conducted electronically in written form via the contracting authority's profile: <https://ezak.ujf.cas.cz/> , both on the terms of the tender documentation (hereinafter the „TD”), including the draft Contract, and on the offer, respectively on the conclusion of the Contract. In the event of changes to the text of the



Contract or other changes to the conditions of performance, the supplier is entitled to propose calls for negotiations within the framework of the negotiations according to this article, within the deadline for the first negotiation / submission of an offer. The contracting authority reserves the right to carry out possible further rounds of negotiations again in writing.

The first negotiation period on the content of the tender documentation will be held in the period from the sending of the invitation to this tender until 10 July 2024 (until 12:00 noon) in written form via the profile of the contracting authority.

By this deadline, we ask the supplier to send his comments on the documents of the tender documentation, in writing, preferably in the mode of changes to the commented documents.

Not only in the event that the Supplier will accept the terms of tender documentation and the contracting Authority's draft contract, the supplier may take the above-mentioned date of the 1st negotiating round/period as the date for submitting a price and complete offer.

The offer submitted by the supplier in the term of the next negotiating rounds/periods must reflect any mutually agreed changes or adjustments made during the first negotiating period.

The principles of transparency and adequacy must be observed when dealing with and changing the tender conditions.

Negotiations with the supplier will take place in English, as well as comments, suggestions and the offer itself must be fully processed in Czech or English.

8 OFFER PRICE

The Supplier shall specify the offer price in the form of unit prices for each individual item in Appendix No. 1 – Technical specification, which after recalculation according to the expected quantity will form the total tender price in CHF without VAT.

The offer price must include all necessary costs for the proper implementation of the subject of the public procurement, including all related costs (fees, excise duty, customs, transport, ancillary costs affected by e.g. exchange rate effects, price developments, increased costs resulting from business conditions, etc.).

The offer price of individual items in Appendix No. 1 – Technical specification will be fixed for all subsequent partial orders realized during the duration of the Contract.

9 SCOPE OF THE REQUIREMENTS FOR QUALIFICATION

The contracting authority requires the fulfillment of basic and professional qualifications, in the manner and to the extent according to this Tender documentation.

In the event that the qualification was obtained abroad, documents issued in accordance with the legal system of the country in which it was obtained shall be proven, to the extent required by the Contracting Authority.



1) Basic qualification

The supplier is not eligible if:

- a) have been, in the last 5 years prior to commencement of this tendering procedure, finally convicted of a criminal offence listed in Annex 3 to PPA or similar criminal offence(s) under the laws of the Supplier's headquarters country; sentences that had already been struck will not be considered;
- b) have, in the Czech Republic or country of its headquarters, payable tax arrears (outstanding unpaid tax);
- c) have, in the Czech Republic or country of its headquarters, payable insurance arrears or 10 sanction(s) relating to public health insurance;
- d) have, in the Czech Republic or country of its headquarters, payable social security insurance arrears or sanction(s) relating to social security insurance or contributions toward the state employment policy; or
- e) are in liquidation, or subject to insolvency, bankruptcy, under forced Administration (receivership) in accordance with other legal regulation or in similar situation according to the laws of the country where headquartered.

If the Supplier is a legal entity, must the conditions according to letter a) meet by the legal entity and each member of its statutory body. Should a legal entity be a member of the Supplier's statutory body, must the conditions according to letter a) meet simultaneously by:

- a) such legal entity,
- b) each member of its own statutory body and
- c) the person representing this legal entity within the statutory body of the Supplier.

Should the participant in the tendering procedure be a branch of an enterprise

- a) of a foreign legal entity, must the conditions according to letter a) meet by the legal entity and the manager of the branch of such enterprise,
- b) Czech legal entity, must the conditions according to letter a) meet by persons mentioned in the previous paragraph and also the manager of the branch of such enterprise.

Supplier demonstrate their fulfilment of basic qualifications in relation to the Czech Republic by submitting:

- a) Extract from the Criminal Register in relation to letter a) see above,
- b) confirmation from the financial authority in relation to letter b) see above,
- c) written affidavit in relation to consumption tax in relation to letter b) see above,
- d) written affidavit in relation to letter c) see above,
- e) confirmation from the district social security administration in relation to letter d) see above,
- f) extract from the Commercial Register or by affidavit in writing in case the person has not been registered with the Commercial Register, in relation to letter e) see above.

The Contracting authority allows the supplier to replace the qualification documents with the Affidavit. In such a case, the Contracting authority recommends using the sample affidavit, which is Annex No. 3 of this Tender documentation.

If the supplier submits an affidavit to prove the fulfillment of the qualification, it must be signed by a person authorized to act on behalf of the supplier, i.e. by the statutory



representative of the supplier. In the case of a signature by another person, the proper authorization of this person for the relevant legal action must be documented at the same time.

Documents proving the basic qualification and thus an affidavit must declare the fulfilment of required qualification criteria no later than 3 months before the start of the Tender procurement.

2) Professional qualification

The Supplier shall demonstrate its professional qualification in relation to the Czech Republic by submitting an extract from the Commercial Registry or similar registry if the law requires such registration.

Documentation demonstrating professional qualification of Supplier need not be submitted if the laws in the country where such Supplier is headquartered do not require similar professional qualification. In such a case, however, the Supplier shall submit an affidavit on the non-existence of such records.

The Supplier is entitled to fulfill the obligation to submit documents by referring to the corresponding information contained in the public administration information system in the sense of Act No. 365/2000 Coll., on public administration information systems, as amended, or in a similar system operated in another member state, which allows unlimited remote access. Such a link must contain the Internet address and data for logging in and searching for the requested information, if such data is necessary.

10 LANGUAGE PROCESSING OF THE OFFER

The offer may be prepared in the Czech or the English language. This requirement does not apply to documents submitted within the Offer outside the Contracting Authority's requirements (e.g. supplementary promotional documents, product sheets to prove the technical specification etc.).

Should the Contracting Authority require submission of a document according to the laws of the Czech Republic, Suppliers may submit a similar document according to the laws of the country, where such document is being issued; such foreign documents shall be submitted along with their translation into the above offer language. Should the Contracting Authority have doubt about the correctness of the translation, it may request that an official translation into the offer language is procured using a qualified translator who is registered on the list of authorized translators and interpreters. Documents in English language and education certificates (diplomas etc.) in Latin may be submitted without translation. Should the requested document not be issued under the laws of the 'issuing' country at all, Supplier may substitute it by an affidavit.

The Contracting Authority further states that he can waive the obligation to submit the above-mentioned documents translated into Czech or English in cases where the documents and the data on them are sufficiently comprehensible and without doubt.

11 RECOMMENDED MINIMUM CONTENT OF THE OFFER

- a) Draft Contract signed on behalf of the Supplier by an authorized person and with completed data in the highlighted places (Appendix No. 2 of this TD),



- b) Annex to the Contract – Technical specification, supplemented and signed (Annex No. 1 of this TD),
- c) documents to prove the fulfillment of the basic qualification, the Supplier can use the draft of affidavit (Annex No. 3 of this TD),
- d) consolidated affidavit to subcontractors, EU legislation, non-existence of conflict of interests (Annex No. 4 of this TD),
- e) where applicable, the power of attorney of a person authorized by the Supplier's statutory body to act and sign on behalf of the Supplier.

12 EVALUATION OF THE OFFER

Since the procurement procedure is conducted with only one Supplier, the Contracting Authority will not evaluate the offer.

The contracting authority will only assess the offer prices whether they are acceptable to contracting authority, during individual negotiation rounds/periods.

13 OTHER INFORMATION

- The contracting authority may cancel the public procurement if it informs the participant the reason for the cancellation of the public procurement.
- With regard to the chosen type of public procurement, the Contracting Authority reserves the right to change the procurement conditions during negotiations, to negotiate with the Supplier on procurement conditions, including commercial terms, as well as to negotiate on the offer submitted, or on the conclusion of the Contract.
- The Contracting Authority points out that if the supplier is a foreign legal entity, the Contracting Authority may ask it to submit an extract from a foreign register similar to the register of real owners or, if there is no such register, then:
 - a) to submit the identification data of all persons who are its real owner, and
 - b) to submit documents that show the relationship of all persons according to letter a) to the supplier; these documents are in particular:
 - a. Extract from the Commercial Register or other similar register,
 - b. List of shareholders,
 - c. Decision of the statutory body on distribution of profits,
 - d. Articles of association, bylaws or Founder's Deed.

14 ANNEXES

- Annex No. 1 - Technical specification
- Annex No. 2 – Draft Supply Contract
- Annex No. 3 – Template of basic qualification affidavit
- Annex No. 4 - Consolidated Affidavit



In Řež on 24/06/2024

Svoboda

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director
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