



EUROPEAN UNION
European Structural and Investing Funds
Operational Programme Research,
Development and Education



TENDER DOCUMENTATION

for a public procurement procedure for supplies in above-the-limit regime to be contracted in
open proceedings

pursuant to Sec. 56 Act No. 134/2016 Coll., on Public Procurement (hereinafter the “**PPA**”)

Photomultipliers for ECAL@HADES - Round 2

This tender documentation (“**Documentation**”) has been prepared in accordance with Sec. 28 (1) letter b) PPA and represents a set of terms and conditions in level of detail that is sufficient to submit a bid in the tender (“**Bid**”), except for forms pursuant to Section 212 PPA. The rights and obligations of the Contracting Authority and bidders, respectively participants in the tendering procedure (hereinafter, for the purposes of this Documentation, only “**Supplier(s)**”) within this procedure which are not expressly stipulated herein shall be governed by relevant provisions of the PPA.

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1 Basic information about the Public Contract

Contracting Authority:	Ústav jaderné fyziky AV v ČR, v. v. i. Registered seat: Husinec - Řež, čp. 130, 250 68 Řež ID number: 61389005 Tax ID: CZ61389005 Represented by: doc. RNDr. Petr Lukáš, CSc., Director (hereinafter the " Contracting Authority ")
Contracting Authority's Attorney pursuant to Sec. 43 PPA:	HOLEC, ZUSKA & PARTNEŘI advokátní s.r.o. Registered seat: Radlická 3185/1c, Smíchov, 150 00 Praha 5 ID number: 07759711 Contact person: Mgr. Jan Dudák, advokát e-mail: zakazky@holec-advokati.cz tel.: +420 296 325 235 (hereinafter the "Attorney").
Process:	public procurements procedure for supplies (hereinafter the " Public Contract ") in above-the-limit regime to be contracted in open proceedings
CPV code:	31711400-7 - Valves and tubes
Name of the Public contract:	Photomultipliers for ECAL@HADES - Round 2
Estimated value of the Public contract (excl. VAT):	CZK 7.277.000, -
Availability of Documentation pursuant to Sec. 96 PPA	Documentation has been published at the Contracting Authority's website profile in full extent
Bid submission deadline:	In accordance with the published notification on the public contract (" Notification ").

2 Background, purpose and subject of the Public Contract

2.1 Background and the objective of the Public Contract

The Contracting Authority is a public research institution and recipient of funding provided by the Ministry of Education, Youth and Sports of the Czech Republic (hereinafter "**MEYS**") funded within the MEYS "large infrastructures for research, experimental development and innovation" financial tool as well as of a subsidy from the Operational Programme Research, Development and Education (OP RDE) for the implementation of the project FAIR-CZ-OP II ("Facility for Antiproton and Ion Research - participation of the Czech Republic – OP II", hereinafter the "**Project**").

With a view to successful implementation of the Project (FAIR-CZ-OP II), it is also necessary to provide certain performance according to public contract. The subject of this public contract for supplies will be supply of photomultipliers for ECAL detector.

The objective of the procurement procedure for this Public Contract is to conclude a framework purchase contract, draft of which is attached hereto as Annex No. 1 (hereinafter the "**Contract**"), with a single Supplier. The Contract will be concluded between the Contracting Authority and the selected Supplier.

2.2 Subject of the Public contract

The scope of the Public contract concerns delivery of the photomultipliers for ECAL detector. Each photomultiplier shall include a socket. The photomultipliers shall fully comply with the requirements and specification stipulated by the Contracting Authority. The supply of photomultipliers shall also include potential additional works and/or deliveries, and a free licence to use the supply for the needs of the Project, including its follow-up phases.

The detail description of the Subject of this Public Contract is provided in Technical Specification, which is attached to the binding draft of Contract which is attached hereto as *Annex No. 1*.

2.3 Reasoning of not dividing the Public contract into parts

This Public Contract is not divided into individual parts. The reason for this Public Contract not being divided into parts is the fact that the subject of the Public Contract represents a homogenous whole lacking any classification by individual domains; the Contracting Authority anticipates that the complete subject of the Public Contract will be executed fully by one single Supplier meeting the terms and conditions hereof.

3 Place and Time for Performance of the Public Contract

3.1 Place of the performance of the Public Contract

The place of performance of the Public Contract shall be defined as the Czech Republic, specifically the seat of the Contracting Authority.

3.2 Anticipated time of execution

Commencement: 2020

Completion: 2022

Contract signature date depends on the completion of the tendering procedure

4 Suppliers' Qualification

4.1 Fulfilment of Qualification Criteria

Suppliers need to meet requirements relating to qualification as defined in Sec. 73 *et seq.* PPA. Suppliers shall demonstrate that they meet these qualification requirements in the manner and extent specified herein.

Qualification requirements for this Public Contract shall be met by Suppliers who will duly demonstrate the following in their Bid:

- a) Basic qualification pursuant to Sec. 74 PPA;
- b) Professional qualification pursuant to Sec. 77 PPA;
- c) Economic qualification criteria pursuant to Sec. 78 PPA;
- d) Technical qualification criteria pursuant to Sec. 79 PPA.

4.2 Authenticity and age of documents proving qualification

4.2.1 Authenticity

Documents to be provided by Suppliers to demonstrate their qualification may be submitted in simple copies pursuant to Sec. 45 (1) PPA; the Contracting Authority will allow that Suppliers substitute, in accordance with Sec. 86 (2) PPA, affidavits in place of documents where applicable.

In order for qualification to be proved, the Contracting Authority shall require primarily documents registered in the system that helps identify the certificates requested as a proof of qualification (e-Certis).

Suppliers providing affidavits in place of documents shall make sure that such affidavits are duly signed by statutory representatives of the Supplier or, if signed by another person, Suppliers shall demonstrate that such other person has been duly authorized to take such legal acts, which demonstrate the Supplier's qualification.

The Contracting Authority shall require, in accordance with Sec. 86 (3) PPA, that the selected Supplier submits, prior to executing the Contract hereunder, originals / notarized copies of documents demonstrating Supplier's qualification.

4.2.2 Age

Documentation demonstrating basic qualification pursuant to Sec. 74 PPA and professional qualification pursuant to Sec. 77 (1) PPA shall demonstrate fulfilment of the required qualification criterion no later than 3 months prior to the commencement of the tender proceeding.

4.3 Demonstrating Suppliers' qualifications obtained abroad

In case the required qualification is obtained abroad, it shall be demonstrated by documents issued in accordance with the law of such country, where it has been obtained, in the extent required by the Contracting Authority.

4.4 Basic qualification

4.4.1 Extent

Suppliers who [within the meaning of Sec. 74 (1) PPA]

- a) have been, in the last 5 years prior to commencement of this tendering procedure, finally convicted of a criminal offence listed in Annex No. 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 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

WILL BE DEEMED TO HAVE BEEN DISQUALIFIED HEREFROM.

If the Supplier is a legal entity, the conditions imposed by Sec. 74 (1) letter a) PPA shall be met by the legal entity and each member of its statutory body. Should a legal entity be a member of the Supplier's statutory body, the conditions imposed by Sec. 74 (1) letter a) PPA shall be met by such legal entity,

- a) and each member of its own statutory body, and
- b) by 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, the conditions imposed by Sec. 74 (1) letter a) PPA shall be met by the legal entity and the manager of the branch of such enterprise,
- b) Czech legal entity, the conditions imposed by Sec. 74 (1) letter a) PPA shall be met by persons listed in Sec. 74 (2) PPA and the manager of the branch of such enterprise.

4.4.2 Demonstration of basic qualification

Suppliers demonstrate their fulfilment of basic qualifications under paragraph 4.4.1. above in relation to the Czech Republic by submitting:

- a) Extract from the Criminal Register in relation to Sec. 74 (1) letter a),
- b) confirmation from the competent financial authority in relation to Sec. 74 (1) letter b),
- c) written affidavit in relation to consumption tax as per Sec. 74 (1) letter b),
- d) written affidavit in relation to Sec. 74 (1) letter c),
- e) confirmation from the competent district social security administration in relation to Sec. 74 (1) letter d),
- 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 Sec. 74 (1) letter e).

Suppliers may use the template affidavit attached hereto as *Annex No. 2*.

If the Supplier is a person headquartered abroad, it shall demonstrate meeting basic qualification with respect to letter a) above only in relation to the country where it has its headquarters.

4.5 Professional qualification

Supplier shall demonstrate its professional qualification in relation to the Czech Republic by submitting an **extract from the Commercial Register** or similar register, if the law requires such registration.

Documentation demonstrating professional qualification of Suppliers needn't be submitted if the laws in the country where such Supplier is headquartered do not require similar professional qualification.

4.6 Economic qualification

The Contracting Authority requires that the minimum annual turnover of the Supplier for the last 3 accounting periods prior to commencement of the tendering procedure amounted to at least **CZK 5.000.000** in each such accounting period.

If the minimum annual turnover of the Supplier is in a currency other than CZK, the Contracting Authority requires a conversion according to the average foreign exchange market rate published by the Czech National Bank (hereinafter „**CNB**“) for the accounting period to which the given turnover data is linked by the Supplier (i.e. monthly cumulative averages January to December of the given year are used to convert total annual turnover). For more information, see <http://www.cnb.cz>

If the Supplier came into existence at a later date, it shall submit information concerning its turnover (and compliance with the required limit) for all accounting periods from the date of its formation.

Suppliers shall demonstrate the turnover by **Profit and Loss Statement** or similar document, according to the laws of the country where the Supplier is headquartered.

Should the Supplier demonstrate its economic qualification through a third person, the Contracting Authority requires that the Supplier and such other person, demonstrating economic qualification on behalf of the Supplier, be jointly and severally liable for the performance to be provided in the Public Contract. This fact shall be demonstrated by the Supplier in a manner defined in Art. 4.8 hereof.

4.7 Technical qualification

4.7.1 List of important deliveries

The Contracting Authority will require that Suppliers submit a **List of Important Deliveries** (LID) provided in the last **3 years** prior to commencement of this tendering procedure including the price thereof and period when provided, along with identification of the client.

The Contracting Authority will allow that Suppliers list those deliveries that may have not yet been completed, but the Supplier has already completed a part of such delivery, which meets the definition of an important delivery provided below.

4.7.2 Minimum LID requirements

The Contracting Authority requires that Supplier provides in LID at least one **important delivery which will meet the following requirements:**

- **delivery of at least 200 (or more) pieces of photomultipliers of the following specification: head-on type with head diameter of at least 75 mm**

If the price of the important delivery has been paid in a currency other than CZK, the average CNB exchange rate valid on the last day of the deadline for submission of bids shall be used for conversion to CZK.

For the avoidance of doubt, the Contracting Authority states that in the LID, the Supplier may list either a single delivery consisting of at least 200 photomultipliers or several deliveries consisting of at least 200 photomultipliers in total.

4.7.3 Conflict of Interest

In the event it is demonstrated that the Supplier has a conflict of interest, which could negatively affect performance of the Public Contract, the Contracting Authority may, pursuant to Sec. 79 (1) PPA, deem the technical qualification not duly demonstrated.

4.8 Demonstrating qualification through other persons (Sec. 83 PPA)

Suppliers may demonstrate certain parts of their economic qualification, technical qualification or professional qualification, with the exception of criterion as per Sec. 77 (1) PPA, through (an) other person(s). Suppliers shall be in such cases required to provide the Contracting Authority with the following documentation:

- a) documentation demonstrating fulfilment of professional qualification pursuant to Sec. 77 (1) by another person,
- b) documentation demonstrating fulfilment of the missing part of the qualification by another person,
- c) documentation demonstrating fulfilment of the basic qualification pursuant to Sec. 74 by another person, and
- d) a commitment certified by such another person in writing to provide performance intended for the Public Contract or to provide assets or rights with which the Supplier will be authorized to dispose during execution of the Public Contract, at least in the extent, in which such another person demonstrated its qualification on behalf of the Supplier. This requirement will be deemed to have been met, if the written commitment of another person includes joint and several liability of this person for the performance of the Public Contract along with Supplier. Should a Supplier demonstrate qualification through another person, and submit documentation pursuant to Sec. 79 (2) letter b) or d) PPA relating to such person, the commitment in writing made out by such person shall also include, that such person shall perform those services that are directly related to the qualification criterion it demonstrated.

4.9 List of Qualified Suppliers

Suppliers may demonstrate their qualifications by presenting a certificate from the List of Qualified Suppliers, in the manner and extent required in Sec. 228 *et seq.* PPA.

4.10 Certified Suppliers System

Suppliers may demonstrate their qualifications by presenting a certificate from the approved system of certified suppliers, in the manner and extent required in Sec. 233 *et seq.* PPA.

4.11 Changes in Suppliers Qualification

Should the Suppliers' qualification change, after the documentation or affidavits demonstrating qualification had already been submitted in the tendering procedure, Suppliers shall be obliged to notify such change to the Contracting Authority within do 5 business days thereof, and submit, within 10 business days from notification, new documentation of affidavits concerning such changed qualification.

5 Bid language

Bids may be prepared in the **Czech or English language** in line with the Contracting Authority's requirements stipulated herein and in the PPA; this requirement does not apply to documents submitted within the Bid outside the Contracting Authority's requirements (e.g. additional publicity information).

Should the PPA or 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 Czech or English. Should the Contracting Authority have doubt about the correctness of the translation, it may request that an official translation is procured using a qualified translator into the Czech or English language who is registered on the list of authorized translators and interpreters. Documents in Slovak 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, it may be substituted by an affidavit.

6 Recommended method of preparation and form of the Bid

6.1 Recommendations relating to structure, contents and preparation of the Bid, incl. documents relating to qualification

6.1.1 Bid structure

The Contracting Authority requires that the Bid is structured as follows:

- a) Cover Letter according to *Annex No. 3* hereto including the Bid price in the structure according to the guidelines stipulated in Art. 10 hereof;
- b) Power of Attorney for the person authorized by the Supplier's statutory representative to act and sign on behalf of the Supplier (where applicable);
- c) documentation demonstrating fulfilment of basic qualification;
- d) documentation demonstrating fulfilment of professional qualification;
- e) documentation demonstrating criteria relating to economic qualification;
- f) documentation demonstrating criteria relating to technical qualification;
- g) draft Contract with all pertinent data filled in; this draft shall fully comply with terms and conditions stipulated herein – *Annex No. 1*; the Contract shall be accompanied with all requested Annexes thereto;
- h) specification of the photomultiplier offered by the Supplier, which will be in accordance with the minimum requirements set out in *Annex No. 1* to the Contract – Technical specification.

6.1.2 Recommended formal requirements for the Bid

The Contracting Authority states that it requires the submission of the Bids in writing in Czech or English, and only in electronic form via an electronic tool.

Detailed information for Bid submission by electronic means:

- a) For Bid submission by electronic means Suppliers shall use the certified electronic tool E-ZAK (hereinafter „E-ZAK“) available on-line at <https://ezak.ujf.cas.cz?lang=en>, where also basic instructions on how to use it and user support contacts can be found.
- b) For this purpose, the Supplier should dispose with proper equipment (e.g. a personal computer, notebook or similar device) meeting the E-ZAK system requirements, including the operational system requirements and internet browser requirements, namely the following: a common internet browser, preferably a newer version, should suffice provided that SW Java, preferably version 1.8 or higher (required for work with an electronic signature applet), or Java Runtime Environment is installed and enabled and that cookies are allowed. The system requirements for Bid submission within the E-ZAK environment are outlined at https://ezak.ujf.cas.cz/test_index.html?lang=en and described in detail at <http://www.ezak.cz/faq/pozadavky-na-system>.
- c) The Supplier has to register (for the possibility of Bid submission) as a supplier in the electronic tool E-ZAK (see the link „sign up“ at <https://ezak.ujf.cas.cz?lang=en> or directly the linked webpage <https://ezak.ujf.cas.cz/regitrace.html?lang=en>). In particular, Supplier's identification data and an electronic signature based on qualified certificate may be required for registration completion. The registration is not charged with any fees.
- d) All files constituting the Bid shall be uploaded by the Supplier to the electronic tool E-ZAK as attachments.
- e) If in this Tender Documentation is required that a specific document has to be signed by the Supplier (or the person duly authorized to sign on its behalf) while its replacement by a copy or scan is not allowed, the documents has to be signed electronically with an electronic signature based on a qualified certificate according to the Act No. 297/2016 Coll., on trust services for electronic transactions, as amended.
- f) The Contracting Authority is not responsible for technical conditions and circumstances on Supplier's part. The Contracting Authority recommends Suppliers to consider in particular the stability and (upload) speed of their internet connection when submitting the Bid so that it is submitted within the stipulated Deadline. Please note that Bid submission means the final posting of the complete Bid (i.e. after uploading all its attachments) to the electronic tool E-ZAK.

6.2 Joint Bid Requirements

Joint Bid is a bid submitted by more than one Supplier together. In such a case, the Suppliers submitting such joint bid shall be considered to constitute one Supplier.

Submission of a joint Bid shall be considered to constitute a joint commitment of all involved Suppliers, with such Suppliers being liable, according to Sec. 1874 Act No. 89/2012 Coll., Civil Code, as amended, jointly and severally.

7 Tender Documentation Clarification

Suppliers may request in writing (only by electronic means) that the Contracting Authority provides clarification to this Documentation (by e-mail, databox or via an electronic tool).

Clarifications shall be published at the Contracting Authority's web profile in line with Sec. 98 (4) PPA within 3 business day from receipt of the request.

Clarification requests shall be submitted in the Czech or English language to the Attorney (Art. 1 hereof). Clarification requests shall be delivered in line with Sec. 98 (3) PPA no later than 8 business days prior to the Bid submission deadline.

The Contracting Authority may provide clarifications to Suppliers without receiving specific requests where it feels such clarification may be necessary. The Contracting Authority shall publish/distribute such clarification no later than 5 business days prior to the Bid submission deadline.

8 Manner, time and place for Bid submissions

Supplier shall submit its Bid in writing by electronic means through the electronic tool E-ZAK on the following electronic address for Bid submission:

<https://ezak.ujf.cas.cz/vz00000361>

The time limit for submitting bids expires on the date stated in the Notification ("**Deadline**").

All data and information that may be necessary for Bid submission by electronic means are provided in this Tender Documentation.

9 Bid opening: Date, place and procedure

Bids shall be opened by means of the relevant electronic tool upon expiry of the Deadline.

Bid opening is not public because only electronic means are allowed for their submission.

10 Structure of the Bid Price

Suppliers shall specify the bid price on a separate sheet within the Bid (e.g. on the Cover Letter). The bid price shall be specified as the total purchase price in CZK for the subject-matter of the Public

Contract, i.e. the total purchase price in CZK under Art. 6.1 of the Contract, providing information on price excluding VAT, the applicable VAT rate and the total price including VAT.

The total purchase price in CZK under Art. 6.1 of the Contract shall comprise the price in CZK for 400 photomultipliers (including socket) under Art. 3.4.2 of the Contract and the price in CZK for 30 additional sockets as spare parts under Art. 3.5 of the Contract. These prices in CZK shall be calculated based on the unit prices in CZK under Art. 6.4 of the Contract. The Supplier shall fill in the above prices into the Contract to be submitted within the Bid.

The Bid price shall be quoted as the fixed price, not subject to any adjustment whatsoever during the entire term of the Contract. The total Bid price shall be specified as the maximum acceptable price including all associated costs and fees and shall include all costs relating to the execution of the Public Contract under the terms and conditions defined in the binding draft of the Contract. The Contracting Authority will not provide any advance payments during the performance of the Public Contract to any Supplier whatsoever.

11 Evaluation

Bids to perform the Public Contract will be evaluated strictly in reference to their economic advantage, i.e. in accordance with Sec. 114 *et seq.* PPA.

11.1 Evaluation criterion

Economical advantage of Bids shall be evaluated on the basis of the lowest quoted bid price.

Criterion	Weight %
Total bid price in CZK excl. VAT	100 %

The total bid price that will be evaluated shall be understood, for the purposes of evaluation, as the total bid price determined in the manner defined in Article 10 herein, i.e. the total purchase price in CZK excl. VAT. The Bid price shall be quoted as the fixed price, not subject to any adjustment whatsoever during the entire term of the Contract. The total Bid price shall be specified as the maximum acceptable price including all associated costs and fees and shall include all costs relating to the execution of the Public Contract under the terms and conditions defined in the binding draft of the Contract.

11.2 Evaluation method

The order of Bids shall be determined according to the quoted bid price. The winning bid (first in this order) shall be the bid quoting the lowest bid price while respecting / meeting all terms and requirements defined in the tender documentation provided that the Supplier demonstrated fulfilment of qualification requirements.

The Contracting Authority shall select the Supplier to conclude the Contract with, whose Bid had been evaluated as the most economically advantageous, i.e. as the bid quoting the lowest bid price.

The Contracting Authority will not evaluate bids if it should evaluate only one bid supplied by one Supplier.

12 Selection of Supplier

In order to conclude a contract, the Contracting Authority is obliged to select the Supplier whose bid has been evaluated as the most economically advantageous on the basis of evaluation of bids.

Where there is only one Supplier participating in the procurement procedure, it may be selected by the Contracting Authority without evaluation.

The Contracting Authority shall send the selected Supplier a notice to submit

- a) the originals or certified copies of documents attesting to its qualification where they have not already been submitted by the Supplier to the Contracting Authority
- b) documents or samples the submission of which is a condition for the conclusion of the contract where the Contracting Authority has reserved the right to do so under Sec. 104 PPA

If the selected Supplier is an legal entity, the Contracting Authority shall ascertain the data on its beneficial owner pursuant to the Act No. 253/2008 Coll., on selected measures against the legitimisation of the proceeds of crime and financing of terrorism (hereinafter the “**Beneficial owner**”) from the records of Beneficial owners pursuant to the act on public registers of legal and natural persons. The Contracting Authority shall state the ascertained data in the public procurement documentation. For these purposes, the Ministry of Justice will allow the Contracting Authority remote access to the data on the Beneficial owner in accordance with the law governing public registers of legal and natural persons.

If the data on the Beneficial owner cannot be ascertained in accordance with the procedure set out above, the Contracting Authority shall also notify the selected Supplier to submit an extract from the records similar to the records of data on Beneficial owners or

- a) to communicate the identification details of all persons who are the beneficial owners; and
- b) to submit documents showing the relationship of all persons referred to in letter a) with the Supplier; these documents are in particular
 - (i) extract from the Commercial Register or other similar records,
 - (i) list of shareholders,
 - (ii) decision of the statutory body on the payment of the profit share,
 - (iii) partnership agreement, charter or articles of association.

With regard to the notice specified above, the procedure pursuant to Sec. 46 (1) PPA applies by analogy.

The Contracting Authority shall exclude a participant which has failed to submit data, documents or samples in accordance with the procedure set out above or if the outcome of sample tests does not correspond to the award criteria stipulated in this tendering procedure.

13 Other conditions for concluding a Contract in accordance with Sec. 104 PPA

As another condition for concluding the Contract in accordance with Sec. 104 letter a) PPA, the Contracting Authority requires the selected Supplier to submit a sample consisting of **3** pieces of photomultipliers (hereinafter “**sample**”). The sample must be documented, including output sheets, which must contain the following quantities with respect to each piece:

- a) cathode luminous sensitivity,
- b) anode luminous sensitivity,
- c) anode dark current
- d) cathode blue sensitivity index/blue filter measurement (CS 5-58, half stock)

The Contracting Authority also stipulates that the sample will undergo a verification of the declared parameters which are required in technical parameters in the Contracting Authority's environment:

- a) Verification of Physical dimensions and parameters and
- b) Verification of Detection properties.

The Contracting Authority defines that the verification of Physical dimensions and general properties will be performed as follows:

- The measurement will be made using standard metrology equipment with precision equal or better than ± 0.5 mm. The relevant quantities to be verified are:
 - Head-on/end window type
 - Head diameter (do)
 - Tube diameter (di)
 - Head length (hh)
 - Length (only PMT without pins and tube plug) (hb)
 - Full length (hmax)
 - Effective diameter
- The required values of Physical dimensions and general properties, that shall be met by the photomultipliers in the sample as well as by the photomultipliers to be supplied under the Contract, are defined in the Technical Specification attached as Annex No. 1 to the Contract, namely in section “Physical dimensions and general properties”.

The Contracting Authority defines that the verification of Detection properties will be performed as follows:

- The measurement will be conducted using the industry standard methodology in order to verify the following quantities, with precision equal or better than 10 % of the declared value. The relevant quantities are:
 - Cathode luminous sensitivity
 - Anode luminous sensitivity

- Blue sensitivity index/Blue filter measurement
- Rise time
- Electron transit time
- Linearity
- Dark current
- The required values of Detection properties, that shall be met by the photomultipliers in the sample as well as by the photomultipliers to be supplied under the Contract, are defined in the Technical Specification attached as Annex No. 1 to the Contract, namely in section “Detection properties”.

14 Commercial and other terms

Commercial and other terms within the meaning of Sec. 37 (1) letter c) PPA, defining the future framework for the contractual relationship between the Contracting Authority and the selected Supplier, have been stipulated in detail in the binding draft of the Contract, which is attached hereto as *Annex No. 1*

Suppliers shall fill in the required information into this binding draft Contract (their own identification information, information relating to evaluation criteria and other data as may be highlighted throughout the text of the draft Contract). The resulting filled-in binding draft shall be then submitted as their own draft Contract. The draft Contract shall be duly signed by person(s) duly authorized by the Supplier to act and sign on its behalf.

Suppliers shall not be authorized to amend or modify the text of the draft Contract with the exception of information that they are required to fill in. Should a Supplier amend or modify any part of the Contract, which the Contracting Authority did not authorize, or enters information that are contrary to the Contracting Authority’s requirements, the Bid shall be considered to have failed to comply with tendering terms and conditions.

15 Exceptionally Low Bid price

The Contracting Authority shall evaluate whether the prices offered constitute an especially low Bid price prior to distributing notification on the selection of the Supplier.

In the event an exceptionally low Bid price is identified, the Contracting Authority shall request the Supplier to justify the method of arriving at such price in writing and proceed pursuant to Sec. 113 PPA.

16 Communication between the Contracting Authority and Suppliers

No communication between the Contracting Authority and Suppliers may prejudice confidentiality of Bids or completeness of the information contained therein. The Contracting Authority shall not be allowed to access the Bids’ contents before the deadline for their submission.

Documents exchanged pursuant to the PPA may be delivered in by electronic means only - electronic mail, electronic tool or via data box.

The Contracting Authority requires, in order to maintain legal clarity of the tendering procedure, that all communication with the Contracting Authority is conducted solely and exclusively in writing. Any other methods of communication, e.g. personal meetings, telephone conferences etc., shall be excluded except as expressly regulated in a statutory procedure. All acts by the Contracting Authority towards Suppliers or acts by Suppliers toward the Contracting Authority within the tender procedure shall be in writing. Acts toward the Contracting Authority shall be delivered to the Attorney referred to in Art 1 of this Documentation.

When communicating by means of a data box, document shall be deemed to have been delivered by delivery into the addressee's data box.

If a Bid is submitted by more Suppliers jointly, they are required to state in their Bid what is their joint delivery address for any correspondence with the Contracting Authority. Transmission of any documents to this joint address shall constitute a proper delivery to all participants in the joint Bid. The Contracting Authority has however reserved the right to send documents to each Supplier - party to a joint Bid separately.

17 Other

17.1 The rights of the Contracting Authority

The Contracting Authority reserves the following rights and conditions:

- a) Given the nature of the subject-matter of the Public Contract, the Contracting Authority will not allow alternative Bid pursuant to Sec. 102 PPA;
- b) The Contracting Authority shall not make any payment to Suppliers in connection with their participation herein;
- c) The Contracting Authority may perform assessment of fulfilment of conditions relating to participation in the tender prior to Bid evaluation or after the Bid evaluation process.

17.2 Binding nature of the Contracting Authority's requirements

The information and data stipulated bevy the Contracting Authority in various parts of the tender Documentation constitute mandatory requirements. Each Supplier shall be obliged to fully and unconditionally respect these requirements when processing their respective Bids. Non-acceptance of the Contracting Authority requirements specified in the tender Documentation may constitute failure to fulfil tender terms and conditions.

17.3 Confidentiality

Suppliers shall be obliged to treat all information that will be provided to them during the tender procedure period as strictly confidential (except for information that were published). Suppliers

shall be obliged to refrain from any acts that might disrupt the transparent and non-discriminatory conduct of the procurement procedure, in particular any actions that could result in a distortion of competition between Suppliers within this Public Contract tendering procedure.

Should parties hereto exchange any information identified as confidential with each other during the Contract negotiations, the receiving party to which the information was provided shall not disclose such information to any third party, nor use it contrary to their purpose for its own needs, regardless of whether the Contract is eventually concluded or not. The party breaching this duty shall be liable to pay damages, in accordance, by analogy, with Sec. 2913 Act No. 89/2012 Coll., Civil Code, as amended.

17.4 Site inspection

There will be no site inspections.

17.5 Tender period

The Contracting Authority does not define a specific tender period within the meaning of Sec. 40 PPA.

17.6 Security

The Contracting Authority does not require a security (e.g. bank guarantee) within the procedure.

17.7 Preparation of the tender terms and conditions

These terms and conditions were not prepared by any persons outside the Contracting Authority.

Annexes:

Annex No. 1 – Binding draft of Contract for Work (including Technical specification)

Annex No. 2 – Form of affidavit to basic qualification

Annex No. 3 – Cover Sheet template

In Řež on 9. 9. 2020



RNDr. Petr Lukáš, Csc., director