

Justification of Purposefulness of Public Contract

Public Contract name: **Personal Safety Interlock System**

Type of Public Contract and Procedure: above-the-threshold public contract for supplies in negotiated procedure without publication.

Negotiated procedure without publication is applicable since conditions stated in Sec. 23 (5) (a) of the Act are met and the supplied products are manufactured purely for the purposes of research or development.

Number in the Official Information System of Public Contracts: 521282

Contracting Authority: Fyzikální ústav AV ČR, v. v. i.
Seat: Na Slovance 2, 182 21 Praha 8
Identification No.: 68378271
Tax Identification No.: CZ68378271
Person authorized to represent the Contracting Authority: prof. Jan Řídký, DrSc., Director

Statement of Reasons for Purposefulness of Public Contract Pursuant to Sec. 2 of the Decree n. 232/2012 Coll.	
The data pursuant to Sec. 1, where a modification occurred in contrast to the facts pursuant to Sec. 1 of the regulation (modifications in contrast to Justification of Purposefulness of Public Contract for Purposes of Contracting Authority Prior Information Notice):	
a) description of the needs to be accomplished through the performance of a public contract	No changes
b) description of the subject matter of a public contract	No changes
c) a mutual relationship between the subject matter of a public contract and the needs of the contracting entity	No changes

<p>d) foreseen deadline of the performance of a public contract</p>	<p>Amended. Pursuant to indicative time schedule of the performance the anticipated date of the performance of the public contract shall be: 8/2016 – 2018.</p>
<p>The description of the risks attaching to the performance of a public contract which were taken into account by the contracting entity in setting forth tender conditions. It particularly involves the risks of failure to execute a public contract, delay with the performance of a public contract, reduced quality of the performance, expending additional financial costs</p>	<p>Not realizing the Public Contract might jeopardize a fulfilment of aims and conditions emerging from a realization of the projects, whose proper realization the Contracting Authority has pledged to.</p>
<p>The contracting authority may delimit the variants of the accomplishment of the need and justification of the selected variant of the public contract (<i>optional</i>)</p>	<p>The Contracting Authority is not aware of any other way of accomplishing its needs.</p>
<p>The contracting authority may delimit to what extent the public contract will influence the performance of envisaged target. (<i>optional</i>)</p>	<p>A successful realization of the public contract achieves a fulfilment of the Contracting Authority needs and a reaching of the envisaged target.</p>
<p>Supplementary information justifying the purposefulness of a public contract (<i>optional</i>)</p>	

Statement of Reasons for Proportionality of the Requirements on Technical Qualifications Prerequisites for the Performance of a Public Supply Contract Pursuant to Sec. 3 (1) of the Decree n. 232/2012 Coll.

(justification of proportionality of the requirements on technical qualifications prerequisites in relation to the subject matter of the public contract and to the risks attaching to the performance of the public contract)

This tender procedure has been awarded in the form of negotiated procedure without publication, whereas the final phrasing of qualification criteria is not known yet.

<p>Justification of proportionality of the requirements for the list of principal deliveries. (<i>The contracting entity shall fill it in compulsorily, where the required financial value of all principal deliveries amounts in the aggregate to at least three times the the estimated value of the public contract.</i>)</p>	<p>Not required within the tentative tender conditions</p>
<p>Justification of proportionality of the requirement for submission of the list of technicians or technical bodies. (<i>The contracting authority shall fill it in compulsorily, where it requires the submission of the list of more than three technicians or technical bodies</i>).</p>	<p>Not required within the tentative tender conditions</p>
<p>Justification of proportionality of the requirement for production of the description of technical facilities and measures used by the economic operator for ensuring quality control, and description of facilities or equipment of the economic operator designed for research.</p>	<p>Not required within the tentative tender conditions</p>
<p>Justification of proportionality of the requirement on the check carried out on the production capacities by the contracting authority or on its behalf by another person and, if necessary, a check on measures relating to assurance of quality and research.</p>	<p>Not required within the tentative tender conditions</p>
<p>Justification of proportionality of the requirement for submission of samples, descriptions or photographs of the products to be supplied.</p>	<p>Not required within the tentative tender conditions</p>
<p>Justification of proportionality of the requirement for production of evidence attesting conformity of a required product issued by the relevant authority.</p>	<p>Not required within the tentative tender conditions</p>

Statement of Reasons for Proportionality of the Requirements on Technical Qualifications Prerequisites for the Performance of a Public Service Contract Pursuant to Sec. 3(2) of the Decree n. 232/2012 Coll.

(justification of proportionality of the requirements on technical qualifications prerequisites in relation to the subject matter of the public contract and to the risks attaching to the performance of the public contract)

This tender procedure has been awarded in the form of negotiated procedure without publication, whereas the final phrasing of qualification criteria is not known yet.

Justification of proportionality of the requirements for the list of principal services. <i>(The contracting entity shall fill it in compulsorily, where the required financial value of all principal services is in the aggregate at least three times the amount of the estimated value of the public contract.)</i>	Not required within the tentative tender conditions
Justification of proportionality of the requirement for submission of the list of technicians or technical bodies. <i>(The contracting authority shall fill it in compulsorily, where it requires the submission of the list of more than three technicians or technical bodies).</i>	Personal Safety Interlock system (PSI) is a complex safety system which assures safety of personnel in experimental and laser halls as well as technical areas of the building. The design and final implementation of the system is a crucial point of the delivery. For this purpose experienced and skilled technicians and technical bodies are needed in adequate number. It is imperative for the bidder to have sufficient personnel capacity.
Justification of proportionality of the requirement for production of the description of technical facilities and measures used by the economic operator for ensuring quality control, and description of facilities or equipment of the economic operator designed for research.	Not required within the tentative tender conditions
Justification of proportionality of the requirement on the check carried out	Not required within the tentative tender conditions

<p>on the production capacities by the contracting authority or on its behalf by another person and, if necessary, a check on measures relating to assurance of quality and research.</p>	
<p>Justification of proportionality of the requirement for production of a certificate of education and professional qualifications of the economic operator or those of the economic operator's managerial staff or of persons with equal status and persons responsible for providing relevant services (<i>The contracting entity shall fill it in compulsorily, where it requires submission of a certificate of education higher than secondary education with GCSE (general certificate of secondary education) exam, or a certificate of professional qualifications longer than three years</i>).</p>	<p>Due to Procedure magnitude and solution complexness, Contracting Authority want to make sure Public Contract is performed by qualified and experienced bidder. Due to Public Contract nature and extend required professions condition are sine qua non for the ability to perform Public Contract. Since PSI is a complex system essential for the facility operation it is fundamental that the bidder use highly experienced, skilled, and educated personnel to successfully deliver the subject of the Public Contract.</p>
<p>Justification of proportionality of the requirement for production of the statement of the average annual manpower of the economic operator or of other persons engaged in the performance of contracts of similar nature and of the number of economic operator's managerial staff or of persons with equal status.</p>	<p>Not required within the tentative tender conditions</p>
<p>Justification of proportionality of the requirement for production of the statement of tools or aids, operating and technical equipment available to the economic operator for carrying out the public contract</p>	<p>Not required within the tentative tender conditions</p>

Statement of Reasons for Delimitation of Commercial Terms and Conditions for Public Supply Contracts and Public Service Contracts Pursuant to Sec. 4 of the Decree n. 232/2012 Coll.

This tender procedure has been awarded in the form of negotiated procedure without publication, whereas the final phrasing of contract is not known yet. By the time of publishing this justification of purposefulness it is not possible to justify the commercial terms and conditions.

Justification of delimitation of the commercial term setting forth maturity of invoices longer than 30 days	
Justification of delimitation of the commercial term setting forth the requirement for third party liability insurance for the damage brought about by the economic operator to third persons amounting to twice the estimated value of the public contract.	
Justification of delimitation of the commercial term setting forth the requirement for a bank guarantee higher than 5 % of the public contract value.	
Justification of delimitation of the commercial term setting forth the requirement for a guarantee period longer than 24 months	
Justification of delimitation of the commercial term setting forth a contractual penalty in the event of default of the economic operator higher than 0.2 % of the estimated value of the public contract for each day of delay.	
Justification of delimitation of the commercial term setting forth a contractual penalty in the event of default of the contracting entity higher than 0.05 % of the due	
Justification of delimitation of other commercial terms and conditions pursuant to Sec. 5(2). The contracting authority shall justify delimitation of commercial terms and conditions of a	

<p>public supply contract and public service contract in proportion to its needs and to the risks attaching to the performance of the public contract.</p>	
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<p align="center">Justification for Technical Conditions specification of Public Contract Pursuant to Sec. 5 of the Decree</p> <p><i>This tender procedure has been awarded in the form of negotiated procedure without publication, whereas the final phrasing of technical conditions is not known yet.</i></p>	
<p align="center">Technical Condition Statement of Reasons for</p>	<p align="center">Technical Condition Statement of Reasons for</p>
<p>Contracting Authority requires the PSI system to protect personnel against defined hazards.</p>	<p>The bidder shall define the hazards, analyse them, and design the systems in a way to cover all the defined hazards and protect personnel against them. The personnel working in the experimental, laser and technical areas shall be provided with state of the art engineering controls to assure their safety.</p>
<p>Contracting Authority requires the PSI system shall be a combination of mechanical and electronic system.</p>	<p>To achieve maximum level of safety it is need to combine the mechanical and electronic systems. In some cases it is not possible to use a single solution (e.g. experimental chambers).</p>
<p>Contracting Authority requires the PSI system shall be fail-safe designed.</p>	<p>In the case of any part of PSI failure that system shall transmit the operation to safe mode. Safety systems shall be always designed as fail-safe systems.</p>
<p>Contracting Authority requires the PSI system shall provide secure access to the hazardous areas.</p>	<p>Above the access control system the PSI shall establish and maintain additional access control barrier to the hazardous areas. Because access control system cannot monitor and indicate the safety status of the area it cannot decide about the access permission. Thus PSI shall have the final decision authority for granting or denying the access right to the hazardous area.</p>
<p>Contracting Authority requires the PSI system shall establish and maintain the area safety modes.</p>	<p>Safety modes indicate the nature of the work being done inside the hazardous areas. It also serves to efficiently manage safety of present personnel in the term of various work limitations. Therefore it is necessary to</p>

	establish and maintain the safety modes especially adopted to the mode of operation of the hazardous areas.
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Justification for Basic and Partial Evaluation Criteria setting pursuant to Sec. 6 of the Decree	
Evaluation Criterion	Statement of Reasons
<p>The basic criterion for the selection of the potential contractor shall be, pursuant to Sec. 78 (2) of the Act, the economic value of the bid.</p>	<p>The Contracting Authority has tentatively stated this basic criterion with respect to the subject matter of the public contract and with respect to providing of a quality performance of given public contract due to requirements given by the Contracting Authority.</p> <p>Partial evaluation criteria including their individual weight will be provided in Tender Documentation in accordance with provisions of Sec. 78 (6) of the Act. Partial evaluation criteria will reflect technical quality of the proposed solutions.</p>