

PROCUREMENT DOCUMENTATION

for a below-threshold public contract for supplies called:

„High power ps fiber laser for material processing”

awarded in a simplified below-threshold procedure pursuant to Section 53 of the Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter the „Act“),

(hereinafter the “*Procurement Documentation*”, “*Public Contract*” and “*Procurement Procedure*”)

Contracting authority:

Institute of Physics of the Czech Academy of Sciences, public research institution
with its registered office at Na Slovance 2, 182 00 Prague 8, identification No.: 683 78 271
hereinafter the “*Contracting authority*”



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1. Basic data on Contracting authority and Procurement Procedure

1.1. Basic data on Contracting authority

Contracting authority	Institute of Physics of the Czech Academy of Sciences, public research institution
Registered Office:	Na Slovance 2, 182 00 Prague 8, Czech Republic
Identification No.:	683 78 271
Tax Identification No.:	CZ68378271
Person authorised to act on behalf of the Contracting authority:	RNDr. Michael Prouza, Ph.D., Director
Representative of the Contracting authority pursuant to Section 43 of the Act:	<p>KAROLAS Legal s.r.o., advokátní kancelář, registered in the Commercial Register kept by Municipal Court in Praha, File No. C 269742, with its registered office at Klimentská 2062/6, Nové Město, 110 00 Praha 1, Id. No.: 057 32 069</p> <p>Contact person: Mgr. Marek Stowasser tel.: +420 773 092 884 e-mail: marek.stowasser@karolas.cz, info@karolas.cz</p>
Type of Public contract:	<p>Pursuant to Section 14 of the Act the Public Contract is a below threshold public contract for supplies.</p> <p>Pursuant to Section 53 of the Act the Contracting authority carries out the Procurement Procedure as a simplified below-threshold procedure.</p>

1.2. Access to Procurement Documentation

This Procurement Documentation was published on the profile of the Contracting authority: <https://www.e-zakazky.cz/profil-zadavatele/74e987e1-b4a1-4571-b8b6-2cd93fe6f932>.

The electronic tool used by the Contracting authority to carry out the submission of bids: <https://www.tenderarena.cz/profily/FZU>.

The information and data listed in this Procurement Documentation and its annexes define the minimum technical and other mandatory requirements of the Contracting authority for the submission of bids and the fulfilment of the Public Contract. The participants are obliged to respect these requirements in their bids.

2. Subject-matter of the Public Contract

2.1. Specification of the subject-matter of the Public Contract

The subject matter of the Public Contract is the supply of High-power pulsed picosecond fiber laser for material processing with at least 90W and 100uJ, Adjustable pulse repetition rate and pulse duration to optimize for different materials and processes. Subject-matter of the Public Contract is in detail specified in Annex No. 1 Technical Specification and Annex No. 3 Purchase Contract.

2.2. Classification of the subject matter of the Public Contract in accordance with Common Procurement Vocabulary

CPV Code	Description
38636100-3	Lasers

2.3. Maximum permissible total bid price

Maximum permissible total bid price is **EUR 91 000 without VAT**. The Contracting authority draws attention of economic operators to the fact that although total bid price is limited and cannot be exceeded, the lower price limit is not defined and economic operators are encouraged to submit their most competitive price.

2.4. Funding of the Public Contract

The subject matter of the Public Contract shall be funded from the Contracting authority's own financial resources.

2.5. Time and place of delivery of the subject of matter of the Public Contract

Expected initiation of performance:	immediately after the effectiveness of the Purchase Contract
Expected ending of performance:	Within 4 months from the conclusion of the Purchase Contract. More information can be found in the Purchase Contract.
Place of delivery:	Fyzikální ústav AV ČR, v.v.i - HiLASE Centre , located at Za Radnicí 828, 252 41 Dolní Břežany, Czech Republic

2.6. Technical conditions

Technical conditions for the subject matter of the Public Contract are in detail specified in Annex No. 1 Technical Specification hereto.

The technical parameters stated in Annex No. 1 Technical Specification are defined as maximal/minimal requirements, i.e. the economic operator is entitled to offer more advantageous product.

If the technical conditions are set by a direct or indirect reference to the economic operators or products, or patents for inventions, utility models, industrial designs, trademarks or designations of origin, the economic operator may offer another equivalent solution.

If the Annex No. 1 Technical Specification contains references to a specific product or standards or technical documents the economic operator may offer another equivalent solution. In this case the

economic operator proves, that the proposed supplies satisfy in an equivalent manner the requirements defined by the Contracting authority in the Technical Specification.

The Contracting authority draws attention of all participants to the fact that if a participant fails to meet all the requirements given by **Annex No. 1 Technical specification**, such a participant may be excluded for the reason of its failure to meet the Technical conditions of the subject matter of the Public Contract.

2.7. Business conditions

Business conditions for the performance of the Public Contract are specified in **Annex No. 3 Purchase Contract** hereto.

The economic operator is obliged to fill only the places labelled as follows: [to be filled in by bidder] within the Purchase Contract. **The economic operator is not entitled to make any other changes in the Purchase Contract.**

The draft of the contract must be signed by an authorised person of the participant – either its director or a person empowered or in other way authorised thereto. In the latter case the power of attorney or authorisation must be included in the bid.

The economic operator is entitled to include simple copies of the signed contract and potentially of the power of attorney into the bid.

3. Qualification of participants

The economic operator is required to prove the Basic qualification criteria.

3.1. Basic qualification criteria

An economic operator shall not be qualified if it:

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or is in a similar situation pursuant to the law of the country of its registered office.

The economic operator shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic by submitting:

- a) a copy of an entry in the Criminal Records in respect of Article 3.1 (a) of this Procurement Documentation; if the economic operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in Article 3.1 (a) hereof. Where a legal person is a member of the governing body of the economic operator, the condition specified in Article 3.1 (a) hereof shall be met by (i) this legal person, (ii) every member of the governing body

of this legal person, and (iii) the person representing this legal person in the governing body of the economic operator;

- b) a confirmation from a relevant tax office in respect of Article 3.1 (b) of this Procurement Documentation,
- c) a written affirmation regarding excise duty in respect of Article 3.1 (b) of this Procurement Documentation,
- d) a written affirmation in respect of Article 3.1 (c) of this Procurement Documentation,
- e) a confirmation from a relevant district social security administration in respect of Article 3.1 (d) of this Procurement Documentation,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of Article 3.1 (e) of this Procurement Documentation.

If a participant in the Procurement procedure is a branch of a business of

- a) a foreign legal person, the condition specified in Article 3.1 (a) hereof shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in Article 3.1 (a) hereof shall be met by (i) this legal person, (ii) every member of the governing body of this legal person, and (iii) the person representing this legal person in the governing body of the economic operator and (iv) the head of the branch.

3.2. Professional qualification criteria

The economic operator shall prove its professional qualification criteria in relation to the Czech Republic by submitting:

a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.

3.3. Submission of qualification documents

Where the Contracting authority requires a document to be submitted, the economic operator shall submit a copy of the document.

Where the Contracting authority requires a document to be submitted, the economic operator shall submit it in Czech, Slovak or English language or it shall be submitted along with its translation into one of these languages.

The documents demonstrating basic qualification under Section 74 of the Act shall demonstrate the fulfilment of the required qualification criterion **not later than three months before the date of the commencement of the Procurement Procedure.**

The economic operator **may substitute pursuant to Section 53 (4) of the Act** the submission of qualification documents in its bid by an affirmation. In that case the documents referred to in Articles 3.1 and 3.2 of this Procurement Documentation need not be submitted by the economic operator in its bid nor in subsequent procedure. It is recommended to use a form of an affirmation that is attached hereto as an **Annex No. 5 Affirmation – Qualification Criteria**. The economic operator may also substitute the submission of qualification documents in its bid by a European Single Procurement Document pursuant to Section 87 of the Act.

Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting authority.

In case of joint participation of economic operators, the basic and professional qualifications pursuant to Section 77 (1) of the Act shall be proved by each economic operator separately.

4. Requirements for processing the bid price

The economic operator is required to offer the total bid price (“**Total Bid Price**”) in EUR net of VAT.

The economic operator is obliged to state **the Total Bid Price in the table that is attached hereto as an Annex No. 2 Cover Bid Note**. The Total Bid Price shall be also inserted into the Article 4.1 of the Purchase Contract (Annex No. 3).

In case of a discrepancy, the amount of the Total Bid Price stated in the Cover Bid Note shall be the relevant figure.

Value added tax shall be paid in accordance with the applicable legal regulations.

The Contracting authority sets maximum permissible Total Bid Price in EUR 91 000 without VAT. The maximum permissible total bid price cannot be exceeded by the participants in their bids. Should the participant’s Total Bid Price exceed the referred-to maximum value, then the participant shall be excluded for the reason of its failure to meet the award criteria.

The Total Bid Price is the maximum price that cannot be exceeded during performance of the Public Contract and shall include all costs that the economic operator shall incur during performance of the Public Contract. The Total Bid Price must also include any and all costs even those not explicitly specified but about which the economic operator knew or should and could have known considering its professional knowledge, exercising all professional care.

The Total Bid Price may only be modified in connection with changes to tax regulations regarding the VAT.

Payment conditions are specified in the Purchase Contract that is as an **Annex No. 3** integral part of this Procurement Documentation.

5. Evaluation criteria

Bids shall be evaluated pursuant to Section 114 (1) of the Act on the basis of their economic advantageousness.

The Contracting authority shall evaluate the economic advantageousness solely on the basis of the lowest bid price. The winning bid will be the bid with lowest bid price

The Contracting authority will evaluate the Total Bid Price in EUR net of VAT.

The Total Bid Price shall be given in the structure and under the conditions defined in the Article 4 herein.

The Contracting authority shall evaluate the bids by the means of comparison of the Total Bid Price given by economic operators in their bids.

6. Bid processing conditions and requirements

6.1. Conditions for the submission of bids

The Contracting authority shall only accept bids in electronic form. Bids in paper form are not permitted.

Bids shall be submitted not later than November 19, 2024, at 10:00 AM.

Bids shall be submitted electronically using the eGORDION v. 3.3 - Tender arena (hereinafter “**Tenderarena**”) electronic tool which is available at www.tenderarena.cz. Economic operators may find at this link also a guide for using the Tenderarena electronic tool (via link “Help” in footer) and helpdesk contacts.

Bids shall be submitted in electronic form only using the Tenderarena electronic tool within the time limit for the submission of bids.

If the bid is not delivered to the Contracting authority within the time limit for the submission of bids or in the manner required in this Procurement Documentation, it shall not be considered as submitted and it shall not be taken into consideration in the procurement procedure.

Bids in electronic form shall not exceed the size of 200 MB; of which a maximum of 100 MB are documents proving qualifications and a maximum of 100 MB are other documents provided in bids. Acceptable file formats for submission of bids are: Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG.

For the submission of bids in electronic form the bids must be encrypted with a certificate provided at the Tenderarena electronic tool; the certificate is attached to the Procurement Documentation at www.tenderarena.cz. In the case of encryption with other certificates, such a bid will be considered not delivered to the Contracting authority in the manner laid down in this Procurement Documentation and such a bid will not be considered as submitted to the Contracting authority. The bid encryption with a certificate is carried out automatically in the Tenderarena electronic tool before the bid is submitted to the Tenderarena electronic tool using public certificate provided by the Contracting authority.

The Contracting authority points out that the Contracting authority bears no responsibility for any technical conditions on the economic operator's side. The Contracting authority recommends economic operators to consider especially the speed of their Internet connection when submitting bids so that bids are submitted within the time limit for submission. This means uploading all attachments of the bid and final submission of the bid to the Tenderarena electronic tool.

To submit a bid via the Tenderarena electronic tool the economic operator shall be registered as a supplier in the Tenderarena electronic tool.

The economic operator must be registered as a contractor in the Tenderarena; link "contractor's registration" ("*registrace dodavatele*") at www.tenderarena.cz. A user of the contractor must have a system role of a participant ("*účastník zakázky*"). Registration of the economic operator takes up to 48 hours (on working days) after all required documents have been submitted (either by post or electronically). Registration on Tenderarena electronic tool is not charged.

Detailed information on the registration to Tenderarena are available at www.tenderarena.cz.

The bid submitted in electronic form must include identification details of the participant, in particular the following: commercial name of the company, registered office, ID No., legal form, person authorised to act on behalf of the participant or a person authorised to represent the participant, contact address for correspondence between the participant and the Contracting authority.

The bid must be written **in Czech, Slovak or English**.

Simple copies of the signed documents provided in the bids are sufficient.

If the bid is submitted jointly by more participants (joint bid), the participant shall specify a person in the bid who shall be empowered to represent these participants for communicating with the Contracting authority during the Procurement Procedure.

The participant shall submit the bid containing the following documents and parts, whereas the following structure is only recommended:

a) **Cover Bid Note**

The cover bid note shall include the following details: Public Contract name, basic identification details of the Contracting authority and participant (including persons empowered to be involved in further proceedings and stating an enterprise categorisation in accordance with the Recommendation 2003/361/ES), participant shall state the contact e-mail address for electronic communication with the Contracting authority (the address will be used for the Service of the Contracting authority's electronically signed documents concerning the assessment and evaluation of the bids during this Procurement Procedure), date and signature of the person authorised to act on behalf of the participant.

The cover bid note shall also include the statement of the economic operator that the economic operator fully and without reservations accepts the business and technical conditions stated in the draft of Purchase Contract and Technical Specification, which were the integral parts of the Procurement documentation.

The participant may use **Annex No. 2**.

b) Purchase Contract - a copy of the signed contract is sufficient (Annex No. 3)

The Contracting authority would like to point out that pursuant to Section 211 (3) of the Act all communication between the Contracting authority and economic operators shall be carried out by electronic means. Therefore, the Purchase Contract concluded with the selected economic operator must be **signed electronically**, i.e. by an electronic signature (qualified certificate) according to the Regulation (EU) No. 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (eIDAS).

The Purchase Contract may be signed with the selected economic operator in the paper form only if the selected economic operator demonstrates that it has no possibility to obtain the electronic signature and to sign the Purchase Contract electronically.

- c) Documents proving qualification structured as mentioned in Article 3 hereof (**Annex No. 5 – Affirmation – Qualification Criteria**)
- d) **List of subcontractors if any** (art. 7.3 hereof)
- e) **Affirmation on No Conflict of Interest and No Relation to Russia (Annex No. 4)**
- f) **Technical description of the offered product**

The Contracting authority also requires a technical description of the equipment offered in a level of detail that allows verification of compliance with the technical requirements. This description shall furthermore become an annex to the Purchase contract.

In case that the Act or the Contracting authority requires to submit a document in compliance with the Czech law, participant is entitled to submit a similar document issued pursuant to the legal code of the country where the document has been issued. The document shall be submitted in Czech, Slovak or English language.

The document may be substituted by an affirmation in the case that the document is not being issued pursuant to the legal code of the country of participant's registered office.

7. Other conditions

In accordance with Section 39 (5) of the Act, the Contracting authority may verify the credibility of the data, documents, samples or models provided by the participant and may also acquire them itself.

7.1. Identification of the real owner of the selected economic operator

In relation to the determination of the real owner of the supplier, if the supplier is a Czech legal entity, the Contracting Authority will proceed according to the rules contained in Section 122 (5) of the Act, or Section 122 (6) of the Act should the supplier be a foreign legal entity. In the latter case, the supplier may be requested to submit the following:

- 1) an extract from foreign evidence of beneficial owners; or
- 2) identification data of all persons that are its beneficial owners, and
- 3) documents that demonstrate the relation of persons under paragraph 2) to the economic operator; such documents include, but are not limited to:
 - a copy of an entry in the Commercial register or other similar records,

- a list of shareholders,
- a decision made by the governing body regarding payment of share in profit,
- a memorandum of association, a letter of formation or articles of association.

7.2. Exclusion of a participant on the grounds of its legal form

The Contracting authority draws attention to the economic operator that in accordance with Section 48 (7) and (9) of the Act, the Contracting authority may exclude from the procurement procedure a participant that is a joint-stock company or has a legal form similar to a joint-stock company and has issued other than exclusively booked shares. If the selected economic operator has its registered office abroad and is a joint-stock company or has a legal form similar to a joint-stock company, the contracting authority shall require it to submit an affirmation in writing within a reasonable time limit showing which persons are holders of shares whose aggregate nominal value exceeds 10 % of the registered capital of the participant and indicating the source on which the information on the amount of the share of shareholders is based.

7.3. Subcontracting

Pursuant to Section 105 (1) of the Act, the Contracting authority requires submission of a list of subcontractors with indication which share of the Public Contract will be subcontracted to each of these subcontractors.

7.4. Explanation to the Procurement documentation

The Contracting authority shall provide explanations of procurement documents based on a written request of participants pursuant to Section 98 of the Act. The requests for explanation of the Procurement documents must be delivered in to the following address: info@karolas.cz and in a copy of the email address to magdalena.mastna@hilase.cz. The requests must be delivered in time, which means in the deadline pursuant to Section 98 (3) of the Act in connection with Section 54 (5) of the Act.

7.5. Conflict of interests pursuant to Act No. 159/2006 Coll., on Conflict of Interests, as amended, and Declaration in relation to International Sanctions

Pursuant to Section 4b of Act No. 159/2006 Coll., on Conflict of Interest, as amended (hereinafter the "**Conflict of Interest Act**"), a company in which a public official referred to in Section 2(1)(c) of the Conflict of Interest Act or a person controlled by him/her owns a share representing at least 25 % of the shareholder's participation in the company may not participate in procurement procedures under the Conflict of Interest Act as a participant in the procurement procedure or as a subcontractor through which the participant in the procurement procedure demonstrates qualification. The Contracting authority requires that the economic operator and the subcontractor through which it demonstrates its qualifications are not in a conflict of interest pursuant to Section 4b of the Conflict of Interest Act.

The economic operator shall provide in its bid an affidavit stating unequivocally that neither it nor the subcontractor through which it demonstrates qualification (if any) has breached the requirement of Section 4b of the Conflict of Interest Act. It is required to use a form of an affirmation that is attached hereto as an **Annex No. 4 – Affirmation on No Conflict of Interest and in relation to International Sanctions**, to fulfil this obligation.

The economic operator shall also provide information related to the Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's destabilising activities in Ukraine, as amended by Council Regulation (EU) No. 2022/1269 of 21 July 2022 (hereinafter the "**Regulation**"), and that the economic operator is not a person within the meaning of Article 5k of the Regulation and that the economic operator is not subject to sanctions under the relevant law governing the implementation of international sanctions. It is required to use a form of an affirmation that is attached hereto as an **Annex**

No. 4 – Affirmation on No Conflict of Interest and in relation to International Sanctions, to fulfil this obligation.

8. Final provisions

The Contracting authority does not allow variants of bids.

The Contracting authority shall not reimburse the participants for the costs incurred in connection with their participation in the Procurement Procedure, even if the Procurement Procedure has been cancelled by the Contracting authority.

The list of the annexes:

1. **Technical Specification**
2. **Cover Bid Note**
3. **Purchase Contract**
4. **Affirmation on No Conflict of Interest and in relation to International Sanctions**
5. **Affirmation – Qualification Criteria**

On behalf of the Contracting authority:

In Prague, on 31. 10. 2024



RNDr. Michael Prouza, Ph.D., Director
Institute of Physics of the Czech Academy of Sciences,
public research institution

Technical specification of galvanometric scanning system

	The subject of the procurement	High-power pulsed picosecond fiber laser for material processing
	Following tasks to be realized with galvanometric scanning system	<ul style="list-style-type: none"> - High-precision laser micromachining and material surface structuring. - Ready for 24/7 operation - Compatible with multi-beam and beamshaping technologies based on spatial light modulator - Fundamental wavelength in 1 μm region - Adjustable pulse repetition rate and pulse duration to optimize for different materials and processes. - Compatible with Direct Machining Control system - Integration with existing galvanometric scanning systems and RTC control boards.
Technical features of galvanometric scanning system		
	Optical Characteristics	<ul style="list-style-type: none"> - <i>Wavelength</i>: Must be between 1020 nm and 1070 nm. - <i>Pulse Repetition Rate</i>: Must be adjustable at least in the range of 100 kHz and 5000 kHz - <i>Pulse Duration</i>: Must be tunable within the range of at least 1 to 3 picoseconds. - <i>Output Power</i>: Maximum output power should be at least 90 W - <i>Beam Quality (M^2)</i>: Must be lower than 1.3. - <i>Polarization</i>: Must be linear, with a polarization extinction ratio of at least 20 dB.
	Performance and Stability	<ul style="list-style-type: none"> - <i>Pulse Energy</i>: Maximum pulse energy must be at least 100 μJ at lower repetition rates. - <i>Power Stability</i>: Output power stability should be within 1% over 8 hours of continuous operation. - <i>Pulse-to-Pulse Stability</i>: RMS < 2% at the nominal pulse repetition rate.
	Control and Interfaces	<ul style="list-style-type: none"> - Must be compatible with both analog and TTL control signals, with support for RS-232 or Ethernet communication. - The system must include an integrated pulse picker for flexible pulse shaping. - Control software must be compatible with Windows 11 and support integration with existing systems (e.g., Scanlab's laserDesk and RTC control, Direct Machining Control).
	Dimensions and Weight	Control unit dimensions should not exceed 500 x 650 x 150 mm, with a weight limit of 40 kg.
	Accessories	<p>Delivery with all necessary cables, connectors, and manuals in English.</p> <p>Must come with power supply for 24/7 operation.</p> <p>Must come with dedicated control software for laser operation</p>

