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Invitation to submit tenders in minor public contract procedure (Hereinafter as "Invitation") in accordance with the Provisions of Section 27 of the Public Procurement Act 134/2016 Coll. (Hereinafter as "Act")

Minor public contract procedure

Title of the public contract:

Computer-aided drug design (CADD) software suite

Contracting authority:

National Institute of Mental Health

Registered address: Topolová 748, 250 67 Klecany
Czech Republic

Identification number: 00023752

Tax identification number: CZ00023752

The contracting authority is the recipient of the subsidy from the Operational Program Research,
Development and Education
Project PharmaBrain

Registration Number CZ.02.1.01/0.0/0.0/16_025/0007444

11 -11- 2019

Klecany,.....

.....
Mr. prof. MUDr. Cyril Höschl, DrSc. FRCPsych.
Director



The order proceedings were commenced on the day this written Invitation was sent.



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1. Information about the contracting authority

1.1 Basic information

Name : National Institute of Mental Health
Registered address : Topolová 748, 250 67 Klecany, Czech Republic
Identification number : 00023752
Tax identification number : CZ00023752
Contracting authority's profile : <https://www.egordion.cz/nabidkaGORDION/profilPCP>

1.2 Contracting authority's statutory body

The Contracting authority's statutory and Person authorised to sign a contract is: Mr. prof. MUDr. Cyril Höschl, DrSc. FRCPsych., Director.

1.3 Contact persons

The Contracting authority's consultant for awarding the public contract – a person authorised to carry out the Contracting authority's activities under Section 43 of the Act is Mr. JUDr. Ondřej Kochman, Attorney at law, Belgická 276/20, 120 03 Praha 2, Czech Republic.

The Contracting authority has opted to seek representation by the above consultant in performing selected obligations under the law in respect of the award procedure. The consultant meets the impartiality requirement within the meaning of the law and is not involved in the award procedure in question in any way whatsoever. However, the Contracting authority's consultant is not granted the authority to award the public contract, to exclude a Participant from participating in the procedure, to cancel the procedure or to decide on the way in which objections are addressed.

The Contracting authority's consultant for awarding the public contract is authorised by the Contracting authority to carry out the Contracting authority's activities. The consultant is thus authorised to take any action relating to the due course of the award procedure, with the exception of decision-making.

The contact person in the organizational matters related to this public contract is Mr. JUDr. Ondřej Kochman, Attorney at law, Belgická 276/20, 120 03 Praha 2, Czech Republic,

E-mail: info@kochman.cz

Telephone: +420 222542222

Fax: +420 222510143

All the correspondence (except Tender) shall be delivered by the Participant either in person to the post room of JUDr. Ondřej Kochman, Attorney at law, Belgická 276/20, 120 03 Praha 2, Czech Republic (on work days during office hours 8:00 – 14:00) or by post to the following address: JUDr. Ondřej Kochman, Attorney at law, Belgická 276/20, 120 03 Praha 2, Czech Republic for the attn. of Mr. JUDr. Ondřej Kochman, Attorney at law.



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2. Subject of performance of the public contract

2.1 Description of the subject of performance of the public contract

The public contract in question is an order for services. Subject of performance of this public contract is to provide a full-featured software suite for computer-aided drug design. Technical details are described in Annex No. 1 of the Contract – The object of purchase specification.

The delivery includes:

- The CADD software
- License(s) for the CADD software

2.2 Invitation

The information and details contained in the individual parts of this Invitation, and in the annex of the Invitation, define the Contracting authority's binding requirements for the compilation of a Tender and for the performance of the public contract. The Participant is obliged to respect the said requirements in full and with no exceptions in drafting its Tender and accept and acknowledge the requirements in its Tender. Failure to accept the requirements stated herein, and the annex hereto shall be considered failure to meet the conditions and shall result in elimination of the Participant from further participation in the award procedure. Invitation including its annex is available on the profile of the Contracting authority: <https://www.egordion.cz/nabidkaGORDION/profilPCP>

2.3 Mutual Communication during the award procedure

For the purposes of mutual communication during the award procedure, the Contracting authority sets the address, which is listed in Section 1.3, and into the hands of Mr. JUDr. Ondřej Kochman. The Contracting authority will provide answers to questions sent during the award procedure.

A written request for clarification concerning tender specifications must be delivered to the Contracting authority. The Contracting authority always discloses request for clarification, including the exact wording of the request, to the profile. We ask Participants to take into account and work all changes and clarification into related documentation prior to submitting Tenders. Otherwise, the Participant's doing will be considered as non-acceptance of specification resulting in exclusion of a Participant from further participation in the award procedure.

3. Term and place of performance of the public contract

3.1 Term of performance of the public contract

The contract will be concluded for 3 years counted from the day after the coming into force of the contract. The first partial delivery of the subject of performance of the public contract will be provide 4 weeks after the coming into force of the contract at the latest.

3.2 Place of performance of the public contract



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The place of performance is the seat of the Contracting authority.

3.3 The estimated value of the public contract

The estimated value of the public contract is **EUR 24.000 excluding VAT**.

The estimated value of the public contract has been set by the Contracting authority as the **maximum permissible tender price**; the Contracting authority reserves the right to exclude the Tender of any Participant that offers a higher price.

4. Qualification requirements

In accordance with Section 74 of the Act, a Participant shall prove in the tender that it fulfills the qualifications required in the Invitation.

4.1 Basic qualification requirements according to Section 74 of the Act

A Participant **shall not be** qualified if it:

(1)

- 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 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 it is in a similar situation pursuant to the law of the country of its registered office.

(2)

If the Participant is a legal person, both this legal person and every member of its governing body shall meet the condition specified in paragraph a) of subsection (1). Where a legal person is a member of the governing body of the Participant, the condition specified in paragraph a) of subsection (1) shall be met by,

- a) this legal person,*
- b) every member of the governing body of this legal person, and*
- c) the person representing this legal person in the governing body of the Participant.*

(3)

If a Participant in the procurement procedure is a branch of a business of

- a) a foreign legal person, the condition specified in paragraph a) of subsection (1) shall be met by this legal person as well as the head of the branch,*
- b) a Czech legal person, the condition specified in paragraph a) of subsection (1) shall be met by the persons referred to in subsection (2) as well as the head of the branch.*



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Proof of the basic qualification requirements:

1) The Participant shall prove compliance with the conditions of the basic qualification pursuant to § 75 by submitting a solemn declaration signed by the person authorized to act for or on behalf of Participant.

4.2 Technical qualification criteria

For proving the compliance with technical qualification criteria, the contracting entity requires to submit:

- a list of significant deployments of the offered software suite, no older than 3 years before the commencement of the award procedure, including information about their price and the time of their provision and identification of the client; proving that the participant has successfully deployed a similar product to at least two well-established research institutions in the above-mentioned period in the amount of at least EUR 12.000 for each deployment.

The significant supply(ies) shall be indicated with:

- place and time of the suite deployment,
- the provided suite features,
- identification of the client

Manner of fulfilling of the qualification

Form of the documents submitted to prove qualification

The participant shall produce a **copy** of evidence demonstrating the fulfillment of the qualification **in original language** with translation into **Czech language** (unofficial translation is sufficient). Contracting authority **will accept originals or certified copies as well**. Participant is allowed to produce Extract from the list of qualified suppliers as the fulfillment of the qualification.

Submission of originals or certified copies before concluding the contract

Before signing the contract, the contracting authority will require according to §122 (3) from the participant the submission of originals or certified copies **in original language** with translation into **Czech language** (unofficial translation is sufficient) of documents attesting to its **qualification if the documents have not already been submitted in the award procedure**.

Participant's obligations, who is a legal person is as regards Section 104 Paragraph (2) of the Act to provide:

- a) identification data of all persons that are its real owners pursuant to the Act on Selected Measures against Legitimation of Proceeds of Crime and Financing of Terrorism,
- b) documents that demonstrate the relation of all persons under paragraph a) to the Participant; 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 a share in profit;
 - a memorandum of association, a letter of formation or articles of association.



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Participant's obligations, who has its registered office abroad and is a joint-stock company or has a legal form similar to a joint-stock company as regards Section 48 Paragraph (7) or Section 48 Paragraph (9) of the Act is to provide:

- a written solemn declaration in the form of the list of shareholders, having their total (aggregate) nominal value of their percentage of shares higher than 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.

5. Method of compiling the tender price

The Tender price (in EUR excluding VAT), which is used for the purpose of comparing Tenders and their evaluation, shall be stated in the Tender as the highest permissible (maximum) amount for the performance of the public contract, in EUR, excluding VAT and including all charges and all other expenses relating to the performance of the public contract.

The Participant shall also indicate the Tender price including VAT, but this value will not be used for evaluation and mutual comparison of Tenders.

The Contracting authority shall not permit any conditions under which the Tender price could be exceeded. No increase in the cost will be accepted.

6. Terms of payment

The Contracting authority shall not permit payment in advance after the contracts are signed. Detailed payment conditions are stated in the Contract – Annex 1 of this Invitation.

7. Trade terms

- 7.1** Trade terms are specified in the draft of the Contract, Annex 1 of this Invitation and are obligatory. The Contracting authority does not allow departing from the terms and conditions specified in the Invitation and the accompanying Contract.
- 7.2** If part of the public contract is to be performed as a subcontract (through a third party), the Contracting authority requests that the specific part of the public contract that is to be carried out by third parties be stated in the Tender, as well as who these parties will be. A change of subcontractor during the performance of the public contract shall only be possible with prior written approval from the Contracting authority.
- 7.3** A restriction to the amount of compensation in any direction shall not be permitted.
- 7.4** Participant shall not be entitled to make changes or supplementation to some text of the Contract, with the exception of amendments that show the content of these mandatory requirements that must be made in order to fulfill its completion (parts with colored



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background). In the case of a Tender administered jointly by several Participants, one of these Participants is entitled to modify the model Contract only with regard to this fact. If the Participant does not fulfill the conditions for the processing of the Contract, i.e. Participant change some text of the Contract, which is expressly not allowed to change, or indicate data that are in discrepancy with the requirements of the Contracting authority, than the Tender does not meet tender conditions and will be excluded from award procedure.

8. Technical conditions

- 8.1** Contracting authority does not provide any technical conditions in accordance with § 90 of the Act regarding to the subject of the public contract. The subject of the public contract is defined in this Invitation and its Annex.

9. Evaluation of the Tenders

The evaluation of the Tenders will be done in conformity with the criterion of the lowest Tender price.
Tender price – 100%

Tender price is price in EUR without VAT specified in point 5 of the Invitation.

As the best Tender qualified for acceptance shall be deemed by the Contracting authority the Tender with the lowest Tender price. The Tender shall be scaled from the Tender with the lowest Tender price to the Tender with the highest Tender price, and the final order of the Tenders shall be determined.

10. Content of the tender

- 10.1** Tender shall be submitted in writing in a sealed envelope with the stamp of signature of the Participant's authorized person on the seals and marked with the name of the public contract and the words "Do Not Open". The Participant's identification details, including its business name, registered address, legal status, identification number and tax identification number, if they have been issued, must be written on the envelope. The Contracting authority does not have an electronic tool for receiving tenders electronically.
- 10.2** The tender shall be compiled in Czech or English. Participant's tender will include a cover page with identification details on it (business name, registered address, legal status, identification number, tax identification number and Data box ID), if they have been issued. There will be stated tender price excluding VAT and Participant's contact person on the cover page.
- 10.3** Participant may only submit the one tender in one version. All the pages of the tender shall be fixed together or stapled so that they are sufficiently prevented from being removed from the tender. All the pages shall be properly legible, without crossings out or rewrites. All the pages of the tender shall be numbered in an ascending continual order.
- 10.4** The Participant shall expressly state in the tender the contact address for written communication between the Participant and the Contracting authority. If the tender is



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submitted jointly by several Participants (joint tender), as well as the contact address according to the previous sentence they shall also state in the tender the person who is authorised to represent these suppliers in contact with the Contracting authority during the order proceedings.

- 10.5** The Participant shall also submit its tender in electronic form on CD; this obligation shall not apply to documents proving the Participant's qualification. Participant is required to submit initial part of the tender and attachments in electronic form in PDF and MS Office Excel format, Contracts in MS Word.
- 10.6** The Participant shall deliver its tender either in person to the Contracting authority's post room at Klecany, National Institute of Mental Health, Topolová 748, 250 67 Klecany, Czech Republic, (on work days during office hours 8:00 - 14:00) or by post to the following address: National Institute of Mental Health, Topolová 748, 250 67 Klecany, Czech Republic, to **25. 11. 2019 to 10:00 a.m. (local time) at the latest.**
- 10.7** Content of the tender shall be submitted with the following structure:
- A cover page as stated in 10.2 of the Invitation;
 - The documents proving that the qualifications are met or other documents Section 83 Paragraph (1) of the Act;
 - Documents in accordance with Section 104 Paragraph (2) of the Act if the Participant will decide provide such documents in the tender, not only before the contract is signed, if selected for a contract;
 - A written solemn declaration in the form of the list of shareholders and indicating the source on which the information on the amount of the share of shareholders is based if the Participant is joint-stock company or has a legal form similar to a joint-stock company;
 - The tender price excluding VAT according to chapter 5 of this Invitation;
 - Filled in the Contract – Annex No. 1 of the Invitation including Annex 1. The Contract must be signed by the person authorized to act for or on behalf of Participant;
 - Any other relevant documents at the discretion of the Participant.
- 10.8** Requirements for the breakdown of the tender referred to in paragraph 10.7 are recommendatory nature.

Each Participant may present in this award procedure only one Tender either individually or together with other Participants.

11. The opening of envelopes containing tenders

- 11.1** The envelopes shall be opened on **25th of November 2019 at 10:30 a.m.** local time in meeting room, National Institute of Mental Health, Topolová 748, 250 67 Klecany, Czech Republic.
- 11.2** As well as the Contracting authority's assessment committee Participants, whose Tenders were delivered within the period for submitting Tenders, shall also have the right to attend the



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opening of the envelopes. A maximum of one representative for each Participant may take part in the opening of the envelopes. To ensure a single permit entry to the building National Institute of Mental Health Participant is obliged to submit the name and surname, date of birth and identity card number at least 2 working days before that date for the opening of envelopes.

- 11.3** The committee shall open the envelopes in turn according to the sequence number allocated according to the time of delivery and shall check whether the tender has been delivered in the period to referred to in paragraph 10.6 of the Invitation and whether has been delivered in duly sealed envelopes bearing the name of the public contract. The Committee then communicates the identification data of Participants in the award procedure and details of the tenders corresponding to the numerically expressible evaluation criteria.
- 11.4** A record shall be made of the opening of the envelopes which will contain a list of the tenders which have been opened, along with the data referred to in paragraph 11.3 of the Invitation.

12. Other requirements

- 12.1** The information and details contained in the individual parts of this Invitation, and in the annexes of the Invitation, define the Contracting authority's binding requirements for the compilation of a tender and for the performance of the public contract.
- 12.2** If there is a change to the details given in the tender before the conclusion of the contracts with the chosen Participant, the Participant shall immediately notify the Contracting authority of this change in writing.
- 12.3** The Contracting authority will not accept the alternative of the tender.
- 12.4** The Contracting authority reserves the right to verify the information contained in the Participant's Tender with third parties.
- 12.5** The Contracting authority reserves the right to cancel this minor public contract procedure until the moment of conclusion of the Contract.

13. Publicity rules

- 13.1** In accordance with the Section 2 (e) of Act No. 320/2001 Coll. on financial inspection in public administration, as amended, the Participant is under obligation to cooperate in carrying out financial inspection and lay potential subcontractors under an equivalent obligation accordingly. The Participant is also obliged to ensure that the Governing Authority for the Research, Development and Education Operational Program has, as part of its controlling task, the right of access lasting for at least 3 (three) years commencing on December 31 following the presentation of the financial statement in which the expenditures associated with this project will be reported, pursuant to Art. 140 of the regulation of the European Parliament and of the Council (EU) no. 1303/2013 (unless the Czech system of law stipulates a longer term), to those parts of offers, contracts and relating documents, which are subject to protection under special regulations (e.g. trade secret, classified information), provided that



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legal requirements imposed by the regulations are met (e.g. by Act no. 255/2012 Coll., providing for control (rules of control), as amended. Likewise, the Participant is under obligation to ensure the OP VVV Governing authority is also entitled to check potential subcontractors (substitutes) of the in a similar manner.

- 13.2** The Participant is under obligation to comply with the requirements for mandatory publicity within Structural Funds programmers as laid down by the Publicity Rules within the OP VVV, specifically in all relevant documents pertaining to specific selection procedure or process and in all contracts and other documents associated with specific contract.

14. Annexes

Annex No. 1 of the Invitation – Contract

- Annex 1 to the Contract – The object of purchase specification

Annex No. 2 of the Invitation – Solemn declaration - Basic qualification requirements

Annex No. 3 of the Invitation – Cover page