


CLC bio
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E-mail: orders@clcbio.com

Brno, 5 September 2013
Reference No. 47489/2013

Call to Enter into Bid Negotiations

Dear Sir/Madam,

The contracting authority hereby informs you of its intention to award a small-scale public contract for the supply of software by way of a process analogous to the negotiated procedure without publication and invites you, as the author of the **CLC Genomics Workbench** software, to enter into negotiations in this tender procedure. All the information required for negotiation purposes and for the compilation of the bid is attached as an appendix to this call – the tender documentation.



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prof. RNDr. Luděk Matyska, CSc.
Director

Appendix to the Call to Enter into Bid Negotiations Tender Documentation

1. Basic information about the contract

Name of the public contract: **“Supply of CLC Genomics Workbench licences”**

This small-scale public contract is to be awarded as part of the realisation by the contracting authority of the following project:

- Project registration number: CZ.1.05/3.2.00/08.0144
- Project name: CERIT Scientific Cloud (“CERIT-SC”)
- Operational Programme: Research and Development for Innovations

2. Details about the contracting authority

Name of the contracting authority:	Masaryk University, Institute of Computer Science
Registered office of the contracting authority:	Žerotínovo nám. 617/9, 601 77 Brno, Czech Republic
Company No.:	00216224
VAT Registration No.:	CZ00216224
Legal form:	public university

Represented by: prof. RNDr. Luděk Matyska, CSc., Director

Contact person: RNDr. Tomáš Rebok, Ph.D., tel. +420 549 493 492, e-mail:
rebok@ics.muni.cz

3. Basic information about the tender procedure

3.1 This call is compiled as a collection of the particulars, requirements, commercial and technical conditions of the contracting authority, defining the subject of the public contract in the details necessary for the compilation and submission of a bid (hereinafter referred to as the “call”) for the performance of small-scale public contract pursuant to Section 12(3) of Act No. 137/2006 Coll., on Public Contracts, as amended (hereinafter referred to as the “Act”).

3.2 The contracting authority hereby points out that although reference is made in this documentation to the names and provisions of the Act, this public contract shall not be awarded in a manner pursuant to the Act, and thus the contracting authority also does not proceed pursuant to sentence two of Section 26(5) of the Act. The contracting authority gives references to the Act on account of the fact that it employs, by way of support, some of its legal institutes, terms or procedures, in particular the procedure pursuant to Section 34 of the Act on negotiated procedure without publication with a single contractor. For the purposes of this tender procedure, a candidate within the meaning of Section 17(n) of the Act shall be referred to hereinafter as the contractor.

3.3 Negotiations under this tender procedure shall be conducted in the Czech or English language in writing by way of e-mail communications. The contractor is obliged to send its correspondence as part of the negotiations to the following e-mail: rebok@ics.muni.cz. The final bid must be submitted to the contracting authority in an electronic form preferably with an electronic signature, sent to the above mentioned e-mail rebok@ics.muni.cz. Negotiations will be conducted with a single contractor. The last possible deadline is **16 September 2013**.

3.4 If the contractor has no questions in regards to the subject or manner of awarding this contract, its first act as part of the negotiations will be to submit a proposal for the performance of this contract; the contracting authority shall either accept this proposal or shall enter into negotiations with the contractor as to further procedures to be undertaken.

3.5 This public contract is awarded in accordance with the rules for the selection of contractors for the Research and Development for Innovations Operational Programme. The contractor acknowledges that the contracting authority is obliged to abide by the requirements for the publicity of the programmes of structural funds prescribed by the Handbook for the Recipients of Financial Aid under the R&DI OP, the Visual Identity Manual and Commission Regulation (EC) No 1828/2006, and to do so in all relevant documents relating to this tender or procedure, i.e. especially in the call, in all contracts/orders and other documents relating to the given contract.

4. Subject of the public contract

4.1 The subject of this public contract is the supply of the **CLC Genomics Workbench** (hereinafter referred to as the "SW") – an analysis package for analyzing, comparing, and visualizing next generation sequencing data – running on x86_64 architecture and Linux OS for the purposes of the implementation of the CERIT-SC project by the contracting authority.

4.2 The contracting authority requires the supply of licences for the said SW in the **number of 2 licences** under the so-called **network licence** licensing model (licences intended for academic computing centres). The licences supplied must not be limited by time (must be permanent), i.e. a period for which they may be used by the contracting authority is not limited.

4.3 The subject of the performance of the contract is also to provide related technical support services for a period of three years. Technical support services namely include access to updates and security fixes of the software supplied as well as support (maintenance).

4.4 The expected value of the contract is **27,216 €**.

5. Business and payment conditions

5.1 This call contains the business conditions that are to become the content of contractual arrangements concluded with the contractor. The business conditions prescribed by the contracting authority for this tender are binding for the contractor and may not be changed in any way.

5.2 Performance of this public contract shall be realised pursuant to a written agreement concluded between the contracting authority and the contractor; a confirmed order, from which the content of the commitment and the contracting parties is evident shall also be considered to constitute a written contract. The contractor shall, in the course of negotiations or in its bid, stipulate the manner of performance pursuant to this paragraph.

5.3 The bid price is understood to mean the price for the performance of the entire subject of this public contract. The bid price must be a fixed price, independent of a change of conditions in the course of the realisation of the public contract. The bid price must include all the costs necessary for the proper realisation of the subject of the public contract, including associated costs (fees, duties, taxes, incidental costs, etc.).

The bid price must be set in either US Dollar, Euro or Czech Crowns.

For VAT purposes the place of supply of the licence shall be The Czech Republic according to the Article 56 of the Council Directive 2006/112/EC.

5.4 The price will be paid on the basis of a duly issued tax document (invoice). The maturity period of the tax document (invoice) will be 30 days from the date of its issue. The invoice must include all the particulars of a proper accounting and tax document in accordance with the relevant statutory provisions. The invoice must also contain the identification particulars of the project, i.e. in particular the name and registration number of the project (as stipulated in Article 1 of this call). If the invoice does not contain the corresponding particulars, the contracting authority shall be entitled to send it back to the contractor within the maturity period for the purpose of its supplementing or correction, without being in danger of becoming in arrears with payment; the maturity period shall begin to run again from the re-serving of the duly supplemented or corrected document.

5.5 The contracting authority shall not pay any advances.

5.6 The contracting authority agrees with an interest rate of 0.05 % per each day of delay in the payment of the price of the performance after the due date of the relevant tax document. Interest will be calculated separately for each delay.

5.7 The contracting authority demands a contractual penalty amounting to 0.05 % of the total price of the performance for each day of delay with the supply of the subject of the performance within the period specified in Article 6 of this call.

6. Deadline and place of performance of the contract

Supply deadline: within 2 weeks of signing the agreement.

Place of performance: Masaryk University,
Institute of Computer Science,
Botanická 68a, 602 00 Brno,
Czech Republic
To the attention of RNDr. Tomáš Rebok, Ph.D.

7. Qualification prerequisites on the contractor

The contractor is obliged to include, as part of its bid, a statutory declaration that:

- it satisfies the basic qualification requirements in accordance with the provisions of Section 53(1) of the Act;
- it meets the professional qualification prerequisites in accordance with the provisions of Section 54, points a) and b) of the Act.

A foreign contractor shall demonstrate that it meets the qualification prerequisites through a statutory declaration (template attached).

8. Requirements on the compilation of the bid

8.1 The contractor's bid must contain the software author's licensing conditions.

8.2 The bid must be compiled in writing in its full extent and may be prepared in the Czech or English language.

9. Deadline, place and manner of bid submission

9.1 The contracting authority requires that the final bid be submitted in electronic form that shall be sent to rebok@ics.muni.cz (optionally signed with a guaranteed electronic signature). The deadline for the submission of the bid shall be agreed during the course of the negotiations.

10. Cancellation of the tender

The contracting authority reserves the right to cancel this tender, refuse a submitted bid or not to conclude an agreement/order.

11. Bid validity period

The contractor shall be bound by its bid for a period of 30 days; this period shall commence on the day after the passing of the deadline for submission of the bids.

Cover Sheet of Declaration of the Tender

Legal ☐ natural ☐ *) person

registered office

ID no _____,

Agent/representative: _____,

Registered in the Commercial Register at _____, under the brand

who independently ☐ together with another person ☐ together with other persons ☐ *) intends to
apply for the public contract by the bid submission

with name

„Supply of CLC Genomics Workbench licences“

declares honestly and truthfully, that:

1. he/she is acquainted with tender conditions before the bid submission
2. meets the basic qualification requirements analogously by the Section 53 Subsection 1 Points a), b), c) to e), f) also in regard to the excise tax, g) to k) of the Act No. 137/2006, Coll., on Public Procurement, as amended,
3. meets the professional qualification requirements analogously by the Section 54 Points a) and b) of the Act,
4. by the signing of this declaration he/she confirms the truthfulness, correctness and obligation of all documents listed in this Bid.

In _____ . on _____

.....

Signature of the person authorized to act
on behalf or for the contractor

**Act No. 137/2006 Coll., on Public Contracts, as amended
(extract)**

§ 53

Basic Qualifications Prerequisites

- (1) Basic qualifications prerequisites shall be met by the economic operator that
- (a) has not been finally convicted of a criminal offence committed for the benefit of an organized crime group, of a criminal offence of participation in an organized crime group, legalisation of proceeds of criminal activity, accessoryship, taking bribes, bribery, indirect corruption, fraud, loan fraud, including the cases where they involve preparation for and attempts of complicity in such a criminal offence, or if the conviction on committing such a criminal offence has been expunged; this prerequisite shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by the statutory body or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, besides the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the economic operator both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,
 - (b) has not been finally convicted of a criminal offence, where the facts of the case are related to the object of business activities of the economic operator under separate legal regulations or where the conviction on committing such a criminal offence has been expunged; this condition shall be met in the case of a legal person by both such a legal person as well as the statutory body thereof or by each member of the statutory body, and where a legal person acts as a statutory body or a member of the statutory body of an economic operator, this prerequisite shall be met by both such a legal person as well as the statutory body thereof or by each member of the statutory body of such a legal person; if a tender or request to participate is submitted by a foreign legal person by means of its organisational branch, the prerequisite pursuant to this subparagraph shall be met, in addition to the indicated persons, also by the head of the organisational branch; such a basic qualifications prerequisite shall be met by the economic operator both in relation to the territory of the Czech Republic and to the country of registered office, place of business or residence thereof,
 - (c) has not accomplished elements of unfair competition practices in the form of bribery under separate legal regulation 40) in the preceding 3 years,
 - (d) is not or has not been subject to insolvency proceedings involving its assets, in which the declaration of bankruptcy has been issued or insolvency petition has not been rejected due to lack of assets on the part of the economic operator to cover the costs of insolvency proceedings, or the declaration of bankruptcy has not been set aside because of the economic operator's insufficient property or in respect of which the receivership has been imposed on under separate legal regulation) in the preceding 3 years,
 - (e) is not being wound up,
 - (f) has no outstanding tax arrears registered in tax records, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
 - (g) has no outstanding arrears in respect of payments and penalties of public health insurance, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
 - (h) has no outstanding arrears in respect of payments and penalties of the social security insurance and contribution to the State employment policy, both in the Czech Republic and in the country of registered office, place of business or residence of an economic operator,
 - (i) has not been found guilty for grave professional misconduct in the preceding 3 years or has not been imposed a disciplinary punishment on under separate legal regulations, where demonstration of professional qualifications under separate legal regulations is required

pursuant to § 54(d); when the economic operator pursues such an activity through a person in authority or any other person liable for the activity of an economic operator, this prerequisite shall be applicable to those persons,

- (j) is not enrolled on the black list of persons banned to participate in the performance of public contracts and
- (k) has not been imposed any effective penalty on in the preceding 3 years for facilitating the performance of illegal work under separate legal regulation.

§ 54

Professional Qualifications Prerequisites

The economic operator shall prove the fulfillment of professional qualifications prerequisites by furnishing

- (a) an extract from the Company Register, if it is enrolled thereon or an extract from any other analogous register, if it is enrolled thereon,
- (b) evidence of possession of a license to pursue business activities under separate legal regulations to the extent corresponding to the subject-matter of the public contract, particularly, evidence proving relevant trade authorisation or license.

