

# PROPOSAL TO SUBMIT A TENDER

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## LISAD:

PEE Annex 1 – Technical Specification with Evaluation Criteria and Principal Contract Terms

## Contracting authority:

SA Tallinna Kultuurikatel

## Type of procurement:

Open procedure

## Name of the public procurement:

CRM Software

## Public procurement reference number:

302432

## Type of contract:

Procurement contract

## Expected contract period:

48 months

## Estimated contract value:

N/A

## Deadline for submission and opening of tenders:

According to the Procurement Notice

## Place of submission and opening of tenders:

Procurement Register (riigihanked.riik.ee)

## Period of validity of the tender:

3 months

## Person responsible for public procurement:

Kristiina Kütt

## ATTENTION!

In preparing the procurement documents of the public procurement (hereinafter also the "Procurement Documents"), the contracting authority has proceeded from the Public Procurement Act (hereinafter referred to as the PPA), the procedure for conducting procurements of the contracting authority and the conditions set out in the Procurement Documents.

The Procurement Documents contain all relevant documents referred to in the law, including:

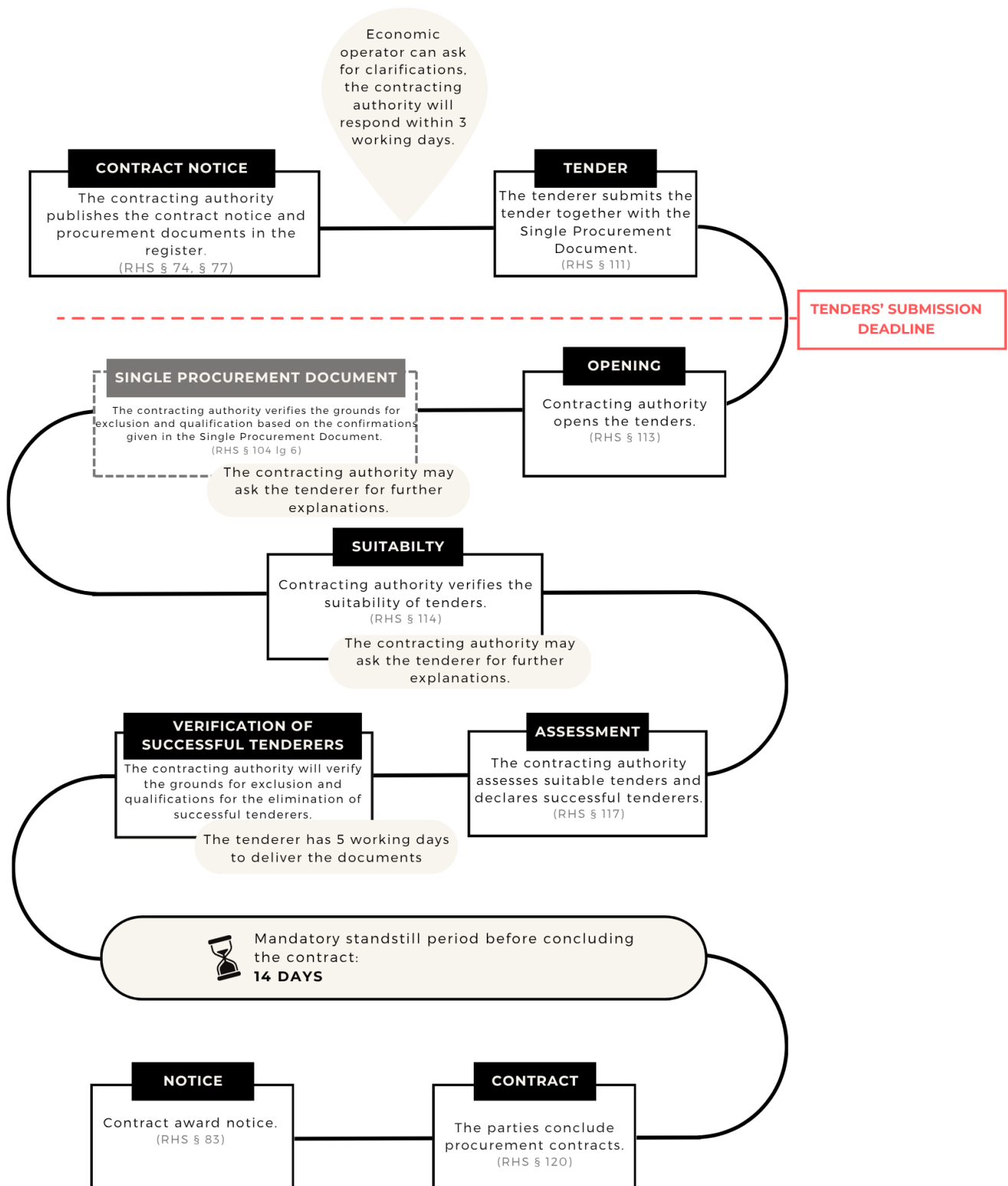
- This call for tenders, together with all annexes;
- The information published in the Public Procurement Register (hereinafter referred to as the Register) in the procurement procedure, including the procurement notice (hereinafter referred to as the "Procurement Notice"), the grounds for exclusion (incl. the form of the 'Single Procurement Document'), the qualification conditions, the conditions of compliance, the evaluation criteria (including the description of the evaluation methodology) and all information and documents sent before the deadline for the submission of tenders, which have amended, explained or specified the requirements of the Procurement Documents.

(PPA § 4 point 17)

Pursuant to the law, the contracting authority may amend the Contract Notice and/or the Procurement Documents before the deadline for submission of tenders.

(PPA § 81 and 82)

# 1. WHAT IS THE PROCESS?



## 2. WHAT IS PROCURED?

- 2.1. **Subject-matter of the contract.** The aim of the procurement is to procure a modern CRM (Customer Relationship Management) software for the Tallinna Kultuurikatel, which supports daily sales and project work, planning and management of events in a calendar view, management of offers and invoices, and reporting. The software must enable the management of the events of all the event centres of the Kultuurikatel in one software and manage calendars, sales activities and customer data by the departments of the institution, which are the Tallinna Kultuurikatel, the Mere Kultuurikeskus and the Salme Kultuurikeskus.
- 2.2. **Technical description.** The technical description of the object of the contract is provided in PEE Annex 1.
- 2.3. **Contract.** The conditions for performance of the contract are set out in PEE Annex 1 and in the composition of the tender.
- 2.4. **Distribution.** The procurement is not divided into lots, as it is essentially one indivisible object of the procurement.

## 3. WHAT REQUIREMENTS APPLY TO THE TENDER?

### PREPARATION OF THE TENDER

- 3.1. **Terms and conditions of the tender.** The tender must comply with the conditions set out in the Procurement Documents. The data provided in the tender must be presented in a way that allows the contracting authority to verify the compliance of the tender with the conditions set out in the Procurement Document.
- 3.2. **Tenderer Confirmation.** By submitting a tender, the tenderer confirms the transposition of all the conditions set out in the Procurement Documents.
- 3.3. **Inconsistencies in the Procurement Documents.** If the tenderer discovers errors, contradictions, ambiguities or ambiguity in the Procurement Documents during the preparation of the tender, they are advised to immediately notify the contracting authority through the register and ask a question about it.
- 3.4. **Inconsistencies in forms.** The tenderer may need to submit the value of the tender both on the form in the Register and on the form prepared by the contracting authority. If the data submitted by the tenderer are different on these forms, the contracting authority shall evaluate the tender on the basis of the costs presented on the form prepared by the contracting authority.
- 3.5. **Exclusion of misleading and conditional tenders.** The tender must not be misleading in any way. The Tenderer may not make any changes, reservations or set its own conditions regarding the requirements set out in the Procurement Documents. Submission of conditional bids is not allowed.
- 3.6. **Alternative solutions.** Submission of alternative solutions is not allowed.
- 3.7. **Document format.** Tender documents must be submitted in the commonly used document format (.pdf; .txt; .rtf; .odt and MS Office formats).
- 3.8. **Capacity limit.** The size of one uploaded file in the Registry may not exceed 100 MB. The total size of the tender documents must not exceed 300MB.
- 3.9. **Costs and risks.** The interested party or tenderer bears the full costs and risks associated with participating in the procurement procedure, including *the possibility* of force majeure.

### SUBMISSION OF A TENDER

- 3.10. **Right to submit tenders.** The contracting authority restricts the circle of tenderers by allowing only undertakings from the countries specified in § 3(2) of the PPA to participate in this public procurement, including as a person on whose resources the tenderer relies on § 103(1) of the PPA.

- 3.11. **Person submitting the tender.** The tender must be submitted by the tenderer's statutory or authorised representative. If the tender is submitted by a person who is not entered on the printout of the registry card of the Estonian Commercial Register as a person who has the legal right of representation of the tenderer, the tenderer must, at the request of the contracting authority, submit a power of attorney of the legal representative(s) to represent the tenderer.
- 3.12. **Foreign Provider.** If the tenderer is registered in a foreign country, the tenderer must submit a certificate of the existence of the right of representation at the request of the contracting authority.
- 3.13. **Registry errors.** The Contracting Authority shall not be liable for any delays, failures or interruptions caused by circumstances beyond the control of the Contracting Authority in the Register, such as *force majeure*, power outages, disturbances in the telephone or internet connection of the tenderer or the contracting authority, or in the operation of other electronic devices and devices, including software. The Contracting Authority shall not be liable for any damages or loss of profit caused by the use or non-use of the Register.

## COMPLIANCE OF THE TENDER

- 3.14. **Compliance conditions.** The conditions of compliance can be found in the Register under the basic data of the procurement procedure.
- 3.15. **Declaration of conformity.** The Contracting Authority shall declare the tender compliant if it complies with the requirements set out in the Procurement Documents.

## 4. HOW TO QUALIFY?

- 4.1. **Conditions.** If available, the qualification criteria can be found in the Register under the basic data of the procurement procedure, in the subsection Grounds for exclusion and qualification criteria.
- 4.2. **Single Procurement Document.** The tenderer submits a Single Procurement Document with the tender, in which it confirms compliance with the qualification criteria and submits the required data. Documents certifying qualification do not have to be submitted with the tender.
- 4.3. **Qualification.** The Contracting Authority shall qualify the successful tenderer whose qualification meets the tenderer qualification criteria set out in the Procurement Documents. The successful tenderer must submit the evidence confirming the data provided in the procurement passport within 5 working days of receipt of the respective claim.  
(PPA § 104 (9))
- 4.4. **Reliance on the resources of another undertaking.** The tenderer may prove its compliance with the requirements for economic and financial standing on the basis of the funds of another undertaking. In such a case, the tenderer and the other economic operator must be jointly responsible for the proper performance of the contract.

## 5. WHICH PROVIDER WILL BE EXCLUDED?

- 5.1. **Grounds for exclusion.** The grounds for exclusion of the tenderer are published in the Register under the basic data of the procurement procedure, in the subsection Grounds for exclusion and qualification criteria.
- 5.2. **Single Procurement Document.** The tenderer submits a Single Procurement Document with the tender, in which it confirms the absence of grounds for exclusion and submits the required data. Supporting documents do not need to be submitted with the tender.
- 5.3. **Decision to exclude.** Upon exclusion of a tenderer from the procurement procedure, the contracting authority shall make a reasoned written decision to that effect. The eliminated tenderer will not participate in further public procurement.

## 6. HOW A CONTRACTING AUTHORITY OPENS TENDERS?

- 6.1. **Open.** The contracting authority opens the tenders electronically in the Register.
- 6.2. **Non-public.** The opening of tenders is not public. After the opening of the tenders, the names and registry codes of the tenderers, in the absence of a registry code, any other identifier or personal

identification code enabling the identification of the tenderer, or in the absence of a personal identification code, the date of birth and the costs of the tenders submitted, including the partial costs of the tender, if they are taken into account in the evaluation of tenders, and other numerical indicators characterising the tender that meet the criteria for evaluating tenders shall be published in the Register.

## 7. WHEN CAN A CONTRACTING AUTHORITY REJECT ALL TENDERS?

- 7.1. **Cost of tenders.** The contracting authority may reject all tenders if the value of all tenders or tenders found to be compliant exceeds the value of the contract.  
(PPA § 116 (1) point 1)
- 7.2. **Insufficient competition.** The contracting authority may reject all tenders if insufficient competition is ensured. This means that if only two or fewer tenders are received for the procurement or if only one tender is declared compliant.
- 7.3. **The process of rejecting all tenders.** The contracting authority rejects all tenders by a written decision. The contracting authority must justify its decision.

## 8. WHEN CAN THE CONTRACTING AUTHORITY REVOKE THE PROCUREMENT PROCEDURE?

- 8.1. **Justified need.** The contracting authority has the right to declare the procurement procedure invalid if justified. The reasonable need of the contracting authority is, **for example**, if:
  - 8.1.1. the contracting authority needs to significantly change the subject matter of the contract;
  - 8.1.2. the conditions on which the procurement procedure was based have changed significantly and therefore the award of the contract is unnecessary or impossible;
  - 8.1.3. inconsistencies have emerged which cannot be remedied and therefore the proceedings cannot be brought to a lawful conclusion.
- 8.2. **The process of invalidating the procurement procedure.** The contracting authority shall declare the procurement procedure invalid by a written decision. The decision must be reasoned.

## 9. WHICH TENDER WINS?

- 9.1. **Evaluation criteria.** The contracting authority shall evaluate the tenders in accordance with the evaluation criteria set out in the Register and specified in PEE Annex 1.
- 9.2. **Successful tender.** The tender that scores the most points in all the evaluation criteria will be declared successful.
- 9.3. **Equal tenders.** If the tenders that received the most value points are equal in terms of the number of value points, the successful tender will be selected by drawing lots. The contracting authority determines the procedure, time and place of the drawing of lots. On behalf of the tenderer, the tenderer's statutory or authorised representative shall participate in the drawing of lots.

## 10. HOW THE CONTRACT IS CONCLUDED?

- 10.1. **Contract.** The contract will be awarded to one of the successful tenderers. The contract will be concluded on the basis of the principles set out in PEE Annex 1 and the standard terms and conditions set out in the composition of the successful tenderer's tender.
- 10.2. **Signing the contract.** The contract will be signed digitally. The tenderer must sign the contract and return it signed by the tenderer to the contracting authority within 5 working days.
- 10.3. **Signing a contract in any other form.** If it is not possible to sign the contract digitally, the contracting authority shall send two copies of the contract signed by the contracting authority to the tenderer

who submitted the successful tender. The contract is deemed to have been received 3 calendar days after it was posted. The tenderer who submitted a tender that has been declared successful must return one signed copy of the contract to the contracting authority within 10 calendar days from the date of receipt of the contract. If necessary, the contracting authority may extend the deadline for the return of the contract.

- 10.4. **ATTENTION!** If the successful tenderer fails to comply with the deadline for signing and fails to return the contract signed by the successful tenderer by the deadline, the contracting authority has the right to consider the tender withdrawn and to start the re-evaluation of all other tenders. In addition, the contracting authority has the right to demand compensation for damage from a tenderer who has not complied with the signing requirement. The contracting authority has the same right if the successful tenderer fails to perform the contract entered into by giving acceptance within the specified deadline for reasons arising from itself.  
(PPA § 119)

## 11. HOW INFORMATION IS EXCHANGED?

### IF THE TENDERER WANTS ADDITIONAL INFORMATION:

- 11.1. Explanations about the content of the contract notice and the Procurement Documents can be obtained by contacting the contracting authority in writing via the Public Procurement Register. The request can be submitted on the communication worksheet.
- 11.2. The contracting authority will respond to the questions within 3 working days from the request for an explanation. The responses will be added to the communication worksheet of the Public Procurement Register.
- 11.3. **ATTENTION!** It is important to submit the request for explanation by the deadline, i.e. at least 6 working days before the deadline for submission of tenders. If the request for explanation is received later, the contracting authority is not obliged to respond to the request pursuant to the law.  
(PPA § 46)

### IF THE CONTRACTING AUTHORITY WANTS ADDITIONAL INFORMATION:

- 11.4. The contracting authority may require additional documents from the tenderer. The purpose of such an inquiry is to verify the absence of grounds for exclusion, the conformity of the qualification or the tender. The Contracting Authority submits the claim via the Information Exchange page of the Register.
- 11.5. Depending on the content of the question, the deadline for answering is 3 or 5 working days.  
(PPA § 46 (4), 104 (9), § 115 (1))
- 11.6. The contracting authority may extend the deadline for replying – either on its own initiative or on the basis of a reasoned application by the tenderer.