

# **An invitation to negotiate in a negotiated procedure without prior publication**

National Library of Technology, seated at Technická 2710/6, 160 80 Praha 6 - Dejvice

ID number: 61387142

as Central Contracting Authority and other Contracting Authorities stated in Annex 2 of the tender documentation

(hereinafter referred to as the **“Contracting Authority”**)

announces

an intention for processing a Public Procurement called „EIZ AACR“ in a negotiated procedure without prior publication pursuant Section 63 paragraph 3 (c) of Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to as the **“Act”**).

According to Section 67 paragraph 1 of the Act,

The Contracting Authority

**invites**

**American Association for Cancer Research**

**615 Chestnut Street, 17th Floor**

**Philadelphia, PA 19106-4404, USA**

(hereinafter referred to as the **“Economic Operator”**)

**to negotiate in a negotiated procedure without prior publication**

This Invitation to a negotiated procedure without prior publication serves as a tender documentation for an attend in a negotiated procedure without prior publication taking place pursuant Section 67 paragraph 1 of the Act for a public service contract. The right and obligations of the Contracting Authority and the Economic operator which are not expressly stipulated herein shall be governed by relevant provisions of the Act.

## I. Basic Data

### Central Contracting Authority

Name	National Library of Technology
Seat	Technická 2710/6, 160 80 Praha 6 - Dejvice
Represented by	Martin Svoboda
ID number	61387142
Tax identification No.	CZ61387142
Person authorized to act in the negotiated procedure without prior publication	Jan Černý
E-mail	<a href="mailto:jan.cerny@czechelib.cz">jan.cerny@czechelib.cz</a> <a href="mailto:licensing@czechelib.cz">licensing@czechelib.cz</a>

### Economic Operator

Name	American Association for Cancer Research
Seat	615 Chestnut Street, 17th Floor Philadelphia, PA 19106-4404, USA
Represented by	
ID number	
Tax identification No.	23-6251648
Person authorized to act in the negotiated procedure without prior publication	Karola Rac
Phone number	+ 1 215 446 7231
E-mail	<a href="mailto:karola.rac@aacr.org">karola.rac@aacr.org</a>

## **II.**

### **Basic information about the subject of the Public contract**

#### **Name of the Public Procurement**

EIZ AACR

#### **Type and regime of the Public Procurement**

A below-threshold public service contract

#### **Classification of the Public Procurement (CPV)**

22200000-2 Newspapers, journals, periodicals and magazines

#### **Subject of the Public Procurement**

Subject of the procurement is to purchase access to American Association for Cancer Research Publications for Central Contracting Authority and other Contracting Authorities stated in Annex 2 of this tender documentation.

#### **Estimated value of the Public Procurement**

2 214 030 CZK, VAT excluded

## **III.**

### **Economic Operator's Qualification**

Proving of Economic Operator's Qualification conforms pursuant Sections 73 – 88 of the Act.

The Contracting Authority shall request a proof of the Basic Qualification pursuant to 74 of the Act. 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 Section 74 paragraph 1 (a) of the Act. Where a legal person is a member of the governing body of the Economic Operator, the condition specified in Section 74 paragraph 1 (a) of the Act shall be met by this legal person, every member of the governing body of this legal person, and the person representing this legal person in the governing body of the Economic Operator.

The Economic Operator is obliged to proof the facts contained in Section 74 of the Act. For this purpose, the Economic Operator is obliged to provide originals or certified copies of documents proving its Basic Qualification.

According to Section 228 paragraph 1 of the Act, where the Economic Operator submits to the Contracting Authority an extract from the List of Approved Economic Operators, such extract shall replace the document attesting to the Basic Qualification pursuant Section 74 of the Act. According to Section 228 paragraph 2 of the Act, the Contracting Authority shall accept an extract from the List of Approved

Economic Operators provided that on the last day on which the Basic qualification is to be proved, the extract is not older than three months. The Contracting Authority is not obliged to accept an extract from the List of Approved Economic Operators in which the commencement of proceedings pursuant to Section 231 paragraph 4 is recorded.

According to Section 228 paragraph 2 of the Act, the Economic Operator may prove its Basic Qualification by submitting a certificate issued in another Member State pursuant Section 6 paragraph 3 (a) of the Act, in which the Economic Operator has its registered office, and which is an equivalent of the extract from the List of Approved Economic Operators pursuant Section 228 paragraph 1 of the Act.

#### **Proving of Professional Qualification**

Proving of Professional Qualification is not required.

#### **Proving of Technical Qualification**

Proving of Technical Qualification is not required.

#### **Proving of Economic Qualification**

Proving of Economic Qualification is not required.

### **IV. Information about negotiation**

#### **Day and Time for the first negotiation**

15. 1. 2018, 14:00 CET

#### **Place for the first negotiation**

Negotiation shall be realized by conference call via supplier's GoToMeeting account.

#### **Negotiation language**

English

#### **Negotiation conditions**

Conditions concerning bid submission shall be agreed by the parties during negotiation.

The subject of the negotiation shall be the price of the product as well as technical and contractual conditions. The conditions which are compulsory and cannot be changed are stated in draft contract and highlighted by red color.

The bid submission limit shall be agreed by the parties during negotiation.

## **Protocol**

A protocol will be drawn up for each negotiation with the Economic Operator. The protocol which will include all arrangements made in the course of the negotiations, the date of the meeting, the subject matter and its outcome shall be sign by the Contract Authority and the Economic Operator. For this case, a representative of the Economic Operator has to be provided with a special power of attorney unless the person (or persons) is authorized to bind the Supplier according to the data entered in the Commercial Register or other similar register.

## **V. Evaluation Criteria**

There are no Evaluation Criteria because the Public Procurement can be performed only by the Economic Operator because it is necessary in order to protect exclusive rights, including intellectual property rights. According to Section 122 paragraph 2 of the Act, where there is only one participant in the procurement procedure, it may be selected by the Contracting Authority without evaluation.

## **VI. Place and Time for Performance of the Public Procurement**

The tender shall be performed immediately after conclusion of the tender procedure, however not earlier than January 1<sup>st</sup> 2018. The tender shall be performed until 2020. Due to nature of the contract the tender shall be performed by granting remote access.

## **VII. Economic Operator's obligations**

As a condition for closure the public service contract, the Economic Operator is obliged to provide the Contracting Authority in respect of Section 104 paragraph 2 of the Act:

1. 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,
2. Documents that demonstrate the relation of all persons under paragraph 1. to the Economic Operator; such document include, but are not limited to,
  - a) a copy of an entry in the Commercial Register or other similar records,
  - b) a list of shareholders,

- c) a decision made by the governing body regarding payment of a share in profit,
- d) a memorandum of association, a letter of information or articles of association.

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.

## **Annex 1 – Draft contract**

## **Annex 2 – list of participating Contracting Authorities**