

Consumer Protection and Technical Regulatory Authority

Invitation to tender

Negotiated procedure without prior publication

**„Global Satellite Navigation System (GNSS) data analysis and storage service“**

Object of public procurement: services

Tallinn 2024

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## 1. General information

- 1.1. Contracting authority: Tarbijakaitse ja Tehnilise Järelevalve Amet/  
*Consumer Protection and Technical Regulatory Authority (CPTRA)*  
registry code: 70003218  
address: Endla 10a, 10122 Tallinn  
phone: +372 667 2000, Email: info@ttja.ee  
homepage: <http://www.ttja.ee>
- 1.2. The contact person of the contracting authority is the head of frequency management division, Erko Kulu, phone +372 667 2120, e-mail: Erko.Kulu@ttja.ee.
- 1.3. Details in regards procured objects are described in Annex 1 - Technical description.
- 1.4. As a result of this procurement, the aim is to conclude a Framework Agreement (hereinafter also referred to as *public contract*) for a fixed term of 4 (four) years according to the draft which is set out in Annex 2, or until the maximum value of the Framework Agreement is fulfilled. The maximum value of the Framework Agreement is estimated to be 200 000 euros (not including value added tax). The contracting authority is not required to order services and/or products from the tenderer in the amount of the maximum value.

## 2. Proposal to hold negotiations and to submit a tender

- 2.1. The contracting authority has a right to arrange a public procurement as a negotiated procedure without prior publication where the public contract can be awarded only to a particular tenderer for technical reasons or reasons related to the protection of exclusive rights, including intellectual property rights, where no reasonable alternative exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement, or for artistic reasons, for instance when creating or acquiring a unique work of art or artistic performance [Public Procurement Act (hereinafter referred to as *Act*) § 49 (1) p 2].
- 2.2. According to Act § 72 (1), the contracting authority or entity invites one or more tenderers whose economic and financial standing and technical and professional ability is presumably sufficient for the proper performance of the public contract to hold negotiations for the purpose of awarding a public contract.
- 2.3. CPTRA has been using SeRo Systems GmbH GNSS sensors GRX1090W and SecureTrack software starting from 2022.
- 2.4. SeRo Systems GmbH is the product owner and developer of the SecureTrack software. The market research revealed that SeRo Systems GmbH has one worldwide office and is headquartered in Frankfurt am Main, Germany (Hahnstr. 58, 60528). SeRo Systems GmbH does not use any additional dealers nor resellers.
- 2.5. Given the outcome of the market research, SeRo Systems GmbH is the only possible tenderer with the possibilities to submit a proposal to offer accompanying services including data analysis, storage, support and maintenance service.
- 2.6. CPTRA hereby proposes SeRo Systems GmbH to participate in the negotiated procedure procurement without prior publication and to submit a tender in accordance with the conditions provided in the procurement documents.

## 3. Information and explanations

- 3.1. The exchange of information concerning this procurement between the contracting authority and the tenderer takes place electronically via e-mails and virtual meetings. Virtual meetings shall be protocolled and signed by the participants.

- 3.2. A reply to an e-mail has to be sent within 3 (three) working days. If more time is required, an intermediate reply will be sent to inform about the estimated time when the actual reply will be sent.

#### **4. Grounds for exclusion and tenderer's qualifications**

- 4.1. In regards Act § 101 (1), in order to verify where the technical and professional ability of the tenderer meets the selection criteria, the contracting authority shall require submission of the following information:
  - 4.1.1. list of 2 (two) contracts of similar nature to this procurement, which have been performed within 36 months preceding the commencement of this public procurement, along with information on their value, dates and other contracting parties.
- 4.2. In regards Act § 100 (1), to verify whether economic and financial standing of the tenderer meets the selection criteria, the contracting authority shall require submission of the following documents:
  - 4.2.1. a statement of the tenderer's turnover in the field covered by the public contract or to the extent corresponding to its subject matter, for a maximum of the last three financial years available by the time of commencement of the public procurement. The statement must show that the tenderer has a yearly turnover of no less than 50 000 euros.
- 4.3. Tenderer who has provided all the information and documents necessary to prove their qualification and who fulfil the qualification criteria shall be qualified. Aforementioned information and documents shall be provided no later than on the date of submission for preliminary tender.
- 4.4. Where a tenderer cannot submit the required documents for a valid reason, they may characterise their economic and financial standing using other documents that have been declared suitable by the contracting authority or entity (Act § 100 (4)).
- 4.5. If the tenderer fails to submit the documents referred to in 4.1-4.2, and such information or documents is not available to the contracting authority free of charge on the basis of the public data in databases, the contracting authority does not qualify the tenderer (subsection 98 (4) of the Act).
- 4.6. The contracting authority does not award the contract to an tenderer where a ground for exclusion provided in Act § 95 (1) exists – except in a situation provided for by subsection 3 of § 95 of the Act.
- 4.7. After verifying that there are no grounds for exclusion with regard to the successful tenderer and that the selection criteria are satisfied, the contracting authority shall make a reasoned written decision by which it selects or does not select the tenderer.

#### **5. Formal requirements for the tender**

- 5.1. The deadline for submitting a preliminary tender to conclude the public contract is 6th June 2024. The preliminary tender shall be the basis for negotiations between the Parties.
- 5.2. The deadline for submitting a final tender after the negotiations shall be determined by the CPTRA. CPTRA will give the tenderer at least 7 calendar days to submit the final tender.
- 5.3. Both the preliminary and final tender shall include at least the following:
  - 5.3.1.1. Description of the service - The tenderer shall include the description of the service which highlights the purpose, functionality, features and user friendliness of the software platform;

- 5.3.1.2. Compliance with the technical conditions – The tenderer shall include the filled compliance table (Annex 3);
- 5.3.1.3. Description of support – The tenderer shall include the description of technical support service, its components and the technical support time frame;
- 5.3.1.4. Experience and technical competence – The tenderer shall include the description of his experience in the field of Global Satellite Navigation monitoring and signal detection, as well as technical competence in the use and development of software platform;
- 5.3.1.5. Cost of tender – The tenderer shall include both the total cost for the entire duration of the Framework Contract and annual cost of the service per each year. All costs must be shown without value added tax.
- 5.4. The tenderer shall be responsible for submitting tenders in due time.
- 5.5. The tenderer must keep its tenders valid for at least 60 calendar days. The term for the validity of a tender shall commence on the due date for submission of tender.
- 5.6. The tenders and all documents accompanying the tenders must be in either Estonian and/or English.
- 5.7. The vendor accepts all common document formats for tenders, such as. PDF (Portable Document Format),. txt (Text),. RTF (RichTextFormat),. odt (Open Office), and MS Office formats.
- 5.8. All documents forming part of the tenders must be submitted to the e-mail Erko.Kulu@ttja.ee.
- 5.9. The tenderer shall bear all costs related to the preparation and submission of the tenders.
- 5.10. If the tender contains a business secret, the tenderer must indicate in the tender which information is the business secret of the tenderer.

## **6. Negotiations between the contracting authority and tenderer**

- 6.1. Parties will hold negotiations over the total cost and annual cost of the preliminary tender.

## **7. Verification of conformity of the final tender**

- 7.1. The contracting authority or entity verifies the conformity of the final tender with the conditions set out in the procurement documents and makes a reasoned written decision to declare or reject the final tender.
- 7.2. The contracting authority shall reject the final tender if it does not meet the conditions set out in the procurement documents, if the award of the public contract on the basis of the final tender would infringe an international sanction or a sanction of the Government of the Republic within the meaning of the International Sanctions Act, if the tenderer fails to provide the explanations requested by the contracting authority within the term or it is not possible to unequivocally assess the conformity of the final tender with the conditions set out in the procurement documents on the basis of the explanations provided by the tenderer. The contracting authority may declare the final tender to be compliant unless it contains substantive deviations from the conditions specified in the procurement documents.

## **8. Evaluating and awarding a final tender**

- 8.1. The contracting authority evaluates the final tender based on the following criteria.

Criteria	Proportion (%)
Total cost of the final tender	100

## **9. Rejecting a final tender**

- 9.1. The contracting authority has the right to reject the final tender submitted or declared admissible at any time before the award of the public contract pursuant to the provisions of the Act § 116 (1) or if:
  - 9.1.1. in the course of public procurement, there is a change of circumstances which make it impossible to carry out the procurement (reduction of the budgetary resources of the contracting authority, etc.); or
  - 9.1.2. the award of a public contract has become impossible or impractical for reasons beyond the control of the contracting authority.
- 9.2. Upon rejection of the final tender, the contracting authority shall make a reasoned written decision to that effect.
- 9.3. The contracting authority shall not be liable for any damages related to the rejection of a final tender.

## **10. Cancellation of procurement procedure by contracting authority**

- 10.1. The contracting authority may revoke the procurement procedure on its own initiative. In particular, but not exclusively:
  - 10.1.1. if there is a need to substantially change the subject-matter of the public contract;
  - 10.1.2. if the conditions on which the public procurement is based have changed significantly and therefore the award of the public contract proves unnecessary or impossible; or
  - 10.1.3. where the inconsistencies identified in the procurement procedure cannot be remedied or therefore lawfully completed. The contracting authority shall not be liable for any damages related to the cancellation of the procurement procedure.

## **11. Annexes**

Annex 1 – Technical description

Annex 2 – Framework Agreement draft

Annex 3 – Compliance table