

„Purchase of enrolment software “

Reference No 297559

Procurement documents

CENTRE OF REGISTERS AND INFORMATION SYSTEMS

The Centre of Registers and Information Systems invites selected economic operator to participate in the procurement procedure to submit tenders in accordance with the conditions set out in the procurement notice and procurement documents.

1. General

- 1.1. Contracting authority: Centre of Registers and Information Systems
- 1.2. Address: Lubja 4, 10115, Tallinn
- 1.3. Procurement: Purchase of enrolment software
- 1.4. Procurement reference no: 297559
- 1.5. The Procurement Rules can only be applied along with the Public Procurement Act and the legal acts established on the basis thereof. The Contracting Authority assumes that the interested person or tenderer is familiar with the Public Procurement Act and the legislation established on the basis thereof.
- 1.6. Only tenderers whose place of residence or location is in Estonia, another European Union member state, another European Economic Area contracting state, or a country that has acceded to the World Trade Organization Agreement on Government Procurement may participate in public procurement. Companies whose place of residence or location is in the Russian Federation or the Republic of Belarus are not permitted to participate in public procurement.
- 1.7. An interested person or tenderer bears the total costs and risks related to the participation in the tender, including the potential effects of force majeure.
- 1.8. The contracting authority has not subdivided the procurement into lots for reasons of expediency, as the subdivision of the procurement is not possible due to the nature of the contract
- 1.9. The contracting authority does not take into account life cycle costs, as it is impossible for tenderers to submit indicators for the costs referred to in section 86(2)(2) of the Public Procurement Act that could be compared with each other in the case of this procurement.

2. Object of public contract

- 2.1. A more detailed technical specification of the object of the public contract has been given in one annex or multiple annexes specified in clause 3.1.

3. Procurement documents

- 3.1. The contract documents comprise this main text and the annexes thereto:
 - 3.1.1 **Annex 1** General technical specification of the subject matter of the procurement;
 - 3.1.2 **Annex 2** technical specification;
 - 3.1.3 **Annex 3** Development Requirements v7.0;
 - 3.1.4 **Annex 4** Grounds for Exclusion and Terms of Qualification (Single Procurement Document);
 - 3.1.5 **Annex 5** Tender Suitability Criteria;
 - 3.1.6 **Annex 6** Evaluation Criteria;
 - 3.1.7 **Annex 7** Draft Public Contract;
- 3.2. The main text of the contract documents and the documents belonging thereto are mutually supplementary.
- 3.3. An integral part of the procurement documents is the Single Procurement Document, the company fills in the Single Procurement Document (ESPD v 2.0.2) in the register (RHR, <https://riigihanked.riik.ee/>). The Single Procurement, which the tenderers submit to the Contracting Authority as preliminary evidence for the verification of the absence of grounds for exclusion and the qualification conditions.
- 3.4. Clause 95 (4) 9) of the Public Procurement Act: The Contracting Authority may exclude from the procurement procedure a tenderer who has given false information on meeting the award criteria established in this section or the award criteria established by the contracting authority or entity on the basis of §§ 98-101 of this Act or failed to submit the information or the additional documents requested by the contracting authority or entity on the basis of subsections 7 and 8 of § 104. The submission of a Single Procurement Document is mandatory for all tenderers, including joint tenderers and subcontractors whose economic and/or financial performance is relied on. In the case of subcontractors, the contract passport must also be submitted if its characteristics are not relied on but are intended to be used for the performance of the contract
- 3.5. If the candidate or tenderer is in one of the situations referred to in § 97 of the Public Procurement Act, it shall indicate in the tender dossier the infringements and information that corrective measures have been applied. The tenderer submits as corrective measures the relevant evidence upon request of the contracting authority.

4. Additional information and explanations

- 4.1. The contracting authority expects interested parties or tenderers to notify the contracting authority in good time via the RHR in order to correct any errors, inaccuracies, or ambiguities found in the basic documents of the public procurement, and/or and/or make proposals to alleviate disproportionate or unjustified restrictions set for the procurement of the subject of the public procurement in the opinion of the tenderers.
- 4.2. When submitting a question or a request for additional information or explanations regarding the procurement documents, the interested person or tenderer must consider that the Contracting Authority has the right to respond to the above within 3 (three) working days pursuant to subsection 46 (1) of the Public Procurement Act.
- 4.3. If there are not at least 6 (six) days between the receipt of the request for clarification related to the procurement documents and the deadline for submission of tenders, in the cases specified in clauses 93 (2) 2) and 94 (4) 2) of the Public Procurement Act, the Contracting Authority does not have an obligation to respond to a request for clarification.
- 4.4. The question or request indicated in clause 5.1 is submitted in either Estonian or English.
- 4.5. The interested person or tenderer submits the question or application indicated in clause 4.2. electronically in the Public Procurement Register (<https://riigihanked.riik.ee/>) in a form that can be reproduced in writing. In the case of errors in the operation of the register, the question or request is submitted to the e-mail address of the contact person of the Contracting Authority

indicated in the procurement notice. Questions are not accepted by telephone.

- 4.6. The Contracting Authority submits the documents prepared during the procurement procedure and the additional information and explanations to the interested person or tenderer electronically through the Public Procurement Register.

5. Drawing up a tender

- 5.1. The tender is drawn up on the basis of, inter alia, the conditions set out in the draft contract.
- 5.2. In accordance with the RHS, the tenderer shall indicate in the tender which information constitutes a trade secret and justify the designation of such information as a trade secret. The tender shall remain confidential until a decision has been made to accept the tender. The contracting authority shall not disclose the content of tenders that are covered by trade secrets. The contracting authority shall not be obliged to specify to the tenderer the inclusion of a technological solution that may harm the tenderer's business secrets and/or interests if this fact has not been indicated in the tender. The contracting authority shall not be liable for the disclosure of business secrets insofar as the tenderer has not marked them as such.
- 5.3. The tender must comply with the conditions set out in the public procurement documents, contain the required documents, and be properly formatted. The information provided in the tender must be presented in a volume and manner that allows the contracting authority to verify its compliance with the conditions set out in the basic documents of the public procurement.
- 5.4. The cost of the tender must be final and include all costs in accordance with the basic documents of the public procurement and any costs not specified therein that are necessary for the proper performance of the contract. Costs with a value of 0 or a negative value are not permitted, and the contracting authority has the right to declare such tenders non-compliant and reject them. The cost shall be presented with two decimal places. The contracting authority shall not reimburse the tenderer for any additional costs incurred in the performance of the contract or make any additional payments.
- 5.5. Any reference made by the contracting authority in any public procurement basic document to any of the bases specified in § 88(2) of the Public Procurement Act (standard, technical approval, technical control system, etc.) as a criterion for conformity shall be deemed to be supplemented by the words "or equivalent". Any reference made by the contracting authority in any public procurement document to a source of supply, process, trademark, patent, type, origin or method of production shall be deemed to be supplemented by the words "or equivalent".
- 5.6. If the tenderer wishes to offer an equivalent subject matter of the contract, this must be indicated in the tender and information, documents, etc. proving equivalence must be submitted together with the tender. Alternative solutions are not permitted.

6. General requirements for drawing up documents

- 6.1. Where possible, the documentation is drawn up in one or more of the forms set out in clause 3.3.
- 6.2. The documents must be drawn up in either Estonian or English. If the document is not in Estonian or English, a translation into Estonian, certified by the tenderer, must be submitted together with the original.
- 6.3. The documents must be submitted to the Contracting Authority in a form that can be reproduced in writing (i.e., the documents must be reproducible in a permanent written form and include the names of the tenderer(s) but must not be signed personally (including digitally)).

7. Special requirements for drawing up qualification documents

- 7.1. The tender passport is used as preliminary evidence to assess the absence of grounds for exclusion and the eligibility of the tenderer. If the tenderer wants to prove their compliance with the requirements set for financial and economic standing and/or technical and professional competence on the basis of the resources of other economic operators, the tenderer must also submit a single procurement document on the person on whose resources they rely. A Single Procurement Document regarding subcontractors must also be provided.
- 7.2. If the tenderer uses a subcontractor, the Contracting Authority may request, in addition to the tenderer's description, a description of the stage and size of the work that the subcontractor is used for.
- 7.3. The Contracting Authority may require the subcontractor to be replaced if the inspection reveals grounds for the exclusion of the subcontractor.
- 7.4. Before awarding the contract, the Contracting Authority may require the successful tenderer to provide all the relevant documents corresponding to the statements in the Single Procurement Document. The Contracting Authority may also request the relevant documents to be presented at the qualification stage. In order to prove its qualification, the tenderer may submit other documents in addition to the documents certifying the absence of grounds for exclusion indicated in the procurement notice and certifying the qualification (hereinafter together referred to as the qualification documents).
- 7.5. The Contracting Authority may request evidence and confirmation from the other party to the contract for all contracts on which the qualification is based, on the basis of the information provided by the tenderer.
- 7.6. From May 2019, the European Single Procurement Document form can be completed in the Public Procurement Register or in another ESPD service – the list is available at <https://ec.europa.eu/docsroom/documents/34484>. It is not necessary to submit a Single Procurement Document if there is a Single Procurement Document part in the Public Procurement Register and the undertaking fills in this Public Procurement Register form.

8. Preparing a tender

- 8.1. Tender documents must be as follows:
- 8.1.1 Grounds for Exclusion and Terms of Qualification (Single Procurement Document);
 - 8.1.2 Tender Suitability Criteria;
 - 8.1.3 Evaluation Criteria;
 - 8.1.4 the technical specification document;
- 8.2. If so required in the procurement documents, other data and documents are submitted.

9. Electronic submission of documents

- 9.1. The qualification documents and the tender documents specified in clause 8.1. are submitted electronically in the Public Procurement Register.
 - 9.2. Documents submitted electronically must be formalised in PDF or in any other common format.
 - 9.3. Where the documents submitted include documents which cannot be submitted by electronic means, they are submitted, in addition to electronic copies, on paper before the term for the submission of tenders in accordance with clause 10.
 - 9.4. If documents to be submitted include documents signed in writing by a third party, the document must be submitted in a scanned form and the original document is only required if the contracting authority has any doubts about the document.
 - 9.5. If the documents to be submitted contain electronic documents that cannot be entirely submitted in Public Procurement Register, these must be submitted, in addition to the extracts submitted in the e-procurement environment, entirely on a CD or any other common data medium prior to the closing date for submission of tenders in accordance with clause 10.
-

10. Submission of documents on paper

- 10.1. Documents on paper are submitted only in the case specified in clause 9.3.
 - 10.2. Documents on paper are submitted in 1 (one) closed opaque package
 - 10.3. The following information must be on the packaging referred to in clause 10.2:
 - 10.3.1 title of procurement: Purchase of enrolment software.
 - 10.3.2 public procurement reference number: 297559
 - 10.3.3 the names and registry codes of all tenderers
 - 10.3.4 the note 'Do not open before the term for opening of tenders'
 - 10.4. Documents on paper are submitted by post or personal delivery.
 - 10.5. Documents delivered personally must be submitted on the closing date of submission of tenders at least 15 minutes prior to the opening of tenders at the location of the Contracting Authority (Registrite ja Infosüsteemide Keskus (RIK), Lubja 4, Tallinn, 19081, Estonia). on the second floor.
-

11. Negotiations

- 11.1. If necessary, the Contracting Authority is ready to negotiate with the tenderer on all terms and conditions that are indicated in the procurement documents or that will not be communicated to the tenderers in these procurement documents.
 - 11.2. The time and place of the negotiations (virtually) and the form will be agreed by the contact person of the Contracting Authority with the tenderer through the Public Procurement Register or by e-mail.
 - 11.3. Negotiations are conducted and the minutes of the negotiations are taken in English. If necessary, the negotiations will be recorded and the recording will be attached to the minutes of the negotiations
 - 11.4. Negotiations are confidential. The Contracting Authority will not disclose information concerning the tender received during negotiations.
 - 11.5. After the end of the negotiations, the Contracting Authority may propose to the tenderer to supplement the tender with the solution specified during the negotiations and to submit the final tender in the Public Procurement Register. If the tender was not negotiated, the initial tender shall be considered as the final tender.
-

12. Award of public contract

- 12.1. All key terms and conditions of a public contract have been set out in the respective annex specified in clause 3.1 of the special terms and conditions.
 - 12.2. The Contracting Authority reserves the right to grant approval to enter into a public contract up to 30 (thirty) days as of a notice being given of making a decision on awarding the public contract or declaring a final tender successful.
 - 12.3. The Agreement shall enter into force upon signature by the Parties.
 - 12.4. The tenderer signs the contract sent to the tenderer for signing within five working days. The contracting authority has the right to regard refusal to sign the contract within the given term as the waiver of the tenderer who has submitted the successful tender from the contract and the withdrawal of the tender by the tenderer as specified in § 119 of the Public Procurement Act.
 - 12.5. If the contract is signed digitally, the tenderer must sign the contract with electronic signature that is certified as qualified electronic signature. List is provided here: EU Trusted List Browser (<https://esignature.ec.europa.eu/efda/tl-browser/#/screen/home>).
-

13. Declaring the tendering procedure invalid

- 13.1. The contracting authority has the right to reject all submitted or accepted tenders at any time prior to the conclusion of the contract in accordance with § 116(1) of the Public Procurement Act. Upon rejection of all tenders, the contracting authority shall issue a reasoned decision to that effect.
 - 13.2. The Contracting Authority reserves the right to declare the tendering procedure invalid if:
 - 13.2.1 during the tendering procedure, the Contracting Authority has learned of new circumstances that preclude or make it inexpedient for the Contracting Authority to complete the tendering procedure on the terms and conditions set out in the procurement documents;
 - 13.2.2 there is a need to significantly amend the subject matter of the contract;
 - 13.2.3 the costs of the tenders exceed the estimated cost of the procurement;
 - 13.2.4 it is decided not to grant funding for the contracting authority's project;
 - 13.2.5 an event that can be considered force majeure has occurred. Force majeure means a circumstance that the Contracting
-

Authority cannot control and that the Contracting Authority cannot reasonably be expected to consider or prevent or overcome the obstacle or the consequence thereof during the tendering procedure.

/signed digitally/

Rivo Reitmann

Director