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Palacký University
Olomouc

WRITTEN REPORT OF THE CONTRACTING AUTHORITY II

pursuant to Section 217 of the Act No. 134/2016 Coll., Public Procurement Act, as amended (hereinafter referred to as the „Act“)

Reg. No. of the public procurement: Z2023-046652

TED No.: 2023/S 203-636512

Date of commencement of the procurement procedure: 16. 10. 2023

Public supply contract awarded in the above-threshold regime - dynamic purchasing system (hereinafter referred to as the „DPS“):

**Dynamic purchasing system of collection of chemical compounds
for automated chemical libraries for the Palacký University
Olomouc (2023-2026)**

Contracting Authority: **Palacký University Olomouc**
Rector: prof. MUDr. Martin Procházka, Ph.D.
Legal Address: Křížkovského 511/8, CZ-771 47 Olomouc,
Czech Republic
Identification No.: 61989592
(hereinafter referred to as the "Contracting Authority")



Section 217 (2) a) of the Act
the identification of the contracting authority, the subject-matter of the public contract and the price agreed in the public contract, where it has been concluded

IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY:

Palacký University Olomouc

Rector: prof. MUDr. Martin Procházka, Ph.D.

Legal Address: Křížkovského 511/8, CZ-771 47 Olomouc, Czech Republic

Identification No.: 61989592

SUBJECT-MATTER OF THE PUBLIC CONTRACT:

The subject of public contracts in DPS will be groups of chemical substances in a suitable format for use in automated chemical libraries under the commercial and technical conditions specified by the Contracting Authority. This is a collection of chemical compounds that are either synthetic or derived from natural sources (nutraceuticals, phytochemicals) that will be stored in tubes or microtiter plates that have unique identifiers for easy tracking and retrieval. Each compound will be defined by a specific chemical structure, form (e.g. powder, solution with defined solvent) and purity level that is confirmed by the analytical data provided. Analytical data may include high performance liquid chromatography (HPLC) and/or high resolution mass spectrometry (HRMS) and/or nuclear magnetic resonance (NMR) spectroscopy, which are techniques that can separate, identify and quantify chemical entities. The subject matter is intended for use for research and development purposes in the fields of biotechnology and medicine.

The subject matter of specific public contracts awarded under the DPS will always be specified in the invitation to tender within the meaning of Section 141 of the Act.

The DPS shall be implemented for a period of **36 months**.

The Contracting Authority envisages the award of public contracts in the DPS at irregular intervals not determined in advance, depending mainly on the operational needs of the Contracting Authority. Also, the volume of individual procurement contracts awarded in the DPS is expected by the Contracting Authority to range from units to tens of units in a specific procurement and cannot be predicted with certainty. Since the basic principle of public procurement is the efficient use of public funds and one of the sub-objectives is to achieve the lowest price, the expected volumes cannot be determined more precisely or financially.

CLASSIFICATION OF THE SUBJECT OF THE PUBLIC CONTRACT FOR SUPPLIES:

| <u>CPV code</u> | <u>Title</u> |
|-----------------|---------------------------------------|
| 24300000-7 | Basic inorganic and organic chemicals |
| 24900000-3 | Fine and various chemical products |

The subject matter of specific public contracts awarded in the DPS will always be specified in the invitation to tender within the meaning of Section 141 of the Act.

PRICE AGREED IN THE PUBLIC CONTRACT:

Contracts will be concluded for individual public contracts awarded under the established dynamic purchasing system. These contracts will be publicly available in the register of contracts. Links to the individual contracts concluded under this dynamic purchasing system will be provided on the profile of the Contracting Authority at <https://zakazky.upol.cz/dns00000031>.

The results of the individual public contracts awarded under the dynamic purchasing system will also be published in the Notices of the results of the procurement procedure in the Public Procurement Bulletin - Reg. No. of the public procurement: Z2023-046652.

Section 217 (2) b) of the Act
the type of procurement procedure used

Public supply contract awarded in the above-threshold regime in restricted procedure setting up of a dynamic purchasing system in accordance with provisions of Section 138 et seq of the Act.

Section 217 (2) c) of the Act
the identification of the participants

| No. | Participant | Date and time of delivery of the request to participate in the DPS |
|-----|--|--|
| 1. | VWR International s.r.o. Pražská 442 281 67 Stříbrná Skalice Czech Republic ID No.: 63073242 Legal form: 112 – limited liability company | 30.10.2023 10:15:32 |
| 2. | ChemDiv, Inc. 12730 High Bluff Drive, Suite 100 San Diego, CA 92130-2075 United States of America ID No.: 39-1834508 Legal form: 121 – joint stock company | 02.11.2023 15:04:45 |
| 3. | Life Chemicals Europe GmbH Leonhardsweg 2 82008 Unterhaching Germany ID No.: HRB201116 Legal form: 112 – limited liability company | 08.11.2023 13:33:31 |

| | | |
|----|---|---------------------|
| 4. | Merck Life Science spol. s r.o. Na hřebenech II 1718/10 140 00 Praha 4 - Nusle Czech Republic ID No.: 45794171 Legal form: 112 – limited liability company | 10.11.2023 15:12:35 |
| 5. | ChemBridge Corporation 11199 Sorrento Valley Road, Suite 206 92121 San Diego – California United States of America ID No.: 57525851 Legal form: 121 – joint stock company | 13.11.2023 11:59:36 |
| 6. | Molchem s.r.o. Pri sýpke 12 071 01 Michalovce Slovakia ID No.: 47427507 Legal form: 112 – limited liability company | 15.11.2023 21:00:33 |
| 7. | mcule.com Kft. Bartók Béla út 105-113 1115 Budapest Hungary ID No.: 01-09-963056 Legal form: 112 – limited liability company | 18.02.2025 11:24:56 |

Section 217 (2) d) of the Act

the identification of all participants excluded from the procurement procedure including a statement of grounds for their exclusion

| No. | Participant | Date and time of delivery of the request to participate in the DPS |
|-----|--|--|
| 2. | ChemDiv, Inc. 12730 High Bluff Drive, Suite 100 San Diego, CA 92130-2075 United States of America ID No.: 39-1834508 Legal form: 121 – joint stock company | 02.11.2023 15:04:45 |

Justification of the exclusion:

The Contracting Authority stated that the Participant did not meet the conditions for inclusion in the dynamic purchasing system set by the Contracting Authority in the procurement conditions, as the Participant did not submit documents pursuant to Article 5 (5.1.2) (a) of the

procurement documentation - an extract from the criminal record for each member of the statutory body of a legal person (in relation to Section 74 (1) (a) of the Act), i.e. documents to demonstrate qualification in accordance with Article 5 of the procurement documentation.

| | | |
|----|---|---------------------|
| 6. | Molchem s.r.o. Pri sýpke 12 071 01 Michalovce Slovakia ID No.: 47427507 Legal form: 112 – limited liability company | 15.11.2023 21:00:33 |
|----|---|---------------------|

Justification of the exclusion:

The Contracting Authority stated that the Participant did not meet the conditions for inclusion in the dynamic purchasing system set by the Contracting Authority in the procurement conditions, as the Participant did not submit documents pursuant to Article 5 (5.1.2) (b) of the procurement documentation - a certificate from the competent tax office in relation to the tax arrears in the Czech Republic (in relation to Section 74 (1) (b) of the Act) and also did not submit documents pursuant to Article 5 (5.1.2) (e) of the procurement documentation - a certificate from the competent district social security administration in respect of any arrears of social security contributions or penalties in the Czech Republic (in relation to Section 74 (1) (d) of the Act), i.e. documents to demonstrate qualification in accordance with Article 5 of the procurement documentation.

| | | |
|----|--|---------------------|
| 7. | mcule.com Kft. Bartók Béla út 105-113 1115 Budapest Hungary ID No.: 01-09-963056 Legal form: 112 – limited liability company | 18.02.2025 11:24:56 |
|----|--|---------------------|

Justification of the refusal of inclusion:

The Contracting Authority stated that the Participant did not meet the conditions for inclusion in the dynamic purchasing system set by the Contracting Authority in the procurement conditions, as the Participant did not submit following documents pursuant to Article 5 (5.1.2) of the procurement documentation:

- (a) an extract from the criminal record of the company in the country of registered office of the company and for every member of the statutory body of the company** (in relation to Section 74 (1) (a) of the Act),
- (b) a certificate from the competent tax office in relation to the tax arrears in the Czech Republic** (in relation to Section 74 (1) (b) of the Act),
- (e) a certificate from the competent district social security administration in respect of any arrears of social security contributions or penalties in the Czech Republic** (in relation to Section 74 (1) (d) of the Act),
- (f) an extract from the commercial register** (in relation to Section 74 (1) (e) of the Act) **not older than 3 months before the application for participation,**

i.e. documents to demonstrate basic qualification in accordance with Article 5 (5.1) of the procurement documentation.

Section 217 (2) e) of the Act

the identification of the participants that were included in the DPS at the time of the setting up of the DPS, including the reasons for their admission

| No. | Participant | Date and time of delivery of the request to participate in the DPS |
|-----|---|--|
| 1. | VWR International s.r.o. Pražská 442 281 67 Stříbrná Skalice Czech Republic ID No.: 63073242 Legal form: 112 – limited liability company | 30.10.2023 10:15:32 |
| 3. | Life Chemicals Europe GmbH Leonhardsweg 2 82008 Unterhaching Germany ID No.: HRB201116 Legal form: 112 – limited liability company | 08.11.2023 13:33:31 |
| 4. | Merck Life Science spol. s r.o. Na hřebenech II 1718/10 140 00 Praha 4 - Nusle Czech Republic ID No.: 45794171 Legal form: 112 – limited liability company | 10.11.2023 15:12:35 |
| 5. | ChemBridge Corporation 11199 Sorrento Valley Road, Suite 206 92121 San Diego – California United States of America ID No.: 57525851 Legal form: 121 – joint stock company | 13.11.2023 11:59:36 |

Justification of the admission:

The Contracting Authority stated that participants fulfilled all the conditions for admission to the dynamic purchasing system set by the Contracting Authority in the procurement documentation and at the same time submitted a request for participation in the dynamic purchasing system to the Contracting Authority pursuant to Section 139(6) of the Act through the electronic tool E-ZAK.

Section 217 (2) f) of the Act

the identification of subcontractors of the economic operators specified in paragraph e), where they are known to the contracting authority

No subcontractor of the selected economic operator is known to the Contracting Authority.

Section 217 (2) g) of the Act

justification of the use of a negotiated procedure with prior publication or a competitive dialogue procedure, where such procedures was used

A negotiated procedure with prior publication was not used, a competitive dialogue procedure was not used.

Section 217 (2) h) of the Act

justification of the use of a negotiated procedure without prior publication, where such procedure was used

A negotiated procedure without prior publication was not used.

Section 217 (2) i) of the Act

justification of the use of a light regime, where such regime was used

A light regime was not used.

Section 217 (2) j) of the Act

justification of the cancellation of the procurement procedure or not setting up the DPS where such cases occurred

The procurement procedure was not canceled. DPS was set up.

Section 217 (2) k) of the Act

justification of the use of means of communication other than electronic means for the submission of tenders, where such other means were used

Requests to participate were possible to submit only in electronic form.



Section 217 (2) l) of the Act

a list of persons who were found to have a conflict of interest and a list of subsequently adopted measures, where a conflict of interest was detected

No persons with a conflict of interest were identified.

Section 217 (2) m) of the Act

where the contracting authority does not divide an above-threshold public contract into lots, it shall indicate the justification of such procedure, unless it has already indicated it in the procurement documents

The Contracting Authority did not divide the public contract into lots in view of the nature of the public contract. It is a dynamic purchasing system in which the Contracting Authority awards partial public contracts that allow the participation of small and medium-sized enterprises.

The Contracting Authority reserves the right, in accordance with Section 35 of the Act, to divide individual public contracts awarded under the DPS into lots.

Section 217 (2) n) of the Act

justification of laying down the requirement of turnover when proceeding pursuant to Section 78 (3) of the Act, where it has not already indicated it in the procurement documents

The Contracting Authority did not proceed in accordance with Section 78 (3) of the Act.

In Olomouc on

21. 02. 2025

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