

**Germany-Munich: Business and management consultancy and related services**

OJ S 13/2020 20/01/2020

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: EIT Health e. V.  
Postal address: Mies-van-der-Rohe-Str. 1 C  
Town: München  
NUTS code: DE212 München, Kreisfreie Stadt  
Postal code: 80807  
Country: Germany  
E-mail: [kseniia.choni@eithealth.eu](mailto:kseniia.choni@eithealth.eu)  
**Internet address(es):**  
Main address: [www.eithealth.eu](http://www.eithealth.eu)

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.dtv.de/Satellite/notice/CXP4Y9PDBC8/documents>  
Additional information can be obtained from the abovementioned address  
Tenders or requests to participate must be submitted electronically via: <https://www.dtv.de/Satellite/notice/CXP4Y9PDBC8>

**I.4. Type of the contracting authority**

Regional or local agency/office

**I.5. Main activity**

Health

**Section II: Object**

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**II.1. Scope of the procurement****II.1.1. Title**

EIT Health DD Services  
Reference number: EIT Health DD Services

**II.1.2. Main CPV code**

79400000 Business and management consultancy and related services

**II.1.3. Type of contract**

Services

**II.1.4. Short description**

Due Diligence and Valuation Analysis Services

### **II.1.5. Estimated total value**

Value excluding VAT: 180 000,00 EUR

### **II.1.6. Information about lots**

This contract is divided into lots: no

## **II.2. Description**

### **II.2.3. Place of performance**

NUTS code: DE212 München, Kreisfreie Stadt

### **II.2.4. Description of the procurement**

Apart from funding, EIT Health provides comprehensive support for innovations that show the potential to have a positive impact on healthcare. The ultimate goal is to transform promising ideas into commercially viable products through a multi-disciplinary approach, involving business, medicine, IT and other fields of knowledge.

EIT Health operates through recruiting collaborative projects to its portfolio ([https://www.eithealth.eu/innovation\\_projects](https://www.eithealth.eu/innovation_projects)) by publishing once a year a call for proposals in business creation, education and innovation programmes. Only project consortia consisting of EIT Health Partners (from 2 different European countries at least) can apply.

In the call for proposals 2021 EIT Health introduces the start-up amplifier Instrument that provides opportunity for start-ups at the core of an Innovation project to benefit from extended funding of up to 500 000 EUR in Innovation projects in return for options. This instrument contributes to EIT Health's sustainability strategy and makes EIT Health a magnet for healthcare and life sciences start-ups in Europe for the benefit of our partners.

In the evaluation process (please see Annex 3 for the overview of the EIT Health's evaluation process), EIT Health will evaluate the proposal itself (as it currently does) and the start-up through a due diligence process. Both elements will be taken into account to define the level of success of an innovation project. If start-up passes the due diligence (none or minor issues identified during due diligence) it will be considered for EIT funding as a part of an Innovation proposal. If start-up does not pass the due diligence (major issues identified during due diligence), Innovation proposal will not be considered for EIT funding.

In parallel with due diligence, a valuation analysis should take place. Valuation analysis should use the established methodologies and result in the pre-money valuation number, that will be communicated to the start-up before it presents Innovation proposal at the hearings.

To deliver these services, EIT Health seeks to engage a service provider who will perform due diligence and valuation analysis for the start-ups that as a part of an Innovation project with Start-up Amplifier are invited to the hearings.

The following services are subject of the contract, in particular within these timeframes:

- valuation analysis: between 1.5.2020-14.5.2020,
- due diligence: between 1.5.2020-1.6.2020.

#### **2.2 Due diligence and valuation analysis output**

The 2 deliverables should be produced as a result of the performed services:

- a due diligence report (2 pages max) including, but not limited to:
- evaluation of the market need, team, product, business model (including transparent and objective scores per each element),
- review of the financial and legal aspects (including list of risks and red flags),
- general traffic light per start-up and recommendations,
- a valuation analysis report (2 pages max) with the explanation of the methodologies used and the final valuation number.

Additional services/deliverables that the provider finds suitable can be offered but need to be clearly labelled as 'optional' in the concept and pricing table.

### 2.3.2 Due diligence and valuation services

For delivering on the tasks the service provider will bring together and manage experts with business, financial, and healthcare/life sciences background and leverage as required depending on necessary skillsets, and shall:

— independently conduct due diligence and valuation analysis for between 15 and 30 start-ups that are invited to the hearings, in particular:

(a) valuation analysis:

— performing in-depth, state-of-the-art valuation analysis, writing the valuation analysis report and sharing it with EIT Health by 14.5.2020.

(b) due diligence:

— performing in-depth, state-of-the-art due-diligence assessment of the team (qualifications, background, experience etc.), product (specifications, feasibility, IP, scalability etc.), market (market need, market size, competition etc.) and business model (feasibility, sustainability),

— facilitating legal self-assessment by start-ups and highlighting risks and red flags,

— if needed, conducting alignment calls with start-up founders to clarify any open questions or assumptions,

— finalizing the due diligence report and sharing it with EIT Health by 1.6.2020,

— report to the responsible innovation manager at HQ on a weekly basis on the progress of the tasks,

— keep responsible innovation manager at HQ in all the communication with the start-ups,

— in case any issues occur, immediately inform EIT Health and jointly with EIT Health take measures to remedy the issue.

All members of the service provider's team including external experts need to guarantee the exclusion of conflict of interests (example of the code of conduct provided in Annex 4). It shall be deemed a conflict of interest if a team member has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the contract performance, e.g. in relation to a start-up in start-up amplifier Instrument. In this case the team member must be withdrawn from the tasks concerning this start-up.

### 2.3.3 Project management

Service provider shall also be responsible for the project management, in particular by providing qualified and experienced management staff, which includes:

— assigning service provider's experts for valuation analysis and due diligence according to the start-up's domain and product/service in the core of an Innovation projects,

— securing written guarantees of the experts on the absence of conflicts of interest. Before any interaction of experts and start-ups, potential conflicts of interest of service provider and/or experts assigned for the service must be disclosed in writing to the EIT Health,

— facilitating the signature of NDA, etc.

## II.2.5. Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

## II.2.6. Estimated value

Value excluding VAT: 180 000,00 EUR

## II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Start: 01/05/2020 End: 01/06/2020

This contract is subject to renewal: yes

#### Description of renewals:

The duration of the contract will be from 1.5.2020 until 1.6.2020. EIT Health e.V. is entitled to unilaterally renew the agreement once and for a maximum further period of 12 months for another start-up amplifier program in 2021. The right is to be exercised at the sole discretion of EIT Health e. V. and by written notice to the contractor not later than 31.12.2020.

EIT Health reserves the right to optionally award more valuation analysis and/or due diligence services outside of the timeframe set out above, retroactively with respect to some of the already selected Innovation projects that kicked-off in 2020 (and were selected in 2019) or kicked-off in 2019 (and were selected in 2018). For this, the contract can start as soon as March 15. The number of anticipated start-ups for review is between 5 and 15. Terms and conditions of the contract (including pricing) apply accordingly in case and to the extent EIT Health takes advantage of this option which expires on 15.3.2020.

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: yes

Description of options:

See II.2.7).

#### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:

yes

Identification of the project: EIT Health Grant Agreement

#### **II.2.14. Additional information**

### **Section III: Legal, economic, financial and technical information**

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#### **III.1. Conditions for participation**

##### **III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

1) Self-declaration (pursuant to Section 123 (1) to (3) GWB) that no person whose conduct is attributable to the tenderer or a member of the group of economic operators has been convicted, or a fine has been legally established against the economic operator, pursuant to Section 30 OWiG, for an offense against:

— Section 129 of the criminal code (Formation of Criminal Associations), Section 129a of the criminal code (Formation of Terrorist Associations) or Section 129b of the criminal code (Criminals and Terrorist Associations Abroad),

— Section 89c of the criminal code (Terrorist Financing) or the participation in such an act or the provision or collection of financial resources, having regard to the fact that these funds are used or intended to be used in whole or in part to commit an offense against Article 89a (2) (2) of the criminal code,

— Section 261 of the criminal code (money laundering, concealment of unlawfully acquired assets),

— Section 263 of the criminal code (Fraud), in so far as the offense is directed against the budget of the European Union or against households managed by or on behalf of the European Union,

- Article 264 of the criminal code (subsidy fraud), in so far as the offense is directed against the budget of the European Union or against households managed by or on behalf of the European Union,
- Section 299 of the criminal code (corruption and bribery in business dealings),
- Section 108e of the criminal code (corruption and bribery of mandate holders),
- Sections 333 and 334 of the criminal code (Granting Benefit and bribery) also in connection with § 335a of the criminal code (Foreign and International Staff),
- Article 2 (2) of the Law on Combating International Bribery (Bribery of Foreign Members in International Business Transactions), or
- Sections 232, 232a paragraphs 1 to 5, Sections 232b to 233a of the criminal code (trafficking in human beings, forced prostitution, forced labor, exploitation of labor, exploitation using a deprivation of liberty).

Or the respective codes of the country of incorporation of the tenderer or the members of the group of economic operators.

2) Self-declaration that the tenderer has fulfilled its obligation to pay taxes, duties and social security contributions (§ 123 (4) GWB);

3) Self-declaration (on facultative exclusion grounds pursuant to § 124 GWB) that

- neither the tenderer's company nor any person whose conduct is attributable to the tenderer has failed to fulfill its obligations under environmental, social or labor law when executing public contracts,
- the tenderer's company is not insolvent, insolvency proceedings or similar proceedings have not been instituted or opened for the assets of the tenderer's company, the opening of such proceedings has not been refused for lack of assets, and the company is not in liquidation or has ceased its activity,
- neither the tenderer's company nor any person whose conduct is attributable to the company has been guilty of grave professional misconduct that calls into question the integrity of the company,
- neither the company nor any person whose conduct is attributable to the company has entered into agreements with other undertakings which have the effect of preventing, restricting or distorting competition,
- the entity has not materially or consistently fulfilled a material breach in the execution of a previous public procurement or procurement contract, resulting in termination, damages or similar legal consequences.

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

4) Self-declarations (according to the following requirements) of a sufficient level of experience demonstrated by at least 2 reference projects (minimum requirement) of services of similar nature and scope as set out in Sections 2.3.1-2.3.3 of the procurement document and rendered in the past 3 years in the EU and preferably also in other markets (i.e. Asia, USA), stating name, address and email address of a contact person of the contracting body of the reference project and a project name and description of the services provided by the tenderer. EIT Health reserves the right to verify the tenderer's details.

In the case of groups of economic operators it must be clearly indicated which reference project is assigned to which member. The reference projects of the members fulfilling the minimum requirements are attributed to the group of economic operators.

Minimum level(s) of standards possibly required:

At least 2 reference projects (minimum requirement) of services of similar nature and scope as set out in Sections 2.3.1-2.3.3 of the procurement document and rendered in the past 3 years in the EU and preferably also in other markets (i.e. Asia, USA), as aforementioned.

## **III.2. Conditions related to the contract**

### **III.2.3. Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Open procedure

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

#### **IV.1.8. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

### **IV.2. Administrative information**

#### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 18/02/2020 Local time: 10:00

#### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

#### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6. Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 2 (from the date stated for receipt of tender)

#### **IV.2.7. Conditions for opening of tenders**

Date: 17/02/2020 Local time: 12:00

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about electronic workflows**

Electronic ordering will be used

### **VI.3. Additional information**

Notices-ID: CXP4Y9PDBC8

### **VI.4. Procedures for review**

#### **VI.4.1. Review body**

Official name: Regierung von Oberbayern — Vergabekammer Südbayern

Postal address: Maximilianstraße 39

Town: München

Postal code: 80538

Country: Germany

E-mail: [vergabekammer.suedbayern@reg-ob.bayern.de](mailto:vergabekammer.suedbayern@reg-ob.bayern.de)

Telephone: +49 8921762411

Fax: +49 8921762847

Internet address: [www.regierung.oberbayern.bayern.de/behoerde/mittelinstantz/vergabekammer](http://www.regierung.oberbayern.bayern.de/behoerde/mittelinstantz/vergabekammer)

#### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

The application for a review procedure at the review body as set out in Section VI.4.1 is inadmissible pursuant to § 160 (3) GWB if

- 1) The applicant has recognized the alleged infringement of public procurement rules prior to the submission of the petition for review and has not issued a complaint to EIT Health within a period of ten calendar days;
- 2) infringements of public procurement rules which are discernible on the basis of the contract notice are not notified to EIT Health at the latest by the expiry of the time limit specified in the contract notice for the request to participate or the submission of tenders;
- 3) Infringements of procurement rules which are discernible on the basis of the procurement documents are not notified to EIT Health at the latest by the expiry of the time limit specified in the contract notice for the request to participate or the submission of tenders;
- 4) More than 15 calendar days have elapsed after receipt of the notification by EIT Health to not remedy a complaint of the tenderer.

#### **VI.5. Date of dispatch of this notice**

16/01/2020