Pursuant to Article 140, paragraph 6 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19),

The Public Procurement Office enacts the following

Rulebook on the bid opening procedure

The Rulebook was published in the “Official Gazette of the Republic of Serbia”, no. 93/2020 of 1 July 2020, when it came into force.

Article 1

This Rulebook prescribes in more detail the manner of bid opening, the content of the minutes on bid opening and other issues of importance for the bid opening procedure in the public procurement procedure.

Article 2

The opening of bids in the public procurement procedure is public, except in the case of:

1) when the contracting authority applies an electronic auction;

2) when it is necessary for the protection of data that represent a business secret in the sense of the law governing the protection of business secrets or represent secret data in the sense of the law governing the secrecy of data.

In the case referred to in paragraph 1, item 2) of this Article, the contracting authority shall issue a decision determining the reasons for exclusion of the public and whether the exclusion of the public also applies to the bidders' representatives.

Article 3

Attending the bid opening shall be attended by at least one member of the Public Procurement Commission or a person referred to in Article 92, paragraph 2 of the Law on Public Procurement (hereinafter referred to as: Law).

Authorised representatives of bidders and other persons may attend the public opening of bids.

Only members of the Public Procurement Commission or a person referred to in Article 92, paragraph 2 of the Law and authorised representatives of bidders who have submitted an authorisation to participate in the bid opening procedure have the right to actively participate in the public opening of bids.

When opening bids, the public procurement commission or the person referred to in Article 92, paragraph 2 of the Law may not perform an expert evaluation of the bid.

Article 4

At the beginning of the public bid opening procedure, a member of the Public Procurement Commission or a person referred to in Article 92, paragraph 2 of the Law shall communicate to the audience general information on the public procurement procedure (subject matter of public procurement and/or lot, estimated value of public procurement and/or lot, type of procedure etc.) and the names of all persons present at the public opening.

The opening of bids is carried out automatically through the Public Procurement Portal at the time of opening the bids specified in the public invitation.

The public procurement portal opens bids according to the order of arrival.

Article 5

If parts of the bid that cannot be submitted by electronic means through the Public Procurement Portal are requested in the public procurement procedure, the Public Procurement Commission or the person referred to in Article 92, paragraph 2 of the Law shall open according to the order of arrival.

If parts of the bid referred to in paragraph 1 of this Article are submitted late, the contracting authority shall return the unopened parts of the bid to the bidder upon completion of the opening procedure, indicating that they were submitted late.

The contracting authority is obliged to state the data on the parts of the bids referred to in paragraph 1 of this Article in the report on the public procurement procedure referred to in Article 145 of the Law.

If parts of the bid referred to in paragraph 1 of this Article were submitted late, the bid shall be deemed untimely, and the contracting authority shall state this in the report on the public procurement procedure referred to in Article 145 of the Law.

Article 6

The Public Procurement Portal forms a record of the opening of bids from the data entered by the bidders through the Public Procurement Portal into the bid form.

The Public Procurement Portal automatically makes available the minutes on the opening of bids to the contracting authority and all bidders, thus ending the procedure of opening bids through the Public Procurement Portal.

The public procurement portal enables bidders to inspect the bid form of all bidders.

Upon completion of the public procurement procedure, the minutes on the opening of bids become publicly available through the Public Procurement Portal.

Article 7

When the bid opening is not public, the Public Procurement Portal automatically makes available the minutes of bid opening to the contracting authority, which completes the procedure of bid opening through the Public Procurement Portal.

Article 8

The contracting authority must enable the authorised representative of the bidder who is physically present at the public bid opening procedure to:

1) on the Public Procurement Portal, inspect the bid form of all bidders and

2) determine that the parts of the bid requested in the public procurement procedure, which cannot be submitted by electronic means through the Public Procurement Portal, have been submitted until the deadline for submission of bids.

The authorised representative of the bidder who is present at the public bid opening procedure may submit objections to the public bid opening procedure, which the contracting authority is obliged to record.

The contracting authority shall state the objections to the public bid opening procedure in the report on the public procurement procedure referred to in Article 145 of the Law.

Article 9

The minutes on the bid opening shall contain:

1) name and seat of the contracting authority;

2) date and time of the beginning of bid opening;

3) place of bid opening;

4) subject matter of public procurement and/or lot;

5) estimated value of the subject matter of public procurement - total and separately for each lot;

6) type of public procurement procedure;

7) number of public procurement announcements from the Public Procurement Portal;

8) name and seat of the bidder, and in the case of a group of bidders, name and seat of each member of the group;

9) date and time of bid submission;

10) total bid price without value added tax;

11) total bid price with value added tax;

12) data from the bid which are determined as elements of the criteria for awarding the contract;

13) reserve criteria and other data from the bid relevant for the conclusion of the public procurement contract determined by the contracting authority;

14) statement of the bidder on the parts of the bid submitted by non-electronic means because they cannot be submitted by electronic means through the Public Procurement Portal;

15) date and time of completion of bid opening.

Article 10

The opening of all bids, except the final ones, in the case of a negotiated procedure with publication of a public invitation, a competitive procedure with negotiation, as well as in the case when an electronic auction is used, is not public.

After opening the bids referred to in paragraph 1 of this Article, the Public Procurement Portal shall form a record on the opening of bids and automatically make it available to the contracting authority, thus ending the procedure of opening bids through the Public Procurement Portal.

Article 11

This Rulebook shall enter into force on 1 July 2020.

No. 110-00-10/2020-1

In Belgrade, dated 1 July 2020

Acting Director,

**Sandra Damčević**, personally signed