Pursuant to Article 184, paragraph 3 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19),

The Office of Public Procurement and the Office of Information Technology and e-Government enact the following

Instruction for using the Public Procurement Portal

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

1. This Instruction regulates the use of the Public Procurement Portal (hereinafter referred to as: the Portal) in public procurement procedures.

2. The users of the Portal shall use the Portal in accordance with the Law on Public Procurement (hereinafter referred to as: the Law) and this Instruction.

Users of the Portal in the sense of this instruction are users and economic operators (hereinafter referred to as: Users).

3. The Portal enables the Users of the Portal to enter data, process data, send for publication, publish documents, communicate and exchange data in public procurement procedures in accordance with the Law.

Within the Portal, the formal acceptability of certain data that the Portal User enters on the Portal is automatically checked.

The User of the Portal enters data and uploads documents whose content is correct and accurate.

The Public Procurement Office (hereinafter referred to as: the Office) and the Office of Information Technology and e-Government (hereinafter referred to as: the IT Office) do not check the accuracy, correctness and completeness of data and documents published, exchanged and archived on the Portal.

4. The user of the Portal shall publish and exchange database forms on the Portal.

The Portal user only uploads files that do not pose a risk to the Portal according to the current state of technology.

The IT Office may check files for viruses and similar threats and may refuse to post risky files to the Portal or remove them from the Portal.

Users of the Portal publish and exchange the following file forms on the Portal: mp3, aif, ogg, z, zip, rar, 7z, csv, xml, dat, ai, bmp, tgif, jpeg, jpg, png, psd, svg, tif, tiff, cer, htm, html, xhtml, indd, max, obj, pps, ppt, pptx, pptm, odp, xls, xlsx, xlsb, ods, bak, avi, mkv, mov, mpg, mpeg, swf, wmv, flv, doc, docx, dot, pdf, odt, rtf, txt, tex, dwg, dxf, 3ds, prj.

The size limit of one document that is placed on the Portal is a minimum of 1 byte or a maximum of 30 mb.

File forms conform to the standard associated with each extension and may not be corrupt or contain viruses or similar malware.

The maximum number of submitted documents in the tender documentation, e-Bid or e-Request for protection of rights is limited to 30.

5. Users of the Portal use the Portal after one-time registration on the Portal as an organisation.

Access to the User as a person from the organisation in which he/she is employed is enabled after the User of the Portal is registered on the Portal.

The Portal automatically grants administrator rights to the first registered person of the Portal User (hereinafter referred to as: administrator) within the organisation in which he is employed and that person can perform all actions on the Portal intended for that profile of the Portal User.

Every next person from the same organization in which he is employed is registered on the Portal by the administrator.

Every next registered person from the same organization in which he/she is employed performs actions on the Portal within the rights granted to him/her by the administrator.

The User of the Portal uses the Portal only within the limits of the rights granted to him/her when registering on the Portal.

The User of the Portal uses the Portal and its functionalities by using his/her own and unique user account with a specific username and password.

The basic user data required for registration on the Portal are entered by the Portal User, and the Portal, during registration, automatically fills in the organisation data by accessing electronic databases of the Business Registers Agency and the Ministry of Finance - Treasury Administration (public funds user records).

The user account and entered data will be used for electronic communication and will be considered valid for any communication and exchange of documentation between the contracting authority, bidder, Office and the National Commission for Protection of Rights in Public Procurement Procedures (hereinafter referred to as: the National Commission).

The User of the Portal regularly checks the user data and makes all changes in a timely manner.

The User of the Portal uses only his own user account.

The User of the Portal keeps his password and does not pass it on to third parties.

If he/she suspects that his/her data is used by a third party, an unauthorised person or that the data has been unauthorisedly disclosed, the Portal User shall notify the Office without delay.

In the case referred to in paragraph 13 of this item, the Office may change the conditions of registration, reject the application for registration and block the user account.

The Office and the IT Office can monitor the activities of the Portal User, with the aim of analysing the use of certain functionalities and improving the Portal.

6. The Portal User shall use the downloaded information, data and documents that have been publicly published on the Portal for the purpose of his/her own information and participation in public procurement procedures.

The Portal User receives information about the relevant events in the public procurement procedure that the Portal User wants to follow, in the form of messages in his e-mail inbox on the Portal application, and receives a copy of these messages to the e-mail address specified with the user account.

If the Portal User is not notified in a timely manner or has not received a copy of the message to the e-mail address (e.g., if the message was delivered to the folder containing Spam or Junk/e-mail of the Portal User that he/she did not check), the message is blocked by the person in charge of the administration of the information system of the organisation that receives the message or the e-mail address is included in the list of unwanted or untrusted addresses. Blacklist by third parties delivering the message.

7. Support to the Users of the Portal is provided by the Office, by phone and by e-mail, free of charge, on weekdays.

8. Users of the Portal use the Portal 24 hours a day except in the case of:

1) planned regular maintenance;

2) installation of new versions announced on the pages of the Portal and

3) in case of unplanned failures.

All communication on the Portal is done in Serbian.

The IT Office ensures the smooth operation, availability and proper functioning of the Portal, with the exception of the usual waiting due to planned maintenance or unplanned interference.

Technical deficiencies of the software and observed security vulnerabilities are reported by the Portal User to the Office without delay.

If there are any disturbances in the work of the Portal, the IT Office will remove the reported disturbances as soon as possible.

The IT Office changes or adjusts the applications with prior notice, at any time.

9. In using the Portal, the User needs the following technical conditions:

1) Internet access, and

2) web browser.

For certain functionalities of the Portal, additional tools are needed:

1) PDF viewer;

2) Microsoft Excel or other spreadsheet program that supports Excel, or

3) Microsoft Word or another document management programme that supports Word formats.

The portal requires the use of a broadband connection with a minimum bandwidth of 10 mb per second, as well as a suitable web browser.

The Portal publishes information about which web browser, associated versions, as well as versions of other necessary tools the Portal supports.

The User of the Portal ensures adequate protection of the equipment (antivirus, etc.), by means of which he accesses the Portal.

10. The User of the Portal may not use the functionality of the Portal in a way that could disable, overload or harm the Portal or that could have a negative impact on the use of the Portal by other users.

The IT Office may suspend access to certain functionality of the Portal to all or individual Users of the Portal at any time and without prior notice, in order to prevent misuse of the Portal or to correct any technical or operational deficiencies.

The Office may deny access to the Portal to users - individuals who have not complied with these instructions.

Disabling access to the Portal may be at the written request of the Portal User.

The User of the Portal who submits a request for disabling access to a specific user account within the User, submits the appropriate authorisation to the Office.

The Office may temporarily restrict or permanently disable access to the Portal if it determines that the User has used the Portal in order to:

1) infringe, threaten or encourage the infringement or endangerment of copyright, property or moral rights, trade secrets or other intellectual property rights or the right to privacy and data protection of third parties;

2) use the Portal using the user account of other individuals;

3) distribute or encourage the distribution of illegal copies of software, software that may cause harm, pornographic content and unsolicited e-mail messages;

4) disseminate or attempt to disseminate threatening, violent, discriminatory, racist, defamatory and harassing content;

5) without the express permission of the owner of the data and the computer or network system, examine the vulnerability of the system, circumvent security measures, monitor, change or delete data or overload the computer or network system;

6) cause or attempt to cause damage to the Office, the IT Office or a third party;

7) commit or attempt to commit an act of violation of regulations or an act that is the basis for determining criminal or civil liability.

11. The Public Procurement Plan and all its amendments or supplements shall be prepared and published by the contracting authority in a standardised form on the Portal within ten days from the day of its adoption.

The Portal shall make available to the contracting authority a form for entering items of the public procurement plan in a manner that enables the loading and automatic transfer of the contained data to the Portal.

The Public Procurement Plan and all its amendments or supplements shall be published on the Portal on the day following the day of sending, if the plan, amendments or supplements to the plan have been prepared and sent for publication by 8 pm.

The Public Procurement Plan on the Portal is available in a machine-readable and open form that allows searching for items of public procurement plans and their elements.

Initiation of a public procurement procedure through the Portal is not possible if the procurement is not provided for in the published public procurement plan, except in exceptional cases provided by law.

Initiation of the public procurement procedure, through the Portal, is possible by selecting one or more items from the published public procurement plan.

Amendments provided by law, as well as other corrections to the published public procurement plan, are recorded on the Portal as amendments and/or supplements to the public procurement plan.

After publishing the amendments to the public procurement plan, the Portal enables the search of the public procurement plan in the consolidated version of the plan, ie by combining the published plan and all amendments to the public procurement plan.

12. Public procurement notices are published on the Portal on standard forms regulated by a bylaw which regulates the content of standard forms for publishing public procurement notices through the Public Procurement Portal.

In order to enable the publication of advertisements, the contracting authority fills in the required fields in the prescribed format controlled by the Portal.

The Portal instructs the contracting authority to enter data on the public procurement procedure in a certain order, from which a standard form of public procurement advertisements is then formed.

The public procurement announcement is published on the Portal and can be downloaded from the Portal on the day following the day of sending the announcement, if the announcement was compiled and sent for publication by 8 pm.

Notwithstanding paragraph 4 of this item, the notification on the submitted request for protection of rights shall be published on the Portal on the day when it was sent for publication.

The contracting authority may choose the day of sending the public procurement notice for publication with the current date and the date in the future.

The day of compiling, the day of sending and the day of publishing the public procurement announcement can be a working day or a non-working day.

The contracting authority may correct and/or revoke the submitted announcement by 8 pm on the day preceding the day of publishing the public procurement announcement.

The corrected advertisement will be published, after resubmitting for publication, on the day following the day of sending the advertisement, if the advertisement has been compiled and sent for publication by 8 pm.

After the advertisement is published, only the standard form is used to change the data published in the advertisement: correction - notification of changes or additional information (hereinafter referred to as: correction form).

In addition to the correction form, the Portal will compile a consolidated text of the basic ad in the basic ad format, which will be published together with the correction form.

If the contracting authority does not compile and send the public procurement notice in accordance with these instructions, the Office may refuse to publish the public procurement notice.

On the next day from the day of sending the public procurement announcement for publication, the contracting authority shall check the published public procurement announcement and its content.

In the event that the advertisement is not published on the day following the day of sending for publication, the contracting authority shall contact the Office, which shall carry out an inspection and, if necessary, in agreement with the contracting authority, rectify the problem.

After the problem has been rectified, the public procurement notice will be published on the first following day.

13. The tender documentation prepared and published by the contracting authority on the Portal consists of several parts that make up the tender documentation as a whole.

During the preparation of the public procurement announcement, the Portal instructs the contracting authority to enter data on the public procurement procedure from which certain forms and parts of the tender documentation are formed, and other parts that are not formed automatically on the Portal.

The documents of the tender documentation that the contracting authority prepares on the Portal and places independently on the Portal, become available on the Portal by publishing a public invitation and can be downloaded from the Portal.

The tender documentation from the Portal can be downloaded only by registered Users of the Portal.

The contracting authority shall place the documentation on the Portal, the content and form of which are correct and accurate.

The contracting authority shall publish data whose content is identical in the tender documentation, public invitation and other announcements used as public invitation.

14. The bidder submits the bid by electronic means through the Portal, except for those parts of the bid which, in accordance with Article 45, paragraph 3 of the Law, cannot be submitted by electronic means.

Parts of the bid that cannot be submitted by electronic means through the Portal are submitted by the bidder by mail, courier service or directly.

After the bidder submits the e-Bid through the Portal, the contracting authority, after the expiration of the date and time of bid opening, receives access to download the e-Bid through the Portal.

The Portal determines the date and time of submission, ie receipt of the e-Bid and that time is determined by the system time of the Portal.

Until the expiration of the deadline for submission of bids, the bidder may amend, supplement or revoke the e-Bid through the Portal.

Modification or supplementation of the e-Bid is considered a new offer and at the opening of offers the Portal opens only the last submitted version of the e-Bid.

Previously submitted versions of e-Bid, as well as revoked e-Bid will not be opened.

Within the e-Bid, the bidder loads certain parts of the bid as separate documents.

The documents referred to in paragraph 8 of this item shall be prepared in accordance with item 4 of this Instruction.

Before uploading e-Bid documents to the Portal, the bidder indicates whether a particular bid document is confidential, in accordance with Article 38 of the Law, states the legal basis on which the documents are marked confidential and explains the reasons for confidentiality.

The Bidder cannot encrypt certain parts of the e-Bid.

The Portal ensures the protection of the secrecy of e-Bids in such a way that before the expiration of the set deadline, no one can have access to the data from the e-Bids.

The portal ensures that the contracting authority has access to the submitted e-Bids only after the deadline for opening bids.

The opening of e-Bids is carried out through the Portal without the active participation of members of the Public Procurement Commission or persons referred to in Article 92, paragraph 2 of the Law.

The opening of bids starts automatically via the Portal on the date and time for opening bids determined by the contracting authority.

The Portal shall open bids according to the order of arrival.

After opening the bids, the Portal forms a record of opening bids from the data entered by bidders through the Portal in the bid form and automatically electronically makes available to the contracting authority and all bidders, which completes the process of opening bids through the Portal.

In case of applications, qualification applications, solutions, as well as plans and projects in design competitions, the Portal forms a record of opening from the data entered by bidders through the Portal into the application form and automatically electronically makes available to the contracting authority.

The Portal allows all bidders to inspect the bid form of all bidders.

At the request of the bidder, which is submitted through the Portal after the decision on awarding the contract or the decision to terminate the procedure, the contracting authority provides access to e-Bids of other bidders through the Portal, except for those parts that the bidder has marked confidential.

Contact details of the Portal User who submitted the bid will be considered valid for any possible communication and exchange of documentation between the contracting authority and the bidder through the Portal after the opening of bids, such as communication regarding submission, amendments or clarifications, correction of accounting errors and communication in connection with the submission of evidence of compliance with the criteria for qualitative selection of the economic operator.

The provisions of this point apply to applications, qualification applications, solutions, as well as to plans and projects in design competitions.

15. The applicant may submit a request for protection of rights by electronic means through the Portal.

If the applicant has authorised the proxy to take actions in the procedure of protection of rights, the e-Request for protection of rights is submitted by the proxy who submits the authorisation for representation in the procedure of protection of rights within the e-Request.

The Portal determines the date and time of submission, i.e., receipt of the e-Request for protection of rights and that time is determined by the system time of the Portal.

The contracting authority and the National Commission receive the E-request for protection of rights at the same time as the E-request for protection of rights was received on the Portal.

The Portal shall without delay send a message on the submitted e-Request to the contracting authority, ie members of the Public Procurement Commission or the person referred to in Article 92, paragraph 2 of the Law and the National Commission to their electronic mailbox on the Portal and a copy of the message to their e-mail address in the case referred to in Article 218 of the Law when the contracting authority independently sends a copy of the request to the selected bidder via the Portal.

The message referred to in paragraph 5 of this item shall contain information on the place on the Portal where the e-Request for protection of rights is available and the date and time of receipt of the e-Request.

All communication in the procedure of protection of rights between the submitter of the e-Request, the ordering party and the National Commission can take place by electronic means via the Portal.

The provisions of this item shall apply accordingly to other submissions in the procedure of protection of rights, which may be submitted through the Portal.

The user account of the submitter of the e-Request or the user account of the contracting authority will be considered valid for the submission of other requests, additions, solutions or responses through the Portal.

16. Each public procurement notice, related documentation, as well as other documents that are published, remain publicly available on the Portal for review and download to the Users of the Portal for at least five years from the date of publication of the public procurement notice, after which they are archived.

All submitted e-Bids and e-Requests, as well as other documentation exchanged through the Portal, are available on the Portal for review and download to users - individuals, with the right to do so, for at least five years from the date of publication of public procurement are archived.

The documentation referred to in paragraphs 1 and 2 of this item is available in the archives of the Portal for review and download by the competent authorities for at least five years from the date of publication upon request.

17. During the public procurement procedure, the Portal may be unavailable due to technical or other reasons.

The unavailability of the Portal does not affect the beginning and course of deadlines in the public procurement procedure, except when the unavailability of the Portal occurs:

1) during the deadline for submission of bids referred to in item 19 of this Instruction, or

2) during the opening of bids referred to in item 20 of this Instruction.

Provisions of items 19 and 20 of this Instruction apply accordingly to applications, qualification applications, decisions as well as to plans and projects in design competitions.

18. Unavailability of the Portal during the deadline for submission of bids exists when during the period of four hours before the deadline for submission the User of the Portal is not able to:

1) submit any e-Bid document in accordance with the conditions and restrictions referred to in item 4 of this Instruction or

2) create or submit an e-Bid form or

3) submit an e-Bid.

The User of the Portal shall report unavailability of the Portal without delay to the Office.

The User of the Portal may earlier report the unavailability of the Portal to the Office in the case referred to in paragraph 1 of this item.

Upon receipt of the application, the Office checks the user’s application without delay.

In case of determined unavailability of the Portal, the Office shall, without delay:

1) inform about the unavailability by e-mail of the interested economic operators and the contracting authority in the public procurement procedure, without revealing the identity of the applicant;

2) publish a notice of unavailability on the website of the Office or on the Portal, if the unavailability refers to several public procurement procedures at the same time.

Exceptionally, if the unavailability of the Portal is removed within less than one hour from the receipt of the application and if at least two hours remain from the elimination until the deadline for submission of bids, it will be considered that the unavailability has not occurred.

If the unavailability of the Portal is determined, the deadline for submission of bids does not run until the unavailability is eliminated.

After eliminating the unavailability of the Portal, the Office shall, without delay:

1) inform about the availability of the Portal by e-mail to the interested Users of the Portal in the public procurement procedure, and

2) publish a notice on the availability of the Portal on the website of the Office and on the Portal, if the unavailability was related to several public procurement procedures at the same time.

After receiving the notification on the availability of the Portal, the contracting authority extends the deadline for submission of bids by at least four days.

19. If the contracting authority is not able to download all e-Bids and their parts from the Portal after the expiration of 30 minutes from the deadline for opening bids, the reported impossibility shall be reported to the Office without delay.

The inability referred to in paragraph 1 of this item shall not affect the obligation of members of the Public Procurement Commission or persons referred to in Article 92, paragraph 2 of the Law to conduct actions in the bid opening procedure regulated by the provisions of by-law regulating the bid opening procedure.

If it deems that the opening of e-Bids through the Portal cannot be carried out on the same day set for opening bids, the Office shall determine the unavailability of the Portal and shall without delay notify bidders and members of the Public Procurement Commission or the person referred to in Article 92, paragraph 2 of the Law.

In case of unavailability of the Portal, the process of opening the e-Bid via the Portal is stopped until the unavailability is removed.

The process of opening an e-Bid via the Portal shall be automatically resumed after eliminating the unavailability of the Portal.

After opening the e-Bids, the Portal forms a record of the opening of e-Bids and automatically makes them available electronically to the contracting authority and all bidders, thus ending the process of opening bids through the Portal.

If the unavailability of the Portal is removed on the same day as the application is received, it will be considered that the unavailability has not occurred.

20. Personal data are protected and may be processed in accordance with the law governing the protection of personal data.

Accurate stating of personal data and their changes is necessary for accessing and using the Portal.

User data are used for communication between the Portal and the User of the Portal, as well as for the purpose of improving the functionality and quality of the Portal.

To use the Portal, it is obligatory to use the data that the network server places on the user’s computer for the purpose of storing information (cookies). Cookies are an industry standard used by most websites and they make it easier for the user to access and use certain websites. The use of this data may be refused by selecting the appropriate setting on the web browser, when the use of the Portal is disabled.

21. This Instruction shall enter into force on 1 July 2020.

Number 011-00-54/2020-1

In Belgrade, dated 1 July 2020

**Public Procurement Office**

Acting Director,

**Sandra Damčević**, personally signed

**Office of Information Technology and e-Administration**

Director,

**Mihailo Jovanović**, personally signed