

REPUBLIC OF SERBIA  
PUBLIC PROCUREMENT OFFICE

Number: 110-00-22/2015-01  
Date: 12 October 2015

B e l g r a d e

Pursuant to Article 22, paragraph 1 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 124/2012, 14/2015 and 68/15) and the provisions of the Rulebook on the content of the act which more closely regulates the public procurement procedure within the contracting authority (“Official Gazette of the Republic of Serbia”, No. 83/2015), the Director of the Public Procurement Administration hereby enacts the following:

PROCUREMENT RULEBOOK

1. GENERAL PROVISIONS
2. Subject matter **Article 1**

This rulebook regulates the procurement procedure within the Public Procurement Administration (hereinafter referred to as: the Administration), especially the procurement planning method (criteria, rules and method of determining procurement items, method of determining the estimated value of procurement, method of testing and market research), responsibility for planning, the way of performing obligations in the procurement procedure, the way of ensuring competition, the implementation and control of procurement and the way of monitoring the execution of procurement contracts.

1. Definitions

Article 2

Certain terms used in this Rulebook shall have the following meanings:

1. procurements are public procurements and procurements to which the Law on Public Procurement does not apply;
2. public procurement is the procurement of goods, services or works by the ordering party, in the manner and under the conditions prescribed by the Law on Public Procurement;
3. procurements to which the Law on Public Procurement does not apply are procurements of goods, services and works, during the realization of which the public procurement procedure is not carried out under the conditions prescribed by the Law on Public Procurement;
4. public procurement of small value is a procurement whose estimated value does not exceed the value determined by this law, while the total estimated value of similar procurements at the annual level does not exceed the value determined by this law;\*
5. a public procurement contract is a freight contract concluded in written or electronic form between one or more bidders and one or more ordering parties, the subject of which is the procurement of goods, the provision of services or the performance of works
6. a bidder is a person who, in the public procurement procedure, offers goods, the provision of services or the performance of works;
7. an applicant is a person who submitted an application in the first phase of the restrictive procedure, in a competitive dialogue or in a qualifying round;
8. an interested person is any person who has an interest in concluding a specific contract on public procurement or a framework agreement;
9. a candidate is a person whose qualification was recognized in the first stage of the restrictive and qualification procedure, that is, the competitive dialogue;
10. supplier is a bidder with whom a framework agreement or contract on public procurement was concluded;
11. public procurement affairs are public procurement planning; implementation of the public procurement procedure, including but not limited to participation in the public procurement committee; preparation of tender documents; preparation of acts in the public procurement procedure; drafting of public procurement contracts; monitoring the execution of public procurement; all other jobs related to the public procurement procedure;
12. a person engaged in public procurement is a person who is engaged in the planning, implementation and execution of public procurement in employment or outside employment in the sense of the law governing employment relations;
13. public procurement officer is a person who is trained to perform public procurement tasks and has passed a professional exam;
14. the responsible person is the director or a person who is authorised to assume rights and obligations in the name and on behalf of the Public Procurement Administration;
15. related persons are spouses, common-law partners, blood relatives in the direct line, blood relatives in the collateral line up to the third degree of kinship, in-law relatives up to the second degree of kinship, adoptive parents and adopted children, persons between whom management rights have been transferred and persons who are connected in the sense of the law governing the corporate income tax;
16. an open procedure is a procedure in which all interested parties can submit an offer;
17. a restrictive procedure is a procedure that is carried out in two stages, and in which only candidates can submit an offer in the second stage;
18. a qualification procedure is a procedure that is carried out in two stages, so that all interested persons can submit an application for the entire period of validity of the list of candidates, and the contracting authority recognises their qualification under the conditions of the tender documents every six months and invites them to submit an offer in the second stage of the procedure;
19. negotiation procedure is a procedure in which the contracting authority directly negotiates with one or more bidders on the elements of the public procurement contract;
20. a competitive dialogue is a procedure in which all interested persons may submit an application, and the contracting authority shall conduct a dialogue with the persons whose qualifications it recognises (candidates) in order to find a solution that will satisfy its needs, inviting candidates to submit offers based on the adopted or adopted solutions;
21. a framework agreement is an agreement between one or more ordering parties and one or more suppliers, the purpose of which is to determine the terms of the contract to be awarded during a certain period, which relate to prices and, where appropriate, quantities;\*
22. an exclusive right is a right based on which a certain person can only perform a certain activity in a certain geographical area, and which is assigned or derives from a law, a special regulation or an individual act, that is, a contract or an agreement, which was adopted or concluded by the Republic of Serbia, territorial autonomy or local self-government;
23. a special right is a right on the basis of which certain persons can perform a certain activity in a certain geographical area, and which is assigned or derives from a law, a special regulation or an individual act, that is, a contract or an agreement, which was adopted or concluded by the Republic of Serbia, territorial autonomy or local self-government;
24. the offered price is the price specified by the bidder in the offer, expressed in dinars, which includes all costs related to the subject of the public procurement and which are determined by the tender documentation;
25. a comparable market price is the price on the relevant market, taking into account the subject of public procurement, the development of the market, conditions from tender documents, such as the method of payment, quantities, term of delivery, term of validity of the contract, means of security, guarantee period, etc.;
26. a criterion is a standard used for evaluating, comparing and evaluating offers;
27. an application is the request of an interested person to participate in the first phase of the restrictive procedure, the qualification procedure and the competitive dialogue;
28. a timely offer is an offer that was received by the ordering party within the period specified in the invitation to submit offers;
29. an appropriate offer is an offer that is timely and that has been determined to fully meet all technical specifications;
30. an acceptable offer is an offer which is timely, which the contracting authority did not reject due to essential defects, which is appropriate, which does not limit or condition the contracting authority's rights or the bidder's obligations and which does not exceed the amount of the estimated value of the procurement.
31. Procurement system

Article 3

The administration’s procurement system includes: procurement planning, implementation of procedures for the conclusion of public procurement contracts, execution and monitoring of the execution of concluded procurement contracts, recording and reporting on implemented procedures and concluded contracts and control of all aforementioned activities.

1. Goals of public procurement procedure

Article 4

The goal of the public procurement procedure is that the goods, services and works that are procured are of appropriate quality and required quantity and that they are procured at the best price.

The purpose of the implementation of the public procurement procedure is to enable the smooth development of the work process and the performance of activities.

Persons participating in the public procurement procedure perform activities and tasks in all stages of the procedure in accordance with the principles of public procurement and with the attention of a good host.

1. Public Procurement Principles

Article 5

The public procurement procedure is carried out in such a way as to ensure compliance with the principles of public procurement provided for in the Law on Public Procurement (hereinafter referred to as: the Law): the principles of efficiency and economy, the principles of ensuring competition, the principles of transparency of the public procurement procedure, the principle of equality of bidders, the principles of environmental protection and ensuring energy efficiency.

1. Communication in the public procurement procedure

Article 6

Communication in the public procurement procedure and in connection with the performance of public procurement activities is carried out in writing, that is, by mail, e-mail or fax, as well as by publication by the contracting authority on the Public Procurement Portal.

The rule on written communication is implemented both in communication within the Administration and in communication with interested parties, bidders and suppliers. Communication takes place electronically whenever possible.

If the document from the tender procurement procedure was delivered by the contracting authority or bidder via e-mail or fax, the party that made the delivery is obliged to request the other party to confirm in the same way about that document, which the other party is obliged to do when it is necessary, as proof that delivery has been made.

Communication must be carried out in such a way as to ensure the preservation of confidential data on interested parties, data on offers and bidders until the opening of offers, to ensure the recording of actions undertaken in the procedure and the storage of documentation in accordance with the regulations manages the area of documentary materials and archives.

1. PREVENTION OF CORRUPTION AND CONFLICT OF INTEREST
2. Anti-corruption measures

Article 7

All persons participating in the procurement procedure are obliged to take measures to prevent corruption and conflicts of interest in the procurement procedure defined by the Law and this Rulebook.

Article 8

All actions undertaken in the procedure must be recorded in writing by the person undertaking them.

Article 9

The persons referred to in Article 7 are obliged to execute the order of the responsible person, in accordance with the instructions given to him, except in the case when the given order is contrary to the Law.

In the case referred to in paragraph 1 of this Article, the persons engaged in procurement are obliged to refuse the execution of such an order and inform the responsible person thereof.

1. Duty to report corruption and competition violations

Article 10

A person engaged in public procurement or any other person employed by the contracting authority, who has information about the existence of corruption in public procurement, must immediately inform the Administration, the state body responsible for the fight against corruption, and the competent prosecutor's office.

The persons referred to in paragraph 1 of this Article are obliged to report the information to the organization responsible for the protection of competition in the event of learning about a violation of competition.

1. Prohibition of concluding a contract

Article 11

It is prohibited to enter into a public procurement contract with a bidder in the event of a conflict of interest, if the existence of a conflict of interest affected or could affect the decision-making in the public procurement procedure

1. PROCUREMENT PLANNING
2. Time frame for planning

Article 12

Procurement planning for the following year takes place in the current year, in parallel with the preparation of the Work Plan and Programme and the financial plan for the following year.

1. Planning criteria

Article 13

Procurement planning is carried out on the basis of the criteria specified in Article 4 of the Rulebook on the content of the act which more closely regulates the public procurement procedure within the contracting authority.

1. Participants in procurement planning

Article 14

Procurement planning tasks are performed by the planning team.

In addition to the person in charge and the person engaged in public procurement, the planning team consists of employees from other internal organisational units of the Administration, based on the written order of the person in charge.

1. Way of expressing needs

Article 15

All internal organisational units of the Administration, during the preparation of the Work Plan and Programme and the financial plan, submit in written form the planned needs for the following year. Needs must be expressed in appropriate quantitative units, described characteristics, quality and dynamics of needs, with an explanation of the reasons and expediency of the procurement

Persons from the team collect, check the expressed needs and determine the actual needs for each purchase individually.

1. Market research

Article 16

Based on the established needs for goods, services and works for the implementation of the planned activities of the Administration, the procurement planning team determines the overall specifications of the goods, services and works.

The established specifications are the basis for market research.

Article 17

Market research is carried out by the planning team or other professionals designated by the responsible person.

Article 18

Market research is carried out by collecting data in the field, via the Internet, available databases and advertisements, depending on the quantity and type of goods, services and works.

Minutes are drawn up on the conducted market research, which in particular contain data on prices and their movement on the market, the availability of the necessary goods, services and works, their quality and warranty period, maintenance conditions, distribution channels and a list of potential suppliers for each item of procurement with their characteristics and a description of the state of competition on the market of the subject of procurement.

1. Determining the subject matter of procurement

Article 19

Based on the obtained results of the market research, an assessment of the necessary items of procurement is carried out, in order to prepare a proposal for a financial plan.

After the adoption of the financial plan, the planning team harmonizes the established specifications with approved financial resources and determines the subject of each individual procurement, keeping in mind the similarity of goods, services and works.

Article 20

When deciding which procurements will be included in the procurement plan, the planning team analyses the priorities, taking into account first of all the needs for the regular performance of the activity and the need for the improvement of the activity, as well as the criteria for planning.

The control person will control the expediency and correctness of determining the specifications of goods, services and works, taking into account the Work Plan and Programme, strategic and other development plans and planning criteria.

1. Type of subject matter of public procurement

Article 21

The subject matter of public procurement of goods is the purchase of goods, lease or leasing of goods (with or without the right to purchase).

The subject matter of public procurement of services are the services specified in Annex 1 of the Law.

The subject matter of public procurement of works is: execution of works or design and execution of works described in the Regulation on Classification of Activities, Sector F - Construction.

In the case of a combined subject of public procurement, the subject matter of procurement will be defined according to the subject of procurement that constitutes the predominant value of the procurement.

1. Public procurement by lots

Article 22

Whenever it is possible and expedient from the point of view of the procurement objectives, the planning team will form the subject of public procurement by lots, whereby the lot will represent the same set of goods, services and works.

1. Determining the duration of the contract

Article 23

As a rule, contracts are concluded for a period of 12 months, and may be concluded for longer than 12 months, depending on the subject of procurement and the objective needs of the Administration.

The decision on the duration of the contract is made by the responsible person in accordance with the law, and on the proposal of the planning team, all in accordance with the Decree on the criteria for determining the nature of expenditure and the conditions and method of obtaining consent for the conclusion of certain contracts which, due to the nature of the expenditure, require payment in several years.

1. Estimated purchase value

Article 24

The estimated value of the purchase is expressed in dinars, without value added tax.

The value of the procurement is estimated based on the results of market research for the specified quantities and quality of goods, services and works.

* 1. Setting the estimated procurement value for goods

Article 25

The basis for calculating the estimated value of public procurement of goods is determined as follows:

1. in the case when the subject of the contract is purchase, lease or leasing and when the term for which the contract is concluded is 12 months or shorter, the total estimated value of the contract is taken for its entire duration, and when the term is longer than 12 months, the total estimated the value of the contract includes the estimated value for the first 12 months and the estimated value for the remaining period until the expiration date;
2. in the case where the contract referred to in item 1) is concluded for an indefinite period, as well as in the case where there is uncertainty regarding the term for which the contract is concluded, the monthly estimated value of the contract multiplied by 48 is taken.

In the case of periodic contracts, as well as contracts that need to be renewed after a certain period, the estimated value of the public procurement is determined:

1. based on the value of similar periodic contracts concluded during the previous budget year or during the previous 12 months, aligned with the expected changes in terms of the quantity or value of the goods whose acquisition is the subject of the contract during the 12 months, which begin to run from the date of conclusion of the original contract;
2. based on the total estimated value of similar periodic contracts during the 12 months after the first delivery or during the duration of the contract if the duration of the contract is longer than 12 months.
   1. Determining the estimated procurement value for services

Article 26

When calculating the estimated value of the public procurement of services, all costs related to the service that will be incurred by the bidder are included in the value of the service.

For certain services, the following amounts are taken into account:

1. for insurance services - premium amount, as well as other types of payments that you charge for the service;
2. for banking and other financial services - fees, commissions, as well as other types of payments that you charge for the service;
3. for loan services - the total value of the interest for the repayment period, fees and costs related to the approval of the loan and the execution of the loan agreement, including the costs of the assessment of immovable and movable property, insurance premiums or other fees related to the means of securing the loan, the costs of obtaining the necessary documentation and other appropriate costs;
4. for design, architectural services, spatial planning, etc. - fee or commission.

If it is not possible to determine the estimated value of the service due to the length of the contract, the value of the service is determined as follows:

1. in the case when the term for which the contract is concluded is determined and if that term is 36 months or shorter, the total value of the contract for the entire term;
2. in the case when the term for which the contract is concluded is not determined, the monthly value multiplied by 48.
   1. Determining the estimated procurement value for works

Article 27

The estimated value of the public procurement of works is determined by the fact that the total value of the works is the basis for calculating the value of the public procurement of works.

When determining the estimated value of the public procurement of works, the value of the works includes the value of all goods and services that are necessary for the execution of the contract on public procurement of works.

* 1. Determining the estimated value of public procurement by lots

Article 28

When the subject matter of public procurement is formed by lots, the estimated value of each lot is determined individually, and then the estimated value of the public procurement formed by lots is determined as the sum of the estimated values of all lots, for the period for which the contract is concluded.

* 1. Determining the estimated value in individual procedures

Article 29

In the case of the qualification procedure, the framework agreement and the dynamic procurement system, the estimated value of the public procurement is determined as the value of all contracts foreseen for the duration of the list of candidates, the framework agreement, or the dynamic procurement system.

1. Selection of type of procedure

Article 30

The type of procedure is determined by the planning team, taking into account the type and specificity of the procurement subject matter, availability, procurement dynamics and estimated value.

As a rule, contracts are awarded in an open or restrictive procedure. Contract awarding can also be done in:

1. a qualified procedure;
2. a negotiated procedure with publication of an invitation to submit offers;
3. a negotiated procedure without publication of an invitation to submit offers
4. a competitive dialogue;
5. a design competition;
6. a low value public procurement procedure;

in cases where the conditions prescribed by the Law for the application of these public procurement procedures are met.

Article 31

The type of procedure is selected, taking into account:

1. procurement objectives;
2. stated needs for goods, services or works;
3. results of tests and market research, especially with regard to the state of competition on the market and the availability of goods, services and works;
4. estimated value of individual procurement;
5. complexity of the procurement subject matter.
6. Procurements to which the Law does not apply

Article 32

When planning procurements to which the law does not apply, the planning team, in addition to defining the type of procurement subject matter, the estimated value and the framework deadlines for the implementation of such procurements, also specifies the grounds for exemption from the application of the law for each individual procurement.

Before adopting the procurement plan, the procurement planning team checks the existence of grounds for exemption from the application of the Law.

1. Setting deadlines

Article 33

When planning acquisitions, the planning team will determine the following approximate terms:

* the term for initiating the procedure,
* the term for concluding the contract,
* the term for which the contract will last.

Article 34

When setting deadlines, the planning team takes into account:

1. the data on the validity periods of previously concluded contracts and the dynamics of their execution,
2. the dynamics of needs for goods, services and works,
3. the time frames in which it is possible to perform construction works and the time required for their performance,
4. the time required for the implementation of certain activities in public procurement procedures,
5. the terms for obtaining an opinion from the Public Procurement Administration.
6. Centralised procurement, procurement by several contracting authorities and reserved public

procurements

Article 35

Procurements that are carried out for the needs of state bodies by the Joint Services Administration, as a body for centralised public procurement, will also be carried out for the needs of the Administration, in accordance with the Law on Public Procurement and the Decree on the conditions and manner of conducting the public procurement procedure by the Joint Services Administration and determining the list of public procurement items, as a by-law enacted by the Government. Also, the planning team will consider the possibility of conducting some procurements together with other contracting authorities, i.e., make a decision authorising another contracting authority to carry out the public procurement procedure on behalf of and on behalf of the Administration or take certain actions in that procedure, and may also make a decision on reserved public procurement, if it is justified and expedient. These procurements will be listed as such in the public procurement plan.

1. Responsibility for adopting the procurement plan

Article 36

The procurement plan is made by a responsible person.

1. Term for adopting the procurement plan

Article 37

The procurement plan for the current year is adopted within 15 days from the adoption of the Financial Plan for the year for which the Public Procurement Plan is adopted.

1. Content of the procurement plan

Article 38

The procurement plan consists of a public procurement plan, and it is prepared as a whole in accordance with the Law and by-laws.

Article 39

The procurement plan contains the following information:

1. a serial number of (public) procurement - each item of procurement is kept under a separate position in the procurement plan, for each procurement procedure;
2. subject matter of (public) procurement - a short and clear description of the subject matter of the procurement for which the procedure is being carried out, and a designation from the general glossary of procurement can also be entered;
3. the estimated value of the (public) procurement, - the total estimated value of the procurement without VAT, the estimated value by lots can also be specified;
4. type of public procurement procedure, 8) approximate date of initiation of the procedure - a month or a more precise period of time in which the initiation of the procedure is planned, that is, the decision to initiate the procedure;
5. a tentative date of conclusion of the contract - month or more precise time period in which the conclusion of the contract is planned;
6. a tentative date of the contract duration - a month or a more precise period of time when the execution of the specific procurement is expected; in the case of successive deliveries, the period in which the procurement is expected to be completed is indicated;
7. the data on centralised procurement - indication that the procurement is carried out through the body for centralised procurement or together with another customer;

1213) 14) other data and notes that are important for the procurement planning process.

1. Method of drafting and submitting the public procurement plan

Article 40

The adopted Procurement Plan is drawn up by the person engaged in procurement work in electronic form using application software and published on the Public Procurement Portal within ten days from the date of its adoption.

1. Amendment to the Public Procurement Plan

Article 41

Increasing the originally planned estimated value for a specific public procurement by more than 10%, planning a new procurement and changing the subject of the procurement is considered an amendment to the Public Procurement Plan.

Article 42

Amendments to the public procurement plan must be visible and explained in relation to the basic plan. Amendments to the public procurement plan are published by the person employed in procurement on the Public Procurement Portal within ten days of adoption.

1. IMPLEMENTATION OF THE PUBLIC PROCUREMENT PROCEDURE
2. Launching the procedure

Article 43

The public procurement procedure is initiated by the decision to initiate the public procurement procedure.

The decision referred to in paragraph 1 of this Article contains elements prescribed by the Law as well as other elements that are deemed necessary for the implementation of the specific public procurement procedure.

The decision referred to in paragraph 1 of this Article is made by the responsible person.

* 1. Conditions for initiating the procedure

Article 44

A person engaged in public procurement works within the time limit indicated in the public procurement plan for initiating the procedure, submits a written request to the person responsible for initiating the public procurement procedure.

The proposal for the decision on the initiation of the public procurement procedure and the proposal for the decision on the appointment of the committee are made by a person employed in public procurement.

The confirmation of the existence of funds in the budget/financial plan for the implementation of a specific public procurement is issued by the head of the Group for Financial and Material Affairs by initialling the request for initiation of the procurement procedure and the proposed decision on the initiation of the public procurement procedure.

Article 45

If no budget or financial plan has been adopted, the responsible person makes a decision to initiate the public procurement procedure only up to the amount of funds planned, in accordance with the regulation on temporary financing.

In the case referred to in paragraph 1, the head of the Group for Financial and Material Affairs confirms the existence of a certain amount of funds planned, in accordance with the regulation on temporary financing.

The procedure for obtaining and issuing a certificate of the existence of financial resources in the budget/financial plan is the same as the procedure from Article 44 of this rulebook.

Article 46

Public procurement, the estimated value of which exceeds one billion dinars, is initiated after the appointment of a civil supervisor by the Public Procurement Administration.

* 1. Starting a negotiated procedure of a competitive dialogue

Article 47

In the case of initiating a negotiation procedure and a competitive dialogue, the decision also contains the reasons for the application of that procedure.

Before starting the negotiation procedure in the cases referred to in Article 36, paragraph 1, point 2) to 6) of the Law, a request is submitted to the Public Procurement Administration, in order to obtain an opinion on the validity of the application of the negotiation procedure.

The decision to initiate the negotiation procedure can be made after receiving the opinion of the Public Procurement Administration or if the Administration does not submit an opinion after ten days.

In the case of a negotiated procedure for reasons of urgency referred to in Article 36, paragraph 1, point 3), the procedure can be initiated without waiting for the opinion of the Administration. In the case of application of the negotiation procedure without publication of the invitation to submit bids, the decision must also contain basic information about the persons to whom the invitation to submit bids will be sent and the reasons for the referral in accordance with the Law.

After making a decision on the launch of a negotiated procedure, the person engaged in public procurement is obliged to publish a notice on the launch of the procedure containing the data from Annex 3E and tender documentation.

* 1. Launch of a joint procurement

Article 48

The joint procurement procedure is preceded by the adoption of a decision on the joint implementation of the public procurement procedure. The decision is made in accordance with the Rulebook on the content of the decision on the implementation of the public procurement procedure by several contracting authorities (“Official Gazette of the Republic of Serbia”, No. 83/15).

1. Committee for implementation of public procurement

Article 49

The public procurement procedure is carried out by the public procurement committee.

The decision on the appointment of the committee is made by the responsible person at the same time as the decision on the initiation of the public procurement procedure.

The decision referred to in paragraph 2 of this article contains the names of the members of the committee, their deputies, defines the tasks and contains other elements prescribed by the Law.

When the public procurement procedure of low value is carried out, the responsible person decides whether the procedure will be carried out by a person engaged in public procurement affairs or a public procurement committee, bearing in mind the complexity of the subject matter of the procurement, which may require the participation of other experts.

* 1. Makeup of the committee

Article 50

The Public Procurement Committee (hereinafter referred to as: the Committee) has at least three members, one of whom is a public procurement officer or a person with an education at the Faculty of Law.

In the case of conducting a public procurement procedure whose estimated value is greater than 15,000,000.00 dinars, the public procurement officer must be a member of the committee.

Other members of the committee are appointed from among employees who have appropriate professional education in the field that is the subject matter of procurement. If there are no employees with professional education in the field that is the subject of public procurement, a person who is not employed by the Administration can also be appointed to the committee.

Persons employed in public procurement work provide professional and technical assistance to the Committee.

Article 51

After the delivery of the decision, the committee members sign a statement confirming that they are not in a conflict of interest in the public procurement in question. If they believe that they may be in a conflict of interest, or if they find out during the public procurement procedure that they may come into a conflict of interest, the members of the committee shall immediately inform the authority that made the decision, which shall take the necessary measures to avoid adverse consequences in the future, during the public procurement procedure.

1. Advertising in the public procurement procedure

Article 52

In the public procurement procedure, advertising is carried out in the manner prescribed by the Law in order to ensure the implementation of the principle of transparency of the procedure.

Advertisements are published on the Public Procurement Portal and the website of the Administration.

* 1. Advertisement type

Article 53

The following documents are published in the public procurement procedure:

* prior notification;
* invitation to submit bids and applications;
* tender documentation;
* notice on the dynamic procurement system;
* invitation to participate in the design competition;
* notification of qualification recognition;
* notification of the concluded framework agreement;
* notification of the initiation of the negotiation procedure without publication of the invitation for submission of offers;
* the decision to award a contract in the negotiation procedure without publication of the invitation for submission of offers;
* a notice of the concluded contract;
* a notice of the competition results;
* a notice on the suspension of the public procurement procedure;
* the decision to amend the public procurement contract;
* notice of submitted application for protection of rights;
* a notice on the extension of the deadline for submission of bids/applications;
* a notice on the cancellation of the public procurement procedure;
* information and clarifications from the Committee regarding the preparation of offers.

Article 54

In cases of purchases whose estimated value exceeds 5,000,000 dinars, advertisements are also published on the Portal of the Official Gazette of the Republic of Serbia and the database of regulations.

If the estimated value of the public procurement is greater than 250,000,000 dinars for goods and services and 500,000,000 dinars for works, the public procurement announcement is also published in a foreign language, which is usually used in international trade, in the area from which the subject matter of the public procurement is procurement.

The invitation to submit bids or applications can be published in a specialised newspaper according to the subject matter of a specific public procurement.

Article 55

The person engaged in public procurement and the public procurement committee is responsible for the implementation of actions related to advertising in the public procurement procedure.

* 1. Prior notification

Article 56

Prior notification of the intention to conduct a public procurement procedure is published whenever the Administration deems it useful, regardless of the estimated value of the public procurement. The content of the notification is prescribed in Annex 3A of the Law.

* 1. Invitation to submit offers/applications

Article 57

The invitation to submit offers, i.e., the application, is published in cases where it is prescribed by law.

The content of the invitation to submit bids is determined in Annex 3B, and the content of the invitation to submit applications in Annex 3V of the Law.

In the invitation to submit bids/applications, the deadline for submitting bids must be determined depending on the type of public procurement procedure.

The deadline for submitting bids/applications is calculated from the day of publication of the call for bids/applications on the Public Procurement Portal, i.e., from the day of sending the call for submission of offers. The determination of the deadline is the determination of the date and time by which bids can be submitted.

1. Tender documentation

Article 58

The tender documentation is prepared in accordance with the Law and Rulebook on mandatory elements of tender documentation in public procurement procedures and the method of proving fulfilment of conditions.

The tender documentation contains all the data on the basis of which bidders will be able to prepare an acceptable offer.

The tender documentation is prepared by the committee, that is, a person engaged in public procurement when the procedure is carried out by that person.

4.1. Contents of the tender documentation

Article 59

The data contained in the tender documentation must be identical to the data specified in the invitation to submit offers.

Article 60

The tender documentation in accordance with the type of procedure and the nature of the subject of public procurement contains all elements in accordance with the regulations on public procurement.

The Committee for Public Procurement adheres to the principle of ensuring competition and equality of bidders when preparing tender documents. Conditions for participation in the procedure, technical specifications and criteria elements for awarding contracts must be logically related to the subject of the procurement and must not limit competition.

The tender documentation contains mandatory conditions for participation in the public procurement procedure prescribed by the Law, and according to the subject of the procurement, it may also contain additional conditions.

Additional conditions are independently determined by the Committee, taking into account the subject and value of the public procurement and other facts that are important for the execution of the public procurement in question.

The contract model is drawn up by the Committee with the professional assistance of the legal department.

1. Development of Technical Specification

Article 61

Technical specification and project documentation represent technical requirements in which the characteristics of goods, services and works are described.

Technical specifications must be determined in accordance with the provisions of the Law and other regulations that regulate the area that is the subject matter of procurement.

When determining technical specifications, care is taken to ensure that goods, services and works correspond to objective needs.

Technical specifications in the case of procurement of goods and services determine the characteristics of goods and services such as dimensions, descriptions, quality level, safety, level of environmental impact, energy consumption, conformity assessment, etc.

In the case of procurement of works, technical specifications, in addition to characteristics, also contain regulations on projects, costing, testing, inspection and acceptance conditions, construction method and other elements relevant to the procurement in question.

1. Publication of the tender documentation

Article 62

The Committee, i.e., the person engaged in public procurement, immediately after drafting, and before the public publication of the invitation and tender documentation, controls the consistency of the data from the tender documentation with the data from the invitation to submit a bid and checks whether the tender documentation contains all the elements prescribed by the Law.

A person engaged in public procurement works simultaneously with the publication of the invitation to submit bids publishes tender documentation on the Public Procurement Portal and on the website in accordance with the Law.

1. Amendment of the tender documentation

Article 63

Amendments to the tender documentation are made by the Committee in case of data corrections or when it is necessary for the successful implementation of the public procurement procedure.

If tender documents are amended or supplemented within the deadline for submission of bids, the Committee controls whether the amended tender documents contain all the elements provided for by the Law. The control must be carried out as soon as possible.

The modified tender documents are published on the Public Procurement Portal and on the website immediately after the inspection.

Article 64

If the public procurement committee amends or supplements the tender documents within a period of no longer than eight days before the deadline for submitting bids, the deadline for submitting bids is extended.

The person engaged in public procurement publishes a notice on the extension of the deadline for submitting bids on the Public Procurement Portal and the website.

After the deadline for submission of bids has expired, the tender documentation cannot be changed or supplemented.

1. Additional information and clarification of the tender documentation

Article 65

After the publication of a public invitation and the tender documentation, the committee is responsible for communication with interested parties and bidders.

The committee responds to requests for additional information or clarifications related to the preparation of the offer, if they are made in writing and delivered no later than five days before the deadline for submitting the offer.

The Committee sends a written response to the interested person within three days, from the day of receipt of the request. The information containing the question and the answer is published on the Public Procurement Portal and the website.

Written requests and responses are kept in the documentation related to a specific public procurement in the appropriate register or in a separate file if the communication took place electronically.

Due to the specificity of this procedure, the control is carried out by the committee using the self-control method.

1. Receipt of offers

Article 66

A person employed as a service of mail officer when receiving an offer marks the time of receipt on the envelope, i.e., the box in which the offer is located, and records the number and date of the offer according to the order of arrival. If the offer is submitted directly, the bidder is given a confirmation of receipt of the offer.

Offers are kept in such a way that they do not come into the possession of unauthorised persons.

Received offers are submitted to the committee immediately before the opening of offers.

1. Opening of offers

Article 67

The opening of offers is carried out in the premises of the Administration, at the time specified in the invitation to submit offers, i.e., immediately after the deadline for submitting the offers.

The opening of offers is public and can be attended by any interested person, and only authorised representatives of bidders can actively participate.

The bidder’s representative who participates in the bid opening procedure has the right to inspect the bid opening data entered in the bid opening minutes. Bids received after the deadline for submitting bids are not opened, but closed ones are returned to the bidder upon completion of the opening procedure.

During the opening of bids, the committee prepares minutes containing the data provided by the Law.

The minutes on the opening of bids are signed by the members of the Committee and representatives of the bidders, who receive a copy of the minutes, and bidders who did not participate in the bid opening procedure are provided with the minutes within three days from the day of the opening.

The control of the correctness of the opening of bids is carried out during the procedure by the Committee using the method of self-control.

1. Professional evaluation of received offers

Article 68

The committee performs an expert evaluation of the bids after the completion of the opening procedure within the period stipulated by the Law.

The committee performs an expert evaluation of all bids that were received and opened in a timely manner at the opening of bids.

During the professional evaluation of each individual offer, the Committee determines:

1. whether there are significant shortcomings of the offer;
2. whether the offer is appropriate, in terms of meeting the technical specifications requested in the tender documentation;
3. whether there are calculation errors in the offer and, if there are, calls the bidder to give consent for the correction of the error;
4. whether the offer contains an unusually low price;
5. whether the offer is acceptable, in the sense that the offer does not limit or condition the rights of the Administration or the obligations of the bidder and does not exceed the amount of the estimated value of the public procurement;
6. whether the bidder is on the list of negative references or the committee has proof of the existence of a negative reference.

Article 69

The Committee shall reject the bids when it determines that there are significant defects in the bid and when it determines that they are inappropriate because they do not meet the required technical specifications, and it may reject bids when it determines that they are unacceptable in the case of negative references and bids that limit or condition the rights of the Administration or the obligations of the bidder and which exceed the estimated value of public procurement.

Article 70

In the case of an unusually low price, the Committee invites the bidder to explain in detail the structure of the offered price within a reasonable period of time.

After the bidder’s statement, the Committee will decide whether to reject this offer or take it into further evaluation, assessing the credibility of the data presented by the bidder.

Article 71

The committee ranks all bids that have not been rejected by applying the contract award criteria specified in the invitation to submit bids and the tender documentation.

In the bid ranking procedure, the Committee may request additional explanations from the bidder that are necessary during the review, evaluation and comparison of bids, and may also perform control (inspection) of the bidder or its subcontractor.

1. Report on the expert evaluation of offers

Article 72

After the expert evaluation of the bids, the Committee prepares the Report on the expert evaluation of the bids as soon as possible, which contains the data specified in the Law.

The expert assessment report is submitted to the responsible person.

Article 73

After ranking the bids, and under the condition that there is at least one acceptable bid, the Committee proposes to award the contract to the bidder who offered the most favourable bid.

The Committee proposes to the responsible person to suspend the public procurement procedure if, after ranking the bids, it is determined that there is no acceptable bid.

Article 74

If, after the expert evaluation of the bids, it is determined that all bids received are unacceptable in relation to the estimated value of the public procurement, the Committee may propose that the contract be awarded to the bidder whose bid contains an offered price higher than the estimated value of the public procurement, if it is not higher than a comparable market price and if the offered prices in all relevant offers are higher than the estimated value of the public procurement.

If all unacceptable offers are received in an open, restrictive or qualification procedure or in a competitive dialogue, the Committee may propose to implement a negotiation procedure with the publication of a public invitation.

If no offer or application was received in the open or restrictive procedure, or if all offers are inappropriate, the Committee may propose to start a negotiation procedure without publishing a public invitation.

1. Contract award decision

Article 75

The responsible person makes a decision on the award of the contract after receiving the Report on the expert evaluation of the offers by the Committee.

Article 76

The decision on awarding the contract contains all the data contained in the Report on the Expert Evaluation of Bids. The decision referred to in paragraph 1 of this Article is published on the Public Procurement Portal and on the Administration's website within three days of its adoption.

In case the responsible person accepts the committee's proposal to award the contract to the bidder who offered a price higher than the estimated value of the public procurement, the reasoned report is submitted to the Public Procurement Administration and the State Audit Institution.

1. Decision to suspend the procedure

Article 77

The responsible person can suspend the public procurement procedure for objective and demonstrable reasons, which could not have been foreseen at the time of the initiation of the procedure and which make it impossible to complete the started procedure or as a result of which the need for the procurement in question has ceased, which is why it will not be repeated during the same budget year, that is, in the next six months.

The decision on the suspension of the public procurement procedure must contain the reasons for the suspension of the procedure, the instruction on the legal remedy and the decision on the costs of preparing bids.

The decision on the suspension of the public procurement procedure is published on the Public Procurement Portal and on the website of the Administration within three days from the date of the decision.

After the finality, and no later than five days, from the day of finality of the Decision on the suspension of the public procurement procedure, the person engaged in public procurement activities publishes on the Portal a notice on the suspension of the public procurement procedure, which contains information from Annex 3K of the Law.

The person engaged in public procurement works enters into the application software the information that the procedure has been suspended in the summary form on the outcomes of the procedure - Form V1, and the corresponding data on the suspended procedure in form V2.

1. Inspection of documentation

Article 78

After the decision on the award of the contract, that is, the decision on the suspension of the procedure, the bidder is allowed to inspect the documentation upon written request, as well as to copy it at his own expense.

A person engaged in public procurement within two days of receiving the bidder’s written request allows inspection and copying of documentation with the obligation to protect data that the bidder has marked as confidential.

The written request is kept as evidence in a special register that is kept for specific public procurement or in a separate file if the request is submitted electronically.

1. Notification to the bidders

Article 79

The committee can, within five days, from the date of the decision on the award of the contract/suspension of the procedure, hold a meeting with each bidder separately, where it will explain the method of conducting the procedure, defining the conditions for participation, the method of determining the specification of the subject of public procurement, the method of determining the criteria elements and methodologies for assigning weights, reasons for rejecting bids, ranking of bids, etc.

The committee is obliged to organise the reporting of bidders if the majority of bids are rejected in the public procurement procedure, the estimated value of which is greater than 250,000,000 dinars for goods and services, i.e., greater than 500,000,000 dinars for works.

The committee is obliged to organize the reporting of bidders if the majority of bids are rejected in the public procurement procedure, the estimated value of which is greater than 250,000,000 dinars for goods and services, i.e., greater than 500,000,000 dinars for works.

1. Application for protection of rights

Article 80

The provisions of Articles 148-159 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 124/12, 14/15 and 68/15).

1. Conclusion of a public procurement contract

Article 81

The contract on public procurement, i.e., the framework agreement is concluded after the decision on the award of the contract, i.e., the decision on the conclusion of the framework agreement, and if within the stipulated period.

According to the law, no request for the protection of rights was submitted or the request for the protection of rights was turned down or rejected.

The responsible person may conclude a contract on public procurement even before the deadline for submitting a request for the protection of rights:

1. based on a framework agreement;
2. in the case of conducting a negotiated procedure without publishing a public invitation referred to in Article 36, paragraph 1, item 3 of the Law;
3. in the case of application of a system of dynamic procurement;
4. in the case of the low-value public procurement procedure referred to in Article 39, paragraph 6 of the Law;
5. if only one offer is submitted, except in the negotiation procedure without publication of the call for submission of offers.

Article 82

The signed contract shall be delivered to the bidder who was awarded the contract within eight days, from the day of the expiry of the deadline for submitting a request for the protection of rights.

If the bidder who has been awarded the contract refuses to conclude the public procurement contract, the contract may be concluded with the next most favourable bidder.

Article 83

A person engaged in public procurement shall publish on the Public Procurement Portal and the website a notification about the concluded public procurement contract or framework agreement within five days from the date of conclusion of the contract or framework agreement.

After the contract has been concluded, the person engaged in public procurement enters into the application software the information that the procedure has been successfully implemented.

The person engaged in public procurement after the concluded contract enters a new supplier in the record of concluded contracts.

1. EXECUTION OF A PUBLIC PROCUREMENT CONTRACT
2. Monitoring the execution of a public procurement contract

Article 84

The powers, responsibilities and method of monitoring the performance of the contract are regulated by this rulebook, depending on the subject of the procurement.

Article 85

The procurement contract is submitted to the person in charge of monitoring the execution of the contract, to the Group for Financial and Material Affairs, to the Group for Human Resources and General Affairs, and one copy remains in the procurement procedure case.

Article 86

The responsible person designates from among the employees a person for monitoring the execution of the specific contract on public procurement, depending on the type of procurement subject and professional education in the field that is the subject of procurement, and in accordance with the job classification act.

Article 87

The person who is responsible for receiving the item of procurement of goods upon delivery by the supplier, inspects the goods to check compliance with the agreed quantities, quality, sample, delivery dynamics, etc.

The report on the performed service that is the subject of the public procurement contract is controlled and confirmed by the persons who are the users of the services.

Supervision over the performance of works that are the subject of a public procurement contract is carried out by expert supervision determined by the Administration, depending on the type of work.

After checking the procurement item, the person in charge of monitoring signs the delivery note, the report on the performance of the service or works or another document confirming that the supplier's obligations have been duly fulfilled, and submits it to the financial and material department in order to complete the documents that are the basis for payment.

Article 88

In the event that the supplier does not fulfil its obligations in accordance with the contract, the person responsible for monitoring the specific contract submits complaints to the supplier and undertakes other measures aimed at the orderly execution of the contract and informs the person engaged in public procurement about this in writing.

Communication with the supplier regarding the execution of the contract is done exclusively in writing. The person engaged in public procurement, on the basis of the report on the measures undertaken, proposes to the responsible person the implementation of financial security measures or the termination of the contract.

Article 89

In the case of irregular execution of public procurement contracts, the person engaged in procurement works keeps a record of negative references of the supplier for the Administration.

A person engaged in public procurement after the duly executed contract or non-execution of the contract enters the necessary data into the application software in Form A2.

Article 90

The rules for making goods available to users, receipt and verification of invoices and other documents, as well as the form and content of requests for payment are prescribed by the Financial Operation procedure.

1. Amendment of the public procurement contract

Article 91

The responsible person makes a decision on amending the contract by which the price or other essential element of the contract is changed, in case the reasons for changing the contract are clearly and precisely determined in the tender documentation and the contract or are provided for in special regulations.

After the conclusion of the public procurement contract, the responsible person can increase the scope of the procurement subject without conducting the public procurement procedure, with the fact that the value of the contract can be increased by a maximum of 5% of the total value of the originally concluded contract, whereby the total value of the increase in the contract cannot be greater than 5,000,000.00 dinars, provided that this option is clearly and precisely stated in the tender documentation and the contract on public procurement. The decision on amending the contract contains information in accordance with Annex 3L of the Law.

The decision to amend the contract is published on the Public Procurement Portal within three days from the date of adoption and a report is submitted to the Administration and the State Audit Institution.

After making a decision on the amendment of the contract, the person engaged in public procurement enters the appropriate data on the amendment of the contract into the application software.

Article 92

After the amendment of a public procurement contract, the contract shall be delivered to the persons referred to in Article 87 of this rulebook.

1. PROCUREMENTS WHOSE ESTIMATED VALUE IS NOT GREATER THAN 500,000 DINARS

Article 93

Procurement whose total estimated value of similar procurements at the annual level is not higher than 500,000 dirhams is carried out according to the rules prescribed by this Rulebook.

1. Implementation of procurements whose estimated value is not higher than 500,000 dinars

Article 94

The procurement referred to in Article 95 of this rulebook is carried out by a person engaged in public procurement or another employee authorised by the responsible person to carry out a specific procurement and to whom he gives an order to carry out the procurement.

The employee responsible for carrying out the procurement is obliged to conduct a market survey, prevent the existence of conflicts of interest, ensure competition and ensure that the agreed price is not higher than the comparable market price.

Article 95

Market research, in the case of simple items of procurement, available to a wide market, can be carried out by calling potential suppliers, searching specialised ads or websites, etc.

Article 96

After the procurement referred to in Article 93 of this Rulebook, the person engaged in public procurement shall enter the appropriate data in Form G into the application software.

1. RECORDING AND REPORTING

Article 97

A person employed in public procurement collects and records data on public procurement procedures and concluded public procurement contracts.

1. Recording dynamics

Article 98

Data recording is done continuously by entering appropriate data into the application software of the Public Procurement Administration, in the manner determined by the regulations on public procurement and this Rulebook.

1. Recording the data on procurement procedures

Article 99

Recording data on procurement procedures includes:

1. recording of successfully implemented public procurement procedures and public procurement procedures of low value,
2. recording data on suspended public procurement procedures and data on suspended public procurement procedures of low value,
3. recording submitted requests for the protection of rights and decisions made in procedures for the protection of rights,
4. recording data on suspended public procurement procedures and public procurement procedures of low value,
5. recording data on suspended public procurement procedures and public procurements of low value,
6. recording of data on implemented procedures in the field of defence and security. A person employed in public procurement shall record this data immediately after the completion of each individual public procurement procedure.
7. Recording the data on concluded contracts

Article 100

Recording the data on concluded contracts includes:

1. recording data on concluded contracts in public procurement procedures and public procurement procedures of low value,
2. recording data on the execution of concluded public procurement contracts,
3. recording data on changes to public procurement contracts,
4. recording data on purchases to which the law does not apply,
5. recording data on the costs of preparing bids.

A person engaged in public procurement shall record the data referred to in paragraph 1 of this Article immediately after the conclusion, implementation/non-implementation or modification of the public procurement contract.

1. Quarterly reports on implemented procedures and concluded contracts

on public procurements

Article 101

At the end of the quarter, and at the latest by the 10th of the month following the end of the quarter, the person engaged in public procurement checks the data entered in the application software, makes possible corrections and forms an electronic report file that is submitted to the Public Procurement Administration by e-mail.

Print-out forms signed by the responsible person are kept in the archive.

Article 102

In the event that the Administration requests a report with additional data on an individual contract or public procurement procedure, the person engaged in public procurement shall submit the requested data within eight days from the date of receipt of the application.

1. Keeping the documentation

Article 103

In the event that the Administration requests a report with additional data on an individual contract or public procurement procedure, the person engaged in public procurement shall submit the requested data within eight days from the date of receipt of the application.

1. FINAL PROVISION

Article 104

This Rulebook shall enter into force on the same day as of the date of its publication on the notice board of the Public Procurement Administration.

With the entry into force of this Rulebook, Rulebook number: 404-02-978/2014-01 of 13 March 2014 ceases to be valid.

DIRECTOR

Predrag Jovanović, PhD