Tender documentation model

**Open procedure**

**Public procurement**

The service of creating project documentation for the interior of a health centre

Place and date: Belgrade, March 2024

**INTRODUCTION**

In this tender documentation model, the client procures architectural services, for which Article 132, paragraph 3 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/2019, 92/2023) stipulates that the criterion for awarding the contract must be the most economically favourable an offer based on:

1. on costs using the cost efficiency approach, or
2. price-quality ratio.

There is no longer the possibility that price is the only criterion for awarding contracts for these services. This is precisely why we have shown in this tender documentation model how the contracting authorities can score certain elements in addition to the price.

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**1.** **GENERAL INFORMATION ON THE SUBJECT MATTER OF PROCUREMENT**

**Name:** Design documentation service for the interior of a healthcare centre, ORN: 71200000

**Type of procurement subject matter:** Services

**Type of public procurement procedure:** Open procedure

Description: Public procurement is carried out for the purpose of concluding a contract on the public procurement of services for the creation of project documentation for the interior of a health facility

**Other notes:**

*(enter any other remarks relevant to the subject matter of public procurement, for example: data on possible changes to the contract (Article 30, paragraph 1, in connection with Article 156 of the* *PPL), that an e-auction will be conducted (Articles*  *71-73 and Annex 5 of the*  *PPL), information on conducting reserved public procurement (Article 37 of the*  *PPL), information on the address and time of site visit, deadline for making a decision on contract award if longer than prescribed PPL (Article 146 paragraph 3 of the* *PPL), etc.)*

**Note:**

❖ This part of the tender documentation is created by the Portal based on the data that the customer enters into the system. *In that case, this part contains only the mandatory data prescribed by the Rulebook on the Content of Tender Documents in Public Procurement Procedures.*

*❖ If the contracting authority wants this part of the tender documentation to contain some other data, the contracting authority prepares this document on its computer and uploads it to the Portal at the appropriate step.*

**2.** **TYPE, TECHNICAL CHARACTERISTICS (SPECIFICATIONS), QUALITY, QUANTITY AND DESCRIPTION OF SERVICES, METHOD OF IMPLEMENTING CONTROL AND PROVIDING QUALITY GUARANTEE, PERFORMANCE DEADLINE, POSSIBLE ADDITIONAL SERVICES, ETC.**

The subject matter of the procurement are the services of creating project documentation for the interior of the health facility, which is located in ................... (specify the exact location of the facility), floor space P+1 (specify how many floors has a building), with a total area of ​​6,000 m2 (specify the square footage of the building).

Project documentation must satisfy all criteria, regulations, standards and technical requirements related to the facilities of the health institution.

The project documentation should ensure the improvement of the provision of health services, primarily in the qualitative and preventive sense, as well as safe conditions for users of health services and for the work of employees.

ORGANISATIONAL/FUNCTIONAL UNITS WITHIN THE FACILITY

Ground level:

The following services, sections and departments are located on the ground floor:

* Children’s Health Care Service;
* Department of X-ray Diagnostics;
* Women’s Health Protection Service;
* Service of General Medicine;
* Department of Defence, Security and Protection and Porter’s Office - information and technical block;
* The main IT server room.

First floor:

The following services, departments and departments are located on the first floor:

* Laboratory Diagnostics Service;
* Department of Physical Medicine and Rehabilitation;
* Dental Health Care Service;
* Hygiene Department;
* Department of Social Medicine;
* Patronage Service;
* Department of Internal Diseases;
* Department for Legal and Economic Affairs and Treasury;
* Department of Neuropsychiatry;
* Department of Dermatovenerology;
* Department of Ophthalmology;
* Department of Ear, Throat and Nose Diseases and
* Workers’ Health Protection Service.

PROJECT DOCUMENTATION FOR THE INTERIOR OF A HEALTH FACILITY SHOULD INCLUDE THE FOLLOWING:

1. Medical and non-medical furniture and equipment (designed and serial furniture - chipboard, plywood, wood, stainless steel, painted metal, upholstered, non-upholstered, etc. Medical furniture and equipment include, for example, therapy carts, chairs for clinics, screens, cupboards, shelves, etc.);

The detailed specification of the furniture should be done in agreement with the Contracting Authority. In cooperation with the technical team of the Contracting Authority, the selected bidder is obliged to perform an analysis and define the quality and necessary furniture for the functioning of the facility. The specification of furniture and equipment should, among other things, define the following:

* + Technical characteristics of the product,
  + Product dimensions,
  + Minimum level of product quality.

1. Curtains (striped, etc.);
2. Sets of visual communications (information boards with an inscription - exterior, free-standing, wall, hanging, door tiles or a wall with an inscription, etc.);
3. General electrical equipment (white goods, televisions, small household appliances, etc.);
4. Telephones, intercoms and other communication equipment;
5. Sanitary ware (mirror/sink cabinets, disinfectant container holders, wall handles, etc.);
6. Equipment for maintaining hygiene (waste baskets, containers for transporting waste and medical waste, laundry carts, devices for washing/vacuuming floors, sanitary kits for housekeepers - carts with accessories, etc.);
7. Covering the walls with class I ceramics should be provided in all medical areas, where it is conditioned by the technological requirements of the contracting authority/investor, as well as in all sanitary areas. Internal painting of wall and ceiling surfaces should be provided with dispersive paints;
8. Ceilings: for all existing dilapidated suspended ceilings, provide for the dismantling and construction of new suspended ceilings, depending on the purpose of the space and according to the contracting authority's request;
9. Internal carpentry and locksmithing: provide for the replacement of existing doors. For special purpose spaces, provide for the installation of adequate doors in accordance with the purpose of the space (server room and radiography cabinet). Doors made of aluminium profiles should be provided with solid or glazed safety glass. All doors must allow unimpeded passage for persons with special needs, in accordance with the applicable regulations and regulations;
10. Provide for the dismantling of existing concrete planters in all halls and corridors. Provide for new railings and handrails made of stainless steel on all staircases.

* The project documentation should define equipment and devices by type, quantity, dimensions, quality, colour, position and layout. The proposed colours of the walls, floors, furniture and appliances must be coordinated, suitable for the purpose of the space.
* The project documentation should contain: technical description, general technical description of the projected positions, graphic details of the projected positions, estimated value of the projected positions (investment investments and the projection of exploitation costs should be taken into account on this occasion), complete technical data that is necessary for the Contracting authority to prepare the documentation for the procurement of equipment and devices, in accordance with the interior project that is the subject of this public procurement.
* The proposed equipment must be made of high-quality material, without harmful effects on human health, modern, adapted to the conditions and needs of the health institution and the specific requirements of certain rooms, functional, wear-resistant, easy to use and maintain, resistant to disinfectants that used in hospital conditions.
* The selected bidder has the obligation to:

- proposes a solution in accordance with the applicable regulations, rules of the profession and the needs of the Contracting Authority, cooperates with the technical team of the Contracting Authority and considers the Contracting Authority's requirements, submits written information regarding the procedure for performing the contracted service, 3D visual models, until the final version of the project is created;

- submit complete project documentation in three copies in printed form, in three copies in electronic form on CD (PDF and Excel).

DEADLINE FOR SERVICE EXECUTION

* The term of execution cannot be longer than 100 calendar days from the day when the supplier received a written invitation from the Contracting Authority to start the preparation of interior project documentation.

The deadline can be extended only if circumstances occur that the contracting parties could not foresee, avoid or eliminate, and which affect the deadline for execution.

TOUR OF THE LOCATION

In order to ensure conditions for the preparation of acceptable offers, bidders are recommended to visit the site.

The contracting authority will enable a tour of the site with a prior application, which is submitted the day before the intended tour of the site and which contains information about the person authorized to tour the site. Interested persons submit applications to the e-mail address of the contracting authority ....................................... (specify address for sending the application).

PRICE

The agreed (offered) price is fixed and includes all elements of the service that is the subject of this public procurement.

COMMISSION - TECHNICAL TEAM OF THE CONTRACTING AUTHORITY

After the conclusion of the contract, and within 3 working days at the latest, the contracting authority will appoint a technical team for qualitative and quantitative reception, which will have the task of checking whether the contractual obligations related to the quality and quantity of the contracted work are respected, and to consider and to decide based on the proposals of the selected bidder.

On the execution of all contractual obligations from the public procurement in question, a written record will be drawn up, in two identical copies, signed by members of the technical team of the contracting authority and an authorized representative of the Bidder, which is the basis for submitting an invoice for payment.

In the event that, during the acceptance of contractual obligations, the technical team of the Purchaser finds that the quality of the services performed does not correspond to the contractual ones, it is obliged to draw up a Complaint record in which it will be stated in which the execution of the contractual obligations of the selected tenderer is not in accordance with the contractual obligations and to set a deadline for eliminating the defects. The complaint record is signed, in two copies, by the members of the technical team of the Employer and the authorised representative of the Bidder, who receives its copy.

The selected bidder is obliged to act on objections and to remove them within a certain period at his own expense and to inform the technical team of the Contracting Authority about the actions taken. After removing the objections contained in the Complaint Record, the Signing of the Record of Performance of the Contractual Obligation, in two identical copies, will be started.

Note: *This technical documentation is taken from the Public Procurement Portal as an example of a good example.* *The contracting authority defines the technical specification in accordance with its needs and in everything in accordance with the provisions of the PPL.*

See Art. 98-104 of the PPL

**3.** **CRITERIA FOR QUALITATIVE SELECTION OF THE ECONOMIC OPERATOR (GROUNDS FOR EXCLUSION AND CRITERIA FOR SELECTION OF THE ECONOMIC OPERATOR), WITH INSTRUCTIONS ON HOW TO PROVE THE FULFILLMENT OF THESE CRITERIA**

**3.1 GROUNDS FOR EXCLUSION**

**3.1.1.** **Final verdict for one or more criminal offences**

**Legal basis:**

Article 111, paragraph 1, item 1) of the PPL.

The contracting authority/entity is obliged to exclude the economic operator from the public procurement procedure if the economic operator does not prove that it and its legal representative in the previous five years from the deadline for submission of bids, i.e., applications is not convicted, unless no other period of ban on participation in the public procurement procedure has been determined, for:

(1) a criminal offence committed as a member of an organised criminal group and a criminal offense of association for the purpose of committing criminal offences;

(2) criminal offence of abuse of office of a responsible person, criminal offence of abuse in connection with public procurement, criminal offence of accepting bribes in performing economic activities, criminal offence of giving bribes in performing economic activities, criminal offence of abuse of official position, criminal offence of trading in influence, criminal offence bribing and the criminal offence of receiving bribe, the criminal offence of fraud, the criminal offence of unjustified obtaining and using credit and other benefits, the criminal offence of fraud in economic activities and the criminal offence of tax evasion, the criminal offence of terrorism, the criminal offence of public incitement to commit terrorist acts, the crime the act of recruiting and training for committing terrorist acts and the crime of terrorist association, the crime of money laundering, the crime of financing terrorism, the crime of trafficking in human beings and the crime of establishing slavery and transporting persons in slavery.

**Method of proving the fulfilment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfilment of the criteria for qualitative selection of the economic operators, which confirms that there is no ground for exclusion.

Prior to making a decision in the public procurement procedure, the contracting authority is obliged to request from the bidder who submitted the most economically favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic operator.

It is considered that the economic operator that is entered in the register of bidders has no grounds for exclusion from Article 111, paragraph 1, item 1) of the Law on Public Procurements.

The absence of this ground for exclusion is proved by the following evidence:

Legal entities and entrepreneurs:

1) Certificate of the competent Basic Court in whose territory the seat of the domestic legal entity or entrepreneur is located, i.e., the seat of the representative office or branch of the foreign legal entity confirming that the bidder has not been convicted in the previous five years from the deadline for submission of bids, i.e., applications, that it has not been convicted by an enforceable decision, except if the final period of prohibition of participation in the public procurement procedure has not been determined by a final judgment, for the following criminal offences: criminal offence of tax evasion; the criminal act of fraud; the criminal act of unjustified obtaining and using credit and other benefits; criminal offence of abuse of official position; the criminal act of influence peddling; the crime of bribery; the criminal offense of trafficking in human beings (for forms referred to in Article 388, paragraphs 2, 2,3, 4, 6, 8 and 9 of the Criminal Code) and the criminal offence of establishing slavery and transporting persons in slavery (for forms referred to in Article 390, paragraph 1 and 2 of the Criminal Code).

2) Certificate of the competent High Court in whose territory the seat of the domestic legal entity or entrepreneur is located, i.e., the seat of the representative office or branch of the foreign legal entity confirming that the bidder has not been convicted in the previous five years from the deadline for submission of bids, i.e., applications, that it has not been convicted by an enforceable decision, except if the final period of prohibition of participation in the public procurement procedure has not been determined by a final judgment, for the following criminal offences: criminal offence of tax evasion; the criminal act of fraud; the criminal act of unjustified obtaining and using credit and other benefits; criminal offence of abuse of official position; if the value of the obtained property gain exceeds 1,500,000.00 dinars; criminal offence of trafficking in human beings (for forms referred to in Article 388, paragraphs 1, 5 and 7 of the Criminal Code); the criminal offence of establishing a slave relationship and transporting a person in a slave relationship if it was committed against a minor and the criminal offence of accepting bribes.

Certificate of the Special Department of the High Court in Belgrade for Organised Crime confirming that the legal entity or entrepreneur has not been convicted of any of the following criminal offences: criminal offences of organised crime; the criminal offence of association for the purpose of committing criminal offences; criminal offense of abuse of official position, trading in influence, accepting bribes and giving bribes if the defendant or the person to whom the bribe is given is an official or responsible person performing a function based on election, appointment or appointment by the National Assembly, President, General Session of the Supreme Court of Cassation, the High Judicial Council or the State Prosecutors’ Council; criminal offenses against the economy, if the value of property exceeds 200,000,000 dinars, or if the value of public procurement exceeds 800,000,000 dinars for: criminal offence of abuse in connection with public procurement, criminal offence of accepting bribes in performing economic activities, criminal offence of giving bribery in performing economic activity, criminal offense of fraud in performing economic activity, criminal offence of abuse of position of a responsible person, criminal offense of money laundering - if the property subject to money laundering originates from all the above criminal offences; the criminal offence of public incitement to commit terrorist acts; the criminal act of terrorist financing; the criminal act of terrorism; the criminal act of recruitment and training for terrorist acts and the crime of terrorist association. 4) Certificate of the Special Department of High Courts in Belgrade, Novi Sad, Niš and Kraljevo for the Suppression of Corruption, confirming that the legal entity or entrepreneur has not been convicted of any of the following criminal offences: bribery in the course of economic activity; the criminal offence of bribery in the performance of economic activity; the criminal offence of abuse in connection with public procurement; the criminal offence of fraud in the performance of economic activity; the criminal offence of abuse of the position of a responsible person and the criminal offence of money laundering.

Legal representatives and natural persons:

1) Excerpt from the criminal records, i.e., the certificate of the competent police administration of the Ministry of the Interior, which confirms that the legal representative or natural person has not been convicted of the following criminal offences:

(1) a criminal offence committed as a member of an organised criminal group and a criminal offense of association for the purpose of committing criminal offences;

2) criminal offence of abuse of position of a responsible person, criminal offence of abuse in connection with public procurement, criminal offence of accepting bribes in performing economic activities, criminal offence of giving bribes in performing economic activities, criminal offence of abuse of official position, criminal offence of trading in influence, criminal offence of bribery and the crime of bribery; the criminal offence of fraud, the criminal offence of unjustified acquisition and use of credit and other benefits, the criminal offence of fraud in the performance of economic activity and the criminal offence of tax evasion; the criminal offence of terrorism, the criminal offence of public incitement to commit terrorist acts, the criminal offence of recruitment and training for the commission of terrorist acts and the criminal offence of terrorist association; the criminal act of money laundering, the criminal offence of terrorist financing; the criminal offence of trafficking in human beings and the criminal offence of establishing a slave relationship and transporting persons in a slave relationship.

The request can be submitted according to the place of birth or the place of residence of the legal representative or natural person.

If the bidder has several legal representatives, the bidder is obliged to submit evidence for each of them.

The economic operator established in another state: If the economic operator has its registered office in another state, the Contracting Authority shall accept the excerpt from the criminal record or other appropriate register or, if this is not possible, the relevant document of the competent judicial or administrative body in the state of the economic operator, i.e., in the state whose citizen he/she is. If the said evidence is not issued in the country in which the business operator is established, or in the country of which the person is a citizen, or if the evidence does not include all data regarding the lack of grounds for exclusion, the business entity may submit its written statement criminal and material liability, certified before a judicial or administrative body, notary public or other competent body of that state, in which it is stated that there are no stated grounds for exclusion of the economic operator.

**3.1.2.** **Taxes and contributions**

**Legal basis:**

Article 111, paragraph 1, item 2) of the PPL.

The contracting authority/entity is obliged to exclude the economic operator from the public procurement procedure if item 2 the economic operator does not prove that it has paid due taxes and contributions for compulsory social insurance or that it has been granted a deferral of debt payment by a binding agreement or resolution, in accordance with special regulation, including all accrued interest and fines.

**Method of proving the fulfilment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfilment of the criteria for qualitative selection of the economic operators, which confirms that there is no ground for exclusion.

Prior to making a decision in the public procurement procedure, the contracting authority is obliged to request from the bidder who submitted the most economically favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic operator.

It is considered that the economic operator that is entered in the register of bidders has no grounds for exclusion from Article 111, paragraph 1, item 2) of the Law on Public Procurement.

The absence of this ground for exclusion is proved by the following evidence:

1) confirmation by the competent tax authority that the bidder has paid due taxes and contributions for compulsory social insurance or that it has been granted a deferral of debt payment, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation.

2) confirmation by the competent tax authority of the local self-government body that the bidder has settled the due obligations of public revenues or that it has been granted a deferral of debt payment, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation.

A legal entity that is in the process of privatisation, instead of the evidence referred to in items 1) and 2), shall enclose a certificate from the competent authority that it is in the process of privatisation.

If the economic operator has its registered office in another state as proof that there are no grounds for exclusion from Article 111, paragraph 1, item 2) of this Law, the Contracting Authority shall accept the certificate of the competent authority in the state of the economic operator’s registered office. If the said evidence is not issued in the country in which the business operator is established, or in the country of which the person is a citizen, or if the evidence does not include all data regarding the lack of grounds for exclusion, the business entity may submit its written statement criminal and material liability, certified before a judicial or administrative body, notary public or other competent body of that state, in which it is stated that there are no stated grounds for exclusion of the economic operator.

**3.1.3.** **Obligations in the field of environmental protection, social and labour law**

**Legal basis:**

Article 111, paragraph 1, item 3) of the PPL.

The contracting authority/entity is obliged to exclude the economic operator from the public procurement procedure if it determines that the economic operator in the period of the previous two years from the expiration of the deadline for submission of bids, i.e., applications, violated obligations in the field of environmental protection, social and labour law, including collective agreements, and in particular the obligation to pay contracted wages or other mandatory payments, including obligations in accordance with the provisions of international conventions listed in Annex 8 of the Law on Public Procurement.

Method of proving the fulfilment of the criteria:

The economic operator is obliged to compile and submit an application through the Portal on the fulfilment of the criteria for qualitative selection of the economic operators, which confirms that there is no ground for exclusion. The absence of this ground for exclusion is established by the contracting authority.

**3.1.4.** **Conflict of interest**

**Legal basis:**

Article 111, paragraph 1, item 4) of the PPL.

The contracting authority/entity is obliged to exclude the economic operator from the public procurement procedure if item 4 there is a conflict of interest, in terms of the Law on Public Procurement, which cannot be eliminated by other measures.

**Method of proving the fulfilment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfilment of the criteria for qualitative selection of the economic operators, which confirms that there is no ground for exclusion. The absence of this ground for exclusion is established by the contracting authority.

**3.1.5.** **Undue influence on the procedure**

**Legal basis:**

Article 111, paragraph 1, item 5) of the PPL.

The contracting authority/entity is obliged to exclude the economic operator from the public procurement procedure if it determines that the economic operator has undertaken to unduly influence the decision-making process of the contracting authority/entity or obtain confidential information that may confer upon it undue advantage in the public procurement procedure or to has provided misleading information that may have effect on decisions concerning the exclusion of economic operator, the selection of an economic operator or the award of a contract.

**Method of proving the fulfilment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfilment of the criteria for qualitative selection of the economic operators, which confirms that there is no ground for exclusion. The absence of this ground for exclusion is established by the contracting authority.

**Note:** *The contracting authority is not obliged to use the grounds for exclusion prescribed by Article 112 of the* Law*, but if it uses them it is obliged to state them in the documentation and to exclude the economic operator from the public procurement procedure if in any way at any time of the procedure it determines that there are grounds for exclusion.*

**3.2 CRITERIA FOR SELECTION OF A BUSINESS OPERATOR**

**3.2.1.** **Technical and professional capacity**

**3.2.1.1.** **List of services provided**

**Legal basis:**

Article 117, paragraph 1 of the PPL

The contracting authority may set requirements ensuring that economic operators possess the necessary human and technical resources and experience necessary to perform the public procurement contract to an appropriate quality level, and may require, in particular, that economic operator has sufficient experience in terms of contracts performed in the past.

Conditions:

That the business entity, in the previous three (3) years before the deadline for submission of bids, has created project documentation for the interior of at least three buildings, with a minimum area of ​​6,000 m2 for each building separately. Of these, at least one design service should be performed for a healthcare facility (minimum area of ​​6,000m2).

**Method of proving the fulfilment of the criteria:**

The business operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the business entity, which confirms that it meets this criterion for the selection of the business operator. In the statement, it is necessary for the bidder to state the following:

* name of the contracting authority,
* the date of conclusion of the contract and the time of performance of the service,
* project name:
* - which object was the subject of the project,
* the area of ​​the subject that was the subject matter of the project.

Prior to making a decision in the public procurement procedure, the contracting authority is obliged to request from the bidder who submitted the most economically favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic operator.

* A signed confirmation from the contracting authority, in which the following information must be specified:
* name of the contracting authority
* the date of conclusion of the contract and the time of performance of the service,
* name and brief description of the project
* which facility was the subject of the project,
* the area of ​​the subject that was the subject matter of the project.
* whether the selected tenderer prepared the technical documentation within the agreed period and in accordance with all the contracting authority's requirements
* the contracting authority’s contact person, its e-mail and contact phone number.

**3.2.1.2.** **Educational and professional qualifications**

**Legal basis:**

Article 117, paragraph 1 of the PPL

The contracting authority may set requirements ensuring that economic operators possess the necessary human and technical resources and experience necessary to perform the public procurement contract to an appropriate quality level, and may require, in particular, that economic operator has sufficient experience in terms of contracts performed in the past.

Condition:

That the business entity has the necessary personnel capacity, i.e. that it has at least 4 persons with a valid license 300 (responsible designer of architectural projects, arrangement of free spaces and internal installations of water supply and sewerage) in employment or engaged on another basis in accordance with the valid Labor Law, of whom at least 1 person must have a personal reference that in the last 15 years before the deadline for submitting bids, he has created (alone or in a team) project documentation for the interior of a healthcare facility.

**Method of proving the fulfilment of the criteria:**

The business operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the business entity, which confirms that it meets this criterion for the selection of the business operator. In the statement, it is necessary to state the names and surnames of all 4 persons engaged in work, for each of them, state which license they have, as well as which of them has a personal reference that in the last 15 years before the deadline for submitting bids, they participated in the creation of project documentation for the interior of a health facility.

If the offer is submitted by a group of bidders or with the participation of subcontractors, the required personnel capacity can be proved together, with the fact that in the statement each participant should state which of the required capacities they fulfil and prove.

Prior to making a decision in the public procurement procedure, the contracting authority is obliged to request from the bidder who submitted the most economically favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting:

1. a copy of the employment contract and the corresponding individual M forms, which confirm the application, change or de-registration for mandatory social insurance - for persons employed by the bidder;
2. a copy of the contract for work outside the employment relationship (agreement on performing temporary and casual work, work contract, contract on additional work, etc.) - for persons hired through a contract outside the employment relationship or another contract that is the legal basis of engagement. In this case, a contract with a “suspensive condition” is also allowed, which implies that engagement and payment to those persons will occur if the tenderer is awarded the contract on the public procurement in question;
3. a copy of personal licenses for all persons, which must be valid;
4. for the person who proves a personal reference, submit a signed confirmation from the contracting authority in which the following information is mandatory:

* name of the contracting authority
* the date of conclusion of the contract and the time of performance of the service,
* name and brief description of the project
* which facility was the subject of the project,
* the name and surname of the person who, as a designer, participated in the preparation of the documentation
* the contracting authority’s contact person, its e-mail and contact phone number.

If the offer is submitted by a group of bidders or with the participation of subcontractors, the required personnel capacity is proved together.

**3.2.1.3.** **Tools, operating or technical equipment**

**Legal basis:**

Article 117, paragraph 1 of the PPL

The contracting authority may set requirements ensuring that economic operators possess the necessary human and technical resources and experience necessary to perform the public procurement contract to an appropriate quality level, and may require, in particular, that economic operator has sufficient experience in terms of contracts performed in the past.

Condition:

The business entity must have the following software:

- licensed software of the Windows operating system or similar - a minimum of 4 licences;

- licensed software for creating graphic documentation (AutoCAD, AutoCad light, Brisc or similar) - minimum 4 licenses;

- licensed software for creating 3D graphic documentation (Revit or similar) - minimum 4 licenses.

**Method of proving the fulfilment of the criteria:**

The business operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the business entity, which confirms that it meets this criterion for the selection of the business operator. In the statement, it is necessary to state which licensed software it owns.

Prior to making a decision in the public procurement procedure, the contracting authority is obliged to request from the bidder who submitted the most economically favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting:

* a copy of valid licences for all required software.

If the offer is submitted by a group of bidders or with the participation of subcontractors, the required technical capacity is proved together.

Note: *The contracting authority can determine other criteria for the selection of a business entity that are logically related to the subject of procurement in accordance with Art. 114-117 of the* Law*.*

**4.** **DATA REGARDING THE CRITERIA FOR AWARDING THE CONTRACT**

**AWARD OF PUBLIC PROCUREMENT CONTRACT**

In the public procurement procedure, the Purchaser awards the contract to the most economically advantageous offer based on the ratio of the offered price and quality based on the following criteria:

|  |  |
| --- | --- |
| Criterion | Number of weightings |
| Price | 70 |
| Criterion of personnel quality | 30 |
| Total | 100 |

When calculating the number of weights (weighting), the Contracting Authority will take into account only those bids that after examination and expert evaluation were not rejected as unacceptable.

**PRICE**

An offer according to this criterion can achieve a maximum of 70 weightings.

The number of weights according to this criterion is calculated according to the following formula

C= (Cn/Cp)\*70

P - Achieved number of weights for the offered price

Pl - The lowest offered price in the public procurement procedure

Po - The price of the offer that is the subject of the evaluation

**CRITERION OF PERSONNEL QUALITY**

An offer according to this criterion can achieve a maximum of 30 weightings, as follows:

1. Experience in creating project documentation for interiors - max. 18 weights

Bearing in mind that within the criteria for the selection of a business entity (personnel capacity) there is a requirement that one (1) out of four (4) required engineers must have experience in creating design documentation for the interior of a health facility, here only the experience of the other 3 is scored engineer, as follows:

|  |  |
| --- | --- |
| One (1) engineer has a personal reference that in the last 15 years, before the deadline for submitting bids, he created (alone or in a team) project documentation for the interior of a healthcare facility | 6 weightings |
| Two (2) engineers have personal references that in the last 15 years before the deadline for submitting bids, they created (alone or in a team) project documentation for the interior of health facilities | 12 weightings |
| Three (3) engineers have personal references that in the last 15 years before the deadline for submitting bids, they created (alone or in a team) project documentation for the interior of health facilities | 18 weightings |

Along with the offer, it is necessary to submit the following evidence for evaluating this criterion:

* CV of the engineer, from which you can undoubtedly see what references that person has in the preparation of project documentation for the interior of health facilities;
* Signed confirmations from the interior project purchasers, in which the following information must be specified:
* name of the contracting authority
* the date of conclusion of the contract and the time of performance of the service,
* name and brief description of the project
* which facility was the subject of the project,
* the name and surname of the person who, as a designer, participated in the preparation of the documentation
* the contracting authority’s contact person, its e-mail and contact phone number.

1. Years of work experience as an engineer - max. 12 weightings

The years of work experience of all four (4) engineers are scored here. Only the number of years of work experience engineers have in the field of interior design is taken into account.

Along with the offer, it is necessary to submit the following evidence for evaluating this criterion:

* CV of the engineer, from which you can undoubtedly see how many years of work experience in the field of interior design that person has;
* Signed confirmations from the interior project purchasers, in which the following information must be specified:
* name of the contracting authority
* the date of conclusion of the contract and the time necessary for the performance of the service.
* name and brief description of the project
* the name and surname of the person who, as a designer, participated in the preparation of the documentation
* the contracting authority’s contact person, its e-mail and contact phone number.

Scoring is done as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | < 5 years | From 5 to 10 years | >10 years, but  ≤ 15 years | >15 years |
| First engineer | 0 weightings | 1 weighting | 2 weightings | 3 weightings |
| Second engineer | 0 weightings | 1 weighting | 2 weightings | 3 weightings |
| Third engineer | 0 weightings | 1 weighting | 2 weightings | 3 weightings |
| Fourth degree | 0 weightings | 1 weighting | 2 weightings | 3 weightings |
|  |  |  |  | Max. 12 weights |

Special note: Evidence that does not contain all required information will not be considered.

After evaluating the bids according to both criteria, the contracting authority will add up the received weights and award the public procurement contract to the bidder who achieves the highest number of weights.

Note: *Each contracting authority defines the elements of the criteria that will be scored, and which must correspond to the subject of public procurement.*

Reserve criteria on the basis of which the contract will be awarded in a situation where there are two or more bids that are equal after the application of the criteria:

In a situation where there are two or more offers with the same number of weights, the contracting authority will select the most favourable offer by choosing the offer of the bidder who offered a shorter delivery time.

Application of the draw

If, even after the application of the above-mentioned reserve criteria, it is not possible to make a decision on the award, the contracting authority will award the contract to the bidder who will be drawn by lot. The contracting authority shall notify in writing all bidders who have submitted bids of the date when the draw will take place. The draw will include only those offers that have the same overall maximum number of weightings, as well as the same deadline for service performance. The contracting authority will draw by draw in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw one paper and one in accordance with the order of the drawn names of the bidders, the ranking of bids will be performed, i.e., the bidder whose name will be on the first drawn paper will be the first ranked bidder. The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by draw.

Note: The Contracting Authority may define the draw procedure in another way.

**5.** **DATA ON THE BASIS OF WHICH THE BIDDERS PREPARE THE BID FORM**

The tender documentation contains data on the basis of which the bidders prepare the bid form, which contains the following data:

1) general data on the bidder, i.e., each bidder from the group of bidders, as well as subcontractors (business name or abbreviated name from the appropriate register, registered office address, identification number and tax identification number, contact, etc.);

2) the validity period of the bid expressed in the number of days from the day of bid opening, which may not be shorter than 30 days;

(3) subject matter of public procurement,

4) price and other criteria for awarding the contract, which can be expressed numerically;

5) other procurement requirements, which the contracting authority considers relevant for the conclusion of the contract and which can be expressed numerically;

6) data on the part of the contract that the bidder will entrust to the subcontractor (by subject or in quantity, value or percentage), data on the subcontractor, as well as data that the contracting authority will make payments directly to the subcontractor, in case the subcontractor requests direct payment of due receivables;

7) a statement of integrity by which the bidder confirms under full material and criminal responsibility that it submitted its bid independently, without agreement with other bidders or interested persons and to guarantee the accuracy of the data in the bid.

Note: The bid form is automatically formed on the Portal based on the data entered by the contracting authority in step: Criteria for contract award and other procurement requirements.

**6.** **DATA ON THE BASIS OF WHICH THE BIDDERS PREPARE THE FORM OF THE STATEMENT ON FULFILLMENT OF THE CRITERIA FOR QUALITATIVE SELECTION OF THE ECONOMIC OPERATOR**

The form of the statement on the fulfilment of the criteria for the qualitative selection of the economic operator is automatically formed on the Portal on the basis of the data entered by the contracting authority in the step: Criteria for qualitative selection of the economic operator.

The portal automatically forms part of the tender documentation: Criteria for qualitative selection of an economic operator and instructions on how to prove the fulfilment of these criteria, and

If the bid is submitted by a group of economic entities, a separate statement of each member of the group of economic entities shall be submitted in the bid, which shall contain data for the relevant capacities of the group member.

If an economic operator intends to entrust a part of the contract to a subcontractor or use the capacities of other entities, it is obliged to submit a separate statement for the subcontractor, i.e., the entity whose capacities it uses, containing data on the relevant capacities of the subcontractor or other entity it intends to use.

The economic operators shall state in the statement on the fulfilment of the criteria the issuers of evidence on the fulfilment of the criteria for qualitative selection of the economic operator and state that they will be able to submit that evidence to the contracting authority upon request and without delay.

In the statement on fulfilment of the criteria, the economic operator may state data on the internet address of the database, all necessary identification data and statement of consent, through which evidence can be obtained, i.e., inspect the evidence on fulfilment of the criteria for qualitative selection of the economic operator.

**7.** **OFFERED PRICE STRUCTURE FORM**

The bidder is obliged to fill in all the items from

form of the structure of the offered price

|  |  |  |
| --- | --- | --- |
| **Description:** | **Total offered price for the creation of project documentation,**  **in RSD**  **without VAT** | **Total offered price for the creation of project documentation,**  **in RSD**  **with VAT** |
| **1.** | **2.** | **3.** |
| The service of creating project documentation for the interior of a healthcare centre |  |  |

Instructions for filling out the offer form:

In column 2 - enter the total price (without VAT)

In column 3 - enter the total price (with VAT)

**8.** **OFFER PREPARATION COSTS FORM**

Pursuant to Article 138 of the Law, the bidder [insert name] shall submit the total amount and structure of costs of bid preparation, as follows in the table:

|  |  |
| --- | --- |
| COST TYPE | AMOUNT OF COST IN RSD |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| TOTAL AMOUNT OF BID PREPARATION COSTS |  |

Note:

The costs of preparation and submission of the bid shall be borne exclusively by the bidder and may not require reimbursement of costs from the Contracting Authority. If the public procurement procedure is suspended due to reasons on the part of the Contracting Authority, the Contracting Authority shall reimburse the bidder for the costs of making the sample or model, if they were made in accordance with the technical specifications of the Contracting Authority and the costs of obtaining security, provided that the bidder in its offer asked for compensation of such costs.

Submission of this form is optional.

**9.** **CONTRACT MODEL**

CONTRACTING AUTHORITY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

seated in ............................................, at \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Street.

TAX ID: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; Identification number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as: Contracting Authority)

and

BIDDER:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

with registered office in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, tax identification number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Account number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Name of the bank:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Phone:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ E-mail address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as: Service Provider),

Enter into

PUBLIC PROCUREMENT CONTRACT

PROJECT DOCUMENTATION CREATION SERVICES FOR INTERIOR

HEALTH FACILITY

PP NO. \_\_\_\_\_\_\_\_\_\_\_

THE CONTRACTING PARTIES AGREE THAT:

- The contracting authority conducted an open public procurement procedure for the design documentation for the interior of the health facility, JN no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

The supplier submitted the Offer, number \_\_\_\_\_\_\_, in all respects in accordance with the Tender documentation.

- The contracting authority awarded the contract to the Service Provider, based on the Decision on awarding the contract, number \_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in accordance with the Law on Public Procurement (Official Gazette of the Republic of Serba”, Nos. 91/2019, 92/2023).

SUBJECT-MATTER OF THE AGREEMENT

Article 1

The subject matter of this contract is the procurement of Services for the creation of project documentation for the interior of a health facility, in all respects according to the Technical Specification contained in the Tender Documentation (hereinafter referred to as: Technical Specification) and the adopted Service Provider's Offer (hereinafter referred to as the contract: Offer of the Service Provider), which are an integral part of this contract.

*Note:* *Article 2 is changed or deleted, depending on the selected offer*

Article 2

In the event that the Service Provider hires subcontractors, he is responsible to the Contracting Authority for their performance, as if it had performed it itself.

If the Service Provider acts as an authorised representative of the Group of Bidders, the members of the group are jointly and severally liable to the contracting authority for the execution of the contracted work.

In accordance with the Offer, the Service Provider will partially entrust the implementation of the Agreement to:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (indicate the name and headquarters of each engaged subcontractor, i.e., a member of a group of bidders if the Service Provider participated in the Offer with subcontractor/s, i.e., as a group of bidders), and that is for works-parts of the offer

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the case of entrusting the payment of part of the contract to a subcontractor, the payment is made as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

In the case of entrusting the payment of part of the contract to a participant in a joint offer, the payment is made as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

PRICE

Article 3

The total value of the services referred to in Article 1 of this contract is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dinars without VAT, that is, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dinars with VAT.

All costs incurred by the Service Provider during the implementation of the contract are included in the total price.

The agreed price is fixed and cannot be changed.

TERMS AND METHOD OF PAYMENT

Article 4

The contracting authority undertakes to pay the agreed price, including VAT, to the Service Provider after the entire service has been performed, by payment to the Service Provider's current account no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which is kept at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, within 45 days from the date of receipt of the invoice.

The service provider is obliged to issue an invoice in accordance with the provisions of the Law on Electronic Document, Electronic Identification and Trust Services in Electronic Business ("Official Gazette of the Republic of Serba”, Nos. 94/2017 and 52/2021).

The created and registered invoice is delivered via the e-invoice system (SEF) in electronic form to the e-mail address of the contracting authority.

Obligations that are due in the next budget year will be implemented at most up to the amount of funds that will be approved for that purpose in that budget year, in accordance with Article 7 of the Decree on the criteria for determining the nature of expenditures and the conditions and method of obtaining consent for the conclusion of certain contracts that due to the nature expenditures require payment in several years (“Official Gazette of the Republic of Serbia”, Nos. 21/14 and 18/2019).

If the performance of a part of the contract is entrusted to a subcontractor, and no direct payment to the subcontractor is provided for in accordance with Article 131, paragraph 5 of the PPL, the Service Provider is obliged to submit proof and a statement from the subcontractor that he has paid the subcontractor his claims within 60 days of making the payment by the Contracting Authority to the Service Provider.

OBLIGATIONS OF THE SERVICE PROVIDER AND DEADLINES

Article 5

The service provider is obliged to prepare the project documentation for the interior of the health facility within \_\_\_\_\_\_\_\_ calendar days (it cannot be longer than 100 days) from the day the supplier received the written invitation from the Contracting Authority to start the preparation of the interior project documentation.

Article 6

If, after the conclusion of this contract, circumstances of force majeure occur that lead to the hindrance or impossibility of the performance of the obligations defined in the contract, the deadlines for the performance of the obligations will be extended for the duration of the force majeure.

Force majeure means extreme and extraordinary events that cannot be foreseen, which occurred without the will and influence of the contracting parties and which could not be prevented by the party affected by force majeure. Floods, earthquakes, fires, political events (war, large-scale riots, strikes) and the like can be considered force majeure.

The contracting party affected by force majeure shall immediately notify the other contracting party in writing of the occurrence of unforeseen circumstances and submit appropriate evidence.

If there are possibilities, the contracting authority and the Service Provider will set a new deadline, which they will draw up in an Annex to the contract in accordance with the Law on Public Procurement.

If the state of impossibility continues for more than 5 days, the contracting parties will jointly decide on the fate of the contract, including the possibility of its termination.

Article 7

After delivery, the Contracting Authority is obliged to review the documentation.

If the Contracting Authority has objections, it is obliged to inform the Service Provider in writing about it, who is obliged to correct the objections and submit the corrected documentation to the Contracting Authority.

Article 8

The service provider undertakes to perform the service that is the subject of this contract professionally and with high quality, at a high professional level, within the agreed period, in accordance with the offer, norms, standards and technical regulations that apply to this type of work, with its own equipment and workforce.

FINANCIAL SECURITY INSTRUMENTS

Article 9

The service provider is obliged to hand over to the Contracting Authority, as a means of financial security, at the time of concluding the Agreement:

- Blank solo promissory note for good performance, signed and certified by a person authorised for representation and registered;

- Bill of exchange authorisation that a bill of exchange in the amount of 10% of the total contracted price without VAT, without the consent of the Service Provider, can be submitted for collection within a period that lasts 30 days longer than the fulfilment of the contractual obligations;

- Certificate of bill of exchange registration;

- A copy of the card of signatures deposited with the bank, on which the deposited signature and seal of the Service Provider are clearly visible, certified by the bank's seal with a date of certification not older than 30 days, from the date of conclusion of the contract.

The signature of the authorised person on the bill of exchange and the bill of exchange authorisation must be identical to the signature in the card of deposited signatures.

The contracting authority can collect a promissory note for good performance in the event that the service provider does not perform contractual obligations under the agreed conditions, in the agreed manner and within the agreed deadlines.

VALIDITY OF THE CONTRACT

Article 10

The contract is concluded on the day of signing by both contracting parties and the handing over of financial security by the Service Provider.

The contract lasts until the final performance of the services in question.

Each of the contractual parties can unilaterally terminate the Agreement in the event that the other party does not fulfil or fails to fulfil its obligations under the Agreement in a timely manner.

Upon termination of the Agreement, the contractual party is obliged to notify the other contractual party in writing.

The contract will be considered terminated after the expiration of a period of 15 days, from the day of receipt of the written notice of termination of the contract.

Article 11

Claims from this contract cannot be assigned to other legal or physical persons, nor can a lien be established on them, that is, they cannot be used in any other way as a means of security against third parties.

FINAL PROVISIONS

Article 12

The contracting parties undertake to resolve anything that is not regulated by this Agreement shall be subject to applicable regulations in the field of planning and construction, energy and provisions of the Law on Contract and Torts (“Official Herald of the Socialist Federal Republic of Yugoslavia”, Nos. 29/78, 39/85, 45/89 – decision of the Constitutional Court of Yugoslavia and 57/89, “Official Herald of the Federal Republic of Yugoslavia”, No. 31/93, and “Official Herald of Serbia and Montenegro”, No. 1/2003 - Constitutional Charter and “Official Gazette of the Republic of Serbia” No. 18/2020).

The contractors agree to settle all possible disputes arising from this contract amicably, and if no agreement is reached, they agree that the competent commercial court will be the seat of the Contracting Authority.

Article 13

This contract is drawn up in 4 (four) identical copies, of which 3 (three) copies are retained by the Contracting Authority, and one copy by the Service Provider.

SERVICE PROVIDER CONTRACTING AUTHORITY

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Note: *A public procurement contract may be concluded in electronic form, in accordance with the law governing electronic documents and the law governing electronic signatures.*

*The contract model is the basis for determining the clauses of the contract that will be concluded with the most favourable bidder.* *It will be modified in accordance with the accepted Offer and, in this sense, certain clauses will be subsequently refined, which will regulate the required conditions from the invitation to submit an offer and the Tender documentation.* *This contract model is an integral part of the tender documentation, the bidder does not submit it in its offer, but he is obliged to confirm when filling out the electronic offer on the Public Procurement Portal that he is familiar with the content and that it accepts the contract model concerned.*

# **10.** **INSTRUCTION TO BIDDERS ON HOW TO PREPARE AN OFFER**

**Data on the contracting authority**

|  |  |
| --- | --- |
| Contracting Authority: | (Portal withdraws the stated data) |
| Tax identification number (TIN): | (Portal withdraws the stated data) |
| Address: | (Portal withdraws the stated data) |
| Website: | (Portal withdraws the stated data) |

# **Basic information about the procedure**

|  |  |
| --- | --- |
| Name of the procedure: | The service of creating project documentation for the interior of a healthcare centre |
| Reference number: | (Portal withdraws the stated data) |
| Type of procedure: | Open procedure |
| Type of procurement subject matter: | Services |
| Description: | (Portal withdraws the stated data) |
| Deadline for submission: | (Portal withdraws the stated data) |

**Characteristics of the public procurement procedure** (instruments and techniques) (if applicable)

# **Description of subject matter / lot**

The service of creating project documentation for the interior of a healthcare centre

# **Procurement description:**

(Portal withdraws the stated data)

The Contracting Authority defined the criteria for awarding the contract based on:

(Portal withdraws the stated data)

Method of ranking acceptable bids:

(Portal withdraws the stated data)

# **Electronic communication and data exchange on the Public Procurement Portal**

Electronic communication is required in the procedure.

The offer is submitted through the Public Procurement Portal in the manner described in this instruction.

The user interested in the public procurement procedure communicates with the Contracting Authority exclusively through the Public Procurement Portal.

The user of the Public Procurement Portal may be interested in the published public procurement procedure by downloading the tender documentation or indicating his interest.

The documentation in this public procurement procedure on the Public Procurement Portal can be accessed on the procedure website:

https://jnportal.ujn.gov.rs/

Actions in the public procurement procedure that you can carry out on that page of the procedure:

# sending a request for additional information or clarification regarding the procurement documentation as well as pointing out to the contracting authority any deficiencies and irregularities in the procurement documentation

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1246/Zahtev-za-dodatnim-informacijama-ili-poja%C5%A1njenjima-u-vezi-sa-dokumentacijom-o-nabavci)

* forming a group of bidders

see the general user manual for the Portal

* preparation and submission of bid

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1271/Priprema-i-podno%C5%A1enje-ponuda-i-prijava-putem-Portala)

# filling in the e-Statement on fulfilment of the criteria for qualitative selection of the economic operator

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1280/e-Izjava-o-ispunjenosti-kriterijuma-za-kvalitativni-izbor-privrednog-subjekta)

* assignment of the right to a procedure (to a person in a business operator)

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1284/Dodela-prava-na-postupak-%E2%80%93-ponu%C4%91a%C4%8Di)

# sending a request for protection of rights

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1352/e-Zahtev-za-za%C5%A1titu-prava)

* granting authorisation to the proxy for representation in the procedure of protection of rights

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1349/Punomo%C4%87nik-u-postupku-za%C5%A1tite-prava)

An economic operator may request additional information or clarifications from the Contracting Authority regarding the procurement documentation through the Public Procurement Portal, and may indicate to the Contracting Authority if it considers that there are deficiencies or irregularities in the procurement documentation, no later than 8 (data specified by the Contracting Authority) before the submission deadline.

# **Email inbox in the procedure**

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1220/Sandu%C4%8De)

The user interested in the procedure during the public procurement procedure receives the following information via the e-mail box on the Portal:

* Changes to the tender documentation
* Additional information or clarifications regarding procurement documentation
* Modifications to the electronic catalogue
* Award / suspension decision
* Public procurement notices published

The user or economic operator that participates in the procedure through the mailbox through the Portal receives:

* Confirmation of successfully submitted bid/application
* Confirmation of successfully submitted amendment/supplement to the bid
* Confirmation of revocation of bid
* Invitation to submit bids
* Invitation to participate in the e-auction
* Minutes on the opening of bids

The user also receives copies of messages to the e-mail address with which he/she registered on the Portal.

# **Preparation and submission of bid**

The economic operator makes a bid/application on the Public Procurement Portal according to the structure and content defined by the Contracting Authority during the preparation of the public procurement procedure on the Portal.

The economic operator submitting the bid must be registered on the Portal with at least one, and preferably more users (or user accounts).

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1291/Upravljanje-podacima-o-organizaciji-i-korisni%C4%8Dkim-nalozima-%E2%80%93-ponu%C4%91a%C4%8Di)

A bidder who has submitted a bid independently may not participate in a joint bid or as a subcontractor at the same time, nor may the same person participate in several joint bids.

The bidder may submit only one bid, except in the case when the submission of a bid with variants is allowed or required.

A detailed instruction on preparing an offer via the Portal:

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1276/Priprema-i-podno%C5%A1enje-ponude-u-otvorenom-postupku)

**Deadline for submission of bids**: (Portal withdraws the stated data)

**Offers may be submitted:** Serbian (information provided by the contracting authority)

In the offer form, the offeror must confirm with a declaration of integrity under full material and criminal responsibility that he submitted his offer independently, without agreement with other offerors or interested parties and guarantee the accuracy of the data in the offer.

# **Preparation and submission of a joint offer**

On the public procurement procedure page on the Portal, a business entity can create a group of business entities (bidders) in order to submit a joint offer.

A member of a group of business entities submitting a bid must be authorized to submit a joint bid on behalf of the group. Authorisation to submit a bid on behalf of a group of economic operators, members of the group give through the Public Procurement Portal. All members of the group should be registered users of the Public Procurement Portal.

More about forming a group of economic operators:

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1272/Formiranje-grupe-ponu%C4%91a%C4%8Da-i-podno%C5%A1enje-ponude-u-ime-grupe-ponu%C4%91a%C4%8Da)

The offer is prepared and submitted by a group member authorised to submit a joint offer on behalf of a group of business entities.

In the case of a joint offer, data on group members are part of the offer form.

When filling in the bid form of a group of bidders on the Public Procurement Portal, the value or percentage of the procurement value and the subject or quantity of the procurement subject to be performed by each member of the group according to the agreement should be stated.

All members of the group of economic operators should fill in the Statement on fulfilment of the criteria for qualitative selection of the economic operator.

# **Preparing a bid with a subcontractor**

If the bid includes subcontractors, they should be registered users of the Public Procurement Portal, but they should not give consent to the business entity for submitting a bid through the Portal.

An economic operator that intends to entrust the execution of part of the contract to a subcontractor, is obliged to state for each individual subcontractor:

1. data on the subcontractor (name of the subcontractor, address, identification number, tax identification number, name of the contact person).
2. information on the part of the contract that will be entrusted to the subcontractor (by subject matter or in quantity, value or percentage).
3. data whether the subcontractor requires the Contracting Authority to pay to it directly the due claims for the part of the contract which he has executed.

The economic operator is obliged to submit a Statement of compliance with the criteria for qualitative selection of the economic operator for each subcontractor in the bid.

# **Preparation of documents within the offer**

The business entity uploads the offer documents according to the defined structure. Supported formats and sizes of documents are prescribed by the Instructions for the use of the Public Procurement Portal. In case an individual document exceeds the size provided on the Public Procurement Portal, it is recommended to use document compression or divide the document into smaller parts and upload smaller and/or compressed documents to the Public Procurement Portal.

Documents that are uploaded as part of the offer may not be encrypted by the business entity. The Public Procurement Portal encrypts bids and their parts and keeps the content of bids/applications secret, as well as information on the identity of the economic operator until the date and time of bid opening.

The economic operator may prepare, upload to the Portal (Procedure Page Bids or Applications Preparation of documentation) documents that it intends to submit within the bid.

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1276/Priprema-i-podno%C5%A1enje-ponude-u-otvorenom-postupku?anchor=7.-u%C4%8Ditajte-dokumente-koje-prila%C5%BEete-uz-ponudu)

# **The contracting authority requires that the bidder attach the following documents in its offer:**

# Bid form;

* Offered price structure form;
* Statement on fulfilment of criteria for qualitative selection of economic operator (SFC);
* Evidence for the criteria for awarding the contract - quality of staff, if the bidder has them, namely:
* CV of the engineer, from which you can undoubtedly see what references in the preparation of project documentation for the interior of health facilities that person has, as well as how many years of work experience in the field of interior design that person has;
* Signed confirmations from the interior project purchasers, in which the following information must be specified:
* name of the contracting authority
* the date of conclusion of the contract and the time of performance of the service,
* name and brief description of the project
* which facility was the subject of the project,
* the name and surname of the person who, as a designer, participated in the preparation of the documentation
* the contracting authority’s contact person, its e-mail and contact phone number.
* Bid bond: blank promissory note, signed with original signature (not facsimile), which must be recorded in the Register of Bills of Exchange and authorisations of the National Bank of Serbia (signed by an authorised person), promissory note authorisation - letter with clauses “no protest” and signed by an authorised person and with the indicated amount of 3% of the total value of the offer without VAT), certificate of registration of the bill (listing from the NBS website, as proof that the bill is registered), copy of the card of deposited signatures commercial banks specified in the bill of exchange authorization - letter) and a copy of the certified OP form;

The economic operator shall submit the bid bond in accordance with Article 45, paragraph 4 of the Law, within the deadline for submission of bids.

With each requested document, the economic operator can upload more documents, if the document consists of several parts.

When uploading documents to the Public Procurement Portal, the economic operator on the Portal indicates whether a particular bid document is confidential (in accordance with Article 38 of the Law on Public Procurement), it states the legal basis on which the documents are marked confidential and explains the reason(s) for confidentiality. If a certain document has only certain parts confidential, before uploading that document to the Portal, it is necessary for the economic operator to separate the confidential parts into a separate document, mark it confidential, and thus upload it to the Public Procurement Portal. Parts that are not confidential need to be separated into a separate document or documents and thus uploaded to the Public Procurement Portal. No part of the electronic offer/application is signed, no stamp is required and no scanning of documents is required.

# **Statement on fulfilment of criteria for qualitative selection of economic operator (SFC)**

The statement on the fulfilment of the criteria for the qualitative selection of the economic operator is filled in electronically on the Portal.

Part of the tender documentation **Criteria for qualitative selection of an economic operator with instructions** was formed through the Portal and attached to the tender documentation.

How to fill in the e-Statement via the Portal:

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1280/e-Izjava-o-ispunjenosti-kriterijuma-za-kvalitativni-izbor-privrednog-subjekta)

Filling out the Statement through the Portal, according to the defined criteria, is carried out on the procedure page under

Applications/Bids New Statement or Statements under preparation for updating the statement.

Members of the group, subcontractors or other entities whose capacities are used by the economic operator fill in each of their e-Statements, and the economic operator can download the completed e-Statement through the Portal and attach it to the bid.

# **Parts of the offer that cannot be delivered electronically**

In the event that part or parts of the bid/application cannot be submitted by electronic means via the Public Procurement Portal (see Article 45, paragraph 3 of the Law on Public Procurement), the economic operator is obliged to state the exact part or parts of the bid/application in the bid/application that are submitted by non-electronic means.

Part or parts of the bid/application that cannot be submitted by electronic means through the Public Procurement Portal shall be submitted by the economic operator to the Contracting Authority by the deadline for submission of bids/applications by mail, courier service or directly, in an envelope or box closed in a way that when opening it the Law can be determined with certainty that it is opening for the first time.

The parts of the offer that cannot be submitted by electronic means via the Public Procurement Portal are submitted by the business entity to the address:

(Portal withdraws the stated data)

With a note:

Part of the offer for public procurement: The service of creating project documentation for the interior of a healthcare centre

DO NOT OPEN

When preparing the offer on the Portal, the business entity specifies the parts of the offer that will be delivered by non-electronic means (by mail, courier service or directly).

The name and address of the economic operator should be stated on the back of the envelope or on the box. In case parts of the offer are submitted by a group of business entities, it is necessary to indicate on the envelope that it is a group of business entities and to state the names and addresses of all members of the group.

Parts of the offer are considered timely if they are received by the customer by (the Portal withdraws the specified data).

The Contracting Authority will submit an acknowledgment of receipt to the economic operator. In the acknowledgment of receipt, the contracting authority shall state the date and time of receipt.

Parts of the offer that the Contracting Authority did not receive within the deadline set for submitting offers, that is, that was received after the end of the day and hour by which offers can be submitted, will be considered untimely. Untimely part or parts of the bid/application will be returned unopened to the bidder by the contracting authority upon completion of the opening procedure, with an indication that they were submitted late.

# **Filling in the bid form**

The price is expressed in dinars, with and without VAT, including all costs incurred by the bidder in the implementation of the public procurement.

# Application of the draw

If, even after the application of the above-mentioned reserve criteria, it is not possible to make a decision on the award, the contracting authority will award the contract to the bidder who will be drawn by lot. The contracting authority shall notify in writing all bidders who have submitted bids of the date when the draw will take place. The draw will include only those offers that have the same overall maximum number of weightings, as well as the same deadline for service performance. The contracting authority will draw by draw in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw one paper and one in accordance with the order of the drawn names of the bidders, the ranking of bids will be performed, i.e., the bidder whose name will be on the first drawn paper will be the first ranked bidder. The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by draw.

Note: *The contracting authority may define the draw procedure in another way.*

**Method and deadline for payment:**

The contracting authority undertakes to pay the agreed price, including VAT, to the Service Provider after the entire service has been performed, by payment to the Service Provider's current account no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which is kept at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, within 45 days from the date of receipt of the invoice.

The service provider is obliged to issue an invoice in accordance with the provisions of the Law on Electronic Document, Electronic Identification and Trust Services in Electronic Business ("Official Gazette of the Republic of Serba”, Nos. 94/2017 and 52/2021).

The created and registered invoice is delivered via the e-invoice system (SEF) in electronic form to the e-mail address of the contracting authority.

# The bid must be valid for 30 days from the day of bid opening.

After entering all the data, the business entity generates the offer form and can review the offer data before submitting the offer.

# **Manner of amending the offer**

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1273/Ponuda-izmena-dopuna-ili-odustanak)

# **Method of revocation of offer**

# [see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1273/Ponuda-izmena-dopuna-ili-odustanak)

# Information on the type, content, manner of submission, amount and deadlines for ensuring the fulfilment of the bidder's obligations

**BID BOND:**

# The bidder undertakes to submit a blank promissory note as a means of securing the seriousness of the bid.

The blank promissory note must be registered in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia and should be signed by a person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and signed bill of exchange authorisation - letter, with “no protest” clauses, for seriousness of the bid and with the indicated amount of 3% of the total contract value without VAT and bill of exchange registration certificate (listing from NBS website, not a registration request). The bill of exchange must be accompanied by a copy of the certified OP form and a copy of the card of deposited signatures, issued by the commercial bank specified by the bidder in the bill of exchange authorisation - letter. In case of change of the person authorised to represent the bill of exchange authorisation - the letter remains in force. The signature of the authorised person on the bill of exchange and the bill of exchange authorisation - the letter must be identical to the signature or signatures from the card of deposited signatures.

Security for the seriousness of the bid - bill of exchange (or bank guarantee), bill of exchange authorisation, card of deposited signatures and OP form are submitted to the contracting authority in the manner described in this section, i.e., submitted to the contracting authority by the deadline for submission of bids/applications by mail, courier or directly, in an envelope or box, closed in such a way that it can be determined with certainty that it is being opened for the first time.

The term of validity of the financial security is a minimum of 30 (thirty) days from the day of opening the bids.

If the deadlines for the selection of bidders change during the contract award procedure, the validity of the financial security must be extended.

The bidder with whom the contract will be concluded is obliged to extend the security for the seriousness of the bid until it is replaced by the security for the fulfilment of the contractual obligations.

The Contracting Authority shall redeem the bill of exchange given with the bid if the bidder withdraws from his bid within the validity of the bid, fails to submit evidence of fulfilment of criteria for qualitative selection of economic operator in accordance with Article 119 of the Law, unreasonably refuses to conclude a contract or does not submit security for fulfilment of contractual obligations.

At the request of the bidders who are not selected, the security will be returned immediately after the conclusion of the contract with the selected bidder.

If the bidder does not submit a bill of exchange, the bid will be rejected as unacceptable.

**MEANS OF SECURITY FOR FULFILLMENT OF CONTRACTUAL OBLIGATIONS:**

The service provider is obliged to hand over to the Contracting Authority, as a means of financial security, at the time of concluding the Agreement:

- Blank solo promissory note for good performance, signed and certified by a person authorised for representation and registered;

- Bill of exchange authorisation that a bill of exchange in the amount of 10% of the total contracted price without VAT, without the consent of the Service Provider, can be submitted for collection within a period that lasts 30 days longer than the fulfilment of the contractual obligations;

- Certificate of bill of exchange registration;

- A copy of the card of signatures deposited with the bank, on which the deposited signature and seal of the Service Provider are clearly visible, certified by the bank's seal with a date of certification not older than 30 days, from the date of conclusion of the contract.

The signature of the authorised person on the bill of exchange and the bill of exchange authorisation must be identical to the signature in the card of deposited signatures.

The contracting authority can collect a promissory note for good performance in the event that the tenderer does not fulfil the contractual obligations under the agreed conditions, in the agreed manner and within the agreed deadlines.

# **Opening of offers**

Data related to the opening of bids as specified in the invitation

Date: (Portal withdraws the stated data)

Place: (Portal withdraws the stated data)

# Information on authorised persons and opening procedure:

The Contracting Authority did not exclude the public from the bid opening procedure. On the procedure page Bids Bid Opening, the bidder can follow the countdown until the opening of bids. After the Portal opens the bids, a record on the opening of bids is formed, which can be downloaded from the page of the procedure and sent to the bidders at the same time.

# **Clarifications of the offer, form and method of submitting evidence**

After opening the bids, the contracting authority may request additional explanations that will help it in reviewing, evaluating and comparing bids, and may also perform control (insight) with the bidder or its subcontractor.

Where information or documentation submitted by an economic operator is incomplete or unclear, the Contracting Authority may, while observing the principles of equality and transparency, request the tenderers or candidates to supply necessary information or additional documents within an appropriate time limit which shall not be shorter than five days.

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1308/Komunikacija-naru%C4%8Dioca-i-ponu%C4%91a%C4%8Da-nakon-otvaranja-ponuda)

# **Protection of rights**

The request for protection of rights may be submitted by an economic operator, i.e., a bidder who had or has an interest in awarding a contract in a specific public procurement procedure and who indicates that due to the contracting authority’s actions contrary to the PPL, the contract was damaged or LPP (hereinafter referred to as: the Applicant).

The request for protection of rights shall be submitted electronically via the Public Procurement Portal at the same time to the contracting authority and the Republic Commission for Protection of Rights in Public Procurement Procedures (hereinafter referred to as: Republic Commission).

# Applying for protection of rights electronically

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/1344/Za%C5%A1tita-prava-na-Portalu)

Steps:

* Enter the reference number of the request
* Data on the applicant, the Contracting Authority and the procedure for which the application is submitted are automatically withdrawn from the system
* If the applicant undertakes actions in the procedure through a proxy, it may authorise a proxy through the Public Procurement Portal
* If the request is submitted on behalf of a group of bidders, the applicant should upload the authorisation of other members of the group or an agreement which shows that it has the right to submit a request on behalf of the group.
* Define whether the request for protection of rights refers to the subject matter of procurement as a whole or to an individual lot of the subject matter of procurement (mark lots)
* Documents to download from your computer:
  + Document of the request for protection of rights (you can also upload additional documentation with the request)
  + Proof of payment of the fee

# Precise information on the deadline(s) for protection of rights

A request for protection of rights may be submitted during the entire public procurement procedure, unless otherwise specified by the PPL, and no later than ten days from the date of publication on the Public Procurement Portal of the Contracting Authority's decision terminating the public procurement procedure in accordance with the PPL. The request for protection of rights which disputes the actions of the Contracting Authority in connection with determining the type of procedure, content of the public invitation and tender documentation will be considered timely if received by the Contracting Authority no later than three days before the deadline for submission of bids or applications. The request for protection of rights challenging the actions of the Contracting Authority undertaken after the deadline for submission of bids shall be submitted within ten days from the date of publication of the Contracting Authority’s decision on the Public Procurement Portal, or from the date of receipt of the decision in cases where publication on the Public Procurement Portal is not provided. After the expiration of the deadline for submitting the request for protection of rights, the applicant may not supplement the request by stating the reasons related to the actions that are the subject of dispute in the submitted request or disputing other actions of the Contracting Authority with which he was or could be acquainted before the deadline for the protection of rights, which he did not point out in the submitted request.

The request for protection of rights may not challenge the actions of the contracting authority undertaken in the public procurement procedure if the applicant was or could have known the reasons for its submission before the deadline for submission of the request, and the applicant did not submit it before the deadline. If in the same public procurement procedure, a request for protection of rights has been submitted again by the same applicant, that request may not challenge the actions of the contracting authority that the applicant knew or could have known when submitting the previous request. The subject of dispute in the procedure of protection of rights may not be possible deficiencies or irregularities of the procurement documentation that are not indicated in accordance with Article 97 of the PPL. The Contracting Authority shall publish the notice on submitted request for protection of rights on the Public Procurement Portal no later than the day after the receipt of the request for protection of rights. Submission of the request for protection of rights delays the continuation of the public procurement procedure by the contracting authority until the end of the protection procedure. The request for protection of rights must contain the data from Article 217 of the PPL.

If the applicant undertakes actions in the procedure through a proxy, it shall submit the authorisation for representation in the procedure of protection of rights with the request for protection of rights. The applicant who has a permanent or temporary residence, i.e., a seat abroad, is obliged to appoint a proxy for the receipt of letters in the Republic of Serbia in the request for protection of rights, stating all data necessary for communication with the designated person.

When submitting the request for protection of rights to the contracting authority, the applicant is obliged to submit proof of payment of the fee.

Evidence is any document from which it can be determined that the transaction was performed for the appropriate amount from Article 225 of the PPL and to refer to the subject request for protection of rights.

Valid proof of payment of the fee, in accordance with the Instructions on payment of the fee for submitting a request for protection of the rights of the Republic Commission, was published on the website of the Republic Commission.

The fee is 120,000 dinars.