**TENDER DOCUMENTATION MODEL**

**OPEN PROCEDURE**

 **Public procurement of services - Advisory services in the field of safety and health at work**

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

**Name:** Advisory services in the field of safety and health at work (ORN: 79411100 - 9 - Advisory services in business development)

**Type of procurement subject matter:** Services

**Type of procedure:** Open procedure

**Description:** The public procurement is conducted for the purpose of concluding a public procurement contract

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

**2.** **TYPE, TECHNICAL CHARACTERISTICS (SPECIFICATIONS), QUALITY, QUANTITY AND DESCRIPTION OF SERVICE, METHOD OF CONTROL AND QUALITY ASSURANCE, DELIVERY TIME, PLACE OF DELIVERY, POSSIBLE ADDITIONAL SERVICES, ETC.**

The public procurement concerned is carried out in order to improve the health and safety system at work of the contracting authority.

In this sense, the subject of public procurement includes the provision of the following services:

1. **Expert assessment of the state of safety and health at work:**
* harmonisation of existing internal acts in the field of safety and health at work with valid regulations;
* making proposals for improvement and providing expert assistance on the proper application of general acts in relation to the regulations governing the field of occupational safety and health.

The deadline for service execution: at least 60, and at most 90 days from the written order of the contracting authority.

1. **Amendments to Risk Assessment Act:**
* amendment of the Act on risk assessment in the part related to workplaces with increased risk, of which there are 30, and providing guidelines regarding the determination of health conditions for employees at workplaces with increased risk.

The deadline for service execution: at least 70, and at most 120 days from the written order of the contracting authority.

1. **Training for employees:**
* employee education in order to raise awareness of the importance of safety and health at work.

*Deadline for service execution* 20 days from the written order of the contracting authority.

**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-Contracting Authority is obliged to exclude an 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 offence 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 fulfillment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfillment 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 fulfillment 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, 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.

3) 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 offense of association for the purpose of committing criminal offenses; 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 offence 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 is obliged to exclude an economic operator from the public procurement procedure if 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 fulfillment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfillment 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 fulfillment 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 envioronmental protection, social and labour law**

**Legal basis:**

Article 111, paragraph 1, item 3) of the PPL - the Contracting Authority shall exclude an economic operator from 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 fulfillment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfillment 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 shall exclude an economic operator from public procurement procedure if if 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 fulfillment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfillment 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 shall exclude an economic operator from 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 fulfillment of the criteria:**

The economic operator is obliged to compile and submit an application through the Portal on the fulfillment 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.** **Performing professional activities**

**Legal basis:**

Article 115, paragraph 2 of the PPL - in so far as economic operator has to possess a particular authorisation, or a permit issued by the competent authority for the performance of activity which is the subject-matter of public procurement, or to be a member of a particular organisation in order to be able to perform the activity concerned, contracting authority may require them to prove that they hold such authorisation, permit, or membership.

**Additional description of criteria:**

An economic operator that participates in the public procurement procedure in question must meet the conditions for performing professional activity, as follows:

1. to have a licence to perform safety and health at work;
2. to possess a licence to perform inspection and inspection of work equipment;
3. to possess a licence for testing the conditions of the working environment - chemical and physical hazards (except ionizing radiation), microclimate and lighting.

**Method of proving the fulfillment of the criteria:**

The business operator is obliged to compile and submit with the offer a statement on the fulfillment 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.

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 fulfillment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting:

a copy of valid licences issued by the Ministry of Labour, Employment, Veteran and Social Affairs.

**3.2.2.** **Technical and professional capacity**

**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.

* + - 1. **List of services provided**

**Additional description of criteria:**

An economic operator participating in the public procurement procedure in question must meet the criteria related to technical and professional capacity, as follows:

1. that in the period of the last three years before the deadline for submission of bids, he/she was engaged in occupational health and safety affairs, based on at least three contracts;
2. that in the period of the last three years before the deadline for submission of bids, he/she provided services for the preparation of the Risk Assessment Act, based on at least three contracts.

**Method of proving the fulfillment of the criteria:**

The business operator is obliged to compile and submit with the offer a statement on the fulfillment 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.

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 fulfillment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting:

* contracts on the basis of which the bidder was engaged in occupational safety and health affairs, i.e., preparation of the Risk Assessment Act and
* a confirmation from the work orderer, which confirms that the bidder was engaged in occupational safety and health during the requested period, that is, the preparation of the Risk Assessment Act and that he performed the services in accordance with the contract.
	+ - 1. **Educational and professional qualifications**

**Additional description of criteria:**

A business operator that participates in the public procurement procedure in question must, at the time of submission of the bid, have employed persons, who make up a professional team, who will be engaged in the implementation of the contract, and at least:

1. 3 persons with a certificate of passing a professional exam on practical competence to perform safety and health at work, of which at least 1 is a B.Sc. in Electrical Engineering, at least 1 a B.Sc. in Mechanical Engineer and at least 1 a B.Sc. in Occupational Safety;
2. 2 persons with a license to perform inspection and verification of work equipment, of which at least 1 is a graduate in electrical engineering and at least 1 is a graduate in mechanical engineering;
3. 2 persons with a license to carry out testing of working environment conditions, of which at least 1 is a graduate engineer in technology and at least 1 is a graduate engineer in mechanical engineering;
4. 1 person - specialist in occupational medicine.

**Method of proving the fulfillment of the criteria:**

The business operator is obliged to compile and submit with the offer a statement on the fulfillment 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.

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 fulfillment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting:

* employment contracts (employment contracts, temporary and occasional work contracts, etc.)
* a copy of diplomas proving the professional qualification of the person;
* a copy of the certificate of passing the professional exam on practical ability to perform safety and health at work (for persons under number 1)
* a copy of the licence for the inspection and verification of work equipment (for persons under number 2);
* a copy of the license for the performance of testing the conditions of the working environment (for persons under number 3).

*\*Several required qualifications within the criteria can be fulfilled by one person.*

***Note:***

*In addition to and instead of the proposed criteria for the selection of a business entity, the contracting authority can determine other criteria that are logically related to the subject of the public procurement.*

***See Art. 114-117 of the*** ***PPL.***

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

## Contract award criteria:

In the public procurement procedure, the contracting authority awards the contract to the most economically advantageous offer based on the ratio of price and quality, which are weighted based on the following criteria:

|  |  |
| --- | --- |
| **Criterion** | **Weightings** |
| Price (P) | 60 |
| Qualifications of employed personnel  | 30 |
| Deadline for the performance of the service - Amendment of the Risk Assessment Act (R) | 10 |
| **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:**

The bid that has the lowest prevention offered is valued at 60 weightings, and the rest according to the formula:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **C** | **=** | **60** | **x** | **The lowest offered price**  |
| **Price from the bid that is being evaluated** |

Rounding will be done to two decimal places.

**Qualifications of employed personnel:**

In the public procurement procedure, the weighting will be based on the qualifications of the members of the professional team, which is required within the framework of technical and professional capacity, and which will be engaged in the implementation of the contract, namely:

|  |
| --- |
| **EXPERIENCE OF THE MEMBERS OF THE PROFESSIONAL TEAM IN PERFORMING JOBS IN THE FIELD OF SAFETY AND HEALTH AT WORK** |
| **1.1** **The experience of at least 1 person with a certificate of passing a professional exam on the practical ability to perform safety and health at work, on safety and health at work** |
| **Number of years of experience** | **Weightings** |
| from 5 to 9 years | 2 |
| from 10 to 14  | 4 |
| from 15 to 19 years  | 6 |
| from 20 to 24 years  | 8 |
| 25 and more years  | 10 |
| **Maximum number of weightings 1.1**  | **10** |
| **1.2** **Experience of at least 1 person with a license to perform inspection and inspection of work equipment, in inspection and inspection of work equipment** |
| **Number of years of experience** | **Weightings** |
| from 5 to 9 years | 2 |
| from 10 to 14  | 4 |
| from 15 to 19 years  | 6 |
| from 20 to 24 years  | 8 |
| 25 and more years  | 10 |
| **Maximum number of weightings 1.2**  | **10** |
| **Experience of at least 1 person with a license to perform the work of testing the working environment conditions, in the work of testing the working environment conditions** |
| **Number of years of experience** | **Weightings** |
| from 5 to 9 years | 2 |
| from 10 to 14  | 4 |
| from 15 to 19 years  | 6 |
| from 20 to 24 years  | 8 |
| **Maximum number of weightings 1.3**  | **10** |
| **THE MAXIMUM NUMBER OF WEIGHTS FOR THE CRITERION “EXPERIENCE OF EXPERT TEAM MEMBERS IN PERFORMING JOBS IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH”**  | **30** |

Method of proving this criterion:

In order to evaluate the bids based on this criterion for awarding the contract, the bidders, in addition to stating the name and surname of the person employed in the bid form, submit with the bid a contract on the employment of the person with the bidder, as well as evidence confirming the required experience within the criteria for awarding of contracts (certificates from employers, employment contracts, etc. which confirm that persons have experience in jobs with required licences).

**Deadline for the performance of the service - Amendment of the Risk Assessment Act**

The contracting authority gives priority to the offer that has the shortest deadline for the realization of the service, namely:

|  |  |
| --- | --- |
| **Deadline** | **Weightings** |
| from 70 to 80 days | 10 |
| from 81 to 90 days | 8 |
| from 91 to 100 days | 6 |
| from 101 to 110 | 4 |
| from 111 to 120 | 2 |
| **THE MAXIMUM NUMBER OF WEIGHTS FOR THE CRITERION “DEADLINE FOR THE PERFORMANCE OF THE SERVICE - AMENDMENT OF THE ACT ON RISK ASSESSMENT”** | **10** |

Method of proving this criterion:

In order to evaluate the bids based on this criterion for awarding the contract, the bidders are obliged to submit a statement with the bid that contains information on the time frame in which the service in question will be performed.

**Calculation of the total number of weights in the offer:**

The economically most advantageous bid is the bid that has the highest total number of weights, and is calculated according to the formula:

**ENP = C + KV + R**

***Note:***

*In addition to and instead of the proposed elements of the criterion “the economically most advantageous* *bid”, the contracting authority may use other elements.*

***See Articles 132 and 133 of the*** ***LPP***

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

If two or more bids have the same number of weights, the bid of the bidder who offered a shorter term for the expert assessment of the state of safety and health at work will be chosen as the most favourable.

If it is not possible to make a decision on the award even after applying the specified reserve criteria, the contracting authority will award the public procurement 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. Only those offers that have the same number of weightings and the same deadline for the service of expert assessment of the state of safety and health at work will be included in the draw. 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.*

1. **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.*

1. **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 fulfillment 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 fulfillment 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 fulfillment of the criteria the issuers of evidence on the fulfillment 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 fulfillment 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 fulfillment of the criteria for qualitative selection of the economic operator.

1. **OFFERED PRICE STRUCTURE FORM**

| **No.** | **Service name** | **Unit of measurement** | **Quantity** | **Unit** **price****(without VAT)** | **Amount of VAT** | **Unit price with VAT** | **TOTAL without VAT** | **TOTAL with VAT** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **(1)** | **(2)** | **(3)** | **(4)** | **(5)** | **(6)** | **(7)** | **(8)** |
| **1.** | Expert assessment of occupational safety and health  | pcs | 1 |  |  |  |  |  |
| **2.** | Amendments to Risk Assessment Act | pcs | 1 |  |  |  |  |  |
| **3.** | Training for employees (90 employees) | training | 1 |  |  |  |  |  |
|  | **Total price without VAT** |  |
|  | **Total price with VAT** |  |

**Instructions for filling out the price structure form**:

* In column 4 - the bidders enter the unit price without VAT;
* In column 5 - the bidders enter the amount of VAT;
* In column 6 - the bidders enter the unit price with VAT;
* In column 7 - the bidders enter the total price without VAT;
* In column 7 - the bidders enter the total price with VAT;
* In the row “Total price without VAT”, bidders enter the total value of the service without VAT, which represents the sum of all values ​​from column 7;
* In the row “Total price with VAT”, bidders enter the total value of the service without VAT, which represents the sum of all values ​​from column 8.
1. **OFFER PREPARATION COSTS FORM**

Pursuant to Article 138 of the In accordance with 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**

**CONTRACT ON THE PROCUREMENT OF ADVISORY SERVICES IN THE FIELD OF SAFETY AND HEALTH AT WORK**

**Entered into by and between:**

1. Contracting Authority ..............................................................................

seated in ............................................,

.......................................... Street

represented by ...................................................................

**(hereinafter referred to as:** **Contracting Authority)**

and

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

(name of the bidder, i.e., all members of the group of bidders)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

(Place, street and number, of the bidder, i.e., of each member of the group of bidders)

represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(hereinafter referred to as:** **Contractor)**

|  |
| --- |
| The Contracting Parties hereby agree* That the Contracting Authority, pursuant to Article 52 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19 and 92/23, hereinafter referred to as: the Law), conducted an open procedure for public procurement of services No. \_\_\_\_\_\_\_\_\_ - Advisory services in the field of safety and health at work;
* that the contracting authority made the Decision on awarding the contract number \_\_\_\_ of \_\_\_\_\_ for the public procurement in question on the basis of which this contract is concluded, and in everything in accordance with the accepted Offer of the Contractor, offer number \_\_\_\_ of \_\_\_\_\_ (hereinafter referred to as: Offer);
* - that the Contractor's Offer fully corresponds to the technical specifications from the tender documents, which are attached to the contract and are an integral part of this contract.
 |

**Article 1**

 The subject of this contract is the procurement of advisory services in the field of occupational safety and health, which include an expert assessment of the state of occupational safety and health, amendments to the Risk Assessment Act, as well as training for employees, all according to the Offer and Specifications.

**Article 2**

In the event that the Contractor hires a subcontractor:

The Contractor is fully responsible to the Contracting Authority for the fulfilment of obligations under this agreement and in the case of entrusting certain obligations to a subcontractor:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_, tax identification number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, registration number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_, tax identification number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, registration number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

The Contractor will hire the specified subcontractor(s) to perform the following obligations:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*by subject matter or in quantity*), worth \_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_ %,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*by subject matter or in quantity*), worth \_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_ %,

The subcontractor requests/does not require the Contracting Authority to pay it directly the due claims for the part of the framework agreement that it has executed.

**Article 3**

The total price of the service referred to in Article 1 of this contract amounts to \_\_\_\_\_\_\_\_\_\_\_\_ dinars without VAT, that is, \_\_\_\_\_\_\_\_\_\_\_ (in letters:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) dinars with VAT.

The agreed price includes all other dependent and accompanying costs necessary for the execution of the subject of the contract.

**Article 4**

Payment will be made after the service has been performed within 45 days from the date of receipt of the correctly issued invoice registered and delivered through the electronic invoice system, in accordance with the Law on Electronic Invoicing (“Official Gazette of the Republic of Serba”, Nos. 44/21, 129/21, 138/22 and 92/23).

**Article 5**

The Contractor is obliged to perform the service referred to in Article 1 of this contract within the following deadlines:

* the deadline for the performance of the expert assessment of the state of safety and health at work is \_\_\_\_\_ days from the date of the written invitation of the Contracting Authority;
* the deadline for the execution of the service of amending and supplementing the Risk Assessment Act is \_\_\_\_\_ days from the day of the written invitation of the Contracting Authority;
* the deadline for execution of the training service for the Contracting Authority’s employees is \_\_\_\_\_ days from the date of the written invitation from the Contracting Authority.

The Contracting Authority and the Contractor will record the performance of the service by signing the Minutes of the Service Performed.

In case of defects in quality determined in the minutes, the Contractor is obliged to remove them no later than within 5 (five) days from the date of drawing up the complaint minutes.

**Article 6**

The Contracting Authority undertakes to

* ensure unhindered entry into the premises where the service will be performed, where necessary;
* submit the documentation in his possession, which is directly related to the subject of the public procurement;
* make payment in favour of the Contractor in accordance with the provisions of this contract;
* designate a person for supervision who will have the following responsibilities:
* signing the Minutes of the performed service;
* monitoring the operational and financial realization of the contract;
* communication and cooperation with authorized representatives of the Contractor;
* monitoring the quality of the service and compliance with the technical specification from the tender documentation.

**Article 7**

 The Contractor undertakes to:

* provides the services from Article 1 of this contract in a timely, professional and quality manner, adhering to the standards, regulations, technical norms and rules of the profession that apply to this type of service, as well as complying with the requirements of the tender documentation in accordance with the submitted offer;
* after concluding the contract, visits all workplaces in order to review working conditions, equipment, tools, etc. that they use at the workplace and in the working environment;
* data that it receives from the Contracting Authority or that he obtained during the performance of the service, he keeps in his possession and keeps as a business secret even after the end of the contract, and that it can use the same exclusively for the purpose of providing services to the Contracting Authority;
* communicates and cooperates with authorized representatives of the Contracting Authority;
* submit the prepared documentation for the Contracting authority's needs in paper and electronic form (Word or PDF with the possibility of searching), and the submitted copy must be signed and certified.

**Article 8**

The Contractor undertakes to submit with the signed Agreement a blank own promissory note as a guarantee for the fulfilment of contractual obligations.

The Contractor is obliged to submit its own bill of exchange, which must be recorded in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia. The blank promissory note should be signed by the person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and certified bill of exchange authorisation - letter, with clauses “no protest”, in the name of contractual obligations and with the indicated amount of 10% 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.

The term of validity of the collateral is at least 30 days longer than the expiration date of the contract. In the event that the Contractor does not fulfill its contractual obligations in all respects in accordance with the concluded contract, performs them in part or is late with the fulfillment of contractual obligations, the contracting authority will activate the collateral.

Upon fulfilment of the contractual obligations of the Contractor, the means of security for the fulfilment of contractual obligations will be returned, at the request of the Contractor.

**Article 9**

The Contractor is obliged to perform the service from Article 1 of this contract in accordance with the offer and technical specification, with all necessary attention, efficiently and in accordance with the rules of the profession.

The Contractor undertakes to hire the persons listed in the offer for the performance of the contracted service. In the case of the need to replace the mentioned persons, the Contractor is obliged to obtain the consent of the Contracting Authority. The person proposed as a replacement must meet and have at least the same abilities and qualifications as the person being replaced.

**Article 10**

Events that follow after the entry into force of this contract, regardless of the will of the contracting parties, which could not have been foreseen at the time of signing this contract and which, due to their influence, delay or prevent the performance of all or part of the contractual obligations are considered force majeure.

The effect of force majeure is reflected in the extension of the contracted term in proportion to the duration of its effect, including the reasonable time required for preparation for the continued performance of the contractual obligations, which will be agreed upon by the contracting parties.

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. Force majeure cannot be invoked by a contractual party that has fallen into arrears with the fulfilment of its contractual obligations.

During the duration of force majeure, the contractual obligations of both parties are suspended and no sanctions provided for in this contract will be applied.

**Article 11**

Each of the contracting parties may terminate this contract in the event that the other party does not fulfil its contractual obligations in all respects in the agreed manner and within the agreed term, that is, in the event that it commits significant violations of the contract, in the sense of the provisions of the Law on Contract and Torts.

The contractual party that wants to terminate the contract is obliged to notify the other contractual party of the breach of the contractual obligation before termination, to specify what the breach of the contractual obligation consists of and to demand that it be corrected within 15 days from the date of delivery of the notification, provided that a subsequent deadline for the performance of the obligation cannot be granted after the deadline for the performance of all contractual obligations has expired.

The contracting party whose fault caused the damage and which is responsible for terminating the contract is obliged to compensate the other contracting party for the damage.

If there is a mutual termination of the contract, the contracting parties will regulate mutual claims related to and arising from this contract.

Termination of the contract does not affect the rights and obligations of the contracting parties that arose before the termination of the contract

**Article 12**

The parties to the contract agree that the provisions of the Law on Obligations and other valid regulations governing this area apply to everything that is not provided for in this contract.

**Article 13**

The contracting parties will try to resolve all possible disputes related to this contract amicably, and if they do not reach an agreement, they agree that the Commercial Court in Belgrade will be competent to resolve the dispute.

**Article 14**

This contract enters into force on the day of signing by the authorized representatives of the contracting parties and lasts until the fulfilment of the contractual obligations.

**Article 15**

This contract is made in 4 (four) identical copies, 2 (two) for each contracting party.

**CONTRACTING AUTHORITY CONTRACTOR**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **INSTRUCTION**

**TO BIDDERS ON HOW TO PREPARE A BID**

**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: | **Advisory services in the field of safety and health at work** |
| 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**

**Advisory services in the field of safety and health at work**

**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 bid/application 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 contrating 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 fulfillment 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/application
* Confirmation of revocation of bid/application
* 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 bids/applications**

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/application 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 or applications:** *(Portal withdraws the stated data)*

**Applications may be submitted:** **Serbian** (*information provided by the Contracting Authority*)

In the bid/application form, the bidder/candidate must confirm with a statement of integrity under full material and criminal responsibility that it has submitted its bid/application independently, without agreement with other bidders/candidates or interested parties and guarantee the accuracy of the bid/application data.

**Preparation and submission of a joint bid/application**

On the page of the public procurement procedure on the Portal, an economic operator may create a group of economic operators (bidders/candidates) in order to submit a joint bid/application.

A member of a group of economic operators submitting a bid/application must be authorised to submit a joint bid/application on behalf of the group. Authorisation to submit a bid/application 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 bid/application is prepared and submitted by a member of the group authorised to submit a joint bid/application on behalf of the group of economic operators.

In the case of a joint bid/application, the data on the members of the group are part of the bid/application 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. When filling in the application form of a group of candidates, this information is stated if it is known.

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

**Preparation of bid/application with subcontractor**

If the bid/application includes subcontractors, they should be registered users of the Public Procurement Portal, but should not give consent to the economic operator to submit a bid/application 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/application.

**Preparation of documents within the bid/application**

The economic operator loads the bid/application 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 uploaded within the bid/application may not be encrypted by the economic operator. The Public Procurement Portal encrypts bids/applications 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/application.

[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 the bidder to enclose the following documents in its bid/application:**

* Bid form;
* Offered price structure form;
* Form of costs of bid preparation (submission of this form is not mandatory);
* Statement on fulfilment of criteria for qualitative selection of economic operator (SFC);
* Contract model;
* Evidence of the criteria for the award of the contract (certificates from employers, employment contracts confirming the required experience, a statement containing information on the deadline for the performance of the service, etc.);
* 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 authorisation - 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 a 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/application.

**Parts of the bid/application that cannot be submitted 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 it can be determined with certainty that it is opening for the first time.

A part or parts of the bid/application that cannot be submitted by electronic means via the Public Procurement Portal shall be submitted by the economic operator to the address:

*(Portal withdraws the stated data)*

With a note:

Part of the bid/application for public procurement: *(Advisory services in the field of safety and health at work)*

DO NOT OPEN

When preparing the bid/application on the Portal, the economic operator specifies part or parts of the bid/application that will be submitted in non-electronic ways (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 part or parts of the bid/application are submitted by a group of economic entities, the envelope must indicate that it is a group of economic entities and state the names and addresses of all members of the group.

Part or parts of the bid/application are considered timely if they are received by the Contracting Authority by (*Portal withdraws the information*).

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.

The part or parts of the bid/application that the contracting authority did not receive within the deadline for submission of bids/applications, i.e., which was received after the expiration of the day and hour by which bids/applications may be submitted, shall 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.

## Other procurement requirements:

1. **Deadline for service implementation:**
* the deadline for the performance of the service of expert evaluation of the state of safety and health at work is at least 60, and at most 90 days from the written order of the contracting authority;
* the deadline for the execution of the service of amending and supplementing the Act on risk assessment is at least 70, and at most 120 days from the written order of the contracting authority;
* the deadline for the execution of the employee education service at the Contracting Authority is 20 days from the contracting authority's written order.

**Application of the draw**

If, after ranking based on the award criteria and reserve criteria, it is not possible to make a decision on the award, the contracting authority will award the public procurement 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. Only those offers that have the same number of weightings and the same deadline for the service of expert assessment of the state of safety and health at work will be included in the draw. 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.

Method and term of payment: within 45 days from the day of receipt of correctly issued invoices registered and delivered through the electronic invoice system, in accordance with the Law on Electronic Invoicing (“Official Gazette of the Republic of Serba”, Nos. 44/21, 129/21, 138/ 22 and 92/23).

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

After entering all the data, the economic operator generates the bid/application form and can review the bid/application data before submitting the bid/application.

**Manner of amending the bid/application**

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

**Method of revoking the bid/application**

[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 fulfillment 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 clauses “no protest”, 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 (bid bond) - bill of exchange, bill of exchange authorisation, card of deposited signatures and OP form, are attached in pdf format (uploaded) to the Public Procurement Portal, while the original security for the seriousness of the bid (bill of exchange) shall be submitted to the contracting authority in the following manner (*the contracting authority enters precisely the instruction on the manner of submission of security*).

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 fulfillment 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 fulfillment of criteria for qualitative selection of economic operator in accordance with Article 119 of the PPL, 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 Contractor undertakes to submit with the signed Agreement a blank own promissory note as a guarantee for the fulfilment of contractual obligations.

The Contractor is obliged to submit its own bill of exchange, which must be recorded in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia. The blank promissory note should be signed by the person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and certified bill of exchange authorisation - letter, with clauses “no protest”, in the name of contractual obligations and with the indicated amount of 10% 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.

The term of validity of the collateral is at least 30 days longer than the expiration date of the contract. In the event that the Contractor does not fulfill its contractual obligations in all respects in accordance with the concluded contract, performs them in part or is late with the fulfillment of contractual obligations, the contracting authority will activate the collateral.

 Upon fulfilment of the contractual obligations of the Contractor, the means of security for the fulfilment of contractual obligations will be returned, at the request of the Contractor.

**Opening of bids/applications**

**Data related to the opening of bids/applications as stated 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 bid/application, form and manner of submitting evidence**

After opening the bids/applications, the contracting authority may request additional explanations that will help it in reviewing, evaluating and comparing bids/applications, 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), and the contracting authority/procuring entity, whereby the date of submission through the Public Procurement Portal is considered the date of receipt.

**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 he 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 the article

225. The LPP 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.