D

**PUBLIC**

**CLEAR**

**EFFICIENT**

**Good governance project**

i



Tender documentation model

Electronic office equipment

**TABLE OF CONTENTS**

INTRODUCTION .............................................................................................................................3 MODEL COMPETITION DOCUMENTS ............................................................................................4

1. GENERAL INFORMATION ON THE SUBJECT MATTER OF PROCUREMENT…………………….5
2. 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 ..................6
3. TYPE, TECHNICAL CHARACTERISTICS (SPECIFICATIONS), QUALITY, QUANTITY AND DESCRIPTION OF GOODS, METHOD OF CONTROL AND QUALITY ASSURANCE, DELIVERY TIME, PLACE OF DELIVERY, POSSIBLE ADDITIONAL SERVICES, ETC. ........... 18
4. DATA REGARDING THE CRITERIA FOR AWARDING THE PUBLIC PROCUREMENT CONTRACT.................................................................................................................... 24
5. DATA ON THE BASIS OF WHICH THE BIDDERS PREPARE THE BID FORM........................................................................................................................... 28
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 ……………………………………………………………………………………………………………….29
7. OFFER PREPARATION COSTS FORM…………………………………….…………………………………….30
8. PRICE STRUCTURE FORM …………………………………………………………………………………………31
9. CONTRACT MODEL ………………………………………………………………………………………………….32
10. INSTRUCTIONS TO ECONOMIC OPERATORS HOW TO MAKE AN OFFER...............................39

ii

# INTRODUCTION

Amendments to the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23, hereinafter referred to as: the PPL), in addition to the principles of economy and efficiency, introduced the principle of environmental protection. In this sense, an obligation has been introduced for contracting authorities to procure goods, services or works that have a minimal impact on the environment, which is in line with the goals defined by valid public policy documents[[1]](#footnote-1) aimed at environmental protection.

In addition to introducing the principles of environmental protection, in accordance with the legal powers from Article 134a of the Law on Public Procurement, the Office for Public Procurement adopted the Rulebook on the types of goods for which the contracting authorities are obliged to apply environmental aspects in public procurement procedures (“Official Gazette of the Republic of Serba”, No. 115/23), which prescribes the obligation to apply environmental aspects when determining technical specifications, criteria for the selection of an economic operator, criteria for the award of contracts or conditions for the execution of public procurement contracts, in public procurement procedures. This Rulebook stipulates the mandatory application of environmental aspects when purchasing photocopier paper, computer equipment (desktop computers, laptop computers and monitors), office electronic equipment (printers, scanners, multifunctional devices, etc.), air conditioning (standard air conditioning, inverter air conditioners for heating and cooling, etc.) and cleaning products (hard surface cleaning products, textile cleaning products, etc.).

New legal solutions should contribute to raising the level of awareness of participants in public procurement procedures about the importance of environmental protection, as well as more frequent application of ecological aspects in public procurement, i.e., a significantly higher number of green public procurements compared to the previous period.

Within the project “Public Procurement and Good Governance for Greater Competitiveness" implemented by NALED with the support of the Swedish Agency for International Development and Cooperation – SIDA, with the aim of strengthening the capacity of contracting authorities through familiarisation with examples of environmental aspects in public procurement procedures where their application is mandatory, this tender documentation model was prepared for the public procurement of office electronic equipment (printers, scanners and multifunctional devices).

# TENDER DOCUMENTATION MODEL

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

**Type of procurement subject matter:** Goods

**Subject matter of public procurement:** Office electronic equipment – Scanners, printers and multifunctional devices

**ORN:** 30232110 – Laser printers; 30216110 – Scanners for computers

**Ecological aspects:** In accordance with Article 134a of the Public Procurement Law and the Rulebook on types of goods for which contracting authorities are obliged to apply environmental aspects in public procurement procedures (“Official Gazette of the Republic of Serbia”, No. 115/23), in this tender model environmental aspects of the documentation were applied within:

* technical specification.
* criteria for the qualitative selection of an economic operator,
* criteria for the award of contracts and
* special conditions for contract execution

|  |
| --- |
| *NOTE:*  *This tender documentation model was prepared in order to promote environmental aspects in public procurement of office electronic equipment.* *During the preparation of the tender documentation, the contracting authorities are obliged to conduct market research and prepare the tender documentation according to their objective needs and conditions on the market, and in accordance with the principles of public procurement.* *The technical specifications, contract model and other elements of this tender documentation model are indicative in nature and were prepared based on examples of practice available on the Public Procurement Portal and information on the equipment in question on the market of the Republic of Serbia.* |

# 1. GENERAL INFORMATION ON THE SUBJECT MATTER OF PROCUREMENT

|  |  |
| --- | --- |
| **Name:** | Office electronic equipment – scanners, printers and multifunctional devices |
| **Reference number:**[[2]](#footnote-2) |  |
| **Type of procurement subject matter:** | Goods |

**Description:** Public procurement is carried out in order to conclude a contract on the public procurement of office electronic equipment, which includes scanners, printers and multifunctional devices.

**Other notes:** *(The Contracting Authority can enter any other notes that it considers to be important for the subject of the public procurement).*

|  |
| --- |
| ***NOTE:***   * *This part of the tender documentation is most often created by the Portal, that is, it pulls the data that the Contracting Authority has already entered when creating procurement documentation on the Public Procurement Portal (name of procurement subject, reference number or public procurement number, type of procurement subject).* *The above represents mandatory data prescribed by the Rulebook on the content of tender documentation in public procurement procedures.* * *The Contracting Authority can enter other notes, if he considers it necessary, and it is not expedient to repeat the data contained in other parts of the procurement documentation, in order to avoid possible errors and discrepancies, especially bearing in mind that Article 93. paragraph 3 of the* *Public Procurement Law prescribes that the data contained in the tender documentation and the data specified in the public invitation must not be in contradiction.* * *The Contracting Authority has the option, instead of creating this document on the Portal, to prepare it as a separate document and upload it to the Portal at the appropriate step.2* |

# 2. 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

**2.1**   **GROUNDS FOR EXCLUSION**

**2.1.1** **Final judgement for one or more criminal offences**

**Legal basis:**

Article 111, paragraph 1, item 1) – the 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:

2.1.1.1 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;

2.1.1.2 a 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 offence 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 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 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 economic 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 economic operator 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.

|  |
| --- |
| **2.1.2**  **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 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.

The economic operator established in another state: If the economic operator has its registered office in another state, the certificate of the competent authority in the state of the economic operator’s registered office will be accepted as proof that there are no grounds for exclusion. If the said evidence is not issued in the country in which the economic 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 economic operator 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.

|  |
| --- |
| **2.1.3**  **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 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.

|  |
| --- |
| **2.1.4**  **Conflict of interest** |

**Legal basis:**

Article 111, paragraph 1, item 4) of the PPL – the Contracting Authority is obliged to exclude the economic operator from the public procurement procedure 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 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.

|  |
| --- |
| **2.1.5**  **Undue influence on the proceedings** |

**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.

|  |
| --- |
| **2.1.6**  **Severe form of unprofessional conduct** |

**Legal basis:**

Article 112, paragraph 1, item 2) of the PPL – the Contracting Authority can provide in the procurement documentation that it will exclude the economic operator from the public procurement procedure at any time if it determines that the responsibility of the economic operator for a serious form of unprofessional behaviour that calls into question has been established by a final judgment or decision of another competent authority its integrity, in the period of the previous three years from the date of expiry of the deadline for submission of bids or applications, unless a legally binding judgment or decision of another competent authority has established another period of prohibition of participation in the public procurement procedure.

**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.

|  |
| --- |
| **2.1.7**  **Agreements aimed at distorting competition** |

**Legal basis:**

Article 112, paragraph 1, item 3) of the PPL – the Contracting Authority can provide in the procurement documentation that it will exclude the economic operator from the public procurement procedure at any time if it determines that the decision of the competent authority for the protection of competition has determined that the economic operator colluded with other economic operators with the aim of distorting competition, in the period of the previous three years from the date of expiry of the deadline for submission of bids, i.e., applications.

**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.

|  |
| --- |
| **2.1.8**  **Violations of previously concluded contracts** |

**Legal basis:**

Article 112, paragraph 1, item 5) of the PPL – the Contracting Authority may stipulate in the procurement documentation that it will exclude an economic operator from the public procurement procedure at any time if it determines that the economic operator has not fulfilled its obligations from previously concluded contracts in the period of the previous three years from the date of the deadline for submission of bids. on public procurement or a previously concluded concession agreement, the consequence of which was the termination of that agreement, collection of security funds, compensation for damages or others.

**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.

|  |
| --- |
| **2.1.9** **False information and failure to provide evidence** |

**Legal basis:**

Article 112, paragraph 1, item 6 of the PPL – the Contracting Authority may stipulate in the procurement documentation that it will exclude the economic operator from the public procurement procedure at any time if it determines that the economic operator in the public procurement procedures in the period of the previous three years from the date of the deadline for submission of bids has submitted untrue the data needed to check the grounds for exclusion or the criteria for the selection of an economic operator, or that it was unable to provide evidence of the fulfilment of the criteria for the qualitative selection of an economic operator, if it used the statement from Article 118 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.

|  |
| --- |
| ***Note:***  *In this tender documentation model in items 2.1.6 – 2.1.9. four grounds for exclusion from Article 112 of the PPL are included only as an example.* *The Contracting Authority is not obliged to use the grounds for exclusion prescribed by Article 112 of the* PPL*, 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.* |

**2.2**  **CRITERIA FOR SELECTION OF AN ECONOMIC OPERATOR**

|  |  |
| --- | --- |
| **Financial and economic capacity** | |
| **2.2.1**  **Other economic and financial conditions** |

**Legal basis:**

Article 116, paragraph 1 of the PPL – the Contracting Authority may determine in the procurement documentation the financial and economic capacity which ensures that economic operators have the financial and economic capacity necessary for the execution of the public procurement contract.

**Condition:** In the last six months before the deadline for submission of bids, the economic operator has not had current accounts blocked for more than three days, opened with commercial banks, for payment transactions.

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

The economic operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the economic operator, which confirms that it meets this criterion for the selection of the economic 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 fulfilment of the criteria for qualitative selection of the economic operator. This criterion is proven by the submission of a certificate from the National Bank of Serbia that the bidder has not had any current accounts blocked for more than three days, opened with commercial banks, for payment transactions in the last six months before the deadline for submitting bids.

**NOTE:** The Contracting Authority will not require the submission of the above proof if the required data is publicly available on the website of the National Bank of Serbia.

|  |  |
| --- | --- |
| **Technical and professional capacity** | |
| **2.2.2**  **List of delivered goods** |

**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:** In the previous three years from the date of the deadline for submission of bids, the economic operator has successfully, in accordance with the agreed deadline and quality, sold and delivered office electronic equipment that is the subject of this public procurement, namely: a minimum of \_\_\_\_\_\_\_\_\_\_\_ scanners, printers or multifunctional devices (*The Contracting Authority determines the scope of the procurement subject proportionally, respecting the principles of public procurement*).

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

The economic operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the economic operator, which confirms that it meets this criterion for the selection of the economic 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 fulfilment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting a confirmation, which should contain the name of the work bidder (Contracting Authority), a description of the work performed (with data on the delivered quantity), the time of the work performed, an indication that the work was performed successfully, in accordance with the agreed deadline and quality, contact person and the data of the contact person (phone, e-mail), which is signed by the authorized person of the work bidder.

|  |
| --- |
| **2.2.3** **Technical means and measures for quality assurance** |

**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 economic operator has at least one truck.

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

The economic operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the economic operator, which confirms that it meets this criterion for the selection of the economic 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 fulfilment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting a scanned traffic license and pictures of the registration sticker showing the vehicle's registration number and the date of expiration of the registration. If the bidder is not the owner of the vehicle, in addition to these proofs, it is necessary to submit proofs of the legal basis for the use of the vehicle (rental agreement, leasing agreement, etc.)

|  |
| --- |
| **2.2.4**  **Environmental management standards** |

**Legal basis:**

Article 127 Of the PPL – If the Contracting Authority requires the submission of certificates from independent bodies confirming the compliance of the economic operator with certain systems or standards for environmental management, it is obliged to refer to the Environmental Management and Audit System (EMAS) or to other environmental management systems that are recognised, in accordance with the law governing environmental protection or environmental management standards based on appropriate European or international standards of accredited bodies.

**Condition:** The economic operator applies environmental protection system standards in its operations, namely ISO 14001:2015 – environmental protection management system or equivalent.

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

The economic operator is obliged to compile and submit with the offer a statement on the fulfilment of the criteria for the qualitative selection of the economic operator, which confirms that it meets this criterion for the selection of the economic 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 fulfilment of the criteria for qualitative selection of the economic operator.

This criterion is proven by submitting a copy of a valid certificate of compliance with the ISO 14001:2015 – environmental protection management system or equivalent, issued by an accredited organisation.

The Contracting Authority is obliged to recognize equivalent certificates of bodies established in the member states of the European Union or bodies established in other countries.

The Contracting Authority is obliged to accept evidence of equivalent quality assurance measures if the economic operator cannot obtain the said certificates within the appropriate period for objective reasons, provided that it proves that these measures are in line with the required quality assurance standards.

|  |
| --- |
| ***Note:***  *The criteria for the selection of an economic operator in this tender documentation model are given only as an example.* *The Contracting Authority determines the selection criteria when necessary, taking into account the subject of the procurement, in proportion to the scope, nature and complexity of the public procurement.* |

# 3. TYPE, TECHNICAL CHARACTERISTICS (SPECIFICATIONS), QUALITY, QUANTITY AND DESCRIPTION OF GOODS, METHOD OF CONTROL AND QUALITY ASSURANCE, DELIVERY TIME, PLACE OF DELIVERY, POSSIBLE ADDITIONAL SERVICES, ETC.

|  |
| --- |
| **Introductory information** |

The subject of the public procurement is office electronic equipment, which includes the delivery of 10 scanners, 15 printers and 20 multifunctional devices in accordance with the technical specifications specified in this part of the tender documentation and their installation, including configuration, programming of operating system parameters and checking the correctness and functionality of the installed equipment. It is the Supplier’s obligation to provide all the installation material and accessories necessary for the installation and configuration of the delivered equipment.

Environmental aspects are foreseen within the technical specifications, that is, the equipment must have an "Energy Star" certificate or equivalent.

|  |  |  |  |
| --- | --- | --- | --- |
| **Technical specifications** | | | |
| **Number** | **Name of equipment** | | **Quantity** |
| **1** | **Scanner** | | **10 pieces** |
| **OFFERED MODEL/MARK**  **SCANNER** | |  | |
|  | **Minimum required characteristics** | **Offered characteristics** | **Page number in the catalogue / technical documentation on which data on the required characteristics are found** |
| **Scanner type** | А4 with ADF |  |  |
| **Scan speed** | CIS (Contact  image sensor) |  |  |
| **Optical resolution** | ≥ 600dpi |  |  |
| **Source of light** | LED |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Duplex scanning** | Yes |  |  |
| **Colour scanning** | Yes |  |  |
| **Scan speed**  **(black and white)** | ≥ 23 ppm |  |  |
| **ADF capacity** | ≥ 50 sheets |  |  |
| **Connecting** | USB 2.0. |  |  |
| **Input voltage** | 100-240 V |  |  |
| **Recommended daily scanning volume** | ≥ 1,000 documents |  |  |
| **Certificate/label** | Energy Star or appropriate |  |  |
| **Number** | **Name of equipment** | | **Quantity** |
| **2.** | **Printer** | | **15 pieces** |
| **OFFERED MODEL/MARK**  **PRINTER** | |  | |
|  | **Minimum required characteristics** | **Offered characteristics** | **Page number in the catalogue / technical documentation on which data on the required characteristics are found** |
| **Device type** | A4 laser |  |  |
| **Print speed** | ≥ 24 ppm A4 |  |  |
| **Print speed** | ≥ 1200 x 1200dpi |  |  |
| **Memory capacity** | ≥ 2GB |  |  |
| **Automatic duplex printing** | Yes |  |  |
| **Multipurpose paper tray (number of sheets)** | ≥ 100 sheets  A4 |  |  |
| **Paper cassette capacity (number of sheets)** | ≥ 200 sheets |  |  |
| **Connecting** | USB, Network |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Input voltage** | 100-240 V |  |  |
| **Recommended monthly printing volume** | ≥ 5000 imprints |  |  |
| **Capacity of consumables** | The device must be supplied with toner with a minimum capacity of 3,000 prints per colour |  |  |
| **Certificate/label** | Energy Star or appropriate |  |  |
| **Number** | **Name of equipment** | | **Quantity** |
| **3.** | **Multifunctional device** | | **20 pieces** |
| **OFFERED MODEL/MARK**  **MULTIFUNCTIONAL DEVICE** | |  | |
|  | **Minimum required characteristics** | **Offered characteristics** | **Page number in the catalogue / technical documentation on which data on the required characteristics are found** |
| **Device type** | A4 laser multifunctional |  |  |
| **Functionality** | printer, scanner, copier |  |  |
| **Colour printing** | Yes |  |  |
| **Print speed** | ≥ 24 ppm |  |  |
| **Print resolution** | ≥ 1200 x 1200dpi |  |  |
| **Memory capacity** | ≥ 2GB |  |  |
| **Automatic duplex printing** | Yes |  |  |
| **Print from USB memory** | PDF, EPS,  TIFF/JPEG, XPS |  |  |
| **ADF** | ≥ 100 sheets |  |  |
| **Scanning resolution** | 600 x 600 dpi |  |  |
| **Supported scanning formats** | TIFF, JPEG, PDF |  |  |
| **Multipurpose paper tray (number of sheets)** | ≥ 100 sheets  A4 |  |  |
| **Paper cassette capacity (number of sheets)** | ≥ 200 sheets  A4 |  |  |
| **Connecting** | Bluetooth, LAN, USB, Wi-Fi |  |  |
| **Display** | ≥ 7" touch sensitive |  |  |
| **Capacity of consumables** | The device must be supplied with toner with a minimum capacity of 10,000 prints per colour |  |  |
| **Certificate/label** | Energy Star or appropriate |  |  |
|  | | | |
| **GUARANTEE PERIOD FOR EQUIPMENT (No. 1, 2. and 3.)** | | | |
| **Offered duration of the general warranty period** | At least 2 years | The bidder enters  \_\_\_\_\_\_\_\_ year/s the length of the warranty period it offers | |

***\*The bidder states the warranty period in years and the same is the subject of scoring.*** ***The warranty period is expressed in full years.***

***Note:*** ***The bidder fills in the table of technical specifications and uploads and submits the document with the electronic bid.***

The delivered equipment must comply with the required technical specifications, must be original and new, without manufacturing defects, damage and delivered in the original manufacturer’s packaging.

When delivering the equipment, the supplier is obliged to submit all necessary accompanying documentation, i.e., user manual (in Serbian or English).

**Delivery deadline:** minimum \_\_\_\_\_\_\_\_\_\_, and maximum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ days from the date of conclusion of the contract. The delivery deadline includes installation, configuration, programming of operating system parameters and checking the correctness and functionality of the installed equipment (*the Contracting Authority enters the delivery deadline, which can also be set as a reserve criterion for awarding the contract, as given in this tender documentation model*).

**Place of delivery:** Contracting Authority's facility/s in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*the Contracting Authority enters the place, one or more locations where the equipment will be delivered*)

**Minimum warranty period:** **2 years** from the date of signing of the Record of Quantitative and Qualitative Acceptance (*the Contracting Authority enters the minimum warranty period, in this example a minimum period of two years is defined, considering that scoring is provided for a longer warranty period*).

The supplier guarantees the correctness and quality of the delivered equipment, according to the factory and technical conditions and characteristics.

Quality control of the delivered and installed equipment will be carried out by the Contracting Authority through the Contracting Authority's designated person.

The supplier is obliged to:

* deliver and install the equipment in everything according to the conditions of this tender documentation, with quality, according to the professional rules of the profession, in accordance with regulations and business practices;
* when performing the obligations from this contract, the Supplier is obliged to apply all the necessary protection measures in accordance with the provisions of the regulations on safety and health at work and to observe the regulations in the field of environmental protection.
* during the execution of the subject matter of the public procurement, the Contracting Authority's property is treated with the attention of a good host;
* compensate the Contracting Authority for damage caused by its own fault or gross negligence during the performance of the public procurement;
* with the Contracting Authority's representative, draw up a Record of Quantitative and Qualitative Acceptance during the delivery and installation of the equipment.

The supplier is responsible for the repair of any error, defect or deficiency on any part of the supplied equipment that may occur during the warranty period.

The Contracting Authority will immediately inform the supplier in writing about any complaints/requests based on the warranty, that is, he will send the supplier a call for the elimination of defects. The supplier undertakes to carry out the repair within a period that cannot be longer than \_\_\_\_\_\_\_\_\_\_ days of receiving the call (*The Contracting Authority enters the maximum period for the repair.* *This period can be a reserve criterion for the award of the contract, as given in this tender documentation model).*

If the Supplier does not repair the equipment within the required period, it is obliged to deliver and install, as a replacement, equipment that is identical or better in terms of quality and technical characteristics, on the first day following the expiration of the period.

|  |
| --- |
| **Other information** |

The bidder submits a catalogue or technical documentation of the manufacturer of the equipment (scanner, printer and multifunctional device) with the offer as proof of fulfilment of the required characteristics of the equipment, which should contain the name of the manufacturer, the model/label of the offered equipment and a detailed specification of the offered equipment. The submitted documentation must contain all data on the offered equipment in accordance with the required characteristics provided in the technical specification and that it meets the minimum energy efficiency criteria, i.e., Energy Star or equivalent (*fulfilment of this requirement can also be determined by viewing the website https://www.energystar.gov/ if the data is available on the specified website*).

|  |
| --- |
| ***Note:***  The listed technical specifications are indicative in nature. In terms of environmental aspects, the Contracting Authority may require that the specified device can use recycled paper, recycled cartridges/toners, that parts of the case, frame and electrical assemblies can be easily separated by auxiliary separation devices, that electrical assemblies and components such as batteries and capacitors for which there is a risk of containing ingredients containing dangerous substances as well as fluorescent lamps containing mercury can be easily found and removed, that galvanic coatings etc. are not used in the plastic parts of the housing and cartridges. Also, a certain number of devices have the RoHS mark (proof of the limited use of certain hazardous materials in the production of various types of electrical and electronic devices), which could be awarded additional points. |

# 4. DATA REGARDING THE CRITERIA FOR AWARDING THE PUBLIC PROCUREMENT CONTRACT

The Contracting Authority awards the contract on public procurement, applying the criterion of the most economically advantageous offer, based on the ratio of price and quality:

|  |  |
| --- | --- |
| **Criterion** | **Points** |
| Price | 95 |
| Quality – Warranty period | 5 |
| Total | 100 |

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

Ranking of acceptable bids will be done according to the number of points assigned to each bid.

The total number of points is equal to the sum of the points for each criterion.

|  |  |
| --- | --- |
| Bu = Bc + ∑ Bk  k | Bu – total number of points  Bc – number of price points  k – criterion  Bk – number of quality criteria points |

1. **Method of scoring price criteria**

**Price – maximum 95 points**

The maximum number of points for the best offered value, that is, with **95 points**, the offer with the lowest offered price is evaluated.

Other offers are evaluated in relation to the lowest offered price, using the following formula:

|  |  |
| --- | --- |
| B = minC/C x P | B – number of price points  minC – price of the lowest offer  C – offered price  P – value of price points |

1. **Method of scoring quality criteria**

**Quality criterion – Warranty period – maximum 5 points**

Within this element of the criteria, the offered length of the warranty period of the equipment is scored, according to the following scoring methodology:

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Value | Number of points | Explanation |
| 1. | 2 years | 0 | The minimum warranty period that the bidder can offer is 2 years, in which case he will not receive points, and in the case of a shorter guarantee period offered, the offer will be rejected as unacceptable. |
| 2. | 3 years | 2 | The bidder states the warranty period in years in his offer and receives 2 points for the offered warranty period in the specified value. |
| 3. | 4 years | 3 | The bidder states the warranty period in years in his offer and receives 3 points for the offered warranty period in the specified value. |
| 4. | 5 and more years | 5 | The bidder states the warranty period in years in his offer and receives 5 points for the offered warranty period in the specified value. |

The bidder states the length of the warranty period that he offers in the table of technical specifications that it fills out and submits with its bid on the Portal. The warranty period is expressed in full years.

*Note:* *This is an example of scoring the warranty period, and the Contracting Authority can determine the methodology of awarding points for the warranty period so that, for example, assigns weightings for each device separately, in which case bidders can state different warranty periods for each device separately, which should be foreseen as a possibility within the table of technical specifications.*

|  |
| --- |
| **Other procurement requirements (not listed above as criteria)** |

**Name:** **Delivery term**

Unit of measurement: day

Minimum offered value: \_\_\_\_\_\_\_ days, from the date of conclusion of the contract

Maximum offered value: \_\_\_\_\_ days, from the day of conclusion of the contract

**Name:** **Deadline for remedying defects within the warranty period**

Unit of measurement: day

Minimum offered value: \_\_\_\_\_\_\_\_\_\_\_ days, from the date of receipt of the Bidder's invitation

Maximum offered value: \_\_\_\_\_\_\_\_\_\_\_ days, from the date of receipt of the Bidder's call

|  |
| --- |
| **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:** |

If two or more bids, whose bids are acceptable, have the same total number of points, preference is given to the bidder who offered a shorter delivery period, and if even in that case it is not possible to determine a more favourable bidder, the shorter deadline for elimination will be applied as the next reserve criterion defects within the warranty period.

|  |
| --- |
| **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 will notify all bidders in writing of the date when the drawing by lot will take place. The draw will cover only those bids that are most favourable after the ranking based on the award criteria and the reserve criterion. The Contracting Authority will draw by lot 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 only one paper. The bidder whose name is on the drawn paper will be awarded a contract. After the first paper is drawn, the Contracting Authority draws the remaining papers one by one and ranks the remaining bidders in the order in which they were drawn. The Contracting Authority will submit to the bidders who do not attend this procedure the minutes from the draw by lot.

|  |
| --- |
| ***Note:***  *As in the example of the contract award criteria in this model, the values ​​can be expressed numerically, the ordering party, when conducting the public procurement procedure on the Portal, can apply the automatic ranking method.* *In that case, the contract award criteria document is generated through the Portal.*  *The portal for this method of weighting has formulas that the Contracting Authority chooses when preparing procurement documentation.* *At the step “Criteria for the award of the contract”, and after the Contracting Authority has chosen the automatic ranking of offers, for the criterion “offered price" it chooses the formula "Maximum number of points for the best offered value, other offered values ​​are scored in relation to the best value", and for the quality criteria such as "longer warranty period" can choose the formula "allocation of points for value/characteristic”.* *These are just examples of formulas that the Contracting Authority can use by applying the automatic ranking of offers, and a total of five formulas are implemented on the Portal.* *In addition to automatic ranking, the Contracting Authority can also use the option of manual ranking, in which case he prepares the contract award criteria document by applying other formulas and uploads it to the Portal.* |

# 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 at:* *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*.

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. FORM OF BID PREPARATION COSTS

In accordance with Article 138 of the Law on Public Procurement, the tenderer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [specify name], submits the total amount and the structure of the costs of preparing the tender, 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.*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **8.**  **PRICE STRUCTURE FORM** | | | | | | | |
|  | **PRICE STRUCTURE** | | | | | | |
| No. | Name | Unit of measurement | Provisional quantity | Unit price without VAT RSD | Rate of VAT per unit of measurement  (%) | Unit price with VAT  RSD | Total price without VAT  RSD |
|  | (1) | (2) | (3) | (4) | (5) | **(6)=(4) + (4)x(5)** | **(7)=(4)x(3)** |
| **1.** | Scanner | piece | 10 |  |  |  |  |
| **2.** | Printer | piece | 15 |  |  |  |  |
| **3** | Multifunctional device | piece | 20 |  |  |  |  |
| **(А)** | TOTAL without VAT | | | | | |  |
| **(B)** | TOTAL with VAT | | | | | |  |
| **Instructions for filling out the price structure form:**   * In column 4, the bidders enter the unit price without calculated VAT. * In column 5, the bidders enter the VAT rate. * In column 6, the bidders enter the unit price with VAT. * In column 7, the bidders enter the total price without VAT. * In the line under point A, bidders enter the total value without calculated VAT, this value represents the sum of all values from column 7. * In the row under point B, bidders enter the total value with calculated VAT. | | | | | | | |
|  | 31 | | | | | | |

# 9. CONTRACT MODEL

**AGREEMENT**

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

**Entered into by and between:**

................................................................................................. *(enter the name of the Contracting Authority)* with its seat in ............................................, street ......................................

Tax identification number (TIN): ........................................ Registration number: .....................

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

(hereinafter referred to as: Contracting Authority),

and

................................................................................................

with its seat at ............................................, street ......................................

Tax identification number (TIN): ........................................ Registration number: ........................................

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

(hereinafter referred to as: Supplier).

**The Contracting Parties have agreed as follows:**

* that the Contracting Authority, in accordance with the Law on Public Procurement ("Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23, hereinafter referred to as: PPL) conducted an open procedure for the public procurement of office electronic equipment – scanners, printers and multifunctional devices;
* that the Supplier submitted an acceptable offer no. \_\_\_\_\_ of \_\_\_\_\_\_\_ year, which forms an integral part of this contract (hereinafter referred to as: Offer);
* that the Contracting Authority has awarded the contract on the public procurement of goods that are the subject of this contract to the Supplier based on Decision no. \_\_\_\_\_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which was published on the Public Procurement Portal on \_\_\_\_\_\_\_\_\_\_\_\_;
* *that the Supplier is a group of bidders consisting of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ no. \_\_\_\_\_\_, represented by the director \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (to be filled in in the case of a joint offer by one of the suppliers; list all members of the group of bidders), who, in accordance with the offer, are jointly and severally obligated to the Contracting Authority to perform the procurement, in which case the selected group of bidders is obliged to or after making a decision*

*on the award of the contract, provide the Contracting Authority with information about the bidder who will issue the invoice;*

* *that the Supplier entrusted the partial performance of the procurement to the subcontractor/s: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ no. \_\_\_\_\_\_, represented by the director of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (to be completed only in the case of an offer with subcontractor/s; list all subcontractors entrusted with the partial execution of the procurement).* *The Supplier is fully responsible to the Contracting Authority for the performance of contractual obligations, regardless of the number of subcontractors.*

**SUBJECT-MATTER OF THE AGREEMENT**

**Article 1**

The subject of this contract is office electronic equipment – scanners, printers and multifunctional devices (hereinafter referred to as: equipment), in everything according to the specifications of the Contracting Authority and the Supplier's Offer, which form an integral part of this contract.

**CONTRACT VALUE**

**Article 2**

The total agreed price of the equipment from Article 1 of this contract amounts to: ...................... dinars (in letters: .........................................................), without VAT- a.

The price includes all the costs incurred by the Supplier in the realization of the subject of procurement (delivery, installation, configuration of the equipment, checking the correctness and functionality of the installed and configured equipment, the costs of the entire installation material and accessories), all in accordance with the technical specifications to which they relate and dependent sales costs: packaging and packing costs, loading, transport with insurance and delivery to the Contracting Authority's facility/facilities. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**METHOD AND DEADLINE FOR PAYMENT**

**Article 3**

The Contracting Authority will pay the agreed price to the supplier within 45 days from the day of receipt of the correct invoice, based on the submitted signed Record of Quantitative and Qualitative Acceptance and the submitted financial guarantee for correcting errors within the warranty period.

The invoice must be issued and registered in accordance with the regulations established by electronic invoicing.

**FINANCIAL GUARANTEES**

**Article 4**

The Supplier undertakes to provide the Contracting Authority with the signed contract as a guarantee for the fulfilment of contractual obligations, its own blank promissory note, which must be signed by a person authorized for representation with an original signature (not a facsimile) and recorded in the Register of Promissory Notes and Authorisations kept by the National Bank of Serbia. Along with the promissory note, it is necessary to submit a properly completed and certified promissory note authorization – a letter that the promissory note can be collected, with the "no protest" clause, in the amount of 10% of the total value without VAT from Article 2 of this contract.

The Contracting Authority will collect the funds from the financial guarantee for the fulfilment of contractual obligations from paragraph 1 of this article, due to non-performance, delay or irregular performance of the contractual obligations of the Supplier.

The Supplier undertakes to provide the Contracting Authority, immediately after signing the Record of Quantitative and Qualitative Acceptance, as a guarantee for the elimination of errors within the warranty period, with its own blank promissory note, which must be signed by a person authorized for representation with an original signature (not a facsimile) and recorded in the Register of Promissory Notes and Authorisations which is kept by the National Bank of Serbia. Along with the promissory note, it is necessary to submit a properly completed and certified promissory note authorization – a letter that the promissory note can be collected, with the "no protest" clause, in the amount of 10% of the total value without VAT from Article 2 of this contract.

The Contracting Authority will collect funds from the financial guarantee for the elimination of errors in the warranty period due to non-performance, delay or irregular performance of contractual obligations of the Supplier during the warranty period.

Security funds last at least 30 days longer than the deadline for fulfilling the Supplier's obligation that is the subject of security.

**METHOD AND DEADLINE FOR DELIVERY**

**Article 5**

The supplier undertakes to deliver, install, configure and check the correctness and functionality of the installed and configured equipment within \_\_\_\_\_\_\_\_ days from the date of conclusion of this contract.

The delivered equipment must comply with the required technical specifications, must be original and new, without manufacturing defects, damage and delivered in the original manufacturer's packaging.

When delivering the equipment, the supplier is obliged to submit all necessary accompanying documentation, i.e., user manual (in Serbian or English).

The supplier undertakes to perform obligations referred to in paragraph 1 of this article of the contract promptly and with a sufficient number of direct executors, according to the professional rules of the profession, in accordance with regulations and business customs.

When performing the obligations from this contract, the Supplier is obliged to apply all the necessary protection measures in accordance with the provisions of the regulations on safety and health at work and to observe the regulations in the field of environmental protection.

The Supplier is obliged to treat the Contracting Authority's property with the care of a good host when performing contractual obligations.

**CONTRACTUAL PENALTY**

**Article 6**

If the Supplier does not deliver the equipment (including installation, configuration and checking the correctness and functionality of the installed and configured equipment) within the agreed period, due to reasons for which he is responsible, and thus neglects the proper execution of the Agreement, he will pay the Bidder a contractual penalty calculated on the value of the equipment that was not delivered.

The contractual penalty is calculated from the first day after the end of the agreed delivery period and amounts to 0.5% of the value of the equipment that was not delivered for each day of delay. The total contractual penalty cannot exceed 10% of the total contracted value of the equipment from Article 2 of this contract.

The Contracting Authority's right to collect the contractual penalty does not affect the Contracting Authority's right to claim damages.

**QUANTITATIVE AND QUALITATIVE RECEIPT**

**Article 7**

Quantitative and qualitative acceptance will be carried out during the delivery and installation of the equipment at the agreed place.

After the quantitative and qualitative acceptance, the authorized representatives of the Contracting Authority and the Supplier will draw up a Record of Quantitative and Qualitative Acceptance.

The supplier undertakes that the quality of the delivered equipment will be in all respects according to the submitted Offer.

Visible defects in quality and obvious errors will be recorded immediately during the quantitative and qualitative reception.

In the case from the previous paragraph, the supplier undertakes to eliminate the observed defects and errors no later than within 3 days from the day of receipt of the report stating the defects, that is, to deliver new equipment of appropriate quality.

**WARRANTY PERIOD AND SUPPLIER'S OBLIGATIONS DURING THE WARRANTY PERIOD**

**Article 8**

The supplier guarantees the correctness and quality of the delivered equipment, according to the factory and technical conditions and characteristics.

The warranty period is \_\_\_\_\_ years from the date of signing the Record of Quantitative and Qualitative Acceptance.

The supplier is responsible for the repair of any error, defect or deficiency on any part of the supplied equipment that may occur during the warranty period.

The Contracting Authority will immediately inform the supplier in writing about any complaints/requests based on the warranty, that is, he will send the supplier a call for the elimination of defects. The supplier undertakes to carry out the repair within a period that cannot be longer than \_\_\_\_\_\_\_\_\_\_ days of receiving the call.

If the Supplier does not repair the equipment within the required period, it is obliged to deliver and install, as a replacement, equipment that is identical or better in terms of quality and technical characteristics, on the first day following the expiration of the period.

**ENVIRONMENTAL PROTECTION OBLIGATIONS**

**Article 9**

The Supplier and the Contracting Authority undertake to fully comply with the regulations in the field of environmental protection during the implementation of this contract.

If the validity of ISO 14001:2015 – environmental protection management system certificate expires during the duration of the contract, the Supplier is obliged to ensure its recertification as proof of constant compliance with the standards, control of the impact of its activities, products and services on the environment and further performance improvement.

**COMPENSATION FOR DAMAGES**

**Article 10**

The Supplier is obliged to compensate the Contracting Authority for damage caused to the Contracting Authority’s property through its own fault or gross negligence.

If, during the implementation of this contract, the Contracting Authority suffers damage as a result of the Supplier’s failure to fulfil the contractual obligations, the Supplier is responsible for the damage suffered by the Contracting Authority in that case and is obliged to compensate it.

**FORCE MAJEURE**

**Article 11**

Events that occur after the conclusion of this contract, regardless of the will of the contracting parties, which could not be foreseen at the time of signing the 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 deadlines in proportion to the duration of its effect, including the reasonable time needed to prepare for the continued performance of obligations, which the contracting parties will agree on.

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.

**FINAL PROVISIONS**

**Article 12**

The provisions of the Law on Contract and Torts, as well as other regulations that regulate this matter, will be applied to all issues that are not regulated by this contract.

**Article 13**

All disputes arising from the implementation of this contract will be resolved by agreement between the contracting parties. In the event that an agreement is not possible, the jurisdiction is the Commercial Court according to the seat of the Contracting Authority.

**Article 14**

The contract is made in 4 identical copies, of which 2 (two) for each contracting party.

**CONTRACTING AUTHORITY**   **SUPPLIER**

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

# 10. INSTRUCTIONS TO ECONOMIC OPERATORS HOW TO MAKE AN OFFER

*Part of the tender documentation that is created through the Portal*

**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: | Office electronic equipment – Scanners, printers and multifunctional devices |
| Reference number: | *(Portal withdraws the stated data)* |
| Type of procedure: | **Open procedure** |
| Type of procurement subject matter: | **Goods** |
| Description: | *(Portal withdraws the stated data)* |
| Deadline for submission: | *(Portal withdraws the stated data)* |

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

**Description of subject matter / lot**

|  |
| --- |
| **Office electronic equipment – scanners, printers and multifunctional devices** |

**Procurement description:**

*(Portal withdraws the stated data)*

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

**Prices and quality criteria**

Method of ranking acceptable bids:

**Automatic ranking**

**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/***](https://jnportal.ujn.gov.rs/)[[3]](#footnote-3)

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/3822/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](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3862/Priprema-i-podno%C5%A1enje-prijava-u-vi%C5%A1efaznim-postupcima)

* preparation and submission of **bid**

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3853/Priprema-i-podno%C5%A1enje-ponuda-i-prijava-putem-Portala)

* **filling out the e-Declaration on the fulfilment of the criteria for the qualitative selection of an economic operator**, see the general instructions for users of the Portal

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3867/Dodela-prava-na-postupak-%E2%80%93-ponu%C4%91a%C4%8Di)

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

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3945/e-Zahtev-za-za%C5%A1titu-prava)

– sending a **request for protection of rights**

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3945/e-Zahtev-za-za%C5%A1titu-prava)

* grant of authorisation to the attorney for representation **in the rights protection procedure**

[see the general instructions for users of the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3942/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 **6[[4]](#footnote-4)** (data specified by the Contracting Authority) before the submission deadline.

**Procedure electronic mailbox**

[see general instruction for users of the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3795/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
* Decision on award / suspension
* Published advertisements on public procurement

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 the successfully submitted change / amendment of the bid
* Confirmation of the revocation of the bid
* Invitation to submit bids o Invitation to participate in the e-bidding
* 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 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/3874/Upravljanje-podacima-o-organizaciji-i-korisni%C4%8Dkim-nalozima-%E2%80%93-ponu%C4%91a%C4%8Di)

Detailed instructions on preparing an offer through the Portal: [see the general instructions for users of the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3862/Priprema-i-podno%C5%A1enje-prijava-u-vi%C5%A1efaznim-postupcima)

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

**Languages ​​in which bids or applications can be submitted:** **Serbian** *(information provided by the Contracting Authority)*

**Integrity Statement**

In the offer form, the bidder must confirm with a declaration of integrity under full material and criminal responsibility that he submitted his offer independently, without agreement with other bidders 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, an economic operator can create a group of economic operators (bidders) in order to submit a joint offer.

A member of a group of economic operators 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/3854/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 economic operators.

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 economic operator for submitting a bid through the Portal.

1. 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: 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 bid/application**

The economic operator 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 economic operator. 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 can prepare and upload to the Portal (P*rocedure Page → Offers or Applications → Preparation of documentation*) documents that it intends to attach as part of the offer / application.

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3859/Priprema-i-podno%C5%A1enje-ponude-u-otvorenom-postupku?anchor=7.-u%C4%8Ditajte-dokumente-koje-prila%C5%BEete-uz-ponudu)

The Contracting Authority has defined that it requires the following documents in addition to the bids/applications for the item/lot.

|  |
| --- |
| **For subject matter / lot:** **Office electronic equipment – scanners, printers and multifunctional devices** |

**The Contracting Authority requires the bidder to enclose the following documents in its bid/application:**

**Offer / application form –** the Portal automatically forms a completed offer / application form based on the data entered by the economic operator on the Portal;

Offered price structure form – The bidder is obliged to fill in and submit the offered price structure form in the electronic offer. Instructions for filling out are in the form itself.

**Bid preparation cost form** – If the Bidder does not declare costs, it can upload this form as unfilled (empty), in the place provided for uploading this document.

**The Statement on fulfilment of criteria for qualitative selection of economic operator –** the Portal automatically forms the filled in form of the Statement on the basis of data filled in by the economic operator on the Portal.

**Bid bond**

Data on the type, content, method of submission, amount and deadlines for guaranteeing the fulfilment of the bidder's obligations are listed in a separate chapter of these Instructions.

**Data related to the award criteria and evidence for verification** – The way and methodology of awarding points is specified in the document "Criteria for awarding contracts".

**Catalogue** – The bidder submits a catalogue or technical documentation of the manufacturer of the equipment (scanner, printer and multifunctional device) with the offer as proof of fulfilment of the required characteristics of the equipment, which should contain the name of the manufacturer, the model/label of the offered equipment and a detailed specification of the offered equipment. The submitted documentation must contain all data on the offered equipment in accordance with the required characteristics provided in the technical specification and that it meets the minimum energy efficiency criteria, i.e., Energy Star or equivalent.

**Other documents** – The bidder submits a completed table of technical specifications, which is an integral part of this tender documentation.

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 the fulfilment of the criteria for the qualitative selection of the economic operator**

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/3863/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 Offers → New Statement or Statements in 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 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 economic operator to the address:

*(Portal withdraws the stated data)*

With a note:

Part of the offer for public procurement:

**Office electronic equipment – scanners, printers and multifunctional devices**

Reference number: *(Portal withdraws the stated data)*

Bid number:

DO NOT OPEN

When preparing the offer on the Portal, the economic operator 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 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.

Parts of the offer are considered timely if they are received by the Contracting Authority until (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**

|  |
| --- |
| **Subject matter / lot:** **Office electronic equipment – scanners, printers and multifunctional devices** |

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

**Quality criteria**

Name: **Warranty period**

Unit of measure: year

Description and clarification of criteria and evidence required for verification: The bidder states the length of the warranty period that he offers in the table of technical specifications that it fills out and submits with its bid on the Portal. The warranty period is expressed in full years and scored in accordance with the methodology provided in the contract award criteria document.

Minimum allowed value: 2.00

**Other procurement requirements** (not listed above as criteria)

Name: **Delivery term**

Unit of measurement: day

Description and clarification of criteria and evidence required for verification: The shorter delivery and installation period specified in the offer form will be applied as a backup criterion.

Minimum allowed value: *(The portal pulls data as specified in the section other procurement requirements)*

Maximum allowed value: *(The portal pulls data as specified in the section other procurement requirements)*

Name: **Deadline for remedying defects within the warranty period**

Unit of measurement: day

Description and clarification of criteria and evidence required for verification: The shorter term for the elimination of defects in the warranty period specified in the offer form will be applied as a reserve criterion.

Minimum allowed value: *(The portal pulls data as specified in the section other procurement requirements)*

Maximum allowed value: *(The portal pulls data as specified in the section other procurement requirements)*

**Reserve criteria**

If two or more bids, whose bids are acceptable, have the same total number of points, preference is given to the bidder who offered a shorter delivery period, and if even in that case it is not possible to determine a more favourable bidder, the shorter deadline for elimination will be applied as the next reserve criterion defects within the warranty period.

**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 will notify all bidders in writing of the date when the drawing by lot will take place. The draw will cover only those bids that are most favourable after the ranking based on the award criteria and the reserve criterion. The Contracting Authority will draw by lot 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 only one paper. The bidder whose name is on the drawn paper will be awarded a contract. After the first paper is drawn, the Contracting Authority draws the remaining papers one by one and ranks the remaining bidders in the order in which they were drawn. The Contracting Authority will submit to the bidders who do not attend this procedure the minutes from the draw by lot.

**Deadline and method of payment**

The Contracting Authority will pay the agreed price to the supplier within 45 days from the day of receipt of the correct invoice, based on the submitted signed Record of Quantitative and Qualitative Acceptance and the submitted financial guarantee for the elimination of errors within the warranty period.

The invoice must be issued and registered in accordance with the regulations established by electronic invoicing.

**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 and supplementing the offer**

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3855/Ponuda-izmena-dopuna-ili-odustanak)

**Manner of revocation of the offer**

[see the general user manual for the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3855/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**

In order to ensure the fulfilment of its obligations in the public procurement procedure, the bidder is obliged to submit a means of security for the seriousness of the bid, namely:

* A blank solo promissory note, filled out in the prescribed manner, signed by a person authorized for representation, which must be recorded in the Register of Promissory Notes and Authorisations of the National Bank of Serbia;
* Bill of exchange authorization that the bill can be collected (completed in accordance with the status documentation and signed by the authorized person), in the amount of at least 3% of the value of the offer without VAT.

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 the Law, unreasonably refuses to conclude a contract or does not submit security for the performance of the contract. The term of validity of the means of financial security is a minimum of 60 (sixty) days from the day of opening of bids.

The term of validity of the financial security is at least 60 (sixty) days from the day of opening the bids.

The bidder shall submit the promissory note and accompanying documentation with the promissory note by mail or directly in a sealed envelope, no later than the deadline for submission of tenders, to the address of the Contracting Authority: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, with the indication:

“Part of the offer: Bid bond, for public procurement no. \_\_\_\_\_\_\_\_\_\_. DO NOT OPEN BEFORE THE PUBLIC OPENING OF BIDS"

**Means of security for the execution of the contract**

The selected bidder will have to submit the following means of security for the execution of the contract:

* for the fulfilment of contractual obligations
* to eliminate defects within the warranty period.

The Supplier undertakes to provide the Contracting Authority with the signed contract as a guarantee for the fulfilment of contractual obligations, its own blank promissory note, which must be signed by a person authorized for representation with an original signature (not a facsimile) and recorded in the Register of Promissory Notes and Authorisations kept by the National Bank of Serbia. Along with the promissory note, it is necessary to submit a properly completed and certified promissory note authorization – a letter that the promissory note can be collected, with the "no protest" clause, in the amount of 10% of the total value of the contract without VAT.

The Supplier undertakes to provide the Contracting Authority, immediately after signing the Record of Quantitative and Qualitative Acceptance, as a **guarantee for the elimination of errors within the warranty period**, with its own blank promissory note, which must be signed by a person authorized for representation with an original signature (not a facsimile) and recorded in the Register of Promissory Notes and Authorisations which is kept by the National Bank of Serbia. Along with the promissory note, it is necessary to submit a properly completed and certified promissory note authorization – a letter that the promissory note can be collected, with the "no protest" clause, in the amount of 10% of the total value of the contract without VAT.

Security funds last at least 30 days longer than the deadline for fulfilling the Supplier's obligation that is the subject of security.

**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:**

Authorised representatives of bidders and other persons may attend the public opening of bids. The right to actively participate in the public opening of bids has only members of the public commission and authorized representatives of bidders, who, during the public opening of bids, submitted authorization to participate in the bid opening procedure. During the opening of bids, the public procurement commission cannot perform an expert evaluation of the bid.

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/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 instructions for users of the Portal](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3894/Komunikacija-naru%C4%8Dioca-i-ponu%C4%91a%C4%8Da-nakon-otvaranja-ponuda)

**Deadline for making the decision**

The decision on the award of the contract is made by the Contracting Authority within 30 days from the expiration of the deadline for submission of bids.

**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 PPL (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: National Commission).

**Submission of an application for protection of rights electronically** [See the general user manual for the Portal:](https://gizsr.visualstudio.com/Uputstva/_wiki/wikis/Uputstva/3937/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.

group name

* 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:
* The 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 it was or could be acquainted before the deadline for the protection of rights, which it 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.

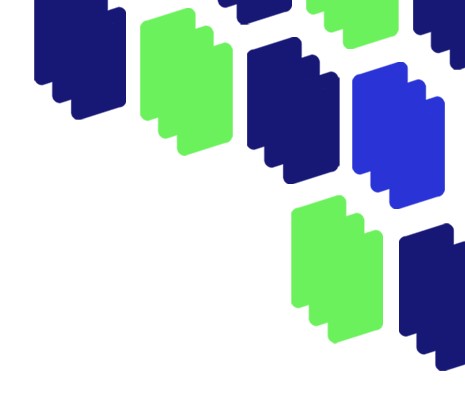
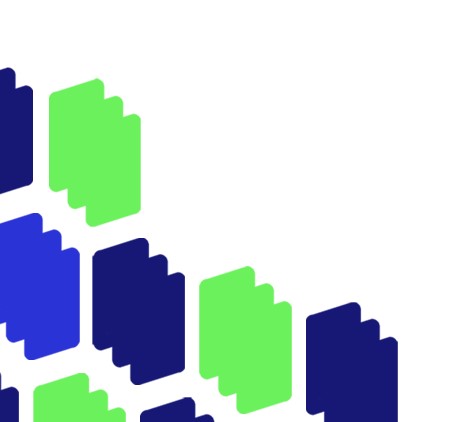
The fee is 120,000 dinars.

**PUBLIC**

**CLEAR**

**EFFICIENT**

**Good governance project**



54



1. The Public Procurement Development Programme in the Republic of Serbia for the period 2019-2023, with the circular economy development programme in the Republic of Serbia for the period from 2022-2024 (“Official Gazette of the Republic of Serbia”, No. 137/22), the Green Agenda for the Western Balkans, etc. [↑](#footnote-ref-1)
2. Reference number of the public procurement The Portal draws on the basis of data that the Contracting Authority entered in the part Basic Settings of the Procedure [↑](#footnote-ref-2)
3. The link will connect to the publication of a concrete procedure on the Portal. [↑](#footnote-ref-3)
4. 8 or 6 days, according to Article 97, paragraph 1 of the PPL. [↑](#footnote-ref-4)