**TENDER DOCUMENTATION MODEL**

**COMPETITIVE DIALOGUE**

**Public procurement of services – Procurement of equipment and services for the implementation of network infrastructure upgrades**

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**I. INTRODUCTORY NOTES**

Competitive dialogue, as a special type of procedure referred to in Article 51, paragraph 1, item 4) of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23, hereinafter referred to as: the Law), is a multi-phase procedure.

This type of procedure can be used by both public and sectoral contracting authorities.

A public contracting authority may use this procedure only when one of the conditions provided for in Article 55, paragraph 1 of the Law is met, while a sectoral contracting authority may use this procedure regardless of the conditions.

In the first phase, the contracting authority publishes a public invitation and tender documentation on the Public Procurement Portal. All interested economic entities may submit an application in the first phase, within the deadline for submitting applications.

The contracting authority evaluates the applications submitted in a timely manner on the basis of the criteria for the qualitative selection of the economic operator specified in the procurement documentation, in order to determine whether the economic operator will be capable of performing the public procurement contract and in order to select the candidates to be invited to submit a bid. Only candidates whose qualifications have been recognised may be invited to participate in the dialogue in the second stage.

In this procedure, the contracting authority may, in accordance with Article 64 of the Law, limit the number of candidates that it will invite to participate in the second phase of the procedure, i.e., the dialogue.

In the second phase of the competitive dialogue, the contracting authority sends an invitation to participate in the dialogue to qualified candidates who have not been excluded from the procedure.

The contracting authority conducts a dialogue with the aim of finding and determining one or more solutions that best meet its needs.

The contracting authority may conduct the dialogue in successive stages in order to reduce the number of solutions to be discussed during the dialogue phase, applying the award criteria specified in the procurement documents. In that case, the contracting authority shall specify in the procurement documents whether it will make use of this possibility.

After the dialogue phase has ended, the contracting authority invites participants to submit final tenders based on one or more solutions presented and explained in more detail during the dialogue. Final tenders should contain all the required elements necessary for the execution of the subject of the procurement.

After opening the final bids, the contracting authority conducts a review and expert evaluation of the bids.

Unlike other procedures, when it comes to final offers, in a competitive dialogue the contracting authority may ask tenderers to clarify, specify and adjust the final offers or to provide additional information, provided that this does not result in changes to the essential elements of the final offer or the subject of the procurement, distortion of competition or discrimination.

Final bids that are not rejected are evaluated and ranked based on the contract award criterion, which is exclusively the best price-quality ratio.

After evaluating the final bids, the contracting authority may conduct negotiations with the bidder it has determined has submitted the bid that represents the best price-quality ratio, in order to determine the financial obligations or other conditions contained in the bid, provided that this does not result in material changes to the essential elements of the bid or the subject of the procurement, distortion of competition or discrimination.

**This model of tender documentation is based on examples of good practice from the countries of the European Union, whereby the contracting authority is obliged to conduct a detailed market research before initiating a public procurement procedure and determine whether it is appropriate to apply this type of public procurement procedure for a specific subject of public procurement.**

**In a specific example, the contracting authority conducts a competitive dialogue because it cannot determine with sufficient precision the technical specifications of the subject of procurement within the meaning of Article 98, paragraphs 2-5 of the** **Law (Article 55, paragraph 1, item 4) of the Law).**

**In accordance with Article 5 of the Rulebook on the content of tender documentation in public procurement procedures (“Official Gazette of the Republic of Serbia”, No. 21/21), tender documentation in competitive dialogue consists of documentation for three phases - the qualification phase, the dialogue phase and the phase of submitting final bids.**

1. **THE TENDER DOCUMENTATION FOR THE QUALIFICATION PHASE**
	1. **GENERAL INFORMATION ON THE SUBJECT MATTER OF PROCUREMENT**

**Name:**Procurement of equipment and services for the implementation of network infrastructure upgrades

 ORN: 72212210-4 - Networking software development services)

**Type of procurement subject-matter:** Services

**Type of procedure:** Competitive dialogue

**Description of the needs of the Contracting Authority:** The subject of this public procurement is the procurement of equipment and services for the implementation of network infrastructure upgrades for the needs of the contracting authority. The subject-matter of the procurement includes planning, design, delivery of software and licenses, determination of hardware elements required for satisfactory performance, engineering, installation, testing and commissioning of the system.

A description of the client's needs is provided in Annex 1.

Given that the requested solution relates to a network that is directly related to the relevant security standards, it is not possible to provide unlimited and unhindered direct access to electronic means with this data due to the protection of its confidential nature. Given that this data is necessary for candidates to prepare a proposal for a solution in the public procurement procedure, it will be an integral part of the second part of the tender documentation, which will be delivered to candidates simultaneously with the invitation to participate in the dialogue. In order to protect the confidentiality of data, candidates are obliged to submit a "Confidentiality/Information Protection Statement" (Annex 2) with their application.

The public procurement is conducted for the purpose of concluding a public procurement contract.

**Other notes**: *(enter any other remarks relevant to the subject of public procurement, for example: information on possible options and possible contract extensions (Article 30, paragraph 1 in conjunction with Article 156 of the*  *PPL), deadline for making a decision on awarding the contract or suspending the procedure if they are longer than those prescribed by the PPL (Article 146, paragraph 3 and Article 147, paragraph 2 of the*  *PPL), etc.)*

* 1. **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**

**Exclusion grounds**

* + - 1. **Final verdict for one or more criminal offences**

**Legal basis:**

Article 111, paragraph 1, item 1) 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 and its legal representative in the previous five years from the deadline for submission of bids, i.e., applications is not convicted, unless no other period of ban on participation in the public procurement procedure has been determined, for:

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

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

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

Before recognising the qualification, the contracting authority is obliged[[2]](#footnote-2) to require all candidates to provide evidence of the fulfilment of the criteria for the qualitative selection of the economic operator.

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

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

Legal entities and entrepreneurs:

1. Certificate of the competent Basic Court in whose territory the seat of the domestic legal entity or entrepreneur is located, i.e., the seat of the representative office or branch of the foreign legal entity confirming that the bidder has not been convicted in the previous five years from the deadline for submission of bids, i.e., applications, that it has not been convicted by an enforceable decision, except if the final period of prohibition of participation in the public procurement procedure has not been determined by a final judgment, for the following criminal offences: criminal offence of tax evasion; the criminal act of fraud; the criminal act of unjustified obtaining and using credit and other benefits; criminal offence of abuse of official position; the criminal act of influence peddling; the crime of bribery; the criminal offense of trafficking in human beings (for forms referred to in Article 388, paragraphs 2, 3, 4, 6, 8 and 9 of the Criminal Code) and the criminal offence of establishing slavery and transporting persons in slavery (for forms referred to in Article 390, paragraph 1 and 2 of the Criminal Code).
2. Certificate of the competent High Court in whose territory the seat of the domestic legal entity or entrepreneur is located, i.e., the seat of the representative office or branch of the foreign legal entity confirming that the bidder has not been convicted in the previous five years from the deadline for submission of bids, i.e., applications, that it has not been convicted by an enforceable decision, except if the final period of prohibition of participation in the public procurement procedure has not been determined by a final judgment, for the following criminal offences: criminal offence of tax evasion; the criminal act of fraud; the criminal act of unjustified obtaining and using credit and other benefits; criminal offence of abuse of official position; if the value of the obtained property gain exceeds 1,500,000.00 dinars; criminal offence of trafficking in human beings (for forms referred to in Article 388, paragraphs 1, 5 and 7 of the Criminal Code); the criminal offence of establishing a slave relationship and transporting a person in a slave relationship if it was committed against a minor and the criminal offence of accepting bribes.
3. Certificate of the Special Department of the High Court in Belgrade for Organised Crime confirming that the legal entity or entrepreneur has not been convicted of any of the following criminal offences: criminal offences of organized crime; the criminal offense 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:
2. 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;
3. criminal offence of abuse of position of a responsible person, criminal offence of abuse in connection with public procurement, criminal offence of accepting bribes in performing economic activities, criminal offence of giving bribes in performing economic activities, criminal offence of abuse of official position, criminal offence of trading in influence, criminal offence of bribery and the crime of bribery; the criminal offence of fraud, the criminal offence of unjustified acquisition and use of credit and other benefits, the criminal offence of fraud in the performance of economic activity and the criminal offence of tax evasion; the criminal offence of terrorism, the criminal offence of public incitement to commit terrorist acts, the criminal offence of recruitment and training for the commission of terrorist acts and the criminal offence of terrorist association; the criminal act of money laundering, the criminal offence of terrorist financing; the criminal offence of trafficking in human beings and the criminal offence of establishing a slave relationship and transporting persons in a slave relationship.

The request can be submitted according to the place of birth or the place of residence of the legal representative or natural person. If the bidder has several legal representatives, the bidder is obliged to submit evidence for each of them.

The economic operator established in another state:

If the economic operator has its registered office in another state, the Contracting Authority shall accept the excerpt from the criminal record or other appropriate register or, if this is not possible, the relevant document of the competent judicial or administrative body in the state of the economic operator, i.e., in the state whose citizen he/she is. If the said evidence is not issued in the country in which the business operator is established, or in the country of which the person is a citizen, or if the evidence does not include all data regarding the lack of grounds for exclusion, the 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.

* + - 1. **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 with the application through the Portal a statement on the fulfilment of the criteria for qualitative selection of the economic operator, which confirms that there is no ground for exclusion.

Before recognising the qualification, the contracting authority is obliged[[3]](#footnote-3) to require all candidates to provide evidence of the fulfilment of the criteria for the qualitative selection of the economic operator.

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

The absence of this ground for exclusion is proved by the following evidence: 1) confirmation by the competent tax authority that the bidder has paid due taxes and contributions for compulsory social insurance or that it has been granted a deferral of debt payment, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation. 2) confirmation by the competent tax authority of the local self-government body that the bidder has settled the due obligations of public revenues or that it has been granted a deferral of debt payment, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation. A legal entity that is in the process of privatisation, instead of the evidence referred to in items 1) and 2), shall enclose a certificate from the competent authority that it is in the process of privatisation.

If the economic operator has its registered office in another state as proof that there are no grounds for exclusion from Article 111, paragraph 1, item 2) of this Law, the contracting authority shall accept the certificate of the competent authority in the state of the economic operator's registered office.

If the said evidence is not issued in the country in which the 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.

* + - 1. **Obligations in the field of envioronmental protection, social and labour law**

**Legal basis:**

Article 111, paragraph 1, item 3) of the PPL - the Contracting Authority shall exclude an economic operator from public procurement procedure if it determines that the economic operator in the period of the previous two years from the expiration of the deadline for submission of bids, i.e., applications, violated obligations in the field of environmental protection, social and labour law, including collective agreements, and in particular the obligation to pay contracted wages or other mandatory payments, including obligations in accordance with the provisions of international conventions listed in Annex 8 of the Law on Public Procurement.

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

The economic operator is obliged to compile and submit with the application through the Portal a statement on the fulfilment of the criteria for qualitative selection of the economic operator, which confirms that there is no ground for exclusion. The absence of this ground for exclusion is established by the Contracting Authority.

* + - 1. **Conflict of interest**

**Legal basis:**

Article 111, paragraph 1, item 4) of the PPL - the Contracting Authority shall exclude an economic operator from public procurement procedure if if there is a conflict of interest, in terms of the Law on Public Procurement, which cannot be eliminated by other measures.

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

The economic operator is obliged to compile and submit with the application through the Portal a statement on the fulfilment of the criteria for qualitative selection of the economic operator, which confirms that there is no ground for exclusion. The absence of this ground for exclusion is established by the Contracting Authority.

* + - 1. **Undue influence on the procedure**

**Legal basis:**

Article 111, paragraph 1, item 5) of the PPL - the Contracting Authority shall exclude an economic operator from public procurement procedure if it determines that the economic operator has undertaken to unduly influence the decision-making process of the contracting authority/entity or obtain confidential information that may confer upon it undue advantage in the public procurement procedure or to has provided misleading information that may have effect on decisions concerning the exclusion of economic operator, the selection of an economic operator or the award of a contract.

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

The economic operator is obliged to compile and submit with the application through the Portal a statement on the fulfilment of the criteria for qualitative selection of the economic operator, which confirms that there is no ground for exclusion. The absence of this ground for exclusion is established by the Contracting Authority.

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

* + 1. **ECONOMIC OPERATOR SELECTION CRITERIA**
			1. **Financial and economic capacity**

**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.

**1.2.2.1.1.** **Other economic and financial conditions**

**Additional description of criteria:**

In the last six months prior to the deadline for submitting applications, the economic operator did not have any current accounts opened with commercial banks for payment transactions blocked for a period longer than three days.

**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.

Before recognising the qualification, the contracting authority is obliged[[4]](#footnote-4) to require all candidates to provide evidence of the fulfilment of the criteria for the 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.

**1.2.2.2.** **Technical and professional capacity**

**Legal basis:**

Article 117, paragraph 1 of the PPL - the contracting authority may set requirements ensuring that economic operators possess the necessary human and technical resources and experience necessary to perform the public procurement contract to an appropriate quality level, and may require, in particular, that economic operator has sufficient experience in terms of contracts performed in the past.

**1.2.2.2.1.** **List of services provided**

**Additional description of criteria:**

The economic entity has, in the last three years before the deadline for submitting applications, implemented at least \_\_\_\_\_\_ contracts related to the subject of public procurement (*the contracting authority defines the selection criteria in detail depending on its needs and the subject of public procurement, and in this regard determines the number of contracts and the subject of the reference contract, in accordance with Article 114 of the*  PPL).

**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.

Before recognising the qualification, the contracting authority is obliged to require[[5]](#footnote-5) all candidates to provide evidence of the fulfilment of the criteria for the qualitative selection of the economic operator.

This criterion is proven by submitting:

* confirmation from the contracting authority confirming that the economic entity has implemented contracts related to the subject of public procurement within the requested period, as well as that it has performed the services in full accordance with the contract.
	+ - * 1. **Educational and professional qualifications**

**Additional description of criteria:**

The economic operator participating in the public procurement procedure in question must have 3 employed electrical engineers at the time of submitting the application (*the number and type of professional qualifications of the employed persons shall be determined by the contracting authority in accordance with its needs, and depending on the characteristics of each specific public procurement procedure, in accordance with Article 114 of the* PPL).

**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.

Before recognising the qualification, the contracting authority is obliged[[6]](#footnote-6) to require all candidates to provide evidence of the fulfilment of the criteria for the qualitative selection of the economic operator.

 This criterion is proven by submitting:

* employment contracts (employment contracts, temporary and occasional work contracts, etc.)
* if the employment contract does not indicate the professional qualifications of the hired persons, a copy of the diploma must also be submitted.

***Note:***

*In addition to and instead of the proposed criteria for the selection of a business entity, the contracting authority can determine other criteria that are logically related to the subject-matter of the public procurement.****See Articles 114-117 of the*** ***PPL.***

* 1. **MANNER AND DEADLINE FOR SUBMITTING THE APPLICATION**

Pursuant to Article 45 of the Law, applications in the public procurement procedure are submitted electronically, through the Public Procurement Portal.

The deadline for submitting applications is \_\_\_\_\_\_\_\_\_\_, by \_\_\_\_ hours. (*the contracting authority shall determine the minimum deadline for submitting applications in accordance with Article 58, paragraph 2 of the* *Law)*

*In the event that a certain part of the application is not submitted via the Public Procurement Portal, in accordance with Article 45, paragraph 3 of the* *Law, the contracting authority shall determine the manner in which that part of the application is submitted.*

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

## Contract award criteria:

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

|  |  |
| --- | --- |
| **Criterion** | **Weights** |
| 1. | Price  | 30 |
| 2. | Quality  | 70 |
| 2.1. | Functional and technical characteristics of the proposed solution  | 50 |
| 2.2. | Deadline for implementation | 20 |
| **Total** | **100** |

The above-mentioned contract award criteria apply to the final tenders submitted after the dialogue has been conducted, in accordance with Article 58, paragraph 16 of the Law on Public Procurement.

***The methodology for assigning weights will be developed in accordance with the results of the dialogue, i.e., the solutions identified that best meet the expressed needs of the contracting authority, and will accordingly be included in the call for submission of final bids.***

***Note:***

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

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

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

If two or more bids have the same number of weights, the bid of the bidder who offered a longer warranty period for the installed equipment will be chosen as the most favourable.

If it is not possible to make a decision on the award even after applying the specified reserve criteria, the contracting authority will award the public procurement contract to the bidder who will be drawn by lot. The contracting authority shall notify in writing all bidders who have submitted bids of the date when the draw will take place. Only those offers that have the same number of weights and the same warranty date for the software will be included in the draw. The contracting authority will draw by draw in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw one paper and one in accordance with the order of the drawn names of the bidders, the ranking of bids will be performed, i.e., the bidder whose name will be on the first drawn paper will be the first ranked bidder.

The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by draw.

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

* 1. **DATA ON THE BASIS OF WHICH THE CANDIDATES PREPARE THE APPLICATION FORM**

The competition documentation contains data on the basis of which candidates prepare an application form, which contains the following data:

1. general data on the candidate, i.e., each candidate from the group, 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 application expressed in the number of days from the day of opening the application, which may not be shorter than 30 days;
3. subject matter of public procurement;
4. 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;
5. a statement of integrity by which the candidate 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 application.

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

* 1. **DATA ON THE BASIS OF WHICH THE CANDIDATES PREPARE THE FORM OF THE STATEMENT ON THE FULFILLMENT OF THE CRITERIA FOR THE 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 fulfillment of these criteria, and

If the application 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 application, which shall contain data for the relevant capacities of the group member.

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

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

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

1. **THE TENDER DOCUMENTATION FOR THE DIALOGUE PHASE**
	1. **THE MANNER IN WHICH THE CONTRACTING AUTHORITY WILL CONDUCT THE DIALOGUE**

The goal of this competitive dialogue is to find and determine one or more solutions that best meet the needs of the contracting authority, about which the contracting authority draws up a report.

During the dialogue, the contracting authority may discuss all elements of the procurement with the candidates, in particular taking into account the technical and financial aspects of the proposed solutions.

The contracting authority will ensure equal treatment of all candidates during the dialogue.

The contracting authority will discuss their solution with each candidate, meaning each candidate can offer a different solution that meets the contracting authority’s needs.

During the dialogue, and depending on the results of previously conducted consultation cycles, the contracting authority may determine additional minimum elements of the solution that must be met by all solutions. The minimum elements may relate to any aspect of the solution, i.e., the fulfillment of the contracting authority's needs in relation to the requested subject of procurement (they may be in the form of ranges, set minimums or maximums, etc.). If the contracting authority determines additional minimum elements of the solution, it will inform all candidates about them through the dialogue, i.e., submit relevant supplementary technical documentation. Also, the minimum elements of the solution will be an integral part of the technical specifications that will be submitted with the invitation to submit final bids.

The competitive dialogue will take place through consultation cycles, with at least three consultation cycles being conducted.

Depending on the needs of finding solutions that meet the needs of the contracting authority, additional cycles of consultations may be conducted within this competitive dialogue, i.e., the contracting authority will continue the dialogue until it identifies one or more solutions that can meet its needs.

The contracting authority will not use the option of reducing the number of solutions subject to dialogue through dialogue.

Consultation cycles can take place in one of the following ways:

1. direct consultations of individual candidates with the contracting authority on the premises of the contracting authority;
2. in the form of online meetings between an individual candidate and the contracting authority;
3. by submitting to the contracting authority, via the Public Procurement Portal, the requested documentation regarding the solution or part of the solution.

Each consultation cycle may last several days depending on the number of participants in the dialogue and in order to ensure separate consultations with each participant.

The competitive dialogue, or consultations related to solutions, will be held in Serbian or English.

Candidates may submit documents related to solutions during the dialogue in Serbian or English.

*Schedule of consultations within the framework of the competitive dialogue*

Beginning of the dialogue – first cycle of consultations

Acting in accordance with Articles 5 and 65 of the Law, the contracting authority will invite all candidates whose qualifications have been recognized to participate in the dialogue through the Public Procurement Portal.

The invitation to participate in the dialogue must contain at least the information from Annex 6 of the Law, including the date and address for the start of the dialogue, as well as a notice that the tender documentation is simultaneously available on the Public Procurement Portal.

The first phase of consultations will be conducted through direct consultations of individual candidates with the contracting authority at the contracting authority's premises.

Further consultation schedule

The contracting authority will send each candidate in the dialogue an invitation for each subsequent consultation cycle within this competitive dialogue via the Public Procurement Portal. In addition to the mandatory elements prescribed by the provisions of the Law, the invitation may also contain the following information:

* method of holding consultations (direct consultations at the client's premises, online meetings, etc.);
* documentation that the candidate must submit in relation to the specified consultation round (e.g., technical specifications of the entire solution or a specific part of the solution, etc.), including the deadline and method of submitting the requested documentation (the deadline for submission may be earlier than the date of the relevant consultation cycle with the aim of analysing the submitted documents and adequately preparing the contracting authority for conducting the consultation);
* supplementary technical documentation (if applicable) determined by the contracting authority based on previously conducted consultation cycles, which is relevant for the development of the solution (for example, the minimum elements of the solution required by the contracting authority);
* all other information relevant to holding consultations.

The contracting authority will deliver the invitation for each subsequent consultation cycle to the candidates:

* + for direct consultations of individual candidates with the contracting authority on the premises of the contracting authority - at least 20 days before the scheduled date of the event;
	+ for online meetings between an individual candidate and the client – ​​at least five days before the scheduled date of the meeting;
	+ for the submission to the contracting authority of the requested documentation regarding the decision or part of the decision via the Public Procurement Portal - at least three days before the scheduled deadline.

The contracting authority will inform the participants in the dialogue whose solutions have not been rejected of the end of the dialogue and at the same time invite them to submit final tenders based on one or more solutions presented and explained in more detail during the dialogue.

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

## Contract award criteria:

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

|  |  |
| --- | --- |
| **Criterion** | **Weights** |
| 1. | Price  | 30 |
| 2. | Quality  | 70 |
| 2.1. | Functional and technical characteristics of the proposed solution  | 50 |
| 2.2. | Deadline for implementation | 20 |
| **Total** | **100** |

The above-mentioned contract award criteria apply to the final tenders submitted after the dialogue has been conducted, in accordance with Article 58, paragraph 16 of the Law on Public Procurement.

***The methodology for assigning weights will be developed in accordance with the results of the dialogue, i.e., the solutions identified that best meet the expressed needs of the contracting authority, and will accordingly be included in the call for submission of final bids.***

***Note:***

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

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

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

If two or more bids have the same number of weights, the bid of the bidder who offered a longer warranty period for the installed equipment will be chosen as the most favourable.

If it is not possible to make a decision on the award even after applying the specified reserve criteria, the contracting authority will award the public procurement contract to the bidder who will be drawn by lot. The contracting authority shall notify in writing all bidders who have submitted bids of the date when the draw will take place. Only those offers that have the same number of weights and the same warranty date for the software will be included in the draw. The contracting authority will draw by draw in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw one paper and one in accordance with the order of the drawn names of the bidders, the ranking of bids will be performed, i.e., the bidder whose name will be on the first drawn paper will be the first ranked bidder.

The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by draw.

1. **THE TENDER DOCUMENTATION FOR THE PHASE OF SUBMITTING FINAL BIDS**
	1. **GENERAL INFORMATION ON THE SUBJECT-MATTER OF PROCUREMENT**

**Name:**Procurement of equipment and services for the implementation of network infrastructure upgrades

 ORN: 72212210- 4 - Networking software development services)

**Type of procurement subject-matter:** Services

**Type of procedure:** Competitive dialogue

**Description of the needs of the Contracting Authority:** The subject of this public procurement is the procurement of equipment and services for the implementation of network infrastructure upgrades for the needs of the contracting authority. The subject-matter of the procurement includes planning, design, delivery of software and licenses, determination of hardware elements required for satisfactory performance, engineering, installation, testing and commissioning of the system.

A description of the client's needs is provided in Annex 1.

Given that the requested solution relates to a network that is directly related to the relevant security standards, it is not possible to provide unlimited and unhindered direct access to electronic means with this data due to the protection of its confidential nature. Given that this data is necessary for candidates to prepare a proposal for a solution in the public procurement procedure, it will be an integral part of the second part of the tender documentation, which will be delivered to candidates simultaneously with the invitation to participate in the dialogue. In order to protect the confidentiality of data, candidates are obliged to submit a "Confidentiality/Information Protection Statement" (Annex 2) with their application.

The public procurement is conducted for the purpose of concluding a public procurement contract.

**Other notes**: *(enter any other remarks relevant to the subject of public procurement, for example: information on possible options and possible contract extensions (Article 30, paragraph 1 in conjunction with Article 156 of the*  *PPL), information on the address and time of site visit, deadline for making a decision on contract award if longer than prescribed by the PPL (Article 146, paragraph 3 of the*  *PPL), etc.)*

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

In accordance with the results of the dialogue and the solutions considered, the contracting authority will develop a more detailed description of the subject of procurement, i.e., technical specifications, which will be submitted with the invitation to submit final bids.

The technical specifications will contain the minimum elements of the solution determined by the contracting authority through dialogue, which will represent the minimum requirements for all solutions offered.

Bids that do not meet the minimum requirements, i.e., the minimum elements of the solution, will be rejected as unacceptable.

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

## Contract award criteria:

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

|  |  |
| --- | --- |
| **Criterion** | **Weights** |
| 1. | Price  | 30 |
| 2. | Quality  | 70 |
| 2.1. | Functional and technical characteristics of the proposed solution  | 50 |
| 2.2. | Deadline for implementation | 20 |
| **Total** | **100** |

***The contracting authority adapts this part of the tender documentation (the methodology for assigning weights)[[7]](#footnote-7) to the results of the dialogue, i.e., the solutions obtained, and, once developed, delivers it to economic entities along with an invitation to submit final bids.***

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

If two or more bids have the same number of weights, the bid of the bidder who offered a longer warranty period for the installed equipment will be chosen as the most favourable.

If it is not possible to make a decision on the award even after applying the specified reserve criteria, the contracting authority will award the public procurement contract to the bidder who will be drawn by lot. The contracting authority shall notify in writing all bidders who have submitted bids of the date when the draw will take place. Only those offers that have the same number of weights and the same warranty date for the software will be included in the draw. The contracting authority will draw by draw in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw one paper and one in accordance with the order of the drawn names of the bidders, the ranking of bids will be performed, i.e., the bidder whose name will be on the first drawn paper will be the first ranked bidder. The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by draw.

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

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

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

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

(3) subject matter of public procurement,

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

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

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

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

* 1. **OFFERED PRICE STRUCTURE FORM**[[8]](#footnote-8)

| **No.** | **Subject-matter of procurement** | **Quantity** | **Unit price without VAT** | **Unit****price with VAT** | **Total price without VAT** | **Total price with VAT** |
| --- | --- | --- | --- | --- | --- | --- |
|  | **(1)** | **(2)** | **(3)** | **(4)** | **(5)** | **(6)** |
| **1.** | Service of implementation of network infrastructure upgrades  |  |  |  |  |  |
| **2.** | Infrastructure  |  |  |  |  |  |
| **TOTAL PRICE WITHOUT VAT (1+2)** |  |
| **TOTAL PRICE WITH VAT (1+2)** |  |

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

* In column 3, the bidders enter the unit price without VAT;
* In column 4, the bidders enter the unit price with VAT;
* In column 5, the bidders enter the total price without VAT.
* In column 3, the bidders enter the total price with VAT;
* In the row “Total price without VAT”, bidders enter the total value of the service without VAT, which represents the sum of all values ​​from column 5;
* In the row “Total price with VAT”, bidders enter the total value of the service without VAT, which represents the sum of all values ​​from column 6.
	1. **OFFER PREPARATION COSTS FORM**

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

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

**Note:**

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

**Submission of this form is optional.**

**3.7.** **CONTRACT MODEL**[[9]](#footnote-9)

**CONTRACT FOR THE PROCUREMENT OF EQUIPMENT AND SERVICES FOR THE IMPLEMENTATION OF NETWORK INFRASTRUCTURE UPGRADES**

**Entered into by and between:**

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

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

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

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

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

and

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

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

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

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

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

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

|  |
| --- |
| The Contracting Parties hereby agree* That the Contracting Authority, pursuant to Article 57 of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23), conducted a competitive dialogue for the procurement of services, number: \_\_\_\_ – Procurement of equipment and services for the implementation of network infrastructure upgrades;
* that the contracting authority made the Decision on awarding the contract number \_\_\_\_ of \_\_\_\_\_ for the public procurement in question on the basis of which this contract is concluded, and in everything in accordance with the accepted Offer of the Contractor, offer number \_\_\_\_ of \_\_\_\_\_ (hereinafter referred to as: Offer);
* - that the Contractor's Offer fully corresponds to the technical specifications from the tender documents, which are attached to the contract and are an integral part of this contract.
 |

**Article 1**

 The subject-matter of this contract is the procurement of equipment and services for the implementation of network infrastructure upgrades. The subject-matter of the procurement includes planning, design, delivery of software and licenses, determination of hardware elements required for satisfactory performance, engineering, installation, testing and commissioning of the system.

**Article 2**

In the event that the Contractor hires a subcontractor:

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

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

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

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

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

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

The Subcontractor requests/does not request that the Contracting Authority directly pay him due receivables for the part of the contract that he has performed.

**Article 3**

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

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

**Article 4**

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

**Article 5**

The contractor is obliged to perform the service referred to in Article 1 within \_\_\_\_\_\_\_\_ days from the date of signing the contract.

The Contracting Authority and the Contractor will record the performance of the service by signing the Minutes on the performed service and the Minutes on the quantitative and qualitative receipt of goods.

In the event of quality deficiencies determined in the report, the Contractor is obliged to eliminate them no later than 10 (ten) days from the date of drawing up the complaint report.

The guarantee period amounts to \_\_\_\_\_\_ counting from the date of drawing up the record of quantitative and qualitative acceptance.

**Article 6**

The Contracting Authority undertakes to

* form a Commission for monitoring the implementation of the contract;
* ensure the accuracy of all data and information made available to the Contractor;
* provide physical access to the implementation site and all other places necessary for the proper execution of the contract, including all necessary passes;
* prepare the locations for implementation in accordance with the instructions of the Executor and provide logistical assistance to the Executor during implementation;
* communicate and cooperate with the Contractor during the implementation of the contract.

**Article 7**

 The Contractor undertakes to:

* provides the services from Article 1 of this contract in a timely, professional and quality manner, adhering to the standards, regulations, technical norms and rules of the profession that apply to this type of service, as well as complying with the requirements of the tender documentation in accordance with the submitted offer;
* collect data on planned locations for equipment installation, perform the necessary calculations and provide instructions to the Client for the preparation of locations for equipment installation, or carry out the preparation itself at the locations where it is planned;
* data that it receives from the Contracting Authority or that he obtained during the performance of the service, he keeps in his possession and keeps as a business secret even after the end of the contract, and that it can use the same exclusively for the purpose of providing services to the Contracting Authority;
* communicates and cooperates with authorised representatives of the Contracting Authority;
* appoints persons who will be responsible for communication and cooperation with the contracting authority and the implementation of the contract in question.

**Article 8**

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

The Contractor is obliged to submit its own bill of exchange, which must be recorded in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia. The blank promissory note should be signed by the person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and certified bill of exchange authorisation - letter, with clauses “no protest”, in the name of contractual obligations and with the indicated amount of 10% of the total contract value without VAT and bill of exchange registration certificate (listing from NBS website, not a registration request). The bill of exchange must be accompanied by a copy of the certified OP form and a copy of the card of deposited signatures, issued by the commercial bank specified by the bidder in the bill of exchange authorisation - letter. In case of change of the person authorised to represent the bill of exchange authorisation - the letter remains in force. The signature of the authorised person on the bill of exchange and the bill of exchange authorisation - the letter must be identical to the signature or signatures from the card of deposited signatures.

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

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

The supplier is obliged to submit a blank promissory note along with the Record of Quantitative and Qualitative Receipt of Goods as a guarantee for correcting errors within the warranty period.

The Contractor is obliged to submit its own bill of exchange, which must be recorded in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia. The blank promissory note should be signed by the person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and signed bill of exchange authorisation - letter, with clauses “no protest”, in the name of contractual obligations and with the indicated amount of 10% of the total contract value without VAT and bill of exchange registration certificate (listing from NBS website, not a registration request). The bill of exchange must be accompanied by a copy of the certified OP form and a copy of the card of deposited signatures, issued by the commercial bank specified by the bidder in the bill of exchange authorisation - letter. In case of change of the person authorised to represent the bill of exchange authorisation - the letter remains in force. The signature of the authorised person on the bill of exchange and the bill of exchange authorisation - the letter must be identical to the signature or signatures from the card of deposited signatures.

The Contracting Authority will implement a remedy for defects within the warranty period in the event that the Supplier does not adjust the quality of the delivered Vehicle to the Contracting Authority’s requirements during the warranty period, within the appropriate period determined by the Contracting Authority, upon the Contracting Authority’s complaint.

**Article 9**

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

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

The contracting party affected by force majeure shall immediately notify the other contracting party in writing of the occurrence of unforeseen circumstances and submit appropriate evidence. Force majeure cannot be invoked by a contractual party that has fallen into arrears with the fulfilment of its contractual obligations.

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

**Article 10**

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

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

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

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

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

**Article 11**

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

**Article 12**

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

**Article 13**

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

**Article 14**

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

 **CONTRACTING AUTHORITY CONTRACTOR**

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

* 1. **INSTRUCTION TO BIDDERS HOW TO MAKE AN APPLICATION/OFFER**

**Data on the Contracting Authority**

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

**Basic information about the procedure**

|  |  |
| --- | --- |
| Name of the procedure: | **Procurement of equipment and services for the implementation of network infrastructure upgrades**  |
| Reference number: | *(Portal withdraws the stated data)* |
| Type of procedure: | **Competitive dialogue** |
| Type of procurement subject matter: | **Services** |
| Description: | *(Portal withdraws the stated data)* |
| Deadline for submission: | *(Portal withdraws the stated data)* |

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

*(if applicable)*

**Description of subject-matter / lot**

**Procurement of equipment and services for the implementation of network infrastructure upgrades**

**Procurement description:**

*(Portal withdraws the stated data)*

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

*(Portal withdraws the stated data)*

Method of ranking acceptable bids:

*(Portal withdraws the stated data)*

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

Electronic communication is required in the procedure.

The bid/application is submitted through the Public Procurement Portal in the manner described in this instruction.

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

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

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

***http://jnportal.ujn.gov.rs/***

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

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

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

* forming **a group of bidders**

see the general user manual for the Portal

* preparation and submission of **bid**

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

* **filling in the e-Statement on fulfillment of the criteria for qualitative selection of the economic operator**

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

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

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

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

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

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

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

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

**Email inbox in the procedure**

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

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

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

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

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

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

**Preparation and submission of bids/applications**

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

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

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

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

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

A detailed instruction on preparing an offer via the Portal:

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

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

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

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

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

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

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

More about forming a group of economic operators:

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

The bid/application is prepared and submitted by a member of the group authorised to submit a joint bid/application on behalf of the group of economic operators.

In the case of a joint bid/application, the data on the members of the group are part of the bid/application form.

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

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

**Preparation of bid/application with subcontractor**

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

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

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

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

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

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

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

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

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

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

* Bid form;
* Statement on fulfilment of criteria for qualitative selection of economic operator (SFC);
* Data Confidentiality/Non-Disclosure Statement.

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

* Bid form;
* Offered price structure form;
* Form of costs of bid preparation (*submission of this form is not mandatory*);
* Contract model;
* Evidence of contract award criteria;
* Bid bond: blank promissory note, signed with original signature (not facsimile), which must be recorded in the Register of Bills of Exchange and authorisations of the National Bank of Serbia (signed by an authorised person), promissory note authorisation - letter with clauses “no protest” and signed by an authorised person and with the indicated amount of 3% of the total value of the offer without VAT), certificate of registration of the bill (listing from the NBS website, as proof that the bill is registered), copy of the card of deposited signatures commercial banks specified in the bill of exchange authorisation - letter) and a copy of the certified OP form. The economic operator shall submit the bid bond in accordance with Article 45, paragraph 4 of the Law, within the deadline for submission of bids.

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

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

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

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

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

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

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

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

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

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

**Parts of the bid/application that cannot be submitted electronically**

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

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

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

*(Portal withdraws the stated data)*

With a note:

Part of the bid/application for public procurement: *(Procurement of equipment and services for the implementation of network infrastructure upgrades)*

DO NOT OPEN

When preparing the bid/application on the Portal, the economic operator specifies part or parts of the bid/application that will be submitted in non-electronic ways (by mail, courier service or directly).

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

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

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

The part or parts of the bid/application that the contracting authority did not receive within the deadline for submission of bids/applications, i.e., which was received after the expiration of the day and hour by which bids/applications may be submitted, shall be considered untimely. Untimely part or parts of the bid/application will be returned unopened to the bidder by the contracting authority upon completion of the opening procedure, with an indication that they were submitted late.

**Filling in the bid form**

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

## Other procurement requirements:

1. **Deadline for implementation:**

The deadline within which the bidder is obliged to implement the network infrastructure upgrade and deliver the software is a minimum of \_\_\_ and a maximum of \_\_\_ months from the date of signing the contract.

1. **Warranty period for the delivered software:**

The offered warranty period for the goods (software) cannot be shorter than 2 years, counting from the date of drawing up the Minutes on the quantitative and qualitative receipt of goods.

The Bidder is obliged to repair the defective goods within the warranty period, purchase and install the spare part and eliminate the defect at his own expense, by bringing the goods to a correct condition within three working days from the date of the Contracting Authority’s call.

**Application of the draw**

If, after ranking based on the award criteria and reserve criteria, it is not possible to make a decision on the award, the contracting authority will award the public procurement contract to the bidder who will be drawn by lot. The contracting authority shall notify in writing all bidders who have submitted bids of the date when the draw will take place. Only those offers that have the same number of weights and the same warranty date for the software will be included in the draw. The contracting authority will draw by draw in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw one paper and one in accordance with the order of the drawn names of the bidders, the ranking of bids will be performed, i.e., the bidder whose name will be on the first drawn paper will be the first ranked bidder.

The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by draw.

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

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

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

**Manner of amending the bid/application**

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

**Method of revoking the bid/application**

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

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

**Bid bond:**

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

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

Bid bond - bill of exchange, bill of exchange authorisation, card of deposited signatures and OP form, are attached in pdf format (uploaded) to the Public Procurement Portal, while the original bid bond - bill of exchange shall be submitted to the contracting authority in the following manner (*the contracting authority enters precisely the instruction on the manner of submission of security*).

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

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

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

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

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

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

**Means of security for fulfillment of contractual obligations:**

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

The Contractor is obliged to submit its own bill of exchange, which must be recorded in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia. The blank promissory note should be signed by the person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and certified bill of exchange authorisation - letter, with clauses “no protest”, in the name of contractual obligations and with the indicated amount of 10% of the total contract value without VAT and bill of exchange registration certificate (listing from NBS website, not a registration request). The bill of exchange must be accompanied by a copy of the certified OP form and a copy of the card of deposited signatures, issued by the commercial bank specified by the bidder in the bill of exchange authorisation - letter. In case of change of the person authorised to represent the bill of exchange authorisation - the letter remains in force. The signature of the authorised person on the bill of exchange and the bill of exchange authorisation - the letter must be identical to the signature or signatures from the card of deposited signatures.

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

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

**Means for rectifying defects within the warranty period:**

The supplier is obliged to submit a blank promissory note along with the Record of Quantitative and Qualitative Receipt of Goods as a guarantee for correcting errors within the warranty period.

The Contractor is obliged to submit its own bill of exchange, which must be recorded in the Register of Bills of Exchange and Authorisations of the National Bank of Serbia. The blank promissory note should be signed by the person authorised to represent with the original signature (not a facsimile). The bill of exchange must be accompanied by a duly completed and signed bill of exchange authorisation - letter, with clauses “no protest”, in the name of contractual obligations and with the indicated amount of 10% of the total contract value without VAT and bill of exchange registration certificate (listing from NBS website, not a registration request). The bill of exchange must be accompanied by a copy of the certified OP form and a copy of the card of deposited signatures, issued by the commercial bank specified by the bidder in the bill of exchange authorisation - letter. In case of change of the person authorised to represent the bill of exchange authorisation - the letter remains in force. The signature of the authorised person on the bill of exchange and the bill of exchange authorisation - the letter must be identical to the signature or signatures from the card of deposited signatures.

The Contracting Authority will implement a remedy for defects within the warranty period in the event that the Supplier does not adjust the quality of the delivered Vehicle to the Contracting Authority’s requirements during the warranty period, within the appropriate period determined by the Contracting Authority, upon the Contracting Authority’s complaint.

**Opening of bids/applications**

**Data related to the opening of bids/applications as stated in the invitation**

Date: *(Portal withdraws the stated data)*

Place: *(Portal withdraws the stated data)*

**Information on authorised persons and opening procedure:**

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

**Clarifications of the bid/application, form and manner of submitting evidence**

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

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

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

**Protection of rights**

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

The request for protection of rights shall be submitted electronically via the Public Procurement Portal at the same time to the contracting authority and the Republic Commission for Protection of Rights in Public Procurement Procedures (hereinafter referred to as: Republic Commission), and the contracting authority/procuring entity, whereby the date of submission through the Public Procurement Portal is considered the date of receipt.

**Applying for protection of rights electronically**

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

Steps:

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

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

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

225. 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.

1. *Content of the tender documentation in a restrictive procedure is regulated under Article 5* *Rulebook on the content of tender documentation in public procurement procedures (“Official Gazette of the Republic of Serbia”, No. 21/21)* [↑](#footnote-ref-1)
2. *Except when the estimated value of public procurement is equal or lower than RSD 5,000,000, when the contracting authority, pursuant to Article 119, paragraph 2 of the* *PPL, has the possibility, but is not obliged to request evidence.* [↑](#footnote-ref-2)
3. *Except when the estimated value of public procurement is equal or lower than RSD 5,000,000, when the contracting authority, pursuant to Article 119, paragraph 2 of the* *PPL, has the possibility, but is not obliged to request evidence.* [↑](#footnote-ref-3)
4. *Except when the estimated value of public procurement is equal or lower than RSD 5,000,000, when the contracting authority, pursuant to Article 119, paragraph 2 of the* *PPL, has the possibility, but is not obliged to request evidence.* [↑](#footnote-ref-4)
5. *Except when the estimated value of public procurement is equal or lower than RSD 5,000,000, when the contracting authority, pursuant to Article 119, paragraph 2 of the* *PPL, has the possibility, but is not obliged to request evidence.* [↑](#footnote-ref-5)
6. *Except when the estimated value of public procurement is equal or lower than RSD 5,000,000, when the contracting authority, pursuant to Article 119, paragraph 2 of the* *PPL, has the possibility, but is not obliged to request evidence.* [↑](#footnote-ref-6)
7. *The contracting authority cannot change the predefined criteria for awarding the contract, but rather determines the final methodology for assigning weights based on the results of the dialogue (for example, when it comes to the implementation deadline, it determines a scale with precisely defined time ranges and how many weights each offered solution receives).* [↑](#footnote-ref-7)
8. *Considering that the form of the offered price structure is submitted only at the stage of submitting the final bids, the detailed content of the same is determined by the contracting authority based on the results of the solutions obtained after the completed dialogue.* [↑](#footnote-ref-8)
9. *The content of the model contract is given in outline, and the detailed content of the model contract is determined by the contracting authority based on the results of the solutions obtained after the completed dialogue.* [↑](#footnote-ref-9)