**TENDER DOCUMENTATION MODEL**

**RESTRICTIVE PROCEDURE**

**Public procurement**

**Energy sources - heating oils**

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1. **INTRODUCTORY NOTES**

**BASIC CHARACTERISTICS OF THE RESTRICTIVE PROCEDURE**

The restricted procedure is carried out in two stages. It can be used by both public and sectoral contracting authorities without the obligation to meet any conditions for its use.

In the first phase, the contracting authority publishes a public invitation and tender documentation on the Public Procurement Portal. In the first phase, all interested economic entities may, within the deadline for submitting applications, submit an application consisting of an application form, a statement on the fulfilment of the criteria for the qualitative selection of the economic operator and other documents requested by the contracting authority. 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 with recognised qualifications may be invited to submit a bid in the second phase. After the bids are opened, the contracting authority reviews and evaluates the bids based on the conditions and requirements of the procurement documentation.

Negotiation with bidders is not permitted, but contracting authorities may request additional explanations to assist them in reviewing, evaluating, and comparing bids.

Only acceptable offers can be considered, and unacceptable ones will be rejected.

Bids that are not rejected are evaluated and ranked based on the criterion of the most economically advantageous bid specified in the procurement documentation.

**MAIN ADVANTAGES OF USING THE RESTRICTIVE PROCEDURE**

In this procedure, the contracting authority invites only candidates whose qualifications have been recognized in the first phase to submit bids. This means that in the second phase of the procedure, the contracting authority does not waste time and other resources on bids from economic operators that do not meet the criteria for qualitative selection.

In addition, the contracting authority can “shortlist” qualified candidates, that is, limit the number of bids it will receive in the second phase of the procedure. In this way, the contracting authority can reduce the costs and time required for the review and evaluation of bids compared to that phase in an open procedure.

**LIMITATION OF THE NUMBER OF CANDIDATES** – Article 64 Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23, hereinafter referred to as the PPL)

In a restrictive procedure, the contracting authority can make a “shortlist” of candidates, i.e., limit the number of candidates whose qualifications are recognized, who will be invited to the second phase.

In the event that it uses this option, the contracting authority is obliged to state in the public call the minimum number of candidates it intends to invite, and the maximum number, if necessary, as well as the objective and non-discriminatory criteria or rules it intends to apply to reduce the number of candidates. The minimum number of candidates in a restricted procedure may not be less than five.

If the number of candidates who meet the criteria for the qualitative selection of an economic operator is greater than the minimum number of candidates, the contracting authority does not have to invite all candidates whose qualifications have been recognised to submit a tender. The contracting authority may, by applying the criteria or rules it has determined, reduce the number of candidates to the minimum number. If the number of candidates who meet the criteria for qualitative selection of an economic operator is less than the minimum number specified in the public invitation, the contracting authority may continue the procedure by inviting candidates who meet the criteria for the qualitative selection of an economic operator.

The contracting authority may, if necessary, specify the maximum number of candidates it intends to invite to submit a tender. If the number of candidates who meet the criteria for the qualitative selection of the economic operator is greater than the maximum number of candidates, the contracting authority shall not invite all candidates whose qualifications have been recognised, but a maximum of eight. The contracting authority shall reduce the number of candidates to the maximum number by applying the criteria or rules it has determined.

***This model of tender documentation is based on examples of good practice from the Public Procurement Portal, whereby the contracting authority is obliged to conduct 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.*** ***A detailed market analysis allows not only an assessment of the type of public procurement procedure to be applied, but also the definition of technical specifications, criteria for qualitative selection of an economic operator, criteria for awarding the contract and other parts of the procurement documentation.***

**Notes in this tender documentation model:**

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| **Notes related to individual parts of the tender documentation** |
| **How to prepare individual parts of the tender documentation on the Public Procurement Portal** |
| **Notes for each part of the tender documentation, whether it is listed in the first and/or second phase of the procedure** |

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

**Name:** Energy sources - heating oils, ORN: 09135000 – heating oils

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

**Type of public procurement procedure:** Restrictive procedure

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

**Minimum number of candidates who will be invited to submit a bid in the second phase**:[[2]](#footnote-2) 5 candidates.

 **Other notes**: *(enter any other remarks relevant to the subject matter of public procurement, for example: data on possible changes to the contract (Article 30, paragraph 1, in connection with Article 156 of the* *PPL), information on conducting reserved public procurement (Article 37 of the*  *PPL), that an e-auction will be conducted (Articles*  *71-73 and Annex 5 of the*  *PPL), 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.)* *PPL), etc.)*

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| ***Preparing a document on the Portal:*** * *This part of the tender documentation is created by the Portal based on the data that the contracting authority enters into the system.* *In that case, this part contains only the mandatory data prescribed by the Rulebook on the Content of the Tender Documentation in the Public Procurement Procedures.*
* *If the contracting authority wants this part of the tender documentation to contain some other data, the contracting authority prepares this document on its computer and uploads it to the Portal at the appropriate step.*
 |
| ***An integral part of the first and/or second phase of the procedure:****This part of the tender documentation is an integral part of the first phase of the procedure.* *The contracting authority has the option to upload or create this document in the second phase.*  |

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

***3.1 GROUNDS FOR EXCLUSION***

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

**Legal basis:**

Article 111, paragraph 1, item 1) of the PPL - the Contracting Authority 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[[3]](#footnote-3) to require all candidates to provide evidence of the fulfilment of the criteria for the qualitative selection of the economic operator.[[4]](#footnote-4)

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

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

Legal entities and entrepreneurs:

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

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

4) Certificate of the Special Department of High Courts in Belgrade, Novi Sad, Niš and Kraljevo for the Suppression of Corruption, confirming that the legal entity or entrepreneur has not been convicted of any of the following criminal offences: bribery in the course of economic activity; the criminal offence of bribery in the performance of economic activity; the criminal offence of abuse in connection with public procurement; the criminal offence of fraud in the performance of economic activity; the criminal offence of abuse of the position of a responsible person and the criminal offence of money laundering.

Legal representatives and natural persons:

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

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

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

The economic operator established in another state:

If the economic operator has its registered office in another state, the Contracting Authority shall accept the excerpt from the criminal record or other appropriate register or, if this is not possible, the relevant document of the competent judicial or administrative body in the state of the economic operator, i.e., in the state whose citizen he/she is. If the said evidence is not issued in the country in which the 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.

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

**Legal basis:**

Article 111, paragraph 1, item 2) of the PPL - the Contracting Authority is obliged to exclude an economic operator from the public procurement procedure if the economic operator does not prove that it has paid due taxes and contributions for compulsory social insurance or that it has been granted a deferral of debt payment by a binding agreement or resolution, in accordance with special regulation, including all accrued interest and fines.

**Method of proving the 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[[5]](#footnote-5) 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.

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

**Legal basis:**

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

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

**Legal basis:**

Article 111, paragraph 1, item 4) of the PPL - the Contracting Authority shall exclude an economic operator from public procurement procedure if item 2 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.

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

**Legal basis:**

Article 111, paragraph 1, item 5) of the PPL - the Contracting Authority shall exclude an economic operator from public procurement procedure if it determines that the economic operator has undertaken to unduly influence the decision-making process of the Contracting Authority 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.

**3.1.6.** **Violations of previously concluded contracts**

**Legal basis:**

Article 112, paragraph 1, item 5) of the PPL - the contracting authority may provide in the procurement documentation that it will exclude an economic entity from the public procurement procedure at any time if it determines that the economic entity, in the period of three years preceding the expiry of the deadline for submitting bids, has not fulfilled its obligations under previously concluded public procurement contracts or a previously concluded concession contract, the consequence of which was the termination of that contract, the collection of security deposits, compensation for damages or other.

**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.

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| ***Note:*** *This model tender documentation lists only one ground for exclusion from Article 112 of the* PPL*.* *The contracting authority may, instead of or in addition to this ground, list other grounds for exclusion.* *If it decides to use them, it is obliged to list them in the documentation and to exclude the economic operator from the public procurement procedure if it determines in any way at any time during the public procurement procedure that the listed grounds for exclusion exist.* |

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

**3.2.1.** **Performing professional activities**

**Legal basis:**

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

**Additional description of criteria:**

The economic operator is obliged to provide, in the statement on the fulfilment of the criteria for the qualitative selection of the economic operator, in the "details" section, a description of the evidence that it will submit after the opening of the bids, at the request of the contracting authority.

**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 a license from the Energy Agency of the Republic of Serbia, with the Agency's confirmation that the license is valid.

*Note:* The Contracting Authority will not require the submission of the above proof if the required data is publicly available on the website of the Energy Agency.[[7]](#footnote-7)

**Condition:**

That the economic operator possesses a valid license from the competent authority to perform the activity that is the subject of public procurement, i.e., that it has a valid license to perform energy activities - trade in oil, oil derivatives, biofuels and compressed natural gas.

* + 1. **List of delivered goods**

**Legal basis:**

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

**Additional description of criteria:**

Forms proving compliance with the defined criteria are an integral part of the competition documentation.

**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[[8]](#footnote-8) 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 the filled-in forms, namely:

• List of delivered goods - in the list of delivered goods, the candidate enters the number and date of the contract and/or invoice, the name of the buyer to whom the delivery of energy sources was made, the delivery period and the quantity of energy sources.

• Certificate of delivered goods - The certificate confirms that the candidate delivered the energy sources in accordance with the agreed deadlines, quality and quantity.

**Condition:**

The economic operator is obliged to meet the condition that in the last three years before the deadline for submitting applications, within the contracted period and quality, it has made at least three deliveries of energy - heating oil, of which the subject of at least one contract/invoice is the delivery of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ [[9]](#footnote-9)kg and/or l of the goods in question.

**3.2.3 Limiting the number of qualified candidates**

**Legal basis:**

Article 64 PPL - The contracting authority may, in a restrictive procedure, competitive procedure with negotiation, negotiated procedure with publication of a public call, competitive dialogue and innovation partnership, limit the number of candidates it will invite to submit bids or to participate in the dialogue.

In the event that the contracting authority uses the option referred to in paragraph 1 of this Article, in a restricted procedure the minimum number of candidates is five, and in a competitive procedure with negotiation, a negotiated procedure with publication of a public call, a competitive dialogue and an innovation partnership the minimum number of candidates is three.

In the event that the contracting authority uses the option referred to in paragraph 1 of this Article, the contracting authority is obliged to state in the public call or call for applications the objective and non-discriminatory criteria or rules that it intends to apply to reduce the number of candidates, the minimum number of candidates that it intends to invite, and the maximum number, if necessary.

If the number of candidates who meet the criteria for the qualitative selection of an economic operator is less than the minimum number specified in the public call or the call for applications, the contracting authority may continue the procedure by inviting candidates who meet the criteria for the qualitative selection of an economic operator.

The contracting authority may not invite other economic entities that have not submitted an application or candidates who have not met the criteria for the qualitative selection of an economic operator.

**Additional description of criteria:**

For the purpose of proving this criterion, only the quantities stated in the contracts/invoices and receipts submitted for the purpose of proving the criterion - List of delivered goods are taken into account.

**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[[10]](#footnote-10) 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 the filled-in forms, namely:

• List of delivered goods - in the list of delivered goods, the candidate enters the number and date of the contract and/or invoice, the name of the buyer to whom the delivery of energy sources was made, the delivery period and the quantity of energy sources.

• Certificate of delivered goods - The certificate confirms that the candidate delivered the energy sources in accordance with the agreed deadlines, quality and quantity.

*Note:* Given that this evidence is submitted for the purpose of proving compliance with the selection criteria - List of Delivered Goods, the candidate is not required to submit it twice.

**Condition:**[[11]](#footnote-11)

If more than 5 candidates meet the criteria for the qualitative selection of an economic operator, the Contracting Authority determines the selection of 5 candidates to be invited to submit bids in the second phase based on the quantity of energy - heating oil, which the candidates delivered based on the contracts/invoices specified in the List of Delivered Goods and Buyers' Confirmations. The first 5 candidates with the largest quantity of delivered goods will be invited to submit bids in the second phase.

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| ***Note:****In addition to and instead of the proposed criteria for the selection of the economic operator, the Contracting Authority may determine others that are logically related to the subject matter of procurement.**See Art. 114-117 of the* *PPL* |
| ***Preparing a document on the Portal:*** *This part of the tender documentation is created by the Portal itself based on the data entered by the Contracting Authority in the system.* |
| ***An integral part of the first and/or second phase of the procedure:****This part of the tender documentation is an integral part of the first phase of the procedure.* *Given that the purpose of this document has been exhausted in the first phase, it is unnecessary to provide for it in the second phase.*  |

**4.** **TYPE, TECHNICAL CHARACTERISTICS (SPECIFICATIONS), QUALITY, QUANTITY, DESCRIPTION OF GOODS, METHOD OF IMPLEMENTING CONTROL AND PROVIDING QUALITY GUARANTEE, CONDITIONS AND METHOD OF DELIVERY OF GOODS**

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|  **Energy sources - heating oils** |  |  |
| **Reg.****No.** | **Item name and description** | **Unit of measurement** | **Quantity**[[12]](#footnote-12) |
| 1. | Low-sulphur fuel oil - special NSG-S[[13]](#footnote-13) | KG | 100,000 |
| 2. | Gas oil extra light Euro el[[14]](#footnote-14) | L  | 100,000 |

1. **LOW-SULPHUR FUEL OIL - SPECIAL NSG-S**

**PLACE OF DELIVERY:**

The contracting authority’s warehouse at the address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(enter the address of the contracting authority’s warehouse).

**METHOD AND DEADLINE FOR DELIVERY:**

Successively, within a minimum of 1 (one) and a maximum of 10 (ten) days from the date of receipt of the written request of the contracting authority. Delivery is made within the time agreed upon between the contracting authority and the Supplier.

Delivery is carried out by a vehicle specialized for the transport of the goods in question and the delivery (unloading) is attended by a specialist from the Supplier who is trained to perform these tasks.

Measurement is performed with calibrated devices of approved types by the Directorate for Measures and Precious Metals of the Republic of Serbia, with the permissible error of deviation from the declared quantity, due to the physico-chemical properties of the oil derivative, measurement errors of the measurement system determined in accordance with the standards and legal regulations relating to this area.

The Supplier is obliged to provide the Contracting authority with a delivery note, with each delivery, with a report on the quality testing of low-sulphur fuel oil - special NSG-S, issued by an accredited laboratory, as well as other documents that must accompany the liquid fuel when placed on the market of the Republic of Serbia, in accordance with the applicable Regulation on technical and other requirements for liquid fuels of petroleum origin.

Price: must be given at the parity of the FCO warehouse of the contracting authority.

*The unit price of the good is determined every working day, and is applied to the good delivered on that working day, or in the event that one or more non-working days follow the working day when the price is determined, the price thus determined is also applied to the good delivered on the following non-working days.*

*Non-working days include Saturday, Sunday, and public holidays and religious holidays that are celebrated as non-working days.*

*The unit price of low-sulphur fuel oil - special NSG - S at parity FCO storage space of the Contracting authority with all included duties and costs, except VAT, is determined according to the following formula:*

***Cn = (PSKCn + FP) \* PSKUSD / 1000+ OBRn+ UEEn****+* ***ТМ + TMn + PR***

***Cn*** – *unit price of low-sulphur fuel oil - special NSG-S without VAT in RSD/kg;*

***PSKCn*** *– average of the last 5 (five) published quotations on the day of price determination for 1 PCT according to Platts FOB Med Italy parity in USD/t;*

***FP*** *– fixed premium expressed in the Supplier's Offer in USD/t;*

***PSKUSD*** *– average USD exchange rate of the National Bank of Serbia for the days when the applied quotations were published;*

***OBRn*** *– current fee for mandatory reserves of oil and oil derivatives/lit;*

***UEEn*** *– valid fee for improving energy efficiency /kg;*

***TM*** *- valid marking costs in RSD/kg;*

***TMn*** *- current monitoring costs in RSD/kg;*

***PR*** *– fixed transportation costs stated in the Supplier's Offer in RSD/lit.*

*The amount of VAT is calculated on the price determined in the manner referred to in the previous paragraph.*

*The calculated price cannot be higher than the official wholesale price excluding shipping costs.*

*The supplier will be responsible for accurate pricing with the correct application of average quotation prices.*

*The Supplier is obliged to inform the contracting authority in writing of the valid unit price of the goods for each period of application of the determined price, as well as to provide, at the Contracting authority's request, the values ​​of all price elements shown in the above formulas, according to which the price is determined.[[15]](#footnote-15)*

**QUANTITATIVE AND QUALITATIVE RECEIPT**

The Supplier guarantees the quality of the delivered goods, which must be in accordance with the required quality and characteristics from the Tender Documentation - Technical Specifications.

The contracting authority is deemed to have received the goods quantitatively and qualitatively at the time of signing the Minutes on the receipt of goods and the delivery note.

The contracting authority has the right to complain about the quantity and quality of the delivered goods, in which case he is obliged to file a complaint without delay, immediately upon receipt of the goods.

In the event of a complaint about the quantity of goods, the Contracting authority shall notify the Supplier and send him a written request with a complaint, while the Supplier shall be obliged to submit a response to the complaint and, within 3 (three) days from the date of receipt of the complaint, take action to resolve it.

In the event of a complaint about the quality of the goods, the Contracting authority shall notify the Supplier, who shall send an authorized expert or an independent control organization to sample the goods to be delivered for analysis to an accredited laboratory for petroleum derivatives. Testing shall be performed only for the parameters that are the subject of the complaint. The Supplier shall submit the Test Report to the Contracting authority within 1 (one) day from the date of receipt of the test results from the accredited laboratory. The basis for initiating a complaint is the Test Report from the accredited laboratory indicating a deviation of the delivered quality of the petroleum derivative from the applicable Regulations on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards to which those Regulations refer.

A quality complaint will be considered justified if, during the activities carried out in the complaint procedure, it is determined that the quality of the derivative has degraded during transport or delivery, as a result of the Supplier’s error, as well as if, during laboratory tests in an accredited laboratory, it is determined that the quality of the arbitration sample of the shipping tank from which the loading was carried out does not correspond to the quality in accordance with the applicable Rulebook on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards to which that Regulation refers.

The contracting parties agree that until the end of the complaint procedure, each party shall bear its own costs incurred in accordance with this article.

If it is determined that the complaint is not justified, the costs of the complaint procedure will be borne by the contracting authority, and if it is determined that the complaint is justified, the costs of the complaint procedure will be borne by the Supplier.

**PROOF THAT THE GOODS OFFERED HAVE THE TECHNICAL CHARACTERISTICS REQUIRED BY THE TENDER DOCUMENTATION**

In order to prove that the offered low-sulphur fuel oil - special NSG - S meets the required technical characteristics from the Tender Documentation - Technical Specifications, the candidate is obliged to submit a Declaration/Certificate of Product Conformity and a Report on the Quality Testing of Low-sulphur Fuel Oil - Special NSG - S, issued by an accredited laboratory, which must meet all quality requirements in accordance with the Regulation on Technical and Other Requirements for Liquid Fuels of Petroleum Origin ("Official Gazette of the Republic of Serbia", No. 150/2020, 127/2021, 129/2022 and 104/2023 - as amended) and the standards referred to in the Regulation.

1. **GAS OIL EXTRA LIGHT EURO EL**

**PLACE OF DELIVERY:**

The contracting authority’s warehouse at the address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (enter the address of the contracting authority’s warehouse).

**METHOD AND DEADLINE FOR DELIVERY:**

Successively, a minimum of 1 (one) and a maximum of 10 (ten) days from the date of receipt of the written request of the contracting authority. Delivery is made within the time agreed upon between the contracting authority and the Supplier.

Delivery is carried out by a vehicle specialized for the transport of the goods in question and the delivery (unloading) is attended by a specialist from the Supplier who is trained to perform these tasks.

Measurement is performed with calibrated devices of approved types by the Directorate for Measures and Precious Metals of the Republic of Serbia, with the permissible error of deviation from the declared quantity, due to the physico-chemical properties of the oil derivative, measurement errors of the measurement system determined in accordance with the standards and legal regulations relating to this area.

The Supplier is obliged to provide the contracting authority with a quality test report for extra light Euro el gas oil, issued by an accredited laboratory, along with the delivery note, for each delivery, as well as other documents that must accompany the liquid fuel when placed on the market of the Republic of Serbia, in accordance with the applicable Rulebook on technical and other requirements for liquid fuels of petroleum origin.

*Price: must be given at the parity of the FCO warehouse of the contracting authority.*

*The unit price of the good is determined every working day, and is applied to the good delivered on that working day, or in the event that one or more non-working days follow the working day when the price is determined, the price thus determined is also applied to the good delivered on the following non-working days.*

*Non-working days include Saturday, Sunday, and public holidays and religious holidays that are celebrated as non-working days.*

*The unit price of goods at the FCO parity warehouse of the contracting authority with all included duties and costs, excluding VAT, is determined according to the following formula:*

***Cn = (PSKCn + FP) \* PSKUSD \* 0.870 / 1000 + OBRn + UEEn +AK + PR***

***Cn*** *– unit price of gas oil extra light Euro el without VAT in RSD/lit;*

***PSKCn*** *– average of the last 5 (five) published quotations on the date of price determination for Gasoil.* *1 according to Platts FOB Med Italy parity in USD/t;*

***FP*** *– fixed premium expressed in the Supplier's Offer in USD/t;*

***PSKUSD*** *– average USD exchange rate of the National Bank of Serbia for the days when the applied quotations were published;*

***OBRn*** *– current fee for mandatory reserves of oil and oil derivatives/lit;*

***UEEn*** *– valid fee for improving energy efficiency /lit*

***AK*** *– the applicable excise duty amount in RSD/lit;*

***PR*** *– fixed transportation costs stated in the Supplier's Offer in RSD/lit.*

*The amount of VAT is calculated on the price determined in the manner referred to in the previous paragraph.*

*The calculated price cannot be higher than the official wholesale price excluding shipping costs.*

*The supplier will be responsible for accurate pricing with the correct application of average quotation prices.*

*The Supplier is obliged to inform the Contracting authority in writing of the valid unit price of the goods for each period of application of the determined price, as well as to provide, at the Contracting authority's request, the values ​​of all price elements shown in the above formulas, according to which the price is determined.[[16]](#footnote-16)*

**QUANTITATIVE AND QUALITATIVE RECEIPT**

The Supplier guarantees the quality of the delivered goods, which must be in accordance with the required quality and characteristics from the Tender Documentation - Technical Specifications.

The contracting authority is deemed to have received the goods quantitatively and qualitatively at the time of signing the Minutes on the receipt of goods and the delivery note.

The contracting authority has the right to complain about the quantity and quality of the delivered goods, in which case he is obliged to file a complaint without delay, immediately upon receipt of the goods.

In the event of a complaint about the quantity of goods, the Contracting authority shall notify the Supplier and send him a written request with a complaint, while the Supplier shall be obliged to submit a response to the complaint and, within 3 (three) days from the date of receipt of the complaint, take action to resolve it.

In the event of a complaint about the quality of the goods, the Contracting authority shall notify the Supplier, who shall send an authorized expert or an independent control organization to sample the goods to be delivered for analysis to an accredited laboratory for petroleum derivatives. Testing shall be performed only for the parameters that are the subject of the complaint. The Supplier shall submit the Test Report to the Contracting authority within 1 (one) day from the date of receipt of the test results from the accredited laboratory. The basis for initiating a complaint is the Test Report from the accredited laboratory indicating a deviation of the delivered quality of the petroleum derivative from the applicable Regulations on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards to which those Regulations refer.

A quality complaint will be considered justified if, during the activities carried out in the complaint procedure, it is determined that the quality of the derivative has degraded during transport or delivery, as a result of the Supplier’s error, as well as if, during laboratory tests in an accredited laboratory, it is determined that the quality of the arbitration sample of the shipping tank from which the loading was carried out does not correspond to the quality in accordance with the applicable Rulebook on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards to which that Regulation refers.

The contracting parties agree that until the end of the complaint procedure, each party shall bear its own costs incurred in accordance with this article. If it is determined that the complaint is not justified, the costs of the complaint procedure will be borne by the contracting authority, and if it is determined that the complaint is justified, the costs of the complaint procedure will be borne by the Supplier.

**PROOF THAT THE GOODS OFFERED HAVE THE TECHNICAL CHARACTERISTICS REQUIRED BY THE TENDER DOCUMENTATION**

In order to prove that the offered gas oil extra light Euro el meets the required characteristics from the Tender Documentation - Technical Specifications, the candidate is obliged to submit a **Declaration/Certificate of Product Conformity and a Quality Test Report for gas oil extra light Euro el**, issued by an accredited laboratory, which must meet all quality requirements in accordance with the Regulation on Technical and Other Requirements for Liquid Fuels of Petroleum Origin (“Official Gazette of the Republic of Serbia”, Nos. 150/2020, 127/2021, 129/2022 and 104/2023 - as amended) and the standards referred to in the Rulebook.

|  |
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| ***Note:*** *This technical documentation is an example of good practice taken from the Public Procurement Portal.* *The contracting authority defines the technical specification in accordance with its needs.*  |
| ***Preparing a document on the Portal:*** *The contracting authority prepares this document on its computer and uploads it to the Portal at the appropriate step.* |
| ***An integral part of the first and/or second phase of the procedure:****This part of the tender documentation is an integral part of the first phase of the procedure.* *The contracting authority has the option to form this document in the second phase as well.*  |

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

**Course name:** Energy sources - heating oils

**CONTRACT AWARD CRITERIA**

**The contracting authority defined the criteria for awarding the contract** based on the price-quality ratio, which are weighted based on the following criteria:

|  |  |
| --- | --- |
| **Criterion** | **Weight** |
| Price (P) | 80 |
| Quality (Q) | 20 |
| Total | 100 |

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

**Price (P):**

The bid that has the lowest prevention offered is valued at 80 weights, and the rest according to the formula:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| P | = | 80 | x | The lowest offered price  |
| Price from the bid that is being evaluated |

**Quality (Q):**

Q=delivery time

The bid offering the shortest delivery time is evaluated with 20 points, and the rest according to the formula:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Q | = | 20 | x | Shortest delivery term |
| Offered delivery time  |

Minimum delivery time: 1 day from the date of receipt of the contracting authority’s written request.

Maximum delivery term: 10 days from the date of receipt of a written request by the contracting authority.

The bidder shall provide information on the delivery date in the bid form.

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

**ENP = P + Q**

The reserve criterion on the basis of which the contract will be concluded - the validity period of the bill of exchange for good performance.

If the contracting authority, after applying the contract award criteria, cannot determine with which bidder it will conclude the contract, the contract will be concluded with the bidder who offered a longer term of validity of the bill of exchange for good performance of the work.

If, after ranking based on the criteria for awarding the contract and the reserve criteria, it is not possible to make a decision on awarding the contract, the contracting authority will make a decision on awarding the contract by drawing lots. The contracting authority will inform the bidders about the date when the draw will take place by lot. The contracting authority will draw by lot in public, in the presence of the bidder, by writing the names of the bidders on separate papers of the same size and colour, and will fold all these papers and put them in a transparent box from where they will draw only one paper. The bidder whose name is on the drawn paper will be awarded a contract. After the first paper is drawn, the contracting authority draws the remaining papers one by one and ranks the remaining bidders in the order in which they were drawn. The contracting authority will submit to the bidders who do not attend this procedure the minutes from the draw by lot.

*Note:*

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

|  |
| --- |
| ***Note:*** *In addition to and instead of the proposed contract award criteria, the contracting authority may use other criteria.**See Articles 132 and 133 of the* *PPL* |
| ***Preparing a document on the Portal:*** *Given that the criteria can be expressed numerically, the Contracting Authority, when preparing this part of the procurement documentation on the Portal, selects "Automatic ranking" regarding the method of applying the criteria.* *This part of the tender documentation is created by the Portal itself based on the data entered by the Contracting Authority in the system.* |
| ***An integral part of the first and/or second phase of the procedure:****Considering that the bids are submitted in the second phase, and that this document is important for the assessment of the most economically advantageous bid, this part of the tender documentation is an integral part of the second phase of the procedure.* *However, in order for candidates/potential bidders to be informed in advance about the weighting method, it is necessary for the Contracting Authority to provide this document in the first phase as well.*  |

1. **INFORMATION ON THE BASIS OF WHICH CANDIDATES, OR BIDDERS PREPARE THE APPLICATION FORM, I.E., OFFER**

The tender documentation contains data on the basis of which candidates, i.e. bidders, prepare the application form, i.e., offer, which contains the following information:

1) general data on the candidate/bidder, i.e., each candidate/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 offer/application expressed in the number of days from the day of offer/application 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 candidate/bidder confirms under full material and criminal responsibility that it submitted its application/bid independently, without agreement with other bidders or interested persons and to guarantee the accuracy of the data in the bid.

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| --- |
| ***Preparing a document on the Portal:*** *The application/bid form is automatically formed on the Portal based on the data entered by the contracting authority in step:* *Criteria for contract award and other procurement requirements.*  |
| ***An integral part of the first and/or second phase of the procedure:****In the first phase of the procedure, the candidate provides data for the purpose of preparing the application form, while in the second phase, the bidder provides data for the purpose of preparing the bid form.*  |

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 fulfilment 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 fulfilment of the criteria the issuers of evidence on the fulfilment of the criteria for qualitative selection of the economic operator and state that they will be able to submit that evidence to the Contracting Authority upon request and without delay.

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

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| ***An integral part of the first and/or second phase of the procedure:****In the first phase of the procedure, the candidate provides data for the purpose of preparing a form for a statement on the fulfilment of the criteria for the qualitative selection of an economic operator.*  |

1. **OFFERED PRICE STRUCTURE FORM**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **I. No.** | **II.** **Item name**  | **III. Unit of measurement** | **IV.****Unit price without VAT** | **V.****Quantity** | **VI. Unit price with VAT**  | **VII. Total price without VAT** | **VIII. Total price without VAT** |
| 1 | Low-sulphur fuel oil - special NSG-S | kg |  | 100,000 |  |  |  |
| 2 | Gas oil extra light Euro el  | litre |  | 100,000 |  |  |  |
| **TOTAL PRICE WITHOUT VAT:** |  |
|  **TOTAL PRICE WITH VAT:** |  |

 |

Instructions for filling out the bid price structure form:

* Column IV - Unit price without VAT
* Column VI - Unit price with VAT
* Column VII - Total price without VAT
* Column VIII - Total price with VAT
* Line - Total price without VAT
* Line - Total price with VAT.

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| ***Preparing a document on the Portal:*** *The contracting authority prepares this part of the tender documentation on its computer and uploads it to the Portal at the appropriate step.*  |
| ***An integral part of the first and/or second phase of the procedure:****Considering that bids are submitted in the second phase, and that the first phase is conducted solely for the purpose of determining the qualifications of the candidate, this part of the tender documentation is an integral part of the second phase of the procedure.* *The contracting authority has the option of forming this document in the first phase as well.*  |

1. **FORM OF BID/APPLICATION PREPARATION COSTS**

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

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

**Note:**

The costs of preparation and submission of the application/offer are borne exclusively by the candidate/offer and cannot claim reimbursement 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 candidate/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.

***Note:*** ***Submission of this form is optional.***

|  |
| --- |
| ***An integral part of the first and/or second phase of the procedure:****The Contracting Authority may provide this part of the tender documentation within the first and/or second phase, depending on whether the submission of samples or models, or the submission of security, is provided for in the first and/or second phase.*  |

1. **BUYER’S CERTIFICATE**

|  |  |
| --- | --- |
| Buyer’s name |  |
| Address of the buyer |  |
| Registration number |  |
| Tax identification number: |  |
| Contact person - function |  |
| Phone |  |
| E-mail  |  |

The buyer issues the

**CONFIRMATION**

 That the candidate:

|  |
| --- |
|  |

*(enter the name and address of the candidate)*

in the period of the last 3 (three) years before the expiration of the deadline for submitting applications, i.e., in the period from \_\_\_.\_\_\_.\_\_\_\_\_\_\_ to \_\_\_.\_\_\_.\_\_\_\_\_\_\_\_, within the contracted period and quality, delivered energy sources \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(insert type of energy source), in the quantity of \_\_\_\_\_\_\_\_\_\_(insert quantity of energy source), based on the contract and/or invoice number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, date of contract and/or invoice:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

This certificate is issued at the request of the candidate, in order to participate in the restrictive procedure of public procurement number \_\_, goods - Energy sources - heating oil and cannot be used for other purposes.

 Signature of the authorised person of the buyer

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

*\*The form is filled in and signed by the buyer to whom the goods were delivered.*

*\*\* Copy the form depending on the contract number.*

*\*\*\* This form proves the criterion - List of delivered goods and the criterion - limitation of the number of qualified candidates*

|  |
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| ***Preparing a document on the Portal:*** *The contracting authority prepares this part of the tender documentation on its computer and uploads it to the Portal at the appropriate step.*  |
| ***An integral part of the first and/or second phase of the procedure:****This part of the tender documentation is an integral part of the first phase of the procedure.* *Given that the purpose of this document has been exhausted in the first phase, it is unnecessary to provide for it in the second phase.*  |

1. **LIST OF DELIVERED GOODS**

**PUBLIC PROCUREMENT OF GOODS**

**Energy sources - heating oils**

**Public procurement number: \_\_\_\_\_\_\_\_**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Contract and/or invoice number and date** | **Name of the buyer to whom the goods were delivered**  | **Type of energy source**  | **Delivery period** |  **List of delivered goods**  |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
|  |  | **Signature of the authorised person**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**\****This form proves the criterion - List of delivered goods and the criterion - limitation of the number of qualified candidates*

|  |
| --- |
| ***Preparing a document on the Portal:*** *The contracting authority prepares this part of the tender documentation on its computer and uploads it to the Portal at the appropriate step.*  |
| ***An integral part of the first and/or second phase of the procedure:****This part of the tender documentation is an integral part of the first phase of the procedure.* *Given that the purpose of this document has been exhausted in the first phase, it is unnecessary to provide for it in the second phase.*  |

**Contract model**

1. **PUBLIC PROCUREMENT CONTRACT**

Entered into by and between the contracting parties:

**1.** **Name of the contracting authority**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ number: \_\_\_\_\_\_\_\_\_\_, tax identification number\_\_\_\_\_\_\_\_\_\_\_\_, represented by the director \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (hereinafter referred to as: Contracting Authority)

and

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from \_\_\_\_\_\_\_\_\_\_,\_\_\_\_\_\_\_\_\_\_\_ no.\_\_\_, tax identification number \_\_\_\_\_\_\_\_\_\_\_\_\_, represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(hereinafter referred to as: Supplier).

*(if a joint offer is submitted, state the requested information for each member of the group of bidders) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

**The Contracting Authority and the Supplier undertake:**

- that the contracting authority, in accordance with the provisions of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23), conducted a restrictive procedure for public procurement No. \_\_\_ (*enter the public procurement number*), goods - Energy - heating oils, and in order to conclude a public procurement contract,

- that the Contracting Authority has concluded a contract for the public procurement of energy sources - heating oil, with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(state the name of the Supplier) based on the Decision on the award of the contract No. \_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_ 2024 (*enter the number and date of the decision*).

Article 1

The subject-matter of the Contract is the purchase of energy - heating oil with delivery to the Contracting authority's warehouse (hereinafter referred to as: the goods), in accordance with the Supplier's Offer No. \_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_, which forms an integral part of this contract (hereinafter referred to as: the Offer).

Article 2

The Supplier undertakes to deliver the goods, in full accordance with the concluded contract and the Supplier's Offer.

The total value of the contract is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dinars excluding calculated VAT, or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dinars including calculated VAT.

*The unit price of the good is determined every working day, and is applied to the good delivered on that working day, or in the event that one or more non-working days follow the working day when the price is determined, the price thus determined is also applied to the good delivered on the following non-working days.*

*Non-working days include Saturday, Sunday, and public holidays and religious holidays that are celebrated as non-working days.*

*The unit price of low-sulphur fuel oil - special NSG - S at parity FCO storage space of the Contracting authority with all included duties and costs, except VAT, is determined according to the following formula:*

***Cn = (PSKCn + FP) \* PSKUSD / 1000+ OBRn+ UEEn****+* ***ТМ + TMn + PR***

***Cn*** – *unit price of low-sulphur fuel oil - special NSG-S without VAT in RSD/kg;*

***PSKCn*** *– average of the last 5 (five) published quotations on the day of price determination for 1 PCT according to Platts FOB Med Italy parity in USD/t;*

***FP*** *– fixed premium expressed in the Supplier's Offer in USD/t;*

***PSKUSD*** *– average USD exchange rate of the National Bank of Serbia for the days when the applied quotations were published;*

***OBRn*** *– current fee for mandatory reserves of oil and oil derivatives/lit;*

***UEEn*** *– valid fee for improving energy efficiency /kg;*

***TM*** *- valid marking costs in RSD/kg;*

***TMn*** *- current monitoring costs in RSD/kg;*

***PR*** *– fixed transportation costs stated in the Supplier's Offer in RSD/lit.*

*The unit price of extra light Euro el gas oil at the FCO parity warehouse of the Contracting authority with all included duties and costs, excluding VAT, is determined according to the following formula:*

***Cn = (PSKCn + FP) \* PSKUSD \* 0.870 / 1000 + OBRn + UEEn +AK + PR***

***Cn*** *– unit price of gas oil extra light Euro el without VAT in RSD/lit;*

***PSKCn*** *– average of the last 5 (five) published quotations on the date of price determination for Gasoil.* *1 according to Platts FOB Med Italy parity in USD/t;*

***FP*** *– fixed premium expressed in the Supplier's Offer in USD/t;*

***PSKUSD*** *– average USD exchange rate of the National Bank of Serbia for the days when the applied quotations were published;*

***OBRn*** *– current fee for mandatory reserves of oil and oil derivatives/lit;*

***UEEn*** *– valid fee for improving energy efficiency /lit*

***AK*** *– the applicable excise duty amount in RSD/lit;*

***PR*** *– fixed transportation costs stated in the Supplier's Offer in RSD/lit.*

*The amount of VAT is calculated on the price determined in the manner referred to in the previous paragraph.*

*The calculated price cannot be higher than the official wholesale price excluding shipping costs.*

*The supplier will be responsible for accurate pricing with the correct application of average quotation prices.*

*The Supplier is obliged to inform the contracting authority in writing of the valid unit price of the goods for each period of application of the determined price, as well as to provide, at the contracting authority’s request, the values ​​of all price elements shown in the above formulas, according to which the price is determined.[[17]](#footnote-17)*

Article 3

In the event that the Supplier entrusts the execution of the contract to a subcontractor:

The Supplier is fully responsible to the contracting authority for the performance of all obligations from the contract, including the obligations entrusted to the subcontractor:

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

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

The Supplier will engage the specified subcontractor for the execution of the following part of the contract (by subject or in quantity, value or percentage):

1.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

2.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Article 4

The Supplier undertakes to deliver the contracted goods successively, at the request of the Contracting authority, within \_\_\_\_\_\_\_\_ days (minimum 1 (one) day and maximum 10 (ten) days) from the date of receipt of the Contracting authority's written request (delivered by mail, fax, e-mail). Delivery will be made within the time agreed upon between the Contracting authority and the Supplier.

The Supplier undertakes to deliver the goods to the Contracting authority's warehouse at the address:

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

Delivery is carried out by a vehicle specialized for the transport of the goods in question and the delivery (unloading) is attended by a specialist from the Supplier who is trained to perform these tasks.

Article 5

The contracting authority is obliged to pay the contracted price to the supplier within 45 (forty-five) days from the day of receipt of the correct e-invoice, in accordance with the Law on deadlines for settlement of financial obligations in commercial transactions (“Official Gazette of the Republic of Serbia”, Nos. 19/12, 68/15, 113/17, 91/19, 44/21, 44/21 - as amended, 130/21, 129/2021 – as amended and 138/2022) and on the basis of the submitted signed Record of receipt of the goods in question.

The minutes on receipt of the goods and the delivery note are the basis for issuing the invoice. The supplier is obliged to issue invoices in accordance with the Law on Electronic Invoicing (“Official Gazette of the Republic of Serba”, Nos. 129/2021, 138/2022 and 92/2023).

In the event that the Supplier entrusts the performance of part of the public procurement contract to a subcontractor, the Contracting Authority shall be obliged to pay the receivables due under the contract directly to the subcontractor, for the part of the contract that it has performed, if the subcontractor requests that the receivables due be paid directly.

If immediate payment of due claims to the subcontractor for the part of the contract that it executed is not required, the contracting authority is obliged, after payment, to ask the supplier with which it concluded the contract to provide it with proof and a statement from the subcontractor that it has paid the subcontractor its claims within 60 days. If the Supplier does not submit the proof and statement of the subcontractor within the specified period, the Contracting Authority is obliged to submit to the Public Procurement Office a proposal for the initiation of misdemeanour proceedings within 30 days.

Article 6

The Supplier undertakes to deliver the contracted goods to the Contracting authority in full accordance with the technical documentation, regulations, standards, technical norms and quality standards applicable to the contracted type of goods.

Measurement is performed with calibrated devices of approved types by the Directorate for Measures and Precious Metals of the Republic of Serbia, with the permissible error of deviation from the declared quantity, due to the physico-chemical properties of the oil derivative, measurement errors of the measurement system determined in accordance with the standards and legal regulations relating to this area.

The Supplier undertakes to deliver the goods under this contract according to the quality and characteristics specified in the Supplier's Offer and this contract.

The Supplier guarantees the quality of the contracted goods in accordance with the applicable Regulation on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards referred to in that Regulation.

The Supplier is obliged to provide the Contracting authority with a quality test report of the contracted goods, issued by an accredited laboratory, along with the delivery note, upon each delivery, as well as other documents that must accompany the contracted goods when placed on the market of the Republic of Serbia, in accordance with the applicable Regulation on technical and other requirements for liquid fuels of petroleum origin (“Official Gazette of the Republic of Serbia”, Nos. 150/2020, 127/2021, 129/2022 and 104/2023 - as amended).

The Contracting authority is deemed to have received the goods quantitatively and qualitatively at the time of signing the Minutes of Receipt of Goods and the Delivery Note.

Article 7

The contracting authority has the right to complain about the quantity and quality of the delivered goods, in which case he is obliged to file a complaint without delay, immediately upon receipt of the goods.

In the event of a complaint about the quantity of goods, the Contracting authority shall notify the Supplier and send him a written request with a complaint, while the Supplier shall be obliged to submit a response to the complaint and, within 3 (three) days from the date of receipt of the complaint, take action to resolve it.

In the event of a complaint about the quality of the goods, the Contracting authority shall notify the Supplier, who shall send an authorized expert or an independent control organization to sample the goods to be delivered for analysis to an accredited laboratory for petroleum derivatives. Testing shall be performed only for the parameters that are the subject of the complaint. The Supplier shall submit the Test Report to the Contracting authority within 1 (one) day from the date of receipt of the test results from the accredited laboratory. The basis for initiating a complaint is the Test Report from the accredited laboratory indicating a deviation of the delivered quality of the petroleum derivative from the applicable Regulations on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards to which those Regulations refer.

A quality complaint will be considered justified if, during the activities carried out in the complaint procedure, it is determined that the quality of the derivative has degraded during transport or delivery, as a result of the Supplier’s error, as well as if, during laboratory tests in an accredited laboratory, it is determined that the quality of the arbitration sample of the shipping tank from which the loading was carried out does not correspond to the quality in accordance with the applicable Rulebook on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the standards to which that Regulation refers.

The contracting parties agree that until the end of the complaint procedure, each party shall bear its own costs incurred in accordance with this article.

If it is determined that the complaint is not justified, the costs of the complaint procedure will be borne by the Contracting authority, and if it is determined that the complaint is justified, the costs of the complaint procedure will be borne by the Supplier.

Article 8

For all observed defects - hidden defects, which were not visible at the time of receiving the goods, the Contracting Authority shall submit a complaint with a record of defects to the Supplier no later than 8 (eight) days after the defects have been identified.

The Supplier undertakes to eliminate the deficiencies no later than 5 (five) working days after receipt of the Defects Report.

Article 9

If the Supplier is late in fulfilling its obligations under Article 4, paragraph 1, Article 7, paragraph 2 and Article 8, paragraph 2 of this contract, it shall be obliged to pay the Contracting authority an amount of 0.5% of the total contracted value of the goods that cannot be put into use, as a contractual penalty, for each day/working day of delay.

The total amount of the agreed penalty referred to in paragraph 1 of this Article may not exceed 10% of the total agreed value excluding VAT.

The Contracting Authority's right to collect a contractual penalty does not affect his right to demand compensation for damages.

Article 10

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

The Supplier is released from the obligation to pay the agreed penalty in the event of supply disruptions in the oil and oil derivatives market caused by force majeure.

Force majeure shall mean extreme and extraordinary events that cannot be foreseen, that occurred without the will and influence of the parties to the Contract and that could not have been prevented by the party affected by force majeure. Force majeure may include floods, earthquakes, fires, breakdowns and unplanned repairs of refineries or oil pipelines, political events (war, large-scale riots, strikes), imperative decisions of state authorities, etc.

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

Article 11

After the conclusion of the contract, the Contracting Authority may allow the delivery of goods that differ from those agreed upon, in the event of force majeure and if the Supplier, for objective reasons, which occurred after the submission of the offer and which it could not foresee before the submission of the offer (termination of the economic operator - the manufacturer of the offered good), cessation of production of the offered goods by the manufacturer, etc.), is unable to deliver the contracted goods.

The new good must meet the technical requirements of the Technical Specification and have the same or better characteristics than the characteristics of the offered, contracted good, for which the Supplier is obliged to provide proof issued by the manufacturer of the good, i.e., to provide Declarations/Certificates of Product Conformity and Quality Test Reports for the new good, issued by an accredited laboratory. The new good must meet all quality requirements in accordance with the Rulebook on technical and other requirements for liquid fuels of petroleum origin (“Official Gazette of the Republic of Serbia”, No. 150/2020, 127/2021, 129/2022 and 104/2023 - as amended) and the standards referred to in the Rulebook.

The Supplier is obliged to provide appropriate evidence of the objective reasons for the impossibility of delivering the contracted goods and when those reasons occurred.

Article 12

The Supplier undertakes to hand over to the Contracting Authority a blank promissory note as a guarantee for the fulfilment of the contractual obligations at the same time as the contract is concluded.

The Supplier 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 validity period of the financial security is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_days (at least 30 days) longer than the contract expiration date. (*reserve criterion for awarding the contract*)

In the event that the Supplier does not fulfil its contractual obligations in all respects in accordance with the concluded contract, performs them in part or is late with the fulfilment of contractual obligations, the contracting authority will activate the collateral.

Article 13

This contract shall enter into force on the day of signing by both parties and is valid until the realisation of the total agreed value, and no later than one year from the date of conclusion.

Article 14

The contracting parties have agreed that the provisions of the Law on Contract and Torts, as well as other regulations that regulate this matter, apply to everything that is not provided for in this contract.

Article 15

The contracting parties agree that all disputes related to the implementation of the contract are resolved amicably, otherwise the court in \_\_\_\_\_\_\_\_\_\_\_\_\_ shall have the jurisdiction.

Article 16

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

|  |  |  |
| --- | --- | --- |
| **CONTRACTING AUTHORITY**  |  | **SUPPLIER** |
|  |  |  |

|  |
| --- |
| ***Preparing a document on the Portal:*** *The contracting authority prepares this part of the tender documentation on its computer and uploads it to the Portal at the appropriate step.*  |
| ***An integral part of the first and/or second phase of the procedure:****Considering that bids are submitted in the second phase, and that a public procurement contract is concluded after the second phase, this part of the tender documentation is an integral part of the second phase of the procedure.* *However, in order for candidates/potential bidders to be familiar with all the provisions of the future contract in advance, it is necessary for the Contracting Authority to provide this document in the first phase as well.*  |

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: | **Energy sources - heating oils** |
| Reference number: | *(Portal withdraws the stated data)* |
| Type of procedure: | **Restrictive procedure** |
| Type of procurement subject matter: | **Goods** |
| Description: | *(Portal withdraws the stated data)* |
| Deadline for submission: | *(Portal withdraws the stated data)* |

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

**Description of subject matter / lot**

**Energy sources - heating oils**

**Procurement description:**

*(Portal withdraws the stated data)*

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

*(Portal withdraws the stated data)*

Method of ranking acceptable bids:

*(Portal withdraws the stated data)*

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

Electronic communication is required in the procedure.

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

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

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

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

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

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

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

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

* forming **a group of bidders**

see the general user manual for the Portal

* preparation and submission of **bid**

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

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

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

* **assignment of the right to a procedure** *(to a person in 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 fulfilment 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);

-Declarations/Certificates of Product Conformity and Quality Test Report for energy sources that are the subject of public procurement, issued by accredited laboratories, which must meet all quality requirements in accordance with the Regulation on Technical and Other Requirements for Liquid Fuels of Petroleum Origin (“Official Gazette of the Republic of Serbia”, Nos. 150/2020, 127/2021, 129/2022 and 104/2023 - as amended) and the standards to which the Rulebook refers.

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

- Bid form;

- Offered price structure form;

- Bid bond:

- Contract model;

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

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

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

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

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

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

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

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

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

Members of the group, subcontractors or other entities whose capacities are used by the economic operator fill in each of their e-Statements, and the economic operator can download the completed e-Statement through the Portal and attach it to the bid/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 the Law 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: *(Energy sources - heating oils)*

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.

**The reserve criterion** on the basis of which the contract will be concluded - the validity period of the bill of exchange for good performance.

**Application of the draw**

*(Portal withdraws the stated data)*

**Method and deadline for payment:**

The contracting authority is obliged to pay the contracted price to the supplier within 45 (forty-five) days from the day of receipt of the correct e-invoice, in accordance with the Law on deadlines for settlement of financial obligations in commercial transactions (“Official Gazette of the Republic of Serbia”, Nos. 19/12, 68/15, 113/17, 91/19, 44/21, 44/21 - as amended, 130/21, 129/2021 – as amended and 138/2022) and on the basis of the submitted signed Record of receipt of the goods in question.

The minutes on receipt of the goods and the delivery note are the basis for issuing the invoice.

The supplier is obliged to issue invoices in accordance with the Law on Electronic Invoicing (“Official Gazette of the Republic of Serba”, Nos. 129/2021, 138/2022 and 92/2023).

**The application/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 in the bid, in the second phase.

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.

The promissory note, the card of deposited signatures and the OP form are attached (uploaded) to the Public Procurement Portal in PDF format, while the original promissory note is delivered to the contracting authority by the deadline for submitting bids, by mail or directly delivered to the contracting authority's address.

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 fulfilment of the contractual obligations.

The contracting authority will cash the bill of exchange submitted with the bid if the bidder withdraws its bid within the bid validity period, unreasonably refuses to conclude the contract, or fails to provide security for the performance of the contract.

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 fulfilment of contractual obligations:**

The Bidder undertakes to hand over to the Contracting Authority a blank promissory note as a guarantee for the fulfilment of the contractual obligations at the same time as the contract is concluded.

The bidder 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 term of validity of financial collateral is at least 30 days longer than the expiration date of the contract.

In the event that the bidder does not fulfil its contractual obligations in all respects in accordance with the concluded contract, performs them in part or is late with the fulfilment of contractual obligations, the contracting authority will activate the collateral.

**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-matter 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 referred to in Article 225 of the PPL and to refer to the subject request for protection of rights.

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

The fee is 120,000 dinars.

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| ***Preparing a document on the Portal:*** *This part of the tender documentation is created by the Portal itself based on the data entered by the Contracting Authority in the system.* |
| ***An integral part of the first and/or second phase of the procedure:****In the first phase, the Contracting Authority prepares instructions for submitting applications, and in the second phase for submitting bids.*  |

1. *Content of the tender documentation in a restrictive procedure is regulated under Article 3 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. *The contracting authority must state these data in the public invitation.*  [↑](#footnote-ref-2)
3. *Except in the case when the estimated value of the public procurement is equal to or lower than 5,000,000 dinars, when the contracting authority, in accordance with Article 119, paragraph 2 of the PPL, has the option, but not the obligation, to request evidence.* [↑](#footnote-ref-3)
4. *In a restricted procedure, evidence of compliance with the criteria is submitted by all candidates who have submitted applications. Only candidates whose qualifications have been recognized may be invited to submit a bid in the second phase.* [↑](#footnote-ref-4)
5. *Except in the case where the estimated value of the public procurement is equal to or lower than 5,000,000 dinars, when the contracting authority, in accordance with Article 119, paragraph 2 of the PPL, has the option, but not the obligation, to request evidence.* [↑](#footnote-ref-5)
6. *Except in the case where the estimated value of the public procurement is equal to or lower than 5,000,000 dinars, when the contracting authority, in accordance with Article 119, paragraph 2 of PPL, has the option, but not the obligation, to request evidence.* [↑](#footnote-ref-6)
7. *Link of the Energy Agency where the Register of Licences is located:*

[*https://aers.rs/Index.asp?l=1&a=534&tp=Zanpra*](https://aers.rs/Index.asp?l=1&a=534&tp=Zanpra) [↑](#footnote-ref-7)
8. *Except in the case where the estimated value of the public procurement is equal to or lower than 5,000,000 dinars, when the contracting authority, in accordance with Article 119, paragraph 2 of PPL, has the option, but not the obligation, to request evidence.* [↑](#footnote-ref-8)
9. *The contracting authority determines the quantities in accordance with the characteristics of a particular procurement.*  [↑](#footnote-ref-9)
10. *Except in the case where the estimated value of the public procurement is equal to or lower than 5,000,000 dinars, when the contracting authority, in accordance with Article 119, paragraph 2 of PPL, has the option, but not the obligation, to request evidence.* [↑](#footnote-ref-10)
11. *The contracting authority may choose the criteria for the selection of the economic operator depending on the needs of the specific public procurement.* [↑](#footnote-ref-11)
12. *The contracting authority determines the quantities in accordance with its needs.* [↑](#footnote-ref-12)
13. *Low-sulphur fuel oil - special NSG-S is a mixed residual and distillate fuel that must be preheated during transport, storage and use, and is intended for use in metallurgy and for all industrial plants where low sulphur content is required, and for energy units. It is obtained by mixing vacuum residue, visbreaking residue, atmospheric residue, decant oil and diesel components. It needs to be stored in properly constructed and equipped tanks. Avoid storing in an area with other chemicals, especially those that can cause fire, and do not use tools that can produce sparks.* [*https://www.nis.rs/rs/product/ulje-za-lozenje/*](https://www.nis.rs/rs/product/ulje-za-lozenje/) [↑](#footnote-ref-13)
14. *Extra light gas oil EURO EL is a distillate fuel intended for industrial use, as well as for professional use and for power units. It is intended for vaporization burners, as well as for all burners that operate with pressure, without the possibility of preheating the fuel. Extra light gas oil EURO EL is obtained by mixing diesel components. In the finalization process, orange dye is added with a marker and, if necessary, additives to improve low-temperature characteristics. Avoid storing in an area with other chemicals, especially those that can cause fire (oxidants, acids, etc.). Do not use tools and devices that can produce sparks in the warehouse. Keep away from open flames, hot surfaces and sources of ignition.* [*https://www.nis.rs/rs/product/ulje-za-lozenje/*](https://www.nis.rs/rs/product/ulje-za-lozenje/) [↑](#footnote-ref-14)
15. *Example of pricing method.* [↑](#footnote-ref-15)
16. *Example of pricing method.* [↑](#footnote-ref-16)
17. *Example of pricing method.* [↑](#footnote-ref-17)