**Analysis of the Application of the Contract Award Criterion not Based on Price**

Belgrade, December 2024

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# INTRODUCTORY REMARKS

The Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19 and 92/23, hereinafter: LPP) prescribes in Article 132 that the contracting authority/entity shall award the contract to the most economically advantageous tender determined on the basis of one of the following criteria:

1. price or
2. costs, by applying a cost-effectiveness approach, such as life-cycle costing, or
3. the price-quality ratio, or the cost-quality ratio which shall be assessed on the basis of criteria, including qualitative, environmental and/or social aspects, linked to the subject-matter of the public procurement contract in question.

The contracting authority/entity shall have the discretion to select the type of the contract award criterion to apply in each specific public procurement procedure.

However, there are certain exceptions to this rule:

* The contracting authority/entity may determine the element of price or cost as a predetermined price or cost, so that the most economically advantageous tender is identified on the basis of the quality criterion[[1]](#footnote-1).
* When conducting a competitive dialogue or innovation partnership, the contracting authority/entity may use only the criterion based on the price-to-quality ratio as the contract award criterion.
* In the case of awarding a public procurement contract for software development services, architectural services, engineering services, translation services or consultancy services, the contracting authority/entity shall determine the most economically advantageous tender based on the cost criterion by applying a cost-effectiveness approach or based on the price-to-quality or cost-to-quality ratio[[2]](#footnote-2).

Given the new legal provisions in force since 1 January 2024, regarding the use of the contract award criterion not solely based on price, this analysis gives a comparative overview of data related to the application of such a criterion, as an indicator of changes in the behaviour of contracting authorities/entities when conducting public procurement procedures.

In addition to the above, the analysis also contains examples of good practice in relation to public procurement procedures conducted by contracting authorities/entities in the Republic of Serbia, in which the contract award criterion is defined based on the price-quality ratio.

# STATISTICAL DATA RELATING TO THE APPLICATION OF THE CONTRACT AWARD CRITERION

This part of the analysis presents statistical data regarding the application of the contract award criterion not solely based on price[[3]](#footnote-3), for the period from 2020 to 2024.[[4]](#footnote-4)

Statistical data is presented on several different bases:

1. By application of the type of the contract award criterion;
2. By the type of procurement subject;
3. By the type and activity of the contracting authority/entity;
4. By the CPV code;
5. By the share of service procurements under Article 132, paragraph 3 of the LPP in relation to the total number of public procurement procedures applying the contract award criterion not solely based on price.
6. ***Application of the type of the contract award criterion***
7. **Application of the contract award criterion not solely based on price according to the procurement subject**
8. **Application of the contract award criterion not solely based on price according to the type and activity of the contracting authority/entity**

|  |
| --- |
| 2020 |
| Type of the contracting authority/entity | **Activity of contracting authority/entity** | **% of MEAT not solely based on price** |
| Legal bodies established for the purpose of meeting needs in the general interest | Health care | 20.98 |
| Legal bodies established for the purpose of meeting needs in the general interest | Housing or utility activities | 7.37 |
| Bodies of the autonomous province or bodies of local self-government units | General public services | 4.91 |
| Social protection | Ministry or other state bodies, including their regional or local units | 4.16 |
| Legal bodies established for the purpose of meeting needs in the general interest | Education | 2.46 |

|  |
| --- |
| 2021 |
| Type of the contracting authority/entity | **Activity of contracting authority/entity** | **% of MEAT not solely based on price** |
| Legal bodies established for the purpose of meeting needs in the general interest | Health care | 17.13 |
| Legal bodies established for the purpose of meeting needs in the general interest | Housing or utility activities | 8.58 |
| Bodies of the autonomous province or bodies of local self-government units | General public services | 8.38 |
| Legal bodies established for the purpose of meeting needs in the general interest | Education | 3.94 |
| Ministry or other state bodies | Defence | 3.12 |

|  |
| --- |
| 2022 |
| Type of the contracting authority/entity | **Activity of contracting authority/entity** | **% of MEAT not solely based on price** |
| Legal bodies established for the purpose of meeting needs in the general interest | Health care | 27.22 |
| Bodies of the autonomous province or bodies of local self-government units | General public services | 9.47 |
| Legal bodies established for the purpose of meeting needs in the general interest | Housing or utility activities | 8.32 |
| Contracting entity | Water supply | 4.74 |
| Legal bodies established for the purpose of meeting needs in the general interest | Education | 4.16 |

|  |
| --- |
| 2023 |
| Type of the contracting authority/entity | **Activity of contracting authority/entity** | **% of MEAT not solely based on price** |
| Legal bodies established for the purpose of meeting needs in the general interest | Health care | 23 |
| Bodies of the autonomous province or bodies of local self-government units | General public services | 9 |
| Legal bodies established for the purpose of meeting needs in the general interest | Housing or utility activities | 7 |
| Contracting entity | Water supply | 6 |
| Contracting entity | Production, transmission and distribution of gas and thermal energy | 4 |

|  |
| --- |
| 2024 |
| Type of the contracting authority/entity | **Activity of contracting authority/entity** | **% of MEAT not solely based on price** |
| Bodies of the autonomous province or bodies of local self-government units | General public services | 20.36 |
| Legal bodies established for the purpose of meeting needs in the general interest | Health care | 13.46 |
| Legal bodies established for the purpose of meeting needs in the general interest | Housing or utility activities | 4.51 |
| Legal bodies established for the purpose of meeting needs in the general interest | Education | 3.56 |
| Ministry or other state bodies | Defence | 2.85 |

Based on the data listed in item 3, it can be concluded that the contract award criterion not solely based on price is the most prevalent among contracting authorities/entities performing activities in the field of health care. They are followed by contracting authorities/entities performing activities in the field of housing and utilities, contracting authorities/entities in the field of general public services, while a slightly smaller percentage of this type of contract award criterion is present among contracting authorities/entities from the fields of defence, education and water supply.

Regarding 2024, the data presented in the table covers the period ending with 11 November 2024, so final data on the application of the criterion not solely based on price will be available in the annual public procurement report prepared by the Public Procurement Office.

1. **Application of the contract award criterion not solely based on price according to the CPV code**

|  |
| --- |
| Top 5 procurement subjects by the CPV code – 2020 |
| 50400000 - Repair and maintenance services of medical and precision equipment | 8.51% |
| 50421000 - Repair and maintenance services of medical equipment | 6.24% |
| 50000000 - Repair and maintenance services | 3.40% |
| 09100000 - Fuels | 2.84% |
| 09000000 - Petroleum products, fuel, electricity and other sources of energy | 2.84% |

|  |
| --- |
| Top 5 procurement subjects by the CPV code – 2021  |
| 50421000 - Repair and maintenance services of medical equipment | 10.31% |
| 09100000 - Fuels | 4.52% |
| 64212000 - Mobile-telephone services | 3.49% |
| 50000000 - Repair and maintenance services | 3.16% |
| 50110000 - Repair and maintenance services of motor vehicles and associated equipment | 2.83% |

|  |
| --- |
| Top 5 procurement subjects by the CPV code – 2022 |
| 50421000 - Repair and maintenance services of medical equipment | 9.74% |
| 09100000 - Fuels | 4.16% |
| 64212000 - Mobile-telephone services | 3.93% |
| 50000000 - Repair and maintenance services | 3.31% |
| 50110000 - Repair and maintenance services of motor vehicles and associated equipment | 3.22% |

|  |
| --- |
| Top 5 procurement subjects by the CPV code – 2023 |
| 50421000 - Repair and maintenance services of medical equipment | 8.93% |
| 09100000 - Fuels | 4.58% |
| 50000000 - Repair and maintenance services | 3.41% |
| 64212000 - Mobile-telephone services | 3.13% |
| 50110000 - Repair and maintenance services of motor vehicles and associated equipment | 2.34% |

|  |
| --- |
| Top 5 procurement subjects by the CPV code – 2024 |
| 71320000 - Engineering design services | 5.30% |
| 71242000 - Project and design preparation, estimation of costs | 4.73% |
| 50421000 - Repair and maintenance services of medical equipment | 3.76% |
| 71250000 - Architectural, engineering and surveying services | 3.25% |
| 09100000 - Fuels | 2.97% |

1. **The share of service procurements under Article 132, paragraph 3 of the LPP in relation to the total number of public procurement procedures applying the contract award criterion not solely based on price**
* In 2020, of the total 6% of public procurement procedures where the contract award criterion not solely based on price was applied, 2.43% were service procurements under Article 132, paragraph 3 of the LPP;
* In 2021, of the total 5% of public procurement procedures where the contract award criterion not solely based on price was applied, 3.32% were service procurements under Article 132, paragraph 3 of the LPP;
* In 2022, of the total 4% of public procurement procedures where the contract award criterion not solely based on price was applied, 2.77% were service procurements under Article 132, paragraph 3 of the LPP;
* In 2023, of the total 4.46% of public procurement procedures where the contract award criterion not solely based on price was applied, 2.3% were service procurements under Article 132, paragraph 3 of the LPP;
* In 2024, of the total 9.57% of public procurement procedures where the contract award criterion not solely based on price was applied, 45% were service procurements under Article 132, paragraph 3 of the LPP. The remaining 55% consists of procurement subjects for which contracting authorities/entities are not obligated to apply the criterion not solely based on price. A graphic representation of these procurement subjects is given below.

# 3. GOOD PRACTICE EXAMPLES

The remainder of this analysis presents examples of good practice in the application of the contract award criterion not solely based on price.[[5]](#footnote-5)

There are the following procurement subjects:

**3.1. Consultancy and legal services in the field of corporate governance**

**3.2. Expert examination services**

**3.4. Motor vehicle fuel**

**3.3. Service of technical review of technical documentation**

**3.6. Services of translation of professional literature and authored works**

**3.5. Geodetic survey services**

## 3.1. CONSULTANCY AND LEGAL SERVICES IN

##  THE FIELD OF CORPORATE GOVERNANCE

* *General information about the public procurement subject:*

 The public procurement subject is the provision of support in the implementation of the process of changing the organizational structure of the contracting authority/entity (energy sector).

 The activities according to the terms of reference are as follows:

* Support in developing the activity plan for the implementation of adopted draft documents on internal organization and job classification;
* Support in developing the activity plan for the implementation of the adopted draft job evaluation methodology at the contracting authority/entity;
* Analysis of the submitted background materials for amending draft documents and providing opinions and guidelines on the necessary adjustments in the draft documents;
* Updating the adopted draft documents on internal organization and job classification in accordance with current organizational needs (status changes, changes to the target organizational structure in specific segments of the organization);
* Harmonizing the adopted draft documents on internal organization and job classification in accordance with the aforementioned changes;
* Harmonizing the adopted drafts of the job evaluation methodology with the aforementioned changes.
* *Criteria for selecting an economic operator*

 Within the criteria for selecting the economic operator – educational and professional qualifications (Article 117 of the LPP), the contracting authority/entity has stipulated that the bidder must employ, on any basis compliant with the provisions of the law governing rights, obligations and responsibilities arising from employment, at least 5 graduated lawyers (1 project manager and 4 project team members).

* *Contract award criteria*

 In the subject public procurement procedure, the contracting authority/entity will award the contract using the most economically advantageous tender criterion, based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max Weight: 70 |
| Project team experience (E) | Max Weight: 30 |

**Price (P)**

 The maximum number of points is awarded to the lowest offered value, while the other offered values are scored in relation to the lowest value, according to the following formula:

**P = MinP/O x 70\***

*\*(P = price weight, MinP = price of the lowest tender, O = offered price)*

**Project team experience (E)**

 For this criterion, weighting will be based on the qualifications of the project team to be engaged in the implementation of the contract (project manager and project team members).

 The scoring will be conducted using the following formula:

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| --- |
| PROJECT MANAGER |
| E1 - Years of experience of the project manager | **Weight** |
| No experience in consulting in the energy sector | Weight: 0 |
| 1 to 3 years of experience in consulting in the energy sector | Weight: 2 |
| 4 to 6 years of experience in consulting in the energy sector | Weight: 6 |
| 7 to 9 years of experience in consulting in the energy sector | Weight: 8 |
| 10 and more years of experience in consulting in the energy sector | Weight: 10 |
| Maximum weight E1 | **Weight: 10** |
| E2 – Number of projects of the project manager | **Weight** |
| No experience in managing projects for adapting human resources to changes in the business model and organization of a company with more than one thousand employees | Weight: 0 |
| Led 1-2 projects for adapting human resources to changes in the business model and organization of a company with more than one thousand employees | Weight: 2 |
| Led 3-5 projects for adapting human resources to changes in the business model and organization of a company with more than one thousand employees | Weight: 6 |
| Led 6-9 projects for adapting human resources to changes in the business model and organization of a company with more than one thousand employees | Weight: 8 |
| Led 10 and more projects for adapting human resources to changes in the business model and organization of a company with more than one thousand employees | Weight: 10 |
| Maximum weight E2 | **Weight: 10** |
| OTHER PROJECT TEAM MEMBERS |
| E3 – Experience of other project team members | **Weight** |
| 1 project team member with a minimum of 2 years of experience in consulting in the energy sector | Weight: 2 |
| 2 project team members with a minimum of 2 years of experience in consulting in the energy sector | Weight: 6 |
| 3 project team members with a minimum of 2 years of experience in consulting in the energy sector | Weight: 8 |
| 4 project team members with a minimum of 2 years of experience in consulting in the energy sector | Weight: 10 |
| Maximum weight E3 | **Weight: 10** |
| Maximum weighting points for the criterion E (E1+E2+E3) | **WEIGHT: 30** |

**The total number of weighting points is calculated according to the formula:**

**MEAT = P + E**

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| --- |
| **The manner of proving this criterion:**For evaluating tenders based on this criterion, bidders are required to indicate in the tender form the first and last name of the engaged individual, as well as whether the individual possesses the required experience, and they must attach the engagement contract for the individual, as well as evidence confirming the required experience under the contract award criterion (e.g. employer certificates of acquired experience, etc.). |

## 3.2. EXPERT EXAMINATION SERVICE

* *General information about the procurement subject:*

 The public procurement subject involves performing expert examinations on the territory of the Republic of Serbia in accordance with professional standards and at the request of the contracting authority/entity, as well as preparing expert findings, opinions and statements for the needs of the contracting authority/entity in the fields of architecture, civil engineering, electrical engineering, geodesy, agriculture, forestry, mechanical engineering, transport and economy/finance.

 The service includes:

* preparing expert findings, opinions and statements based on documentation and case files without field visits;
* preparing expert statements, findings and opinions with field visits from 50 to 150 kilometres;
* preparing expert statements, findings and opinions with field visits of over 150 kilometres;
* preparing several statements and opinions per one field visit from 50 to 150 kilometres;
* preparing several statements and opinions per one field visit of over 150 kilometres;
* supplementary statements or amendments to findings and opinions;
* court appearance for verbal statements and opinions.

 The contractor undertakes to prepare expert findings, opinions and statements within a maximum of 5 days from the date of the written order of the contracting authority/entity, if they are based on documentation and case files without a field visit, or within a maximum of 15 days if there is a field visit involved.

 Place of service execution: The territory of the Republic of Serbia.

* *Contract award criteria*

 In the subject public procurement procedure, the contracting authority/entity will award the contract using the most economically advantageous tender criterion, based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max Weight: 90 |
| Deadline for preparing expert findings, opinions and statements, involving a field visit (D) | Max Weight: 10 |

**Price (P)**

 The maximum number of points is awarded to the lowest offered value, while the other offered values are scored in relation to the lowest value, according to the following formula:

**P = MinP/O x 90\***

*\*(P = price weight, MinP = price of the lowest tender, O = offered price)*

**Deadline for preparing expert findings, opinions and statements, involving a field visit (D)**

 For this criterion, the contracting authority/entity shall give preference to the tender proposing a shorter deadline for preparing expert findings, opinions and statements, involving a field visit. The contracting authority/entity has provided 5 days as a minimum value, while the maximum value is 15 days from the order of the contracting authority/entity.

 The scoring will be conducted using the following formula:

|  |
| --- |
| Deadline for preparing expert findings, opinions and statements, involving a field visit |
| Number of days | **Weight** |
| 5-6 days | Weight: 10 |
| 7-8 days | Weight: 6 |
| 9-11 days | Weight: 4 |
| 12-14 days | Weight: 2 |
| 15 days | Weight: 0 |
| Maximum weighting points for the criterion D | **Weight: 10** |

**The total number of weighting points is calculated according to the formula:**

**MEAT = P + D**

|  |
| --- |
| **The manner of proving this criterion:**In order to evaluate tenders based on this criterion, bidders are required to submit a statement with their tender specifying the time needed to prepare expert analyses, opinions and statements, involving a field visit. |

## 3.3. SERVICE OF TECHNICAL REVIEW

## OF TECHNICAL DOCUMENTATION

* *General information about the procurement subject:*

 The contractor has the obligation to perform a technical review of construction permit design projects for 10 structures owned by the contracting authority/entity.

 The contractor has the obligation to perform the subject service in accordance with the Law on Planning and Construction (“Official Gazette of the Republic of Serbia”, No. 72/2009, 81/2009 - corr., 64/2010 - CC decision, 24/2011, 121/2012, 42/2013 - CC decision, 50/2013 - CC decision, 98/2013 - CC decision, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - other law and 9/20, 52/2021 and 62/2023), the applicable Rulebook on the content, method and manner of development and performing review of the technical documentation according to class and intended use of the structure (“Official Gazette of the Republic of Serbia”, No. 96/2023), Rulebook on the process of electronic implementation of the integrated procedure (“Official Gazette of the Republic of Serbia”, No. 96/2023) and all other applicable regulations for this type of work.

 The deadline for execution for each item listed in the Offered Price Structure Form is 15 days from the written request of the contracting authority/entity. The total deadline for execution for each individual part from the price structure form includes the deadline for the delivery of the preliminary report of the Technical Review (a maximum of 10 calendar days from the date of commencement of the contractor’s work) and the deadline for the delivery of the final report of the Technical Review and the certification of the technical documentation (a maximum of 5 calendar days from the date of submission of the technical documentation revised in accordance with the remarks from the Technical Review).

 The contractor has the obligation to deliver two hard copies of the preliminary report (a report signed by the designers with the appropriate licences who conducted the technical review of individual parts of the design). The final report shall be signed by the representative of the legal person or the sole proprietor.

* *Criteria for selecting an economic operator*

 Within the criteria for selecting the economic operator – educational and professional qualifications (Article 117 of the LPP), the contracting authority/entity has stipulated that the bidder must employ, on any basis compliant with the provisions of the law governing rights, obligations and responsibilities arising from employment, at least:

* one graduated architectural engineer, with the 300 (321A) licence,
* one graduated civil engineer, with the 310 (341I) licence,
* one graduated mechanical engineer, with the 330 (361I) licence,
* one graduated electrical engineer, with the 350 (351I) licence.
* *Contract award criteria*

 In the subject public procurement procedure, the contracting authority/entity will award the contract using the most economically advantageous tender criterion, based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max Weight: 80 |
| Qualifications of the employed person (Q) | Max Weight: 20 |

**Price**

 The maximum number of points is awarded to the lowest offered value, while the other offered values are scored in relation to the lowest value, according to the following formula:

**P = MinP/O x 80\***

*\*(P = price weight, MinP = price of the lowest tender, O = offered price)*

**Qualifications of the employed person (Q)**

 For this criterion, subject to evaluation will be the experience of the employed individual with the 300 (321A) licence, who will be engaged in contract execution and who, in the capacity of the responsible designer, has prepared a Construction Permit Design for the construction of a high-rise building or has conducted a technical review of a Construction Permit Design for the construction of a high-rise building.

 The scoring will be conducted using the following formula:

|  |
| --- |
| Qualifications of the employed person |
| Number of designs completed/technical reviews performed | **Weight** |
| 0 designs completed/technical reviews performed | Weight: 0 |
| 1-3 designs completed/technical reviews performed | Weight: 3 |
| 4-6 designs completed/technical reviews performed | Weight: 6 |
| 7-9 designs completed/technical reviews performed | Weight: 10 |
| 10-12 designs completed/technical reviews performed | Weight: 15 |
| 13 and more designs completed/technical reviews performed | Weight: 20 |
| Maximum weighting points for the criterion Q | **Weight: 20** |

**The total number of weighting points is calculated according to the formula:**

**MEAT = P + Q**

|  |
| --- |
| **The manner of proving this criterion:**For evaluating tenders based on this criterion, bidders are required to indicate in the tender form the first and last name of the engaged individual, as well as whether the individual possesses the required experience, and they must attach the engagement contract for the individual, as well as evidence confirming the required experience under the contract award criterion (e.g. employer certificates of acquired experience, etc.). |

## 3.4. MOTOR VEHICLE FUEL

* *General information about the procurement subject:*

 The public procurement subject is the purchase of fuel for motor vehicles, namely Euro diesel and Premium BMB 95.

 The tender documentation stipulates that the offered motor vehicle fuel must meet quality standards in accordance with the applicable Rulebook on technical and other requirements for liquid fuels of petroleum origin and the SRPS standards referenced in the Rulebook.

 The subject goods shall be delivered successively, based on the needs of the contracting authority/entity, through fuel cards at the bidder’s gas stations within the territory of the Republic of Serbia.

 A fuel card is a means of recording fuel purchase transactions of the contracting authority/entity.

 The ordering and collection of cards from the bidder will be carried out based on a written request from the contracting authority/entity specifying the type of vehicle for which the card will be issued.

 Entering a PIN is a mandatory requirement for using and securing the fuel card.

 The seller shall issue the card within no more than 7 business days from the date of the contracting authority’s/entity’s written request. The seller shall bear the cost of issuing the card.

 Fuel cards will be tied to the vehicle’s registration number.

* *Contract award criteria*

 In the subject public procurement procedure, the contracting authority/entity will award the contract using the most economically advantageous tender criterion, based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max Weight: 70 |
| Network coverage (NC) | Max Weight: 30 |

**Price**

 The maximum number of points is awarded to the lowest offered value, while the other offered values are scored in relation to the lowest value, according to the following formula:

**P = MinP/O x 70\***

*\*(P = price weight, MinP = price of the lowest tender, O = offered price)*

**Network coverage (NC)**

 For this criterion, the contracting authority/entity shall give preference to the bidder with the highest number of gas stations within the territory of the Republic of Serbia, equipped to sell fuel for motor vehicles via fuel cards.

 The scoring will be conducted using the following formula:

**NC = O/MaxO x 30\***

*\*(NC – number weighting of points for the criterion, O = offered value for the criterion, MaxO = maximum offered value for the criterion)*

**The total number of weighting points is calculated according to the formula:**

**MEAT = P + NC**

|  |
| --- |
| **The manner of proving this criterion:**To evaluate tenders based on this criterion, bidders are required to submit a list of gas stations together with their addresses. |

## 3.5. GEODETIC SURVEY SERVICES

* *General information about the procurement subject:*

 The contracting authority/entity is conducting a procedure to procure geodetic services required for preparing urban planning documentation, design and construction of structures and implementation of changes in cadastral records.

 The service includes the following:

1. *Cadastral topographic plan certified by an authorized organization:*
* Preparing the cadastral topographic plan.
* Preparing the topographic and situational plans without the RGA data on parcels.
1. *Geodetic documentation for legalization of structures:*
* Surveying the as-built condition of a structure with a base area of up to 100 m² gross and plotting it in the cadastral plan.
* Surveying the as-built condition of a structure with a base area of up to 300 m² gross and plotting it in the cadastral plan.
* Surveying the as-built condition of a structure with a base area exceeding 300 m² gross and plotting it in the cadastral plan.
1. *Geodetic documentation for the purpose of forming a construction parcel:*
* Geodetic marking of parcels and preparing a geodetic report for forming a construction parcel.
* Geodetic marking of parcels and preparing a parcellation/re-parcellation plan for forming a construction parcel.
* *Criteria for selecting an economic operator*

 Within the criteria for selecting the economic operator – educational and professional qualifications (Article 117 of the LPP), the contracting authority/entity has stipulated that the bidder must employ, on any basis compliant with the provisions of the law governing rights, obligations and responsibilities arising from employment, at least:

* One professional in the field of architecture with a first-order geodetic licence
* One person with a licence issued by the Chamber of Engineers, GeP 08-01 (previous designation 372) – Responsible geodetic designer
* One person with a licence issued by the Chamber of Engineers, GeI 08-01.1 (previous designation 471) – Responsible engineer for geodetic works
* One professional in the field of architecture with a valid UP 02 licence (previous designation 200) – Licenced architect-urban planner
* *Contract award criteria*

 In the subject public procurement procedure, the contracting authority/entity will award the contract using the most economically advantageous tender criterion, based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max Weight: 60 |
| Key personnel qualifications (QP) | Max Weight: 40 |

**Price (P)**

 The maximum number of points is awarded to the lowest offered value, while the other offered values are scored in relation to the lowest value, according to the following formula:

**P = MinP/O x 60\***

*\*(P = price weight, MinP = price of the lowest tender, O = offered price)*

**Key personnel qualifications (QP)**

 For this criterion, the years of experience of the employed individuals with the required qualifications (licences), who will be engaged in the implementation of the contract, will be weighted.

The scoring will be conducted using the following formula:

|  |  |
| --- | --- |
| Key personnel qualifications | Years of working experience |
| no experience | 1-5 years | 6-10 years | more than 10 years |
| number of weighting points | number of weighting points | number of weighting points | number of weighting points |
| A professional in the field of geodesy with a first-order geodetic licence – QP1 | 0 | 3 | 6 | 10 |
| Maximum weight QP1 | **Weight: 10** |
| A person with a licence issued by the Chamber of Engineers, GeP 08-01 (previous designation 372) – QP2 | 0 | 3 | 6 | 10 |
| Maximum weight QP2 | **Weight: 10** |
| A person with a licence issued by the Chamber of Engineers, GeI 08-01.1 (previous designation 471) – QP3 | 0 | 3 | 6 | 10 |
| Maximum weight QP3 | **Weight: 10** |
| A professional in the field of architecture with a valid UP 02 licence (previous designation 200) – QP4 | 0 | 3 | 6 | 10 |
| Maximum weight QP4 | **Weight: 10** |
| Maximum weighting points for the criterion QP (QP1+QP2+QP3+QP4) | **Weight: 40** |

**The total number of weighting points is calculated according to the formula:**

**MEAT = P + QP**

|  |
| --- |
| **The manner of proving this criterion:**For evaluating tenders based on this criterion, bidders are required to indicate in the tender form the first and last name of the engaged individual, and must attach the individual’s contract for engagement with the contractor, as well as evidence confirming the required experience under the contract award criterion (e.g. employer certificates of acquired experience, etc.). |

## SERVICES OF TRANSLATION OF PROFESSIONAL LITERATURE AND AUTHORED WORKS

* *General information about the procurement subject:*

The subject public procurement involves services of written translation from a foreign language to Serbian and from Serbian to a foreign language for the purposes of official correspondence between the contracting authority/entity and foreign partners and organizations.

 The translation services are provided for the English, German and French language.

The services shall be provided successively, based on the needs of the contracting authority/entity. For each specific service, the contracting authority/entity shall issue a purchase order which shall be delivered to the service provider by electronic or regular mail. Along with the purchase order, the contracting authority/entity shall provide the service provider with the document(s) to be translated. The service provider is obligated to perform the requested services in accordance with the issued purchase order and within the time specified in the purchase order.

The service provider shall be responsible for the quality and must, upon completing the translation, review and verify that the translated text fully corresponds to the original text and meets the agreed quality requirements.

The text must be proofread.

The quality of the translation must be such that it can be used in the delivered form without any additional formatting, revision, review and/or corrections by the contracting authority/entity.

* *Criteria for selecting an economic operator*

 Within the criteria for selecting the economic operator – educational and professional qualifications (Article 117 of the LPP), the contracting authority/entity has stipulated that the bidder must employ, either under an employment relationship or another contractual arrangement in accordance with the Labour Law, at least:

* 3 translators for written translation from English to Serbian and vice versa
* 3 translators for written translation from German to Serbian and vice versa
* 3 translators for written translation from French to Serbian and vice versa
* *Contract award criteria*

 In the subject public procurement procedure, the contracting authority/entity will award the contract using the most economically advantageous tender criterion, based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max Weight: 70 |
| Quality of engaged personnel (Q) | Max Weight: 30 |

**Price**

 The maximum number of points is awarded to the lowest offered value, while the other offered values are scored in relation to the lowest value, according to the following formula:

**P = MinP/O x 70\***

*\*(P = price weight, MinP = price of the lowest tender, O = offered price)*

**Quality of engaged personnel (Q)**

 For this criterion, the contracting authority/entity shall evaluate the experience of persons listed under the criterion for selecting the economic operator, specifically their experience in translating scientific and research texts in the fields of art history, archaeology, ethnology, preservation and restoration.

 Weighting shall be conducted by awarding a specific number of weighting points depending on how many translators, who will be engaged in providing the services, have experience in the specified field.

The scoring will be conducted using the following formula:

|  |
| --- |
| Quality of engaged personnel |
| Number of engaged translators with experience in translating scientific and research texts in the required field – ENGLISH LANGUAGE (Q1) | Weight |
| 0 translators | Weight: 0 |
| 1 translator | Weight: 4 |
| 2 translators | Weight: 6 |
| 3 translators | Weight: 10 |
| Maximum weight Q1 | **Weight: 10** |
| Number of engaged translators with experience in translating scientific and research texts in the required field – GERMAN LANGUAGE (Q2) | **Weight** |
| 0 translators | Weight: 0 |
| 1 translator | Weight: 4 |
| 2 translators | Weight: 6 |
| 3 translators | Weight: 10 |
| Maximum weight Q2 | **Weight: 10** |
| Number of engaged translators with experience in translating scientific and research texts in the required field – FRENCH LANGUAGE (Q3) | **Weight** |
| 0 translators | Weight: 0 |
| 1 translator | Weight: 4 |
| 2 translators | Weight: 6 |
| 3 translators | Weight: 10 |
| Maximum weight Q3 | **Weight: 10** |
| Maximum weighting points for the criterion Q (Q1+Q2+Q3) | **Weight: 30** |

**The total number of weighting points is calculated according to the formula:**

**MEAT = P + Q**

|  |
| --- |
| **The manner of proving this criterion:**For evaluating tenders based on this criterion, bidders are required to indicate in the tender form the first and last name of the engaged individual, as well as whether the individual possesses the required experience, and they must attach the engagement contract for the individual with the contractor, as well as evidence confirming the required qualifications under the contract award criterion (e.g. employer certificates of acquired experience, etc.). |

# CONCLUSION

The Law on Amendments to the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 92/23), in force since 1 January 2024, introduced certain new obligations that contracting authorities/entities must adhere to when conducting public procurement procedures.

In Article 132, paragraph 3 of the LPP, it is prescribed that contracting authorities/entities, when conducting public procurement procedures for specific services, can no longer use price as the sole criterion for awarding contracts, but they must also consider the quality criterion, or the cost criterion by applying the cost-effectiveness approach.

Based on the statistical data presented in this analysis, it can be concluded that this legal provision has, already in the first year of its implementation, contributed to a significant increase in the number of procedures in which the price is not the sole criterion.

Additionally, based on the data published on the Public Procurement Portal, it can be concluded that contracting authorities/entities also define the contract award criterion for some other procurement subjects (not only for those for which they are obligated, as stipulated in Article 132, paragraph 3 of the LPP) by taking into account the quality criterion (for example, services for the repair and maintenance of medical equipment, maintenance of motor vehicles, fuel, etc.).

With the aim of providing professional assistance to contracting authorities/entities, the Public Procurement Office has prepared and published on its website the tender documentation models that include examples of the contract award criterion not solely based on price.[[6]](#footnote-6)

In this regard, it can be expected that this will contribute to the further improvement of statistical data when it comes to the application of the type of criteria for awarding contracts.

What every contracting authority/entity must take into account when defining the contract award criterion not solely based on price is the following:

* Principle of transparency. This means that the contract award criteria must be determined in advance in the tendering documentation and the contracting authority/entity, when evaluating tenders, may only apply such determined criteria;
* Principle of prohibition of discrimination and restriction of competition. This means that the contracting authority/entity is obliged to enable as much competition as possible and that it cannot prevent any economic operator from participating in the public procurement procedure by using discriminatory contract award criteria;
* The defined contract award criteria must be related to the public procurement subject and must be described and evaluated;
* The contracting authority/entity must do a thorough research of the market before defining the contract award criteria.
1. *This possibility is prescribed in Article 132, paragraph 2 of the LPP and provides that the contracting authority/entity has already determined the price or cost in the procurement documentation and that the selection of the most economically advantageous tender will be made solely based on the quality-based criterion.* [↑](#footnote-ref-1)
2. *This is a legal obligation prescribed by the Law on Amendments to the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 92/23), which has been in force since 1 January 2024* [↑](#footnote-ref-2)
3. *The statistical data is presented based on the information about public procurement procedures conducted on the Public Procurement Portal, as well as on annual public procurement reports prepared by the Public Procurement Office* [↑](#footnote-ref-3)
4. *The data for 2024 refer to the period ending on 11 November 2024.* [↑](#footnote-ref-4)
5. *Data on public procurement procedures in question were taken from the Public Procurement Portal* [*https://jnportal.ujn.gov.rs/*](https://jnportal.ujn.gov.rs/) [↑](#footnote-ref-5)
6. *Tender documentation models can be accessed via the link: https://www.ujn.gov.rs/?page\_id=1195* [↑](#footnote-ref-6)