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Vemo trade Ltd.

Trg Kralja Tomislava 16/b, Drnje, 48316 Đelekovec



TENDER DOCUMENTATION

ONE PHASE PUBLIC TENDER

Procurement procedures for Entities not subject to Public Procurement Act

NUMBER OF PROCUREMENT IN THE PROCUREMENT PLAN: 04

PROCUREMENT TITLE: **Production machines and equipment**

PUBLICATION REFERENCE: **Supplies 01/2016**

Note: The documentation is originally made in Croatian with translation to English language. In case of disagreement or dispute, the text written in Croatian language shall prevail.

Drnje, May 2016.

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1. GENERAL INFORMATION

1.1. Information on Contracting Authority

Contracting Authority's name **Vemo trade d.o.o., Trg kralja Tomislava 16/b, Drnje, 48316**
and location: **Đelekovec** (NPO – Non-Purchasing Organization)
PIN: 15094174707
RN: 010013669
Phone number: +385 48 220846
Fax number: +385 48 220845
Web page: www.vemo.hr

Implementation of the project "Increasing the spatial and production capacities as a prerequisite for sustainable growth and development of the company Vemo trade Ltd." began on August 12th 2015 and will last until July 12th 2017. The project is co-funded by the European Regional Development Fund under the Operational Programme Competitiveness and Cohesion 2014 - 2020, the Grant Agreement No. KK.03.2.1.01.0014.

1.2. Information on Contact person

Name and surname: Mihaela Samoščanec
Phone number: +385 48 220846
Fax number: +385 48 220845
Address: Trg kralja Tomislava 16/b, Drnje, 48316 Đelekovec
E-mail address: ured@vemo.hr

If necessary, Tenderers may require additional information or clarifications regarding the tender documents during the deadline for submission of the offers. Communication and any other information exchange between the Contracting Authority and respective Tenderers shall be made in written form. Tenderers' written requests for clarification shall be submitted to the following email address: ured@vemo.hr. Additional information and explanations will be published on the website www.strukturnifondovi.hr and on the official website of the Contracting Authority: www.vemo.hr, without specifying details about applicants. The request shall be considered as timely, if received not later than the eighth (8.) day before the day on which the deadline for submission of offers expires. If the request is submitted in a given period, the Contracting Authority shall publish latest additional information or clarifications regarding the tender documentation not later than the fifth (5.) day before the day on which the deadline for submission of offers expires.

If the request for additional information is not submitted timely in a given period or if the importance of the clarification is negligible in relation to the preparation of valid offers, the Contracting Authority is not obliged to extend the deadline for submission of offers. If the Contracting Authority changes tender documentation during the tender submission deadline, Contracting Authority shall ensure the availability of amendments to all interested Tenderers on the website www.strukturnifondovi.hr and on the official website of the Contracting Authority: www.vemo.hr. Extension of the period shall be in proportion to the importance of clarification, and shall not be less than five (5) days.

1.3. Publication reference

Supplies 01/2016.

1.4. Type of procurement process

Supplies (One phase public tender).

The procurement shall be conducted on the basis of the Common National Rule, version 1.1 from August 2015, issued by the Ministry of Regional Development and EU Funds in accordance with the Act on the Establishment of Institutional Framework for the Use of European Union Structural Instruments in the Republic of Croatia, Rule 05 Conditions for the Preparation and Implementation of Projects, Annex 01 Procurement procedures for non-purchasing organizations ("Procurement Procedures").

1.5. Subject of procurement

Production machines and equipment are the subject of procurement.

1.6. Start date of the procurement procedure

The procurement procedure starts on the day of publication of Procurement notice on the website www.strukturnifondovi.hr i.e. on the procurement website of NPO¹ which shall be published by the Vemo trade Ltd.

1.7. Estimated procurement value

The subject of procurement is divided into lots and tenderers have the option of submitting an offer for one or both lots.

Total estimated procurement value is **4.617.113 HRK**.

Following is the estimated procurement value by lots:

Lot 1: The line for production of paper bags: **4.471.433 HRK**

Lot 2: Cleaning machine for plates: **145.680 HRK**

Values are expressed in kuna (HRK), excluding VAT.

1.8. Compliance with the principle of avoiding conflicts of interest

The procurement board members, the person authorized to represent the Contracting Authority and the appointed person for the implementation of the procurement procedure act in accordance with the principles of avoiding conflicts of interest and are excluded from the procurement procedure in case of conflict of interest. Only if a conflict of interest can not be effectively removed by the exclusion of mentioned persons, or by taking other actions, The Contracting Authority will exclude the Tenderer from the procurement process.

¹<http://www.strukturnifondovi.hr/nabave-u-sklopu-projekata-financiranih-iz-operativnog-programa-konkurentnost-i-kohezija-2014-2020>

Contracting Authority shall not enter into procurement contracts with the following companies (in the form of the Tenderer, a member of a Consortium or subcontractor of the winning Tenderer):

1. PAPER BAGS Ltd., PIN: 20996879377, Trg kralja Tomislava 16/b, 48322 Drnje.

2. INFORMATION OF THE SUBJECT OF THE PROCUREMENT

2.1 Description of the subject of the procurement

Lot 1 Production line for paper bags

The subject of procurement is one production line for paper bags. The subject of procurement includes delivery, installation, testing and commissioning.

Lot 2 Cleaning machine for plates

The subject of procurement is a cleaning machine for plates. The subject of procurement includes delivery, installation, testing and commissioning.

2.2 Technical documentation

The technical component of the procurement subject is described in Annex 6 „Technical specifications“ of the tender documentation. Annex 6 specifies the quantity of the procurement subject as well as detailed technical specifications of all the items of the procurement subject. For all manufacturers, types of products, standards or norms that are set out in the technical specifications apply "or equivalent".

2.3 Financial offer

Financial offer is in Annex 5 of the Tender documentation. Unit price of each line item of the budget and the total price must be rounded to two decimal places.

The tender price may be expressed in kuna (HRK) or in one of the world's currencies, which are denominated in the exchange rate of the Croatian National Bank² (AUD, CAD, CZK, DKK, HUF, JPY, NOK, SEK, CHF, GBP, USD, EUR, PLN).

2.4 Delivery place

Delivery place is the location of the Contracting Authority, Vemo trade Ltd., Trg kralja Tomislava 16/b, Drnje, 48316 Đelekovec.

2.5 Delivery deadline

The deadline for delivery of the supplies starts from the day of signing the Contract, with the latest possible delivery date by lots:

Lot 1: April 30th 2017

Lot 2: August 31st 2016

²<https://www.hnb.hr/temeljne-funkcije/monetarna-politika/tecajna-lista/tecajna-lista>

For Lot 1 and the Lot 2, the subject of procurement will be consider as delivered on the day when the equipment is delivered, installed, tested and commissioned.

3. REASONS FOR MANDATORY EXCLUSIONS OF TENDERERS

The Contracting Authority is obliged to exclude Tenderer from the procurement procedure at any stage if:

- a) he is finally sentenced for a criminal offense of participation in a criminal organization, corruption, fraud, terrorism, financing of terrorism, money laundering, child labor or other forms of human trafficking; or
- b) he has not fulfilled all obligation related to the payment of its due tax liabilities and liabilities for social and health insurance, unless the payment of these obligations is not allowed by a special act or is approved deferred payment; or
- c) he is guilty of false presentation and false information providing, which are stated as a condition for exclusion or qualification standards.

To determine the circumstances of Section 3 the economic entity submits a statement in the form of Annex 4 of the Documentation. The statement is given by the person legally authorized to represent the economic entity. The statement must not be older than three months from the start date of the procurement process.

The provisions of Section 3 also refer to the Consortium and Subcontractors, i.e. the Tenderer is obliged to prove for all the consortium members as well as the subcontractors included in the offer that there is no reasons for their exclusion.

4. REQUIRED COMPETENCIES OF THE TENDERERS

In order to determine Tenderer's qualifications for execution of the contract, Tenderer or Consortium of tenderers, is responsible to enclose reference documents in the offer, which prove their legal and business capacity and technical and professional capacities.

4.1 Legal and business capacity

The Tenderer must demonstrate its record into court, craft, professional or other appropriate register of the economic entity's country of incorporation. The entry in the register is proven by the appropriate certificate, if it cannot be issued in the country of the seat of the economic entity, the statement with certified signatures of the competent authorities may be delivered instead. Certificate or statement proving the entry in the register must not be older than three months from the date on which procurement process started.

In case of Consortium, the evidence is submitted and circumstances determined by Section 4.1 for each member of Consortium individually.



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4.2 Technical and professional capacities

The Tenderer is obliged to submit a List of significant contracts on delivery of goods (Appendix 7 of the Tender documentation) executed in the year in which the procurement process initiated (2016) and during the five years preceding that year (2011-2015), which contains:

- subject of the contract, value of the contract, date of contract execution and name of the counterparty.

For the mentioned significant contracts, Tenderer is obliged to submit together with the List of significant contracts on delivery of goods, a certificates of the contract execution issued and signed by the counterparty which proves that Tender duly completed at least one contract regarding the subject of procurement in the required period, i.e. the equipment is the same or has similar characteristics as the subject of procurement for each Lot for which the offer is submitted.

For LOT 1 Tenderer must prove that at least one contract that is similar to the subject of procurement in the required period is duly completed in the amount equal to or greater than the value of the offer (VAT excluded) that is submitted. For LOT 2 Tenderers must prove that at least one contract that is similar to the subject of procurement in the required period is duly completed in the amount that is equal to or greater than 100.000,00 HRK (VAT excluded).

The Certificate of properly delivered goods shall contain:

- name of the contractual parties,
- subject of the contract,
- value of the contract (VAT excluded),
- date and place of contract execution.

Template 1 - Certificate of properly delivered goods is an integral part of the documentation but it is not obligatory for the tenderers to use.

In the absence of the Certificate, the Tenderer's statement is valid if it's accompanied by evidence that the certificate was requested. If needed, the Contracting Authority can request directly from the counterparty the verification of the certificates authenticity.

The members of the Consortium jointly demonstrate the ability from Chapter 4.2.

5. INFORMATION OF THE OFFER

5.1 Content and methodology of the offer

Tenderers shall submit an offer in the original which contains documentation that is arranged, stapled and signed in a designated places by a person authorized to represent the tenderer or his or her designee with mandatory submission of documents proving the authorization.

The offer must consist of at least:

- Completed tender sheet (Appendix 1),
- If applicable, completed information on Consortium of tenderers (Appendix 2),
- If applicable, completed information on Subcontractors (Appendix 3),

- Statement by which the Tenderer proves that there are no reasons for exclusion (Section 3 of the Documentation, Appendix 4),
- Completed financial offer (Appendix 5),
- Completed technical specifications (Appendix 6),
- Required Tenderers competency documents (Section 4 of the Documentation):
 - ❖ Evidence of record into court, craft, professional or other appropriate register of the economic entity's country of incorporation,
 - ❖ List of contracts on delivery of goods,
 - ❖ Certificate of properly executed contract on delivery of goods for each LOT.

The subject of procurement is divided into lots and Tenderers have the option of submitting an offer for one or both lots. It is not allowed to offer versions and alternative offers. The offer must be made in a paper form, printed or written in inerasable ink. When making the offer, Tenderer must comply with the requirements and conditions of this documentation. Tenderer cannot modify and supplement the text of the Tender documentation. The offer, together with other appropriate documentation, is made in Croatian or English language.

5.2 Rules for submitting the offer

All the required documents and evidences from Section 4, Tenderers may submit in original, certified or uncertified copies or in the form of an excerpt from the electronic media of the authorized entity such is e-registry. The other parts of the offer must be submitted in the original. Before reaching the Contract award decision, the Contracting Authority can require the submission of the originals or certified copies of the required documents (statement, confirmation, documents, authorizations, etc.) from the economically most favorable Tenderer. If the Tenderer has already delivered certain documentation in the offer in original or certified copy, he is not obliged to deliver them again. The Contracting Authority will determine an appropriate deadline for originals or certified copies delivery. In case of doubt to the veracity of the data stated in the supporting documents or Tenderer's statements from this section, The Contracting Authority can contact the authorities for information on the situation of those tenderers, and in the case of the tenderers with headquarters in another state, the Contracting Authority may request the cooperation of the authorities which have jurisdiction.

5.3 Submission of offers

The offers shall be submitted in an sealed envelope directly to the Contracting Authority or by postal services to the address of the Contracting Authority: Vemo trade Ltd., Trg kralja Tomislava 16/b, Drnje, 48316 Đelekovec.

On the envelope must be listed:

- Name and address of the Contracting Authority,
- Name and address of the Tenderer/Consortium of tenderers (if applicable),
- Publication reference,
- The name of the subject of the procurement,
- Reference on LOT for which the offer is submitted,
- Note „DO NOT OPEN“.

Template 2 – Offers envelope example is an integral part of the documentation but it is not obligatory for the tenderers to use.

Tenderer independently decides which of the mentioned methods of submission he will use and bears the risk of loss or untimely offer submission. Contracting Authority will, for directly submitted offers, issue a confirmation of receipt that contains information about the Contracting Authority, The Tenderer, the subject of procurement and the date and time when the offer is received.

5.4 Date, time, and place of delivery of offers

The offer, regardless of the means of delivery has to be received by the Contracting Authority, no later than 25th of May, 2015 at 12 a.m. (Central European Time) at the following address: Vemo trade Ltd., Trg kralja Tomislava 16/b, Drnje, 48316 Đelekovec, Croatia.

5.5 Modifications and/or amendments to the offer and withdrawal of offer

The Tenderer can, until the due date for the submission of offers, submit changes and / or additions to the offer and withdraw the offer. Modifications and/or amendments to the offer are submitted in the same manner as the main offer with a mandatory indication that it is a modification and / or amendment to the offer. Tenderer may withdraw the offer by a written statement until the deadline for submission expires. The written statement shall be submitted in the same manner as the main offer with a mandatory indication that it is offer withdrawal. In case of withdrawal, the offer will not be returned to the Tenderer.

If Tenderer expresses discount through the modification or the amendment, submitted modifications or amendments to the offer must contain a new financial offer in which the discounts are stated.

5.6 Methodology for determining the price of the offer

Tenderer delivers the offer with the price in kuna (HRK) or in one of the world's currencies, which are denominated in the exchange rate of the Croatian National Bank (AUD, CAD, CZK, DKK, HUF, JPY, NOK, SEK, CHF, GBP, USD, EUR, PLN). The price of the offer shall be written in figures. The price of the offer is fixed during the term of the procurement contract. If the price of the offer is not in kuna (HRK) then the price of the offer, for sake of offer comparability, shall be converted into kuna (HRK) based on the average exchange rate of the Croatian National Bank (HNB) on the closing date for submission of offers, specified in Section 5.4. of the Documentation The price of the offer must include all costs and discounts.

The Tenderer is obliged to enter unit price and total price (rounded to two decimal places) for each item of the Financial offer and the total offer price, in the way specified by the Financial offer annex, and enter the price of the offer, in the manner as specified in the Tender sheet.

Prior the submission of the offers, the tenderer is required to study the complete tender documents on the basis of which he will offer equipment and machines that are the subject of procurement. The tenderer should be familiar with the conditions of installation, because of unfamiliarity of the same he will not have the right to modify their offers later (after the deadline for submission of tenders) or any other provision of the tender documentation.

5.7 Selection criteria for the offers

Selection criteria for the offers is economically most favorable offer.

If two or more valid offers are equally ranked according to the selection criteria, the Contracting Authority shall select the offer that was received earlier.

If after the submission of the offer the Tenderer submits changes and/or additions to the offer, the date of the offer submission is considered to be the time when the last changes and/or additions are delivered.

Lot 1

The Contracting Authority will use the following criteria for Lot 1 when selecting the winning Tenderer:

- Price (maximum 50 points) – relative weighting 50%
- The warranty period (maximum 50 points) - relative weighting 50%

The methodology of evaluation of tenderers, which the Contracting Authority will apply is as follows:

a) Price (maximum 50 points)

To the Offer with the lowest price (Cmin) will be allocated a maximum of 50 points.

The points (Bp) for the individual offer (Cp) are calculated by applying the following formula, by rounding the result to two decimal places:

$$Bp = Cmin/Cp \times 50$$

b) Warranty period (maximum 50 points)

The Contracting Authority has set the minimum warranty of 12 months in the requested technical specifications of the subject of procurement for the Lot 1. To the offer with the offered longest warranty period will be allocated a maximum of 50 points. The remaining offers shall receive less points depending on the offered longest warranty period according to the following formula:

$$G = Gt/Gl \times 50$$

G – number of points assigned to the tenderer for the warranty period

Gt - warranty period offered in the evaluated offer

Gl- the longest warranty period offered in public procurement

Maximum total points for Lot 1 is 100. The points obtained under a) and b) will be cumulated in order to determine the total number of points.

Lot 2

The Contracting Authority will use the following criteria for Lot 2 when selecting the winning Tenderer:

- Quality (maximum 50 points) - relative weighting 50%
- Price (maximum 30 points) - relative weighting 30%
- The warranty period (maximum 20 points) - relative weighting 20%

The methodology of evaluation of tenderers, which the Contracting Authority will apply is as follows:

a) Quality (maximum 50 points)

The client set the minimum of the technical characteristics for the Lot 2 that each tenderer must satisfy according to the required technical specifications of the procurement, which is evaluated on the principle fulfill / do not fulfill. Points for quality will be awarded to tenderers who offer more than the minimum required by the technical specifications. Points will be awarded to reflect the level of how much certain offer exceeds the minimum specifications. The Contracting Authority will not score all the parameters of the technical specifications, but will score the individual parameters that he considers relevant for the subject of procurement.

The Contracting Authority will allocate points for the following parameters: *Cleaning liquid consumption for 12m² of surface (expressed in liters) and Rinse water consumption for 12m² of surface (expressed in liters)*. These parameters will be evaluated as an qualitative indicator because of savings provided by machine hence the consumption of cleaning liquid and rinse water represent the biggest expense for the Contracting Authority when using the machine for cleaning printing plates in production.

The total number of points that can be awarded under this criteria is a maximum of 50 points according to the following methodology:

LOT 2			
Cleaning liquid consumption for 12m ² surface (liters)	1L or less	1,1 L - 1,5 L	1,6 L - 1,9 L
Number of points	25	15	10
Rinse water consumption for 12m ² surface (liters)	1L or less	1,1 L - 1,5 L	1,6 L - 1,9 L
Number of points	25	15	10

b) Price (maximum 50 points)

Offer with the lowest price (Cmin) is allocated a maximum of 30 points.

The points (Bp) for the individual offer (Cp) are calculated by applying the following formula, by rounding the result to two decimal places:

$$Bp = Cmin/Cp \times 30$$

c) Warranty period (maximum 20 points)

The Contracting Authority has set the minimum warranty of 12 months in the requested technical specifications of the procurement for the Lot 2. The offer with the offered longest warranty period will be allocated a maximum of 20 points. The remaining offers shall receive less points depending on the offered longest warranty period according to the following formula:

$$G = Gt/Gl \times 20$$

G - number of points assigned to the tenderer for the warranty period

Gt - warranty period offered in the evaluated offer

GI- the longest warranty period offered in public procurement

Maximum total points for Lot 2 is 100. The points obtained under a) and b) and c) will be cumulated in order to determine the total number of points.

5.8 Period of validity of the offer

The period of validity of the offer is at least 60 (sixty) days from the deadline for submission of offers. The Contracting Authority shall reject the offer which validity option is shorter than required. If the period of validity of offer expires, the Contracting Authority will demand for its extension and for that purpose give an appropriate deadline to the Tenderer. At the request of the Contracting Authority, the Tenderer may extend the period of validity of his offer.

5.9 Costs of preparing the offer

The cost of preparing and submitting the offer is entirely borne by the Tenderer.

6. PROVISIONS RELATED TO GROUP OF TENDERS (CONSORTIUM)

Several Tenderers can join together and submit a joint offer, regardless of the way in which their relationship is arranged. The responsibility of the Tenderer from the Tenderer group is commonly shared.

If the Tenderer applies in a form of the Consortium, he is obliged to complete the form in Appendix 2 of the Documentation. Each member of the Consortium shall submit, together with a joint offer, the Statement in Appendix 4 of the Documentation that he is not subject to any of the cases for exclusion (Section 3 of the Documentation).

Tenderer who independently submitted an offer cannot simultaneously participate in a group offer.

7. PROVISIONS RELATED TO SUBCONTRACTORS

If Tenderer intends to give a part of the contract to one or more subcontractors, he is obliged to submit a declaration for the subcontractor from the Appendix 4 of the Documentation, that he is not subject to any of the cases for exclusion (Chapter 3 of the Documentation) and complete the form in Appendix 3 of the Documentation, respectively the offer has to list the information on the part of the procurement contract that he intends to subcontract.

Participation of the subcontractor shall not affect the responsibility of the Tenderer for the execution of the procurement contract.

8. DEADLINE FOR SELECTING AN OFFER

The Contracting Authority will promptly notify the Tenderers about the Contract award decision or Decision of non-acceptance.

The Contracting Authority may cancel the procurement procedure if the price of the best offer is higher than engaged procurement funds, or if it is detected during the proceeding that the tender documentation was incomplete and as such does not provide effective contracting.

9. DEADLINE, METHOD AND THE CONDITIONS OF PAYMENT

Payment is made pursuant to the contract to the Tenderers and the members of the Consortium bank account, as applicable. The Contracting Authority is obliged by signing the contract with the winning Tenderer:

- **For Lot 1** to pay in advance 30% within 15 days of signing the contract with the winning Tenderer; then to make a payment of 60% within 60 days prior to the delivery of the subject of procurement and to pay the remaining 10% within 30 days from the date of commissioning according to the mutually signed Certificate of final acceptance of the supplies.
- **For Lot 2** to pay in advance 50% within 15 days of signing the contract with the winning Tenderer and to pay the remaining 50% within 30 days from the date of commissioning according to the mutually signed Certificate of final acceptance of the supplies.

10. INSTRUCTION OF LEGAL REMEDY

Each Tenderer may file a complaint if he considers that his offer should have been the winning offer, and that it was disabled due to the Contracting Authority actions which were contrary to the provisions of Annex 3 Procurement procedures for non-purchasing organizations and for which tenderer:

- is unreasonably excluded from the procurement procedure,
- his application or offer unreasonably refused, or
- the application or supply evaluation was contrary to the conditions and criteria of the tender documents and the provisions of this Annex.

The tenderer, within 8 days from receiving the Contract award decision or the Decision of non-acceptance, submits the complaint to the Intermediary authority of level 2 - the Croatian Agency for SMEs, Innovations and Investments (HAMAG-BICRO) to the following address: Ksaver 208, 10 000 Zagreb. A copy of the complaint must be submitted to the Contracting Authority by postal services to the following address: Vemo trade Ltd., Trg kralja Tomislava 16 / b, Drnje, 48316 Đelekovec or by e-mail to: ured@vemo.hr

The applicant must explain his allegations in the complaint.

The submission of the complaint does not prevent contracting, or if the Contracting Authority considers that the complaint is established and if the contract is not yet concluded, he can rectify irregularities and issue a new decision, and reports the Intermediate authority of level 2.

The appellant, who has suffered damage due to violation of the above mentioned Annex has the possibility of damage compensation at the competent court according to the general regulations on compensation for damages.

11. APPENDIXES AND TEMPLATES

Appendix 1 – Tender sheet

Appendix 2 – Information on Consortium

Appendix 3 – Information on Subcontractors

Appendix 4 – Statement concerning grounds for exclusion of tenderer from the procurement procedure

Appendix 5 – Financial offer

Appendix 6 – Technical specifications

Appendix 7 – List of contracts on delivery of goods

Template 1 – Certificate of properly executed contract on delivery of goods

Template 2 – Offers envelope example