



# TENDER DOCUMENTATION

## ONE PHASE PUBLIC TENDER

Procurement procedure for Entities not subject to Public Procurement Act

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PROCUREMENT TITLE: **Production machines**

PUBLICATION REFERENCE: **Supplies 02/2016**

### INFORMATION ABOUT THE PROJECT:

PROJECT TITLE: **Introduction of the next-generation technologies in the production process of the company Marin Expert Ltd.**

CALL TITLE: **Investment in production technology of the SMEs**

CALL REFERENCE: **3d1.1.2**

Note: The documentation is originally made in Croatian with translation to English language.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.

Dugopolje, May 2016

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## 1. GENERAL INFORMATION

Marin Expert Ltd. began with the implementation of the project "Introduction of the next-generation technologies in the production process of the Marin Expert Ltd." according to the project application to the Call for project proposals "Investments in production technology of the SMEs", Call reference: 3d1.1.2, implemented by the Ministry of Entrepreneurship and Crafts.

The project is co-funded by the European Regional Development Fund under the Operational Programme Competitiveness and Cohesion 2014 – 2020. Planned project duration is 15 months (May 1, 2016 – August 1, 2017). The investment project refers to the investment in production technology of the new generation, with the aim of expanding production capacity, strengthening human resources and creating a platform for development of new products. Estimated value of the project is 8.862.933,55 HRK, the eligible costs are 7.040.192,74 HRK, and the expected grant is 3.232.291,23 HRK.

### 1.1. Information on Contracting Authority

Contracting Authority's name **Marin Expert d.o.o., Zagrebačka 22, 21204 Dugopolje**  
and location:

PIN: 72775095404

RN: 060239337

Phone number: +385 21 254 811

Fax number: +385 21 254 822

Web page: <http://www.marinexpert.hr/>

E-mail address: [info@marinexpert.hr](mailto:info@marinexpert.hr)

\*Note: The Contracting Authority is not subject to the Public Procurement Act.

The Contracting Authority publishes the Procurement Notice and the Tender documentation, together with the other appropriate documentation, on the website: [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr).

### 1.2. Information on Contact person responsible for communication with tenderers

Name and surname: Andrea Marin

Phone number: +385 21 254 811

Fax number: +385 21 254 822

Address: Zagrebačka 22, 21204 Dugopolje

E-mail address: [andrea@marinexpert.hr](mailto:andrea@marinexpert.hr)

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: [andrea@marinexpert.hr](mailto:andrea@marinexpert.hr).

If necessary, Tenderers may require additional information or clarifications regarding the tender documents during the deadline for submission of the offers. Additional information and explanations will be published on the website [www.strukturnifondovi.hr](http://www.strukturnifondovi.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 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, the Contracting Authority shall ensure the availability of amendments to all interested Tenderers on the website [www.strukturnifondovi.hr](http://www.strukturnifondovi.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 02/2016

### 1.4. 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 cannot 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.

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. PROIZVODNO-USLUŽNI OBRT "MARIN" vl. Predrag Marin, PIN: 24464008433, Zagrebačka 22, 21204 Dugopolje

### 1.5. Type of procurement procedure

The procurement shall be conducted on the basis of the Annex 4 Procurement procedures for non-purchasing organizations, a third modification of the Call for Project Proposals "Investment in manufacturing technology of the SMEs" Call reference: 3d1.1.2., whereby, for this procurement procedure applies one phase public tender.

### 1.6. Subject of procurement

Subject of the procurement are Production machines: Semi automatic CNC panel bender and Laser cutting machine for cutting sheetmetal.

The subject of procurement is not divided into lots and tenderers must submit an offer for the entire subject of procurement.

### 1.7. Estimated procurement value

Total estimated procurement value is 6.471.876,33 HRK excluding VAT, and converted 864.132,65 EUR excluding VAT according to the Croatian National Bank middle exchange rate for the euro, valid from the date May 25, 2016 (1 EUR = 7,482699 HRK).

### 1.8. Start date of the procurement procedure

The procurement procedure starts on the day of publication of Procurement notice on the website [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr), i.e. on the procurement website of NPO.<sup>1</sup>

## 2. INFORMATION OF THE SUBJECT OF THE PROCUREMENT

### 2.1. Description of the subject of the procurement

Subject of procurement includes the following production machines:

- one semi automatic CNC panel bender. The subject of procurement includes delivery, installation, commissioning and training on the use in duration of 10 days for two Contracting Authority's employees. Training will be conducted at the location of the Contracting Authority.
- one laser cutting machine for cutting sheetmetal. The subject of procurement includes delivery, installation, commissioning and training on the use in duration of 10 days for two Contracting Authority's employees. Training will be conducted at the location of the Contracting Authority.

### 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 applies "or equivalent".

Tenderers are required to, together with the Annex 6, submit technical data sheet for the offered machines in which minimally should be visible all the parameters that are offered in the technical specifications, the model which is offered and the name of the manufacturer.

### 2.3. Place of performance of the procurement subject

Place of performance of the procurement subject is the location of the Contracting Authority Marin Expert Ltd., Zagrebačka 22, 21204 Dugopolje.

### 2.4. Deadline for the delivery of procurement subject

The deadline for delivery of the supplies starts from the day of signing the Contract with the winning Tenderer, with January 31, 2017 as the latest possible delivery date.

The goods must be delivered in accordance with the terms of delivery "DAP" ("Delivered At Place" Incoterms 2010 International Chamber of Commerce).

The subject of procurement will be consider as delivered on the day when the machines are delivered, installed and commissioned and training on the use for employees is conducted.

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

### 3. FINANCIAL OFFER

Financial offer is in Annex 5 of the Tender documentation.

### 4. REASONS FOR MANDATORY EXCLUSIONS OF TENDERERS

The Contracting Authority is obliged to exclude Tenderer from the procurement procedure:

- a) if he or person authorized for legal representation 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) if 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) if he is guilty of false presentation and false information providing, which are stated as a condition for exclusion or qualification standards; or
- d) if he is bankrupt, insolvent or is being in the process of liquidation, if its assets are being managed by a bankruptcy trustee or the court, if he entered into arrangement with creditors, has suspended its business activities, or is in a similar procedure under the national regulations of the country in which the legal entity is established; or
- e) if he has committed grave professional misconduct which the contracting authority can prove by any means in the previous two years up to the commencement of the public procurement procedure; or
- f) if the conflict of interest cannot be effectively removed by the exclusion of procurement board members/persons authorized to represent the Contracting Authority, or by taking other actions.

To determine the circumstances of Section 4 (points a) to e)) the economic entity submits a statement in the form of Annex 4 of the Documentation. The statement must be signed 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 4 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.

### 5. 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, financial capacity and technical and professional capacities.

### 5.1 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 5.1 for each member of Consortium individually.

### 5.2 Financial capacity

In the procurement process the Tenderer must prove positive business results during the 2014 and the 2015, i.e. that Tenderer did not reported loss during mentioned financial years, which will prove by the delivery of appropriate financial statements for 2014 and 2015.

The members of the Consortium jointly demonstrate the ability from Chapter 5.2.

### 5.3 Technical and professional capacity

The Contracting Authority requires from the Tenderer submission of the following evidences of technical and professional skills.

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 2 years preceding that year (2014 and 2015), which contains subject of the contract, value of the contract excluding VAT, 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, Certificates of the contract execution issued and signed by the counterparty. The Certificate of the contract execution on delivery of goods must contain:

- name of the contracting parties,
- subject of the contract,
- value of the contract (excluding VAT),
- date and place of delivery of goods.

The tenderer must prove that has vocational ability, knowledge and experience required for the execution of the entire subject of procurement, i.e. that has:

- in the required period (2014 - 2016) duly completed at least 3 contracts regarding the machinery and equipment of the same or similar characteristics as semi automatic CNC panel bender whereby each contract should be in the amount equal to or greater than the amount offered for the semi automatic CNC panel bender in the financial offer;
- in the required period (2014 - 2016) duly completed at least 3 contracts regarding the machinery and equipment of the same or similar characteristics as laser cutting machine for cutting sheetmetal whereby each contract should be in the amount equal to or greater than the amount offered for laser cutting machine for cutting sheetmetal in the financial offer;

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, valid will be an invoice for the sale of machines in the requested time period or 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 5.3.

## **6. TYPE, MEANS AND CONDITIONS OF WARRANTY**

### **6.1 Tender guarantee**

The Tenderer is obliged to submit the tender guarantee. The tender guarantee must be in the form of a bank guarantee in the amount of 320.000,00 HRK if the bank guarantee is issued in the currency of Croatian kuna or 42.700,00 EUR if the bank guarantee is issued in the currency of euro.

In the bank guarantee must be stated:

- that the guarantee beneficiary is Marin Expert Ltd, Zagrebačka 22, 21204 Dugopolje
- that the guarantee is issued unconditionally, irrevocably and assigned to pay immediately without recourse and upon receipt of written notification of the guarantee beneficiary, the amount requested above

The validity of the tender guarantee must be at least 60 days from the date of deadline for submission of offers.

If the tenderer does not submit the tender guarantee or if deficiency in the amount, time limit and the above mentioned provisions of the requested bank guarantee is found, that shall be considered as the insuperable difficulty and the offer will be rejected.

The tender guarantee must be submitted in the original. The original is delivered in sealed plastic foil and is an integral part of the offer. The guarantee must not be damaged in any way (by drilling, stapling and etc.)

If the period of validity expires, the Contracting Authority will require from the tenderers extension of the period of validity of the offer and the tender guarantee in accordance with the extended deadline. If the tender guarantee is not used, the Contracting Authority will return it to the Tenderer immediately after the completion of the procurement process.

### **6.2 Advance payment guarantee**

The winning tenderer will submit to the Contracting Authority an advance payment guarantee latest within 10 days of signing the contract. The advance payment guarantee shall be in the form of a bank guarantee in the amount of the advance that the Contracting Authority will pay to the selected tenderer for the procurement subject, i.e. 40% of the contract value (excluding VAT).

As part of its offer, the Tenderer must enclose a statement (Appendix 8) from the Tender documentation, which confirms that in the case of selection of its offer, Tenderer will deliver the advance payment guarantee to the Contracting Authority in the terms and in the manner determined in this Section of the Tender documentation. The statement must be signed by the person legally authorized to represent the economic entity.



The advance payment guarantee must be addressed to the Contracting Authority: Marin Expert Ltd, Zagrebačka 22, 21204 Dugopolje.

The validity of the tender guarantee must be in compliance with the contract validity period.

The Contracting Authority will pay an advance payment to the Tenderer within 5 days from the date of the receipt of the advance payment guarantee.

The Contracting Authority will return the advance payment guarantee to the Tenderer not later than 30 days from the date of mutually signed Certificate of the technical acceptance of the subject of the procurement.

## 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.

The Contracting Authority will choose the economically most favorable offer among the acceptable tenders of the capable tenderers on the basis of the following criteria:

- a) Price - relative weighting 65% - maximum 65 points
- b) Quality - relative weighting 35% - maximum 35 points

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

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

### a) Price (maximum 65 points)

To the Offer with the lowest price (Cmin) will be allocated a maximum of 65 points.

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

$$Bp = Cmin/Cp \times 65$$

### b) Quality (maximum 35 points)

The Contracting authority set the minimum of the technical characteristics (values) that each tenderer must satisfy according to the required technical specifications of the procurement, which is evaluated on the principle fulfill / do not fulfill. The Contracting Authority will score individual parameters that he considers relevant for the subject of procurement.

Points for quality will be awarded to tenderers who offer technical specifications which are better than the minimum required for the individual technical parameters which are selected for scoring, And also if applicable points for quality will be awarded to tenderers who offer one of the requested options for individual parameters. According to the offered specifications points will be awarded by the following methodology:

Item no. from Annex 6.	Quality criteria	Description of the quality criteria	Points
I Semi automatic CNC panel bender			
1.	Bending length	2651 mm – 2699 mm	1
		2700 mm – 2749 mm	3
		2750 mm and more	5
32.	System for moving additional tools for partial bending	Belt	1
		Ball screw	3
		Independent from both sides with ball screw	5
33.	Teleservis without extra cost – in months	from 13 months to 24 months	1
		from 25 months to 47 months	3
		48 months and more	5
II Laser cutting machine for cutting sheetmetal			
23.	Cutting table accessibility	From one longer side of the plate	1
		From two sides of the plate	3
		From three side of the plate	5
28.	Teleservis without extra cost – in months	from 13 months to 24 months	1
		from 25 months to 47 months	3
		48 months and more	5
33.	Possibility of retrofitting the system	Automation	1
		Rotary axis for round tubes and automation	3
		Rotary axis for round and square tubes and automation	5
35	Extra warranty period for Laser source – in months	from 13 months to 24 months	1
		from 25 months to 35 months	3
		36 months and more	5
MAXIMUM POINTS			35

The total number of points that can be awarded under this criteria of Quality is a maximum of 35 points.

## 8. INFORMATION OF THE OFFER

### 8.1 Content and methodology of the offer

Tenderer shall submit an offer in the original which contains documentation that is arranged 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:



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- 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),
- Technical data sheet for procurement subject,
- 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,
  - Financial statements for 2015, 2014 and 2013
  - List of contracts on delivery of goods,
  - Certificate of properly executed contract on delivery of goods
- Tender guarantee (Section 6.1. of the Documentation),
- Tenderer's statement on the delivery of advance payment guarantee (Appendix 8)

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.

## 8.2 Rules for submitting the offer

All the required documents and evidences from Section 5, Tenderers may submit in original, certified or uncertified copies. 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) 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.

## 8.3 Submission of offers

The offers shall be submitted in a sealed envelope directly to the Contracting Authority or by postal services to the address of the Contracting Authority: Marin Expert Ltd, Zagrebačka 22, 21204 Dugopolje. On the envelope must be listed:

- Name and address of the Contracting Authority,
- Name and address of the Tenderer/Consortium of tenderers,
- Publication reference.

Tenderer independently decides which of the mentioned methods of submission he will use and bears the risk of loss or untimely offer submission. The 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.

Electronic submission of the offers is not allowed.

The offers and belonging documentation, except tender guarantee, will not be returned to the Tenderers.

#### **8.4 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 June 15, 2016 at 12 a.m., at the following address: Marin Expert Ltd, Zagrebačka 22, 21204 Dugopolje.

The offers received after the deadline for submission of offers will not be the subject of evaluation.

#### **8.5 Modifications and/or amendments to the offer and withdrawal of offer**

The Tenderer can, until the due date for the submission of offers, submit modifications and / or amendments 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.

#### **8.6 Methodology for determining the price of the offer**

Tenderer delivers the offer with the price in Croatian kuna (HRK) or in euros (EUR). The price of the offer shall be written in figures.

The price of the offer is fixed during the term of the procurement contract. The price of the offer must include all costs and discounts.

If the price of the offer is not expressed in Croatian kuna (HRK), for comparison purposes of the offers, offer prices will be converted into Croatian kunas according to the Croatian National Bank middle exchange rate for the euro, valid from the date May 25, 2016 (1 EUR = 7,482699 HRK).

The Tenderer is obliged to enter 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 the subject of procurement.

#### **8.7 Validity period of the offer**

The validity period 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 validity period of the 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.

### 8.8 Cost of preparing the offer

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

## 9. 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 4 of the Documentation).

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

## 10. 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 (Section 4 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 Tenderer's responsibility for the execution of the procurement contract.

If the Tenderer does not submit the information on the subcontractor / subcontractors, it is considered that the whole subject of procurement will be carried out independently.

## 11. DEADLINE FOR SELECTING AN OFFER

The Contracting Authority will promptly notify the Tenderers about the Contract award decision or Decision of annulment and about the Notice from section 25.2 of the Annex 4 Procurement procedures.

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, or if there are significant new circumstances related to the project for which the procurement is carried out.

## 12. DEADLINE, METHOD AND THE CONDITIONS OF PAYMENT

Payment is made pursuant to the contract with the winning Tenderer on the Tenderer's bank account and the members of the Consortium, if applicable. The Contracting Authority is obliged to pay advance payment in the amount of 40% of the contract value within 5 days of the receipt of the advance payment guarantee from the winning tenderer. Furthermore, the Contracting Authority will pay 50% of the contract value within 15 days after mutually signed Certificate of the technical acceptance of the subject of the procurement, and the remaining amount of 10% will be paid within

30 days from the date of commissioning of the machines and conducted training on the use for employees according to the mutually signed Certificate of final acceptance of the supplies.

### 13. PETITIONS

Each Tenderer may file a petition 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 4 Procurement procedures for non-purchasing organizations, Call for Project Proposals "Investment in manufacturing technology of the SMEs", Call reference: 3d1.1.2., which is available at the web page [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr) 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 annulment or the Notice from section 25.2 of the Annex 4 Procurement procedures, submits the petition in written form to the Intermediary authority of level 2 (IA 2) to the following address:

The Croatian Agency for SMEs, Innovations and Investments, Ksaver 208, 10000 Zagreb.

Phone: +385 1 488 10 03

Fax: +385 1 488 10 09

E-mail: [hamagbicro@hamagbicro.hr](mailto:hamagbicro@hamagbicro.hr).

A copy of the petition must be submitted to the Contracting Authority in written form by postal services to the following address: Marin Expert Ltd., Zagrebačka 22, 21204 Dugopolje or by e-mail to: [andrea@marinexpert.hr](mailto:andrea@marinexpert.hr).

The applicant must explain his allegations in the petition.

The submission of the petition does not prevent conclusion of the contract with the winning tenderer.

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.

### 14. 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

Appendix 8 - Tenderer's statement on the delivery of advance payment guarantee

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