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**PROCEDURE FOR PERSONS WHO ARE NOT OBLIGATORY
TO PUBLIC PROCUREMENT LAW (NOJN)**

TENDER DOCUMENTATION

Project name

Investments in the acquisition of a new machine to increase the production capacity
of EKO PAPIR Ltd.

Procurement Process Type

Procurement notification

Procurement Subject

Purchasing a machine



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1. GENERAL INFORMATION

1.1. Information about the Contracting Authority (NOJN):

Name of Contracting Authority:	Eko papir Ltd.
Seat of Contracting Authority:	Braće Radića 2, 48321 Peteranec
VAT number:	28144007782
Phone:	+385 48 221 814
Responsible person of Contracting Authority:	Krešimir Matošić

1.2. Contact Person

Communication and any other exchange of information between the Purchaser and the Bidder shall be carried out solely in writing through the electronic mail and web site www.strukturnifondovi.hr.

A person in charge of communicating with the tenderers:

Name and surname:	Krešimir Matošić
Phone:	+385 48 221 814
E-mail:	ekopapir@ekopapir.hr

1.3. Type of procurement procedure

Public Bidding with Announcement of Procurement Notice.

1.4. Bidding, clarification and modification documentation for bidding documents

Bidding documents, responses and business issues as well as any changes to the Bidding Documents will be made available on the Internet at: www.strukturnifondovi.hr. Requests for clarification of the documentation related to the subject matter of procurement can be sent



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by e-mail to ekopapir@ekopapir.hr. In the message subject, it is necessary to specify the subject of the procurement.

During the bidding deadline, economic entities may require clarification, and the Buyer shall make a response available through the Website on which the Bidding Document was published without specifying the applicant's information. Provided that the request is submitted in a timely manner, the Client is obliged to publish the reply on the fifth (5) calendar day before the date on which the deadline for submission of tenders expires. The request is timely if it has been delivered to the Client no later than on the sixth (6) calendar day before the date on which the deadline for submission of tenders expires.

During the deadline for the submission of tenders, the Client may, for any reason, make modifications to the Bidding Documents. The Borrower shall ensure the availability of modifications to all interested economic operators at the places where the Procurement Notice and the Bidding Documents have been published, not later than on the fifth (5) calendar day before the date on which the Bid Deadline expires. The extension of the deadline will be of relative importance to clarification but not less than five (5) calendar days.

The Borrower is not liable if the Bidders have not timely received the Bidding Document Explanation.



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2. PROCUREMENT SUBJECT INFORMATION

2.1. Description of Procurement Subject

The subject matter of the procurement is the procurement of the machine within the project "Investing in the purchase of a new machine for increasing the production capacity of the company EKO PAPIR" reference code KK.03.2.1.15.0086.

The subject of the procurement is not divided into lots. The bidder must submit only one bid for the entire subject of the procurement.

2.2. Procurement Subject Specifications

Detailed technical specifications of the procurement are contained in Annex II and are an integral part of this Competition Documentation.

For all items of technical specifications that require or indicate a sign, patent, type or specific origin, the bidder may offer "the same" as required or specified. If a bidder offers an equivalent product, he must provide the product information and the type of appropriate product that he / she offers and, if required, the other information pertaining to that product, on the technical specification form, according to the appropriate items. Depending on the product, as proof of equivalence, the tenderer must provide the technical documentation of the product from which it is possible to visually compare the unconditional assessment of equivalence (technical characteristics, attestations, standards, certificates, conformity, etc.).

The Client may, in the event of doubt as to the authenticity of the data specified in the Technical Specifications (Annex II), at any time in the procurement procedure, request from any tenderer, and in particular from the selected bidder, to submit one or more documents confirming that is offered corresponding to the required technical specifications. If the Tenderer fails to submit one or more documents within the Permit and / or does not prove that he still meets the conditions specified by the Client, the Tenderer shall exclude such Tenderer from the further process of reviewing and evaluating the Tender or rejecting his tender.



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2.3. Budget estimation

The budget estimation of lading is set out in Annex III and is an integral part of this documentation. It must be filled in the original template without changing, correcting, and copying the original text.

The bidder must fill in the unit prices of all the items as defined in the budget estimation of quantities.

If the Tenderer fails to complete the Tender Account in accordance with the requirements of this Tender Documentation or makes any changes to the text or quantities specified in the Task Force form, such Troika will be considered incomplete and invalid and the bid of such Tenderer will be rejected.

2.4. Quantity of procurement

The amount of procurement is defined in the budget (Annex III).

2.5. Location of Goods Delivery

The place of delivery is Stjepana Radića bb, 48316 Gola, Republic of Croatia.

2.6. Deadline for Goods Delivery

The selected bidder is obliged to deliver the subject of the procurement within the deadline specified in the technical specifications of the procurement object (Annex II). The delivery period begins on the day of signing the contract of purchase. In case of delays in delivery, the Client is authorized to charge a contractual penalty in the amount of 2 ‰ (two promises) of the contracted price for each day of delay, whereby the total amount of the contractual penalty may not exceed 5% (five percent) of the agreed price.



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3. CONDITIONS AND REQUIREMENTS THAT MUSS FULFILL

POTENTIAL TENDERER

The bidder is obliged to enclose documents proving his legal and business ability, financial, technical and professional ability in his bid. The Tenderer must submit all the required documents in the original or a copy, as required under items 3.1. to 3.4. Bidding Documents. Documents proving the ability of the bidder must be in Croatian or English and Latin letters.

3.1. Legal and business capacity

Each bidder must prove that he is in a court, craft, professional or other appropriate register of a registered seat for the conduct of an activity in connection with a procurement.

Legal and business ability shall be evidenced by the bidder in the procurement procedure by original or copy of the extract from the court, craft, professional or other appropriate register of the country of the bidder's seat.

In the case of a bidder's community, all members of the community are required to individually prove their ability under point 3.1. of this Bidding Documentation.

3.2. Financial ability

Each bidder must demonstrate that his total revenue for the last two business years is equal to or greater than the estimated value of the subject of the procurement. This is proved by the annual financial report (GFI).

In the case of a bidder's community, all members of the community together are required to prove (cumulatively) the joint financial capacity

3.3. Technical and professional ability

The bidder must have at least 1 (one-letter) one servicer who has the professional capability, professional knowledge to set up, install, train and service the goods that are the subject of the procurement.

In the case of a bidder community, all members of the community are required to individually prove their ability under point 3.3. of this Bidding Documentation.



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4. REASONS OF EXCLUSION OF THE ECONOMIC SUBJECT FROM PUBLIC PROCUREMENT PROCEDURES

The contracting authority shall exclude a tenderer from the procurement process at any stage of his procurement:

1. If the tenderer or the person authorised under the law to represent tenderer has been convicted for participation in organised criminal activities, corruption, fraud, terrorism, terrorism financing, money laundering, children work or other form of human trafficking;
2. has not fulfilled payment obligations related to taxation and pension or health insurance, except in cases when the payment is not allowed based on the specific legislation or delay payment has been authorised;
3. has faulty presented or provided false information related to conditions the Contracting Authority has defined as exclusion criteria or procurement conditions
4. is bankrupted, it is being wound up or is in any stage of the bankruptcy proceeding, its affairs are being administered by a person designated by the relevant court, it has entered arrangements with creditors, it has suspended its business activities, or is in a similar procedure under the national regulations of the country in which the economic operator is established;
5. has done a serious professional failure in the last two year to the beginning of the procurement procedure which the Contracting Authority can prove in any way;

Serious professional failure is the conduct of the bidder in the performance of his professional activity contrary to the relevant regulations, collective agreements, rules of procedure or public procurement contracts, which is of such nature as to make the bidder unsuitable and unreliable to the contracting party of the contract. Serious professional failure in the performance of a public procurement contract is such a treatment by a bidder that results in significant and / or repeated deficiencies in the performance of essential contract requirements that led to its early termination, damage or other similar consequences. The



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existence of a serious professional omission is proven by the Contracting Authority on the basis of an objective assessment of the circumstances of each individual case.

For the purposes of determining that there are no circumstances under points 1 to 5, the tenderer is obliged to submit a signed declaration to the person who is legally authorized to represent the business entity (Annex IV).

In the case of a bidder's community, the circumstances related to the reasons for the exclusion are established for all members of the bidder's community individually and the required declaration must be signed by each member of the bidder's community

In the event of doubt as to the truthfulness of the information stated in the statement, the contracting authority may require any tenderer, in particular from the selected tenderer, to submit one or more documents certifying that the tenderer is not in the situations referred to above prior to the conclusion of the contract in points 1 to 5. if such documents are issued in the country of the economic operator's seat and can be obtained from them.



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5. TENDER INFORMATION

5.1. Tender Contents

Tender Contents:

1. Bid List (Annex I - Bidd List, in the case of a Bidder's Annex I Annex - Annex 1, and in the case of the Undertaker Annex I - Appendix 2)
2. Technical specifications (Annex II to this tender documentation)
3. Budget estimation (Annex III to this tender documentation)
4. Statement of non-existence of reasons for exclusion (Annex IV to this tender documentation)

5.2. Way of making a tender

The offer is made:

a) in electronic form, with scanned specimens of each individual part of the offer

When making a bid, the bidder must comply with the requirements and conditions set forth in the Bidding Documentation. All bidding costs are borne by the bidders. Bidders are not entitled to any compensation for the cost of making a bid.

The Bidder may designate secret information from the Bid Documentation, which specifically includes technical or business confidentiality and confidential aspects of the Bid in accordance with special regulations.

If an undertaking indicates certain information from a business secret bid, it is obliged in the offer to state the legal basis on which the data are confidential. The client is obliged to keep the marked information stored.

Bidders may not disclose secret information about unit prices, amounts of individual items, bid price, and bid information in relation to bid selection criteria.



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5.3. Deadline and method of submission

The deadline for submission of tenders is until July 6th 2018. until 23:59.59 hours Central European Time. It will be considered that tenders submitted in time are to be received by that deadline.

The offer can be submitted:

- a) to the e-mail address: ekopapir@ekopapir.hr. Bids that arrive after the expiration of the bidding deadline will not be subject to evaluation of bids.

5.4. Amendments, additions or withdrawals from bids

Within the deadline for the submission of bids, the bidder may modify its bid, supplement it or cancel it. The modification and / or modification of the bid is submitted in the same way as the basic bid with a mandatory indication that it is a modification and / or amendment of the offer. Bidder may, by the expiry of the deadline for the submission of tenders, waive the tender submitted. The statement is delivered in the same manner as the offer, with the mandatory indication that it is a waiver of the offer.

5.5. Determining tender prices

The bid is expressed in Euros (EUR) and is written in figures. All costs and discounts are included in the offer price, if the bidder offers them. The bid price is unchanged throughout the contract of purchase.

5.6. Selection Criteria

The Bid Selection Criterion is the lowest price provided all the required terms in this Bidding Document are met.

5.7. Tender Language and Script

The submitted tender and all of the necessary appendices shall be in the Croatian or English language and in the Latin script.



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5.8. Tender Validity Period

The tender validity period is minimum 30 (in alphabetical order: thirty) days. If the validity period expires, the Client must request his extension. For this purpose, the Client will give the Bidder an appropriate deadline.



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6. OTHER PROVISIONS

6.1. Reliance on the ability of other subjects

An economic entity may, if necessary for a particular part of the contract, rely on the ability of other entities. In this case, the economic operator must prove to the Client that he will have the resources available to execute the contract, for example by accepting the obligation of other entities to make such resources available to the economic operator.

This provision gives the possibility to economic operators who alone do not meet the required levels of technical, professional and financial capacity set out in the call for tenders or tender documents to rely on the ability of other entities whose resources they will use when executing a specific contract work.

As proof of the fulfillment of the above mentioned condition, the tenderer is obliged to submit a contract of business cooperation, contract of work, statement or the like, in which he proves that these resources will actually be available when executing the contract.

6.2. Bidder Community

A community of economic entities is a temporary association of several physical or legal persons, including affiliates or public bodies, which offers on the market the performance of works or work, the delivery of goods or the provision of services. If two or more economic entities join for the submission of a joint bid, the offer must be stated to be the bid of the bidder community.

The bidder who independently submits the offer may not simultaneously participate in the joint offer.

Any communication between the Purchaser and the Bidder Community shall be effected through a member of the Bidder's Community which is authorized to communicate with the Purchaser and must be specified in the Bid List. Also, it is necessary to state (specify) in the bid list that part of the procurement contract (subject, quantity, value and percentage) will be executed by each member of the bidder community.



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A contracting authority may not require a community of economic operators to have a certain legal form at the time of the bid submission. If the community of bidders is selected to conclude a procurement contract, within 8 (eight) days from the date of the decision on the selection,

To the tenderer:

- a) legal act - agreement on the establishment of the bidder's community for the execution of the contract which must contain the following minimum elements:
 - the part to be executed by each of the members of the Bid Committee and to which member of the Bid Committee shall pay that part of the Contract,
 - the solidarity of all members of the community of bidders, the assumption of obligations and responsibilities if one or more members of the community of bidders can not fulfill contractual obligations,
 - information on the signatory / contract signatories of the procurement contract.

The legal act - the agreement must be signed by all members of the bidder community.

The Purchaser shall immediately pay to each member of the Bid Committee for that part of the Purchase Contract that he has made, unless the Community of the Offeror determines otherwise.

6.3. Subcontractors

The subcontractor is an economic entity which, for the selected tenderer with whom the contracting authority has concluded a procurement contract, supplies the goods, provides services or performs works that are directly related to the subject of the procurement.

If an entity intends to award a part of the contract of sale to the subcontractor to one or more Subcontractors, then the offer must state the information on the part of the procurement contract which it intends to submit to the subcontracting of all proposed Subcontractors. These data form an integral part of the procurement contract. Annex II. Tender List - is delivered to each Sub-Producer.



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The Contractor may, during the performance of the Contract, change Subcontractors for that part of the Contract that he has subcontracted or introduce new Subcontractors with the consent of the Purchaser and the Contractor is obligated to submit to the Client within five (5) days of his consent all the foregoing data for the new Subcontractor.

If a part of the supply contract is subcontracted, then for the Goods to be exported by the Subcontractor, the Purchaser will pay directly to the Subcontractor.

The Subcontractor's participation does not affect the bidder's responsibility for the execution of the procurement contract.

6.4. Review and review of the offer

Bids are opened within 3 business days after the deadline for submission of bids and the minutes are kept.

In the review procedure and the evaluation of the offer, the Client will:

In the review procedure and the evaluation of the offer, the Client will:

- 1) Checking the formal compliance of the offer with the terms of this Documentation
- 2) Verification of the reasons for the exclusion of the bid and the fulfillment of the qualification conditions, ie the criteria for legal and business ability, financial capacity and professional capacity
- 3) Verification of the fulfillment of conditions relating to the subject of procurement and technical specifications and fulfillment of other requirements, conditions and criteria set out in the Bidding Documents
- 4) Evaluation of the Bid on the basis of previously published Selection Criteria (the most favorable bid).

If two or more valid tenders are ranked according to the bid selection criteria, the Purchaser will choose the bid received earlier

6.5. Decision on selection or revocation

The deadline for making a decision on selection is 7 working days from the date of expiry of the deadline for submission of tenders. The contracting authority will notify all bidders and



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candidates of the final selection, by delivering a Decision on the selection of the best bidding or the Decision on the annulment electronically.

The client will make a decision on choosing the best bid that will minimally contain:

- a) the name and address of the selected tenderer;
- b) the total value of the selected bid;
- c) date of signature and signature of the responsible person of the Client.

The contracting authority shall cancel the procurement procedure if:

- a) no offer has been received;
- b) has not received any valid offer;
- c) after the rejection of the tender, none of the valid bids remain.

The contracting authority may cancel the procurement procedure if:

- a) the price of the most favorable bid is greater than the secured means of procurement;
- b) during the procedure it is established that the tender documentation is defective and as such does not allow for effective contract conclusion (for example, erroneous quantities of the subject matter are listed in the documentation);
- c) significant new circumstances have arisen with regard to the project for which the procurement is being conducted.

If there are reasons for the cancellation of the procurement procedure, the Buyer shall, without delay, make an award decision stating:

- a) details of the customer;
- b) the subject of the procurement for which an annulment decision is made;
- c) explanation of the reasons for the cancellation of the procurement procedure;
- d) the deadline for initiating a new procedure for the same or similar subject of procurement;
- e) Date of issue and signature of the responsible person.



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In case of annulment of the procurement procedure, the Decision on Cancellation will be published on the website www.strukturnifondovi.hr

6.6. Deadline, method and terms of payment

The term, method and terms of payment shall be defined in the Contract concluded between the Purchaser and the Bidder.

6.7. Complete the procurement procedure

The procurement procedure ends with the date of the decision on the selection, or on the date of the decision on the cancellation of the procurement procedure.

6.8. Purchase Agreement

The contract for the procurement of construction and commissioning of a solar power plant shall be concluded with the bidder whose tender has been selected as the most favorable. The procurement will be carried out in accordance with the Bidding Documents and the positive legal regulations.

7. ANNEXES

1. Annex I - Bid Sheet
2. Annex II - Tenderers Specifications
3. Annex III – Budget estimation
4. Annex IV - Statement of non-existence of reasons for exclusion

Peteranec, 14.06.2018.

PERSON AUTHORIZED FOR THE REPRESENTATION OF THE CONTRACTING AUTHORITY:

Krešimir Matošić, Managing Director