

In accordance with the Grant Agreement for projects financed by the European Structural and Investment Funds in the financial period 2014-2020
(Agreement No. KK.03.2.1.05.0166) and
Annex 4. „ Procurement procedures for persons who are not liable to the Law on
public procurement “
the company PAB Akrapović d.o.o. published as part of the Project „ Diversification of production
process and sales program at PAB Akrapović d.o.o.“

INVITATION FOR TENDER

For the procurement subject:

Vacuum coating machine

Reference number of the public procurement: 06

Tender documents

Buzet, July 2018

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1. GENERAL INFORMATION

1.1. CUSTOMER DETAILS

Name	PAB Akrapović d.o.o.,
Address	Most 26, 52 420 Buzet
VAT number:	HR36705813625
Registration number:	04106814
Responsible person and job title:	Miha Akrapović, Director
Contact person and job title:	Rok Vrhovnik, Sales Manager
Telephone number:	00385 52 662 662
E-mail address of contact person:	rok@pab.hr

Information about the person responsible for communication and data exchange with Bidders:

Communication between the customer and the Winner will be exclusively in written form via e-mail and internet page of the Customer.

Name and surname of the person, for communicating with Applicants: **Rok Vrhovnik**

Email address: **rok@pab.hr**

Phone number: **+385 (0) 52 662 662**

1.2. BASIS FOR THE PROCUREMENT

The purchase is carried out on the basis of the Grant Agreement for projects financed by the European Structural and Investment Funds in the financial period 2014-2020 (Agreement No. **KK.03.2.1.05.0166**) for the implementation of the project "**Diversification of production process and sales program of PAB Akrapović d.o.o.**" and Annex 4. „**Procurement procedures for persons who are not liable to the Law on public procurement**“, call for funding Competence and development, which is available on the web site at <https://strukturnifondovi.hr/> .

1.3. LEGAL ENTITIES AND INDIVIDUALS WITH WHICH THE CUSTOMER IS IN A CONFLICT OF INTERESTS

PAB Akrapović d.o.o. is in a conflict of interest and cannot conclude contracts on public procurement with the subject:

– Akrapović Kreativa d.o.o.; Malo Hudo 8A; 1295 Ivančna Gorica, Slovenia; Company registration number 6124143000

1.4. PROCUREMENT PROCEDURE AND TYPE OF CONTRACT

The procurement procedure is Procurement notice. The procurement process is carried out according to Annex 4 „Procurement procedures for persons who are not liable to the Law on public procurement“.

1.5. REFERENCE NUMBER OF THE PUBLIC PROCUREMENT

06

1.6. EXPLANATION AND CHANGES OF TENDER DOCUMENTATION

All documentation for bidding with applications posted on the website of the European structural and investment funds: <https://strukturnifondovi.hr/nabave-lista/>.

During the deadline for submission of bids, the bidders may request for additional information regarding the bidding documents.

The request for additional information is timely if delivered to the email address of the contact person: rok@pab.hr not later than six (6) days before the deadline for the submission of bids.

Provided that the request is submitted in a timely manner, the Customer is obliged to provide the reply not later than on the fifth (5) days before the deadline for submission of the bids.

If, for any reason, the clarification has not been provided no later than the fifth (5) days before the deadline for the submission of bids, the Customer shall extend the deadline for the submission of bids. The extension of the deadline will be of relative importance to the clarification and will not be shorter than five (5) days.

If the Customer makes any changes to the tender documentation during the deadline for submission of the bids, they will ensure the availability of changes for all Bidders on the web page <https://strukturnifondovi.hr/nabave-lista/> and will ensure that Bidders have at least five (5) days for submission of bids since the change occurred.

1.7. THE RIGHT TO PARTICIPATE

Any economic entities, regardless of the country in which they are registered or have a branch, can participate in this procurement procedure as Bidders.

2. INFORMATION ABOUT THE PROCUREMENT SUBJECT

2.1. PROCUREMENT SUBJECT

The subject of procurement is:

- **Vacuum coating machine for the project „Diversification of production process and sales program of PAB Akrapović d.o.o.”**

2.2. DESCRIPTION OF THE PROJECT AND PROCUREMENT SUBJECT

2.2.1. Project description

The company, PAB Akrapović d.o.o. from Buzet manufactures and sells high-quality plastic fire helmets and is one of the only 10 companies in the EU that produce safety helmets.

PAB Akrapović d.o.o. signed on 18th September 2017 the grant Agreement with the Ministry of economy, entrepreneurship and trades for the project "Diversification of the production process and sales program PAB Akrapović d.o.o." contract number KK.03.2.1.05.0166. The implementation of the

project is co-financed from the European structural and investment funds in the financial period 2014-2020.

The implementation of the project and the investment in the production line together with the development of the manufacturing processes, will enable the growth of the production plant and expansion of opportunities for the company. The investment will enable the expansion to new markets such as the Portugal, Spain, USA, South America and Australia. Broadly speaking the project will enable the increase in exports, competitiveness on the domestic market and places a small business company side by side with bigger competitors.

General project objective: Improving the competitiveness and business competences through diversification of the production process and sales program of the company.

Specific project objectives: Purchase of new production machinery and equipment

Project activities:

- Purchasing of machines: machines for injection moulding, CNC machines for the manufacture of moulds, filtering and cooling system, and vacuum coating machine (electron beam evaporation),
- • Modernization of the production plant in the area for injection and coating
- • Participation at the exhibition "A+A Trade Fair" in Düsseldorf, Germany
- • Advertising and visibility – upgrade Internet site, enterprise, and advertising materials
- • Management and project administration

Expected outcomes of the project:

- • Improvement of production quality
- • New product development – helmet HT05
- • Reduction of scrap in production
- • Increase of the number of employees
- • Increase of sales revenue
- • Increase of export revenues

Project total value: 4.409.511,95 HRK

EU grants: 2.052.419,86 HRK

Duration of the project: 1st December 2016 – 1st October 2018

2.2.2. Description of the Procurement subject

The subject of this procurement is a **Vacuum coating machine** with at least the following technical properties:

- vacuum coating machine with electron beam technology
- allows to plate metal films and non-metal films on plastic and metal
- includes pre-treatment function

- increases the hardness for anti-scratching
- must be computer controlled
- minimum processing capacity: 300 pieces/8 h (for pieces of approximate dimensions 21 cm x 18 cm)
- includes a molecular pump
- gas system with two flow-meters – for argon and oxygen
- gas system with two inlet gas pipes
- quartz system for precise monitoring of film thickness

2.3. DESCRIPTION OF THE PURCHASING GROUPS OF PROCUREMENT SUBJECT

The procurement subject is not divided into purchasing groups.

2.4. QUANTITIES OF PROCUREMENT SUBJECT

Quantity of the subject of procurement like as per the List of costs (Annex 4): goods - 1 piece

2.5. PLACE OF DELIVERY OF THE PROCUREMENT SUBJECT

Place of delivery: port of loading of the goods.

2.6. LEAD TIME OF THE PROCUREMENT SUBJECT

In accordance with the project timeline, the lead time starts on the day of contract signature. The lead time of the Procurement subject is up to 90 days from the date of contract signature. The lead time means the day when the Procurement subject is delivered to the port of loading.

The Bidder and the Customer have the right to extend the delivery period in the following cases:

- due to a superior force (*force majeure*),
- due to a result of measures provided by public authorities,
- due to a written request of the Bidder for a delay of delivery.

Under force majeure are meant natural phenomena as for example floods, fires, etc. In these cases, the Bidder and the Customer will not submit any claims for any costs incurred due to the extension of the lead time, except in cases when measures are provided as acts of public authorities taken solely because of the fault of the Bidder.

Bidders are reminded that changes of lead time or contract (shortening or prolongation) are possible due to objective reasons related to the duration of actions of public authorities in relation to an inspection or approval of particular documents, reports, etc.

3. MANDATORY REASONS FOR EXCLUSION OF A BIDDER

3.1. REASONS FOR EXCLUSION OF A BIDDER

The Customer is obliged to exclude the Bidder from the procurement procedure in case:

- the Bidder or his legal representative has been convicted for a crime of participation in criminal organizations, corruption, fraud, terrorism, terrorist financing, money laundering, child labour or other forms of human trafficking; or
- the Bidder has not fulfilled the obligation to pay any overdue tax liabilities or liabilities for pension or medical insurance, except if they are exempted from this by a special law or the deferral of payment has been approved; or
- the Bidder has submitted false information about the conditions which the Bidder cited as the reason for the exclusion or conditions for qualification;
- the Bidder is bankrupt, insolvent or in liquidation process, if their assets are managed by a bankruptcy manager or the court, if they are in a settlement process with creditors, if they stopped business operations or in any situation which derives from a similar process in accordance with national laws and regulations; or
- the Bidder has committed a severe business violation in the last two years before this procurement.

3.2. ABSENCE OF REASONS FOR EXCLUSION OF A BIDDER

The Bidder will prove the absence of reasons for exclusion by signing the **“Statement on the absence of reasons for exclusion of the Bidder” (Annex 2)** which shall be enclosed to the bid.

The statement shall be given by the legal representative of the Bidder. The Customer can require at any moment of the procurement procedure from any Bidder and, in particular the selected Bidder, that before signing the contract they shall submit one or more documents (certificates, statements, etc.) which confirm that the Bidder is not in situations as specified in Chapter 3 of this document.

4. REGULATIONS CONCERNING THE BUSINESS ABILITY OF THE BIDDER

To determine the qualifications of the Bidder to perform the contract, bidders are required to attach a Statement to the bid that proves:

- legal and business capability
- financial capability
- technical and professional ability

The documents shall be written in Croatian or English language and in Latin script.

If the any document is completed in another language, in addition to signing of documents in a foreign language, the Bidder shall enclose a translation to Croatian or English language. The Bidder is not obliged to enclose the translation of an authorized court interpreter for Croatian language with each document, unless the Customer subsequently requests it.

The Bidder confirms the fulfilment of the conditions from Chapter 4 of this document, by signing and stamping a statement on the fulfilment of the **“Statement on the fulfilment of Bidder's qualification requirements” (Annex 3)**.

4.1. LEGAL AND BUSINESS CAPABILITY

Each Bidder must be legally and commercially competent.

The Bidder's legal and commercial capacity is expressed in a way that:

- the Bidder is registered at the court, craft, professional or other appropriate official register of the country of the Bidder.
- The Bidder has the needed qualifications for the production/sales of machinery and industrial equipment or similar activities.

With the required evidence of legal and commercial capability, the Bidder proves that they have basic qualifications for the production or sales of machinery and industrial equipment or similar activities.

4.2 FINANCIAL CAPABILITY

The Bidder's financial capability is expressed in a way that:

- The Bidder's bank account was not blocked for more than 7 (seven) days in the previous six months from the date of the procurement procedure.

With the required evidence of financial capability, a business entity proves that they have a stable financial management so the performance of their contractual obligations and consequently the execution of the Client's obligations towards the end users of their services are not questionable. The Client's estimate is that blocking accounts for more than 7 (seven) days in the previous six months is an indicator that a business entity is unable to settle its current due liabilities, which may lead to the inability to execute public procurement cases.

4.3. TECHNICAL AND PROFESSIONAL CAPABILITY

The Bidder must demonstrate technical and professional capability by executing at least 1 (one) and up to 5 (five) similar contracts executed in the year in which the public procurement procedure commenced and during the three years preceding that year and their sum of value be minimum in the value of the subject of the procurement.

For Bidder certifies the fulfillment of the conditions of Chapter 4 of this document, the by signing and stamping the **“Statement on the fulfillment of the Bidder's Qualification Requirements” (Annex 3)**.

5 INFORMATION ABOUT THE BID

5.1 BID CONTENT AND BIDDING PROCESS

The Bidder must submit the bid exclusively via electronic mail to rok@pab.hr

The Bidder may only submit one bid. All items must be offered in the manner as defined in the bill of costs.

The bid must contain at least:

- **„Bidding Sheet“ (Annex1)** - completed, signed by the legal representative of the Bidder, stamped and saved in .pdf format,
- **„Statement on the absence of reasons for exclusion of the Bidder“ (Annex 2)** - completed, signed by the legal representative of the Bidder, stamped and saved in .pdf format,
- **„Statement on the fulfilment of Bidder's qualification requirements“ (Annex 3)** - completed, signed by the legal representative of the Bidder, stamped and saved in .pdf format,
- **„List of costs“ (Annex 4)** - completed, signed by the legal representative of the Bidder, stamped and saved in .pdf format.

Any costs that may occur for the preparation and submission of the bid are borne by Bidders. Bidders are not entitled to any compensation for the cost of submission of a bid.

5.2 RULES OF DELIVERY OF DOCUMENTS

All required documents shall be prepared in accordance with Chapter 5.1. of this document. The documents shall be then attached to an email that must be sent to rok@pab.hr and should clearly state the reference to the subject of public procurement.

5.3 PRICE DELIVERY METHOD

The Bidder delivers a bid with FOB (Free on Board, named port of shipment) price in Croatian kunas (HRK) or European euros (EUR) or US dollars (USD). The bid price is written in numbers (rounded to two decimal places). The currency code is mandatory. The bid price shall be unchangeable. All costs and discounts must be included in the bid price. In case of price quotation in EUR or USD, the bid price is converted to HRK according to the mean exchange rate of the Croatian National Bank (HNB) on the last day of the bid submission deadline.

The Bidder is obliged to bid, enter the price (rounded up to two decimal places), for each item on the **„List of costs“ (Annex 4)** and enter the bid price, as set out in the **„Bidding sheet“ (Annex 1)**.

If the Bidder is not liable for VAT payment, then it is necessary to indicate this on the **„Bidding sheet“ (Annex 1)**.

In the case the Bidder is from abroad, the price of the bid must be displayed without VAT. The entry for the bid price with VAT is entered in the same amount as the entry for the bid price without VAT and the space provided for VAT amount entry shall be left blank.

5.4. ALTERNATIVE BIDS

Alternative bids are not allowed.

5.5. CHANGES OF THE BIDS

The Bidder may submit a modification and/or supplement of the bid by the expiry of the deadline for bid submission. The modification and/or supplement of the bid is submitted in the same way as the basic bid with a mandatory indication that it is a modification and/or supplement of the bid. In this case, the bid is opened in reverse order of receipt and the delivery time is considered to be the delivery of the last version of the bid application/modification.

5.6. BID WITHDRAWAL

A Bidder may, by the written notice, withdraw from the delivered bid by the expiry of the deadline for the submission of bids. The statement is delivered in the same way as a tender with a mandatory indication that it is a withdrawal of the bid. In this case, an unopened bid is returned to the Bidder.

6. DEADLINE FOR SUBMISSION OF BIDS

The deadline for submission of bids starts on the date of publication of the tender on <https://struktturnifondovi.hr> website and lasts 20 calendar days.

The bidders shall submit the bids exclusively via email at rok@pab.hr, latest by **6th August 2018**, by the end of the day.

7. BID SELECTION CRITERIA

Criteria for selection of the bids are applied as follows:

- price – 50% → 50 points
- delivery time – 50% → 50 points

$$\text{Formula: } T = P + DT$$

T = points total number

P = number of points for the offered price in the bid

DT = number of points for the offered delivery time for the bid

The economically most advantageous bid is the bid with the highest total number of points (closest to 100). If two or more valid bids are equally ranked according to the bid selection criteria, the Customer will choose the bid that has received more points for delivery time criteria.

The evaluation methodology used by the Customer is the following:

a) Price (P)

The bid with the lowest price is awarded a maximum of 50 points. The score for each bid is calculated using the following formula:

$$P = \frac{P_{min}}{P_t} * 50$$

P = score of the assessed bid (rounded up to the whole number)

P_{min} = lowest price offered in the tender process (in kunas)

P_t = price of the assessed bid (in kunas)

50 = maximum number of points

b) delivery time (DT)

The latest deadline for delivery of the goods is 90 days from the date of signature of the contract. The bid with the shortest delivery time is awarded a maximum of 50 points. The score for each bid is calculated using the following formula:

$$DT = \frac{DT}{DT_t} * 50$$

DT = score of the assessed bid (rounded to the full number)

DT_{min} = shortest delivery time offered in the procurement process (in days)

DT_t = delivery time offered in the assessed bid (in days)

50 = maximum number of points

8. LANGUAGE AND BIDDING LETTER

The bid must be made in Croatian or English language and in Latin script.

If the bidding letter or if a document is completed in another language, in addition to signing of documents in a foreign language, the Bidder shall enclose a translation to Croatian or English language. The Bidder is not obliged to enclose the translation of an authorized court interpreter for Croatian language with each document, unless the Costumer subsequently requests it.

9. VALIDITY PERIOD OF THE BID

The validity period of the bid is at least 30 days from the deadline for submission of the bids.

The Costumer will reject a bid whose validity is shorter than required. If the validity period of the bid expires, the Costumer will request its extension and, to that end, provide the Bidder with an appropriate deadline. At the request of the Costumer, the Bidder may extend the validity of their bid

10. REVIEW AND EVALUATION OF BIDS

The Customer's Procurement committee shall review and evaluate the contents of the submitted bids in respect of the terms of the Invitation for the tender.

During the review procedure and evaluation of the offer, the Costumer will:

- verify the formal compliance of the bid,
- assess the reasons for exclusion and fulfillment of qualification requirements,
- evaluate the bid based on published selection criteria.

11. CLARIFICATION AND COMPLETION OF BIDS

If the information or documentation submitted by the Bidder is either incomplete or incorrect or if certain documents are missing, the Customer may request during the review and evaluation of the bids, such candidates or bidders to submit, supplement, clarify or complete the necessary data or documentation in an appropriate period of time which cannot to be shorter than five (5) calendar days.

Submitting, supplementing, clarifying or completing the incomplete or incorrect documents required for the purpose of assessing the existence of grounds for exclusion and the fulfilment of qualification requirements shall not be considered as an alteration of the bid.

The Customer may request clarifications in relation to the documents about the offered procurement and the clarification shall not be considered an alteration of the bid.

The Customer's actions or requests related to the clarification and completion of applications and bids must be in accordance with the principles of equal treatment and transparency.

12. SELECTION DECISION OR CANCELLATION OF THE TENDER

12.1. REASONS FOR EXCLUSION

In accordance with the principles of equal treatment and transparency the Customer is obliged to exclude, based on the results of the review and evaluation of the applications or bids, the following:

- a bid that is incomplete (does not contain all the elements listed in Paragraph 5.1. of this document) and for which it is not possible to complete the necessary data or missing documentation within a reasonable time which cannot be shorter than 5 calendar days,
- a bid that is contrary to the provisions of the tender documents,
- a bid in which the price is not expressed in absolute terms,
- a bid containing errors, deficiencies or ambiguities and which errors, deficiencies or ambiguities are not removable,
- a bid for which the clarification or supplementation did not remove an error, shortcoming or ambiguity,
- a bid that does not meet the requirements about the properties of the procurement object and thus does not meet the requirements of the bidding documentation,
- a bid for which the Bidder did not accept a correction of the error sent in writing,
- a bid that has arrived after the deadline for submission,
- a bid in a language other than those specified in the tender documents,
- a bid by a bidder who has not proved the qualification requirements in accordance with the tender documentation,
- a bid that does not meet the mandatory technical specifications specified in the tender documentation,
- a bid containing harmful terms.

12.2. DECISION ABOUT CANCELLATION OF THE TENDER

The Customer shall cancel the procurement procedure if:

- no applications or bids have been received;
- received no valid applications or bids.

The Customer may cancel the procurement procedure if:

- it is established during the procurement procedure that the tender documentation is inadequate and as such does not allow the conclusion of the procurement contract (for example, the documentation lists the wrong quantities of the procurement);
- significant new circumstances arose during the implementation of the project for which the procurement is being carried out (for example, the project was not approved, the project was rejected).

In the case of cancellation of the procurement procedure, the Customer shall issue a Decision on cancellation which specifies at least: the procurement subject for which the Decision on cancellation is issued, the reason for the annulment, the time limit for initiating a new procedure for the same or similar subject, if applicable issuing date and signature of the responsible person.

12.3. DECISION ON THE SELECTION OF THE BEST BID

The Customer will make a decision on the selection of the best bid in accordance with Annex 4 „Procurement procedures for persons who are not liable to the Law on public procurement“ of the call for Competence and Development available at www.strukturnifondovi.hr.

After the decision is made, the Customer will inform all Bidders of Final Selection in accordance with Annex 4 „Procurement procedures for persons who are not liable to the Law on public procurement“ of the call Competence and Development available at www.strukturnifondovi.hr in a way that can be proven: by fax and / or by mail and / or by electronic means or by a combination of these funds.

13. DEADLINE, METHOD AND TERMS OF PAYMENT

The Bidder is expected to offer flexible payment terms:

- up to 40% advance payment - due in 5 days from Contract signature
- 60% balance payment - due before shipment.

The Bidder cannot charge any additional costs other than those already foreseen in the Bidding Sheet of this Documentation.

14. COMPLAINTS

Any Candidates or Bidders may file a complaint, if they consider that their bid should be selected as the best, but this is prevented due to the Client's conduct contrary to the provisions of this Bidding Document for the following reasons:

- unjustifiably excluded from the procurement process or
- their application or bid is unjustifiably refused or
- the evaluation of the application or bid is against the terms and conditions of the tender documentation and the provisions of this document.

The Bidder may submit to the Client a complaint on the decision on the selection / non-acceptance, within five (8) calendar days from the date of receipt of the Decision.

The Costumer will reply to the Bidder on his objection within 5 days from receiving the complaint, by sending the reply in a way that provides proof of receipt (delivery note, copy of successful delivery report by fax, print report of the read e-mail, etc.).

If the Bidder, who has filed the Complaint, is dissatisfied with the Costumer's response, he may submit the Complaint in writing within 8 days of receipt of the response to the Intermediate Body Level 2 (PT2) to the following address:

Hrvatska agencija za malo gospodarstvo, inovacije i investicije, Ksaver 208, Zagreb

Tel:+385 1 488 10 03

Fax:+385 1 488 10 09

e-mail: hamagbicro@hamagbicro.hr

The applicant must submit a copy of the application to the Customer at the same time as submitting the application to PT2.

The applicant must state in his application the reasons for his allegations.

Submission of the application does not stop the conclusion of the procurement contract.

The Bidder who has suffered damage due to a breach of the Procurement Procedure has the possibility of compensation for damages at the competent court under the general rules on compensation for damages.

16. ANNEXES

- Annex 1: „Bidding sheet“,
- Annex 2: „Statement on the absence of reasons for exclusion of the Bidder“,
- Annex 3: „Statement on the fulfilment of Bidder's qualification requirements“,
- Annex 4: „ List of costs “.

Buzet, 17th July 2018

Miha Akrapović

PAB Akrapović d.o.o.