INVITATION TO TENDER

TENDER DOCUMENTATION

Procurement procedure with mandatory publication

in line with the Rulebook on the implementation of the procurement procedures for non-obligtories of the Public Procurement Law

(version 6.0)

Tender reference number: 7

Procurement title: Pasta packaging line

Nedelišće, 19th November 2020

1. GENERAL INFORMATION 1
1.1. Contracting authority 1
1.2. Contact person information 1
1.3. Tender reference number 1
1.4. Type of procurement procedure 2
1.5. Subject of procurement 2
1.6. Estimated tender value 2
1.7. Procurement procedure notice 2
1.8. Conflict of interest avoidance 2
1.9. List of organisations with which the contracting authority is in conflict of interest in accordance with article 1.8 of this invitation to tender 2
2. PROCUREMENT SUBJECT INFORMATION 3
2.1. Description of the subject of the procurement 3
2.2. Quantity of the subject of the procurement 3
2.3. Technical specification 3
2.4. Place of delivery 3
2.5. Delivery period 4
3. BILL OF QUANTITIES 4
4. MANDATORY EXCLUSION CRITERIA 4
5. SELECTION CRITERIA 5
5.1. Legal capacity 5
5.2. Financial capacity 5
5.3. Technical and professional capacity 5
6. AWARD CRITERIA 6
7. TENDER INFORMATION 8
7.1. Content and preparation of offers 8
7.2. Submission of tenders 8
7.3. Modification of tender documentation and tender withdrawal 9
7.4. Determining tender prices 9
7.5. Tender validity period 9
8. AWARD DECISION 9
8.1. Examination and evaluation of tenders 9
8.2. Explanations and tender completion 10
8.4. Contract conclusion 11
8.5. Contract modification 11
8.6. Special conditions for contract completion 12
9. PAYENT TERMS 12
10. GUARANTEE 12
10.1. Tender guarantee 12
10.2. Contract implementation warranty 13
11. PROVISION CONCERNING GROUPS OF TENDERERS (CONSORTIA) 14
12. PROVISIONS ON SUBCONTRACTING 14
13. ANNEXES 15

1st modification

1. GENERAL INFORMATION

1.1. Contracting authority

Contracting authority:	MARODI d.o.o.
Address:	Gospodarska ulica 5, 40305 Nedelišće, Croatia
VAT ID:	28972867079
Phone:	00385 (0)40 364 344
Fax:	00385 (0)40 364 345
URL:	www.marodi.com
E-mail:	marodi@marodi.hr

The contracting authority publishes the Invitation to tender with attachments at www.strukturnifondovi.hr website.

1.2. Contact person information

First name and surname:	Darinka Kos
E-mail:	nabava@marodi.hr

All communication between contracting authority and tenderer must be made in writing. Tenderers have to deliver written requests for clarifications to the following e-mail: nabava@marodi.hr.

The tenderers may request additional information and clarifications related to the tender documentation through the specified mail address. Provided that the request for additional information or clarifications has been requested on time, the contracting authority is obliged to publish the clarification immediately or on the third day prior to the delivery deadline at the latest. The clarifications will be published at www.strukturnifondovi.hr website, the same as original tender documentation. The clarifications or additional information can be requested on the fourth day prior to the delivery deadline at the latest.

Tender delivery deadline will be appropriately extended if modifications are made public 8 days or less prior to the delivery deadline. The extension will be proportionate to the importance of explanation/alteration of documentation.

1.3. Tender reference number

Tender reference number: 7.

1.4. Type of procurement procedure

Procurement is published in form of a procurement procedure with mandatory publication in line with the Rulebook on the implementation of the procurement procedures for non-obligatories of the Public Procurement Law (version 6.0).

Procurement is not divided into groups.

1.5. Subject of procurement

The subject of procurement is supply, installation, commissioning of the pasta packaging line in the contracting authority's headquarters, as well as contracting authority employee's training for its management.

1.6. Estimated tender value

Assessed value of the procurement procedure is 2.340.500,00 HRK without VAT, or 2.925.625,00 HRK with VAT included.

Contracting authority is in the VAT system.

1.7. Procurement procedure notice

Procurement procedure starts with publication of invitation to tender, along with accompanying attachments, on the www.strukturnifondovi.hr website.

1.8. Conflict of interest avoidance

The contracting authority is obliged to act in line with the conflict of interest avoidance principle. Parties in conflict of interest regarding affiliated undertakings and parties, are excluded from the procurement procedure, except when they are the only possible deliverer of goods because of technical reasons, or they have exclusive rights on the tender with mandatory submission of such evidence.

Heads and members of the governing, managing and supervisory bodies, members of the tender committee (if it is founded), other people involved in the procedure or able to affect the contracting authority's procurement procedure decision, as well as tenderers working in the name of contracting authority, must work in line with conflict of interest avoidance principles and are excluded from the procurement procedure in case of there being a conflict of interest.

1.9. List of organisations with which the contracting authority is in conflict of interest in accordance with article 1.8 of this invitation to tender

Persons defined in the article 1.8 are in conflict of interest with the following organisations:

- Stjepan Marodi, managing director, OIB (Personal ID number): 65158542547

- GIU Proizvođača tjestenine, Športska 6, Čakovec, Croatia, VAT ID: 75286265637
- MARODI, services craft, owned by Stjepan Marodi, Gospodarska ulica 5, Nedelišće, Croatia, OIB (Personal ID number): 65158542547

2. PROCUREMENT SUBJECT INFORMATION

2.1. Description of the subject of the procurement

The contracting authority is procuring a pasta packaging line in scope of a project titled "*Marodi tjestenina u novom ruhu",* project code: KK.03.2.1.15.0094. Pasta packaging line is being procured in line with technical specifications which are a part of tender documentation.

After the installation and commissioning of the pasta packaging line in the contracting authority's spaces, the chosen tenderer will provide training for contracting authority's employees.

Detailed specifications of the procurement subject are available in annex 5 of this tender documentation - technical specification.

2.2. Quantity of the subject of the procurement

Quantity of the subject of the procurement is available in the annex 4 of this tender documentation – bill of quantities. Articles of the annex must not be changed. Filled out bill of quantities and technical specifications will be a part of the procurement contract, which will be concluded between the contracting authority and the chosen tenderer.

2.3. Technical specification

Technical specifications can be found in the annex 5 of this tender documentation. The tenderer fills out annex 4 – bill of quantities as well as annex 5 – technical specifications. The tenderer's offer must include items that meet all of the requirements defined in the technical specifications annex.

The offer is acceptable only when it complies with all the requirements defined in the technical specifications.

The tenderer is obliged to fill out the column titled Offered specifications and functionalities in the Annex 5 – Technical specifications.

2.4. Place of delivery

Place of delivery is contracting authority's headquarters in Nedelišće, Croatia.

2.5. Delivery period

Maximum delivery period is six months from the procurement contract signing. The subject of procurement is considered delivered after the delivery certificate is signed and the tenderer has completed training for contracting authority's employees. Delivery certificate proves that the subject of procurement is delivered, installed, tested, successfully commissioned (for at least 8 hours) and the employees have been trained to use the subject of procurement.

The delivery period is proved with Statement of the delivery period (Annex 7).

3. BILL OF QUANTITIES

Bill of quantities can be found in the annex 4 of the tender documentation – bill of quantities. The tenderer must fill out price per unit cell, without including VAT.

4. MANDATORY EXCLUSION CRITERIA

The contracting authority will exclude the tenderer from the procurement procedure:

- if the tenderer or the person authorized under the law to represent the tenderer has been convicted for participation in organized criminal activities, corruption, fraud, terrorism, terrorism financing, money laundering, child work or other form of human trafficking; or
- if it 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 of the payment has been authorized; or
- if it is bankrupt, insolvent or in a liquidation procedure, its affairs are being administrated by a person designated by the relevant court or an insolvency administrator, if it has entered arrangements with creditors, if 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.
- If the person authorized under the law to represent the tenderer has provided false identity information or false information related to conditions under which the contracting authority has to exclude the tenderer; or
- If the person authorized under the law to represent the tenderer has in two last years leading to the beginning of the tender committed a grave professional misconduct which can be proved by the contracting authority; or
- conflict of interest cannot be efficiently removed by exemption of persons that present a conflict of interest in the procurement procedure.

For the purpose of proving it is not in the situations described under point 4 of this tender documentation, the tenderer shall submit the tender statement of an authorized representative, which can be found in annex 2.

Provisions defined in chapter 4 are related to groups of tenderers and subcontractors as well, meaning that the tenderer is obliged to prove there are no reasons for exclusion of any and all members in the group of tenderers or subcontractors.

5. SELECTION CRITERIA

5.1. Legal capacity

Every tenderer must prove its legal capacity. The capacity shall be proven by an extract from the judicial, trade, or other relevant register of the country in which the tenderer is established. If the document is written in a language different than the one of the tender documentation, a translated document to Croatian or English has to be attached by the tenderer as well. The translation does not need to be certified by a court interpreter.

In case of there being a group of tenderers, all members of the group need to prove their business capacity individually.

5.2. Financial capacity

The tenderer must prove that it has sufficient financial capacity to implement the tasks of the contract.

The tenderer must prove that its total annual turnover in the last three (3) available financial years altogether, equals double the estimated procurement value at the minimum. As a proof of fulfillment, the tenderer must submit a document – Total annual turnover in the last three available financial years (annex 3). In case of there being a group of tenderers, all members of the group prove their financial capacity cumulatively.

In this regard, total annual turnover is defined as the total value of all sold goods and/or services in one year regardless of them being paid for or not. The VAT should not be included in total annual turnover.

The tenderer must also prove that its business account has not been blocked for over five days consecutively and over 20 days totally in six months prior to procurement procedure notice altogether. As a proof, the tenderer must submit a tender statement of an authorized representative, which can be found in annex 2 of the tender documentation.

By proving its financial capacity, the tenderer proves that it has stable finances, in the way that it will not bring implementation of the contract tasks into question and with that jeopardize its own, or the Contracting Authority's business activities as well as the awarded grant.

5.3. Technical and professional capacity

Contracting authority defines technical and professional capability conditions, which ensure that the economic operator possesses needed human and technical resources as well as the experience needed for implementing the tasks of the contract at the suitable quality level.

Economic operator proves its technical and professional capability with a list of significant contracts in the procurement procedure notice year (2020.) and during three years prior to that (Annex 6). The tenderer must prove that it has completed at least one delivery of goods same/similar to the procurement subject, total sum of which being at least 2.340.500,00 Croatian Kuna or the equivalence of tenderer's establishment country's

currency. The currency rate to be used is central rate of Croatian national bank (HNB) valid on the day of the publishing of the invitation to tender. If the currency is not listed on Croatian foreign exchange market, then the InforEuro currency rate for the month in which the invitation to tender was published, is valid. The InforEuro currency rate table is available at the following link: https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en.

6. AWARD CRITERIA

The award criteria shall be the economically most advantageous tender.

The award criteria are:

1. Tender price
2. Warranty period duration

Each criterion is evaluated separately in line with defined conditions and the sum of points awarded to each criterion defines the total sum of points. Maximum point sum is 100. Each criterion has a defined specific number of points, as shown in the following table.

No.	Criterion	Relative importance	Maximum number of points
1	Tender price	90%	90
2	Warranty period duration	10%	10
Maximum total sum			**100**

The best tender shall be the one with the most points altogether. If two or more valid tenders have an equal amount of points, the contracting authority shall award the tender that was submitted earlier.

1. Tender price

The tenderer defines tender price as one of the criteria, without Value Added Tax (VAT). Maximum number of points that can be awarded to the price criterion is 90 points.

Maximum number of points for the price criterion shall be awarded to the tender with the lowest price, while the rest of the tenders will be awarded points in accordance to the ratio of the lowest price and the price of the tender that's being evaluated.

Points for criterion 1 (tender price) will be awarded according to the following formula:

$$C_p = \frac{CP_{min}}{CP_{pon}} \times 90$$

Where:

C_p stands for – number of points awarded to the tender for the price criterion
CP_{min} stands for – lowest offered price of tender including only tenders not excluded from the procurement procedure
CP_{pon} stands for – tender price being evaluated

Note: If the tender price is in euro (EUR), the price will be converted to Croatian kunas (HRK) using the central rate of Croatian National Bank (HNB) valid on the day of the publishing of the invitation to tender on www.strukturnifondovi.hr web page.

2. Warranty period duration

Tenderer defines a warranty period duration for the delivered procurement subject. Tenderer shall offer a joint warranty period deadline for the entire subject of procurement, including all of the built-in equipment and/or parts.

Minimal warranty period for quality of installed goods and executed work is twelve (12) months. The warranty period is proved with Annex 8 – Statement on the warranty period.

Warranty period starts on the day of signing the acceptance certificate. After the certificate signing, the tenderer shall deliver the warranty to the contracting authority which has the warranty duration period defined and guarantees the delivered subject of procurement complies with requirements defined in the technical specification. Tender or tenders with the longest warranty period are awarded maximum ten points.

Tenderer shall express warranty period in months.

Points for criterion 2 (warranty period duration) shall be awarded according to the following formula:

$$J_p = \frac{J_{pon}}{J_{max}} \times 10$$

Where:

J_p stands for: number of points awarded to the Tender for the warranty period duration criterion
J_{max} stands for: the longest warranty period duration in the procurement procedure including only tenders not excluded from the procurement procedure
J_{pon} stands for: warranty period duration of the tender that is being evaluated

Note: number of points awarded for each criterion is rounded to four (4) decimals.

Maximum total sum (UB) of each tenderer will be calculated by adding up the points awarded to each criterion individually.

$$\mathbf{UB = C_p + J_p}$$

The most economically advantageous tender is the valid tender with the biggest maximum total sum (UB).

7. TENDER INFORMATION

7.1. Content and preparation of offers

Tenderer submits the tender by electronic means, scanning signed and stamped documents in the space provided for that, by the legally authorized representative of the tenderer or the person authorized by the power of attorney with mandatory submission of a document proving the authorization.

In cases when the tenderer submits a bank warranty as a tender guarantee, it shall submit its original and it has to be delivered to the contracting authority by post until submission of offers deadline at the latest. The tenderer delivers other parts of the tender by electronic means until submission of offers deadline.

Content of the tender:

- fulfilled and certified Bid Sheet (Annex 1)
- signed Tenderer's Declaration (Annex 2)
- Total Annual Turnover Statement (Annex 3)
- fulfilled Bill of quantities (Annex 4)
- fulfilled Technical Specifications (Annex 5)
- certified List of Significant Contracts or Services Provided (Annex 6)
- certified Tenderer's Statement of Delivery Deadline (Annex 7)
- certified Tenderer's Statement of Warranty Period Duration (Annex 8)
- Tender Guarantee (original document in case of bank guarantee delivered to contracting authority's headquarters by post, received until delivery deadline at the latest) (Annex 9)

When submitting the tender, the tenderer must comply with all instructions and specifications contained in this tender documentation. Tenderer cannot amend or complement the text of this tender documentation. Tender is to be made in Croatian or English language. All tender documentation (catalogues, brochures, technical pages) must be in Croatian or English language as well, with the possibility of submitting some parts in a different language but then attaching a Croatian or English translation. The translation does not have to be certified by a court interpreter.

7.2. Submission of tenders

The tender is to be submitted by electronic means, via e-mail with all of the tender documentation in the attachment to the address: nabava@marodi.hr. E-mail title must be “Tender for Procurement No. 7”. Tender must be submitted by 11th December 2020, 16:00h at the latest. Tenders received after defined deadline will be considered late and will not be taken into consideration.

Note: If the tenderers choose bank guarantee as tender guarantee, it has to be delivered in original by post to the contracting authority’s headquarters address and received before the tender submission deadline.

7.3. Modification of tender documentation and tender withdrawal

During the time period for receipt of tenders, tenderers can submit changes or addendums to the tender or withdraw the tender. Modification of tenders is to be submitted in the same manner as the original tender, with mandatory indication that it is a modification of tender.

The tenderer can withdraw the submitted tender with a written statement, until defined delivery deadline. Written withdrawal statement is to be delivered in the same manner as the tender with mandatory indication that it is a withdrawal statement.

7.4. Determining tender prices

Tender prices must be stated in HRK or EUR. If the tender price is stated in EUR, the tender price will be converted to HRK using central exchange rate of Croatian National Bank on the day on which the invitation to tender is published at the www.strukturnifondovi.hr website. Tender price is to be expressed in numbers. Tender price shall be constant during the procurement contract duration. All costs and discounts must be included in the price.

Tenderer must state a price rounded to two decimals for each item of the financial offer, as well as the tender price, in the way it is defined in the bill of quantities. Tender price must be submitted in the way it is defined in the bid sheet.

The contracting authority will compare prices without VAT in the point awarding procedure.

The tenderer is to examine the entire tender documentation prior to submission of tender.

7.5. Tender validity period

Tender validity period shall be minimum 120 days from the deadline for submission of tenders. Contracting authority can decline a tender with validity period shorter than defined. The contracting authority reserves the right to require tenderers extension of the tender validity period.

8. AWARD DECISION

8.1. Examination and evaluation of tenders

Procurement committee shall review the content of submitted tenders according to conditions from the tender documentation.

In the examination and evaluation process the contracting authority shall review:

- tenders and whether all mandatory tender parts have been submitted,
- absence of exclusion grounds,
- fulfillment of required criteria for choosing the economic operator,
- fulfillment of requirements and conditions regarding the subject of procurement and technical specification,
- assessment of technical and financial compliance,
- mathematical accuracy of the tender.

Procurement board then evaluates tenders based on defined award criteria.

During the review and award process, the contracting authority shall reject:

- offer submitted after the deadline for submission of offers,
- offer drafted in a language other than those defined in the tender notice,
- offer submitted by a tenderer that has not demonstrated required capacity conditions,
- offer which is not complete and cannot be additionally supplemented with mandatory documentation in line with equal treatment and transparency principles,
- offer that contains errors, omissions or ambiguities if those errors, omissions or ambiguities cannot be corrected,
- offer that is contradictory to tender notice provisions,
- offer in which the price is not expressed in the absolute amount,
- offer in which clarification or supplementation in accordance with this document did not remove the error, lack or ambiguity,
- offer which does not meet requirements regarding technical specification defined in this tender notice,
- offer for which the bidder has not accepted the corrections to calculation errors in writing,
- offer which contains damaging provisions.

8.2. Explanations and tender completion

If the documentation that the tenderer has submitted appears incomplete or wrong, the contracting authority reserves the right to request from the Tenderer to submit, complete, explain or supplement necessary information or documentation in the appropriate deadline that cannot be shorter than five days.

Submission, completion, explanation or supplementation regarding requested documents for the assessment purpose of there being reasons for expulsion and fulfillment of conditions, is not considered a tender alteration.

The contracting authority can demand explanation regarding documents in the offered subject of procurement section, which cannot result in tender alteration.

Contracting authority's actions regarding tender explanation and completion, must be done in line with equal treatment and transparency principles.

8.3. Award decision/procurement procedure cancellation

Award decision or procurement procedure cancellation decision deadline is 20 days from the expiry of the submission of tenders deadline. After the award decision is made and a tenderer is chosen, a procurement contract must be concluded with the chosen tenderer no later than within 15 days.

The contracting authority shall cancel the procurement procedure if:

- no bids were received by the deadline for the submission of tenders,
- there were no valid bids submitted.

The contracting authority can cancel the procurement procedure if:

- the tender price is higher than granted procurement funds;
- it is assessed that the submitted documentation is flawed and as such it does not provide efficient contract conclusion (for example, the wrong procurement subject quantity is submitted);
- significant new circumstances regarding the procurement procedure project have appeared

In case of procurement procedure cancellation, the contracting authority must publish information on the cancellation.

The contracting authority shall notify all tenderers of the final choice, with an award decision or a cancellation decision, via e-mail.

8.4. Contract conclusion

The contracting authority shall, provided that the award decision has been made, conclude a procurement contract with the chosen tenderer. The contract shall be concluded according to conditions required in this procurement procedure and the chosen tender.

8.5. Contract modification

Procurement contract modifications or the possibility to add annexes, are possible only in the case of unpredictable circumstances that have appeared after contract signing, and for which none of the contract parties bear responsibility, provided that the modifications are necessary for successful contract completion. Modifications are only possible regarding technical specification and can include minor technical specification changes in order to ensure coordination with new circumstances or equipment compatibility. Delivery deadline can be extended only in *force majeure* cases, such as long term international or European supply chain interruptions, economic activities suspension in the country or similar circumstances. Contracted price and the nature of the contract itself cannot be a subject of modifications.

Contract modifications are possible only with submission of reasons why the modification is needed, with written compliance statement from the contracting authority.

8.6. Special conditions for contract completion

The installation and commissioning in contracting authority's headquarters cannot last for more than 10 working days. The delivery of the procurement subject to contracting authority's address is not considered the starting point of installation but rather the moment when the actual installation begins.

9. PAYENT TERMS

Payments shall be made as follows:

- 30% of the tender price shall be paid in advance, 14 days after the signature of the contract at the latest
- 60% of the tender price shall be paid when the subject of procurement is ready for delivery
- 10% of the Tender price shall be paid after commissioning the subject of procurement and employee training

10. GUARANTEE

10.1. Tender guarantee

The tenderer can submit a tender guarantee in a form of bank guarantee or a money deposit. In a case where the tenderer submits a bank guarantee, it has to contain following information:

- User of the bank guarantee is Marodi Ltd., Gospodarska ulica 5, 40305 Nedelišće, VAT ID: 28972867079
- The bank unconditionally commits to pay 70.000,00 HRK on the first written call and without objections in the following cases:
    - If the tenderer withdraws the offer during its validity period;
    - If it is confirmed that the tenderer has submitted false information in the offer;
    - If the tenderer fails to submit original documents or authorized copies of requested documents to contracting authority's request;
    - If the tenderer declines to sign the procurement contract;
    - If the tenderer does not submit a valid guarantee for implementation of the procurement contract during the defined deadline.

Bank guarantee deadline must be at least as long as the tender validity deadline. In case the offer validity deadline or the guarantee expires, the contracting authority can ask the tenderer for an extension. The tenderer shall be given an appropriate deadline.

Bank guarantee must be submitted as an original document with an additional unauthorized copy, whilst the contracting authority must receive an undamaged guarantee original no later than by the end of the tender delivery deadline. Bank guarantee has to be posted to the headquarters address of the contracting authority – MARODI d.o.o., Gospodarska ulica 5, 40305 Nedelišće, Croatia. The envelope has to contain the title and reference

number of the procurement procedure and the following annotation: Do not open before the official offer opening procedure.

The contracting authority shall return the bank guarantee to the tenderers whose tender was not awarded as the most advantageous, immediately after the procurement procedure ends. The copy of the guarantee shall be kept by the contracting authority. The bank guarantee of the chosen tenderer shall be returned to the tenderer and the guarantee copy kept, when the tenderer accepts and signs the procurement contract and delivers a valid guarantee for contract fulfillment.

The tenderer can provide guarantee in a form of a money deposit in the amount of 70.000,00 HRK. In the description of the tender guarantee payment, it shall be stated: “Money deposit for the Tender guarantee/Tender reference number: 7”.

Evidence of the payments made, based on which it can be confirmed that the transaction has been made, is to be submitted as a mandatory part of the tender. An unauthorized copy of a payment slip of the payment made, that can be in Croatian or English language, is considered valid evidence of payment.

The contracting authority shall return the tender guarantee to the tenderers under the same conditions as the bank guarantee.

Money deposit payment shall be made to the following contracting authority's business account:

Zagrebačka Bank Jsc, Zagreb, IBAN: HR51 2360 0001 5018 3357 4, SWIFT: ZABAHR2X

In the case of a group of tenderers, the contracting authority shall accept the tender guarantee from any of the members of the group, under the condition that the submitted guarantee contains clear and unambiguous note that the submitted tender guarantee is valid for the group of tenderers offer, quoting names of the entire group.

10.2. Contract implementation warranty

The tenderer shall submit a contract implementation warranty within the 20 day period from signing the contract if its Tender is chosen as the best. The warranty's period of validity shall be the end of defined delivery period with additional 30 days, in the amount of 10% of the contract value, without VAT. The warranty can be submitted in a form of a bank warranty or a money deposit.

If the chosen tenderer does not submit a contract implementation warranty in the defined deadline (20 days from signing the contract), the contracting authority shall charge the tender guarantee.

Contract implementation warranty in a form of a bank warranty is to be submitted as an original document and must contain following information:

- Bank warranty user is the company Marodi Ltd., Gospodarska ulica 5, 40305 Nedelišće, OIB: 28972867079
- In order for the bank to commit itself as a guarantor, it shall on the first written call and without objections pay 10% of the contract value, without VAT in the case of contract obligations violation from the tenderer

The bank guarantee is issued until the end of the defined delivery deadline with additional thirty (30) days. The bank guarantee shall be returned to the chosen tenderer after the acceptance certificate has been signed by both contracting authority and the tenderer.

The tenderer can submit a warranty in a form of a money deposit in the amount of 10% of the total contract value, without VAT. In the description of the tender guarantee payment, it shall be stated: “Warranty deposit for contract implementation / contract reference number”.

Evidence of the payment made, based on which it can be confirmed the payment has indeed been made, is to be delivered to the contracting authority in a form of an unauthorized copy in a period of 20 days from the contract signing.

The tenderer that has given the contract implementation warranty in a form of a money deposit, will have the money deposit returned under same conditions as the bank warranty.

Money deposit payment shall be made to the following contracting authority's business account:

Zagrebačka Bank Jsc, Zagreb, IBAN: HR51 2360 0001 5018 3357 4, SWIFT: ZABAHR2X

In a case of contract conclusion with a group of tenderers, the contract implementation warranty can be delivered by any member of the group, wholly or partially with the group, under the condition that the contract implementation warranty is 10% of the total contract value, without VAT.

11. PROVISION CONCERNING GROUPS OF TENDERERS (CONSORTIA)

Group of economic operators may submit joint tender, regardless of the legal nature of the links among them. The joint tenderers shall be jointly and severally liable. In case of a group of tenderers, the bid sheet shall contain the information for each member of the group of tenderers, as required in the bid sheet, with obligatory reference to the member of the group of tenderers that is authorized to communicate with the contracting authority.

Each member of the group of tenderers must deliver a proof of enrolment with the court, trades, crafts, professional or other appropriate register of the country in which the economic operator is established. Group of tenderers must prove all other selection criteria cumulatively.

In the group tenderers offer, the part of contract to be executed by the member of group (subject, amount, value and percentage) must be stated. Contracting authority shall make payment to each member of the group for the part of the contract executed by the member, unless otherwise specified by the group of tenderers.

12. PROVISIONS ON SUBCONTRACTING

Tenderers who intend to subcontract a part of the public procurement contract to one or more subcontractors shall specify the following data in their tender: a) name or company name, seat, PIN (OIB, or national identification number according to the country of establishment of the economic operator, where applicable) and account number of the subcontractor (IBAN); b) the subject-matter, quantity, subcontract value and percentage share of the public procurement subcontracted. In case the tenderer does not provide all information required under this article for the part of the contract he intends to subcontract, it shall be deemed that the tenderer will perform this part of the contract itself.

The chosen tenderer can change subcontractors for the subcontracted contract part, but only with the contracting authority's consent. If the subcontractor changes after contract signing, the chosen tenderer must submit before mentioned information, defined with this tender documentation, to the contracting authority within five days.

The contracting authority pays the tenderer itself, and if a part of the contract is subcontracted, the contracting authority pays the subcontractor.

Tenderers responsibility for contract implementation is not waivered or changed if a subcontractor is involved.

In the case of existing subcontractors, the tenderer shall submit fulfilled and authorized bid sheet (annex 1) of this procurement notice.

13. ANNEXES

Annex 1 - Bid Sheet
Annex 2 - Tenderer statement
Annex 3 - Total Annual Turnover Statement
Annex 4 – Bill of Quantities
Annex 5 - Technical Specification
Annex 6 - List of Significant Contracts or Services Provided
Annex 7 - Tenderer's Statement of Delivery Deadline
Annex 8 - Tenderer's Statement of Warranty Period Duration
Annex 9 - Tender Guarantee