



INVITATION FOR SUBMISSION OF OFFERS

First amendment

Procurement procedure for Entities not subject to Public Procurement Act

SUBJECT OF PROCUREMENT: **Wire drawing lines with training of employees**

PUBLICATION REFERENCE: **06**

PROJECT: Strengthening the competitiveness and resilience of Reta by introducing green and digital solutions

CALL FOR PROPOSALS: Strengthening the competitiveness of the companies by investments in digital and green transition

CALL REFERENCE: KK.11.1.1.01

Zagreb, December 2021

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1. GENERAL INFORMATION

1.1. Information on Contracting Authority

Contracting Authority's name and location:	RETA d.o.o. za proizvodnju, trgovinu i usluge Zagrebačka 15K, 47000 Karlovac, Croatia
PIN:	01201898816
Phone number:	+385 47 637 765
Fax number	+385 47 638 208
Web page:	http://www.reta.hr/
Authorized person:	Renata Horvat, director

The Contracting Authority is implementing the project “Strengthening the competitiveness and resilience of Reta by introducing green and digital solutions” (number of contract KK.11.1.1.01.0284)., financed under the Call for proposals “Strengthening the competitiveness of companies by investing in the digital and green transition”, call reference KK.11.1.1.01. The project is co-financed by instrument Recovery Assistance for Cohesion and the Territories of Europe (REACT-EU).

1.2. Information on Contact person responsible for communication with tenderers

Name and surname:	Renata Horvat
Phone number:	+385 91 365 5411
E-mail address:	renata@reta.hr

If necessary, Tenderers may require additional information or clarifications regarding the procurement documentation during the offer submission deadline. Additional information and explanations will be published on the website www.strukturnifondovi.hr, without specifying details about applicants. If the Contracting Authority changes documentation during the offer submission deadline, the Contracting Authority shall ensure the availability of amendments to all interested Tenderers on the same place where Invitation for submission of offers and clarification of the documentation were published. Extension of the period shall be in proportion to the importance of clarification. In case of amendments of the Invitation for submission of offers during the last 5 (five) days before the expiration of the initial deadline for submission of offer, proportionate to the importance of clarification and/or modification of the documentation, the Contracting Authority shall extend the deadline for Invitation for submission of offers by at least 5 (five) days.

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: renata@reta.hr.

1.3. Publication reference

06

1.4. Type of procurement procedure

Procedure with the publication of the procurement notice.

The procurement is being conducted based on Procurement procedure for Entities not subject to Public Procurement Act (version 7.0) of Call for proposals „Strengthening the competitiveness of companies by investing in the digital and green transition“, Call reference: KK.11.1.1.01, which is available at www.strukturnifondovi.hr.

1.5. List of economic entities with whom the Contracting Authority is in a conflict 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 when conflict of interest occurs. Economic entity is excluded from the procurement procedure in case when the conflict of interests cannot be efficiently eliminated by excluding the aforementioned persons or by taking other measures.

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

1. ŽEČE NOVI d.o.o., PIN: 74869932540
2. RETA TRGOVINA d.o.o., PIN: 94344664680

2. INFORMATION ON THE SUBJECT OF THE PROCUREMENT

2.1 Subject of procurement

Subject of procurement are two wire drawing lines: Line for drawing high carbon wire, 11 blocks – 1 piece and Line for drawing low carbon wire, 5 blocks – 1 piece (hereinafter: goods) including delivery and commissioning (installation check) of drawing lines.

The subject of procurement includes performance test and training of employees for the use of new technological solutions at the location of the Contracting Authority.

Detailed procedures related to commissioning, performance test and training of employees are described in Appendix 4 Project assignment of the Invitation for submission of offers.

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

2.2 Technical specifications and all relevant technical details of the procurement subject and details of type and quantity of the procurement subject

The technical component of the procurement subject is described in Appendix 3 Technical specifications of the Invitation for submission of offers. Appendix 3 specifies quantity of the procurement subject as well as technical specifications for each item stipulated.

For all manufacturers, product types, standards, or norms, stipulated in Appendix 3 Technical specifications, applies „or equivalent“. The sole proof of equivalence is delivered by the Tenderer within the offer, by any appropriate means, such as technical specifications, producer's technical data, catalogues and similar. The purpose of the proof of equivalence is to evaluate whether the offered items have the prescribed features.

2.3 Place of delivery of the subject of the procurement

Place of delivery of the subject of procurement is: RETA d.o.o., Zagrebačka 15K, 47000 Karlovac, Croatia. Provided delivery must be minimum CIP Karlovac Croatia, Incoterms.

2.4 Deadline for Delivery of the subject of the procurement

The deadline for delivery of the subject of procurement shall commence on the date of signature of the Contract with the winning Tenderer, with the deadline for delivery of the subject of procurement to 31 July 2023.

Tenderer shall inform Contracting Authority about readiness for delivery and about shipping of goods.

The subject of procurement will be considered as delivered on the day when Final acceptance certificate is signed. Final acceptance certificate will be signed after the completion of delivery, commissioning, performance test and training of employees.

The duration of the procurement contract may be altered only with the written consent of both parties. The Tenderer and the Contracting Authority can extend the deadline for delivery in the following cases:

- due to the occurrence of force majeure, or
- due to measures provided by acts of public bodies, or
- due to a written request of the Tenderer with the reasons for extension and written approval of the Contracting Authority,
- due to any events which are not attributable to Contracting Authority or Tenderer

on which an Annex to the Contract will be concluded, which will regulate the new agreed deadline for delivery of the procurement subject.

2.5 Financial offer

Financial offer can be found in the Appendix 2 of the Invitation for submission of offers. Financial offer defines quantity and unit price of procurement subject. Unit price of the offer must include all costs and discounts.

3. REQUIRED COMPETENCES OF THE TENDERERS

To determine conditions and requirements for execution of the contract, potential Tenderers or Consortiums, are obligated to enclose proofs in their offer which prove:

- legal and business ability,
- technical and professional ability

3.1 Legal and business ability

The Tenderers 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 residence of the economic entity, the statement with signatures of the persons authorized to represent the Contracting Authority 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 or subcontractors, the evidence is submitted and circumstances determined by this Section for each member of Consortium and subcontractor individually.

3.2 Technical and professional ability

The Tenderer must prove that he has successfully completed at least 1 (one) delivery of the same or similar procurement subject in the year in which the procurement procedure started (2021) and/or during three preceding years (2020, 2019 and 2018).

As a proof of fulfilment of technical and professional capacity, the Tenderer submits a List of delivered goods (Appendix 6 of the Invitation for submission of offers).

As proof of satisfying technical and professional capabilities, Contracting Authority can in any given moment of the procurement procedure, prior to contract signing, demand from the Tenderer submission of certificates of successful delivery, issued and signed by the counterparty stated in Appendix 6. The Contracting Authority can directly ask the counterparty the verification of credibility of the delivered certificate.

The members of the Consortium and subcontractors jointly demonstrate the ability from this Section.

4. INFORMATION ON THE OFFER

4.1 Content and methodology of the offer

Tenderer shall submit an offer in the original which contains documentation that is bound and signed in a designated place by an authorized person to represent the Tenderer or his or her assignee with mandatory submission of documents proving the authorization.

The offer is made in a way that makes it a whole.

The offer must consist of at least:

- Completed Tender form (Appendix 1),
- Completed Financial offer (Appendix 2),
- Completed Technical specifications (Appendix 3),
- Completed Statement on the absence of reasons for exclusion (Appendix 5)
- List of delivered goods (Appendix 6)
- If applicable, completed information on Consortium of tenderers (Appendix 7),
- If applicable, completed information on Subcontractors (Appendix 8),
- Evidence of record into court, craft, vocational or other appropriate register of the economic entity's country of incorporation, no older than three months from the date on which procurement process started.

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 Invitation for submission of offers.

The offer, together with other appropriate documentation, must be made in English or Croatian language. For any documents submitted in other languages, the Tenderer is obliged to enclose a translation to English or Croatian language.

However, only parts of the offer related to proof of competences of Tenderer (evidence of record into court, craft, vocational or other appropriate register etc.) can be in one of the official languages of the European Union. If necessary, the Contracting Authority may request the translation of a particular document to English language.

4.2 Rules for submitting the documentation

Tenderers may submit all the required documents and evidence stated in Section 3, in original, certified or uncertified copies or in the form of electronic print of e-registry of the competent authority.

This does not apply to the Appendixes of Invitation for submission of offers which must be submitted in the original.

In case of doubt in the veracity of the data in the supporting documents, Contracting Authority can contact the competent authorities for information about Tenderer, and in the case when Tenderer is based in another country, it may request the cooperation of the competent authorities.

4.3 Date, time and place for offers submission

Offer, regardless of the means of delivery, must be received by the Contracting Authority, no later than:

7th January 2022 until 09:00 A.M.

at the address of Contracting Authority: RETA d.o.o., Zagrebačka 15K, 47000 Karlovac, Croatia.

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

4.4 Submission of offers

The offers shall be submitted in a sealed envelope, directly to the Contracting Authority or by postal services to the address: RETA d.o.o., Zagrebačka 15K, 47000 Karlovac, Hrvatska.

An envelope layout proposal with mandatory elements:

RETA d.o.o. Zagrebačka 15K, 47000 Karlovac, Croatia Procurement subject: Wire drawing lines with training of employees Publication reference: 06 -DO NOT OPEN-

<Name and address of the Tenderer>

Tenderer independently decides which of the stipulated methods of submission he will use and solely bears the risk of potential loss or untimely offer submission. If the envelope is not marked in accordance with the requirements from Section 4.4, the Contracting Authority does not take any responsibility in case of loss or untimely opening of offer.

No alternate offers are allowed. In case a Tenderer participates in multiple offers, all such offers shall be rejected.

The Tenderer can, until the due date for the submission of offers, submit modifications and/or amendments to the offer or waive 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. In that case, the offers are opened in a reverse chronological order of their submission time, and the time of submission of the last version of modification/amendment is considered as offer submission time.

If an amendment or modification of the offer expresses discount, new Financial offer (Appendix 2) in which discounts are stated must be delivered with revised offer.

Tenderer may, until the due date for the submission of offers, 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, unopened offer will be returned to the Tenderer.

4.5 Methodology for determining the price of the offer

The Tenderer is obliged to enter price for each item of the Financial offer and the total price of the offer, in the way specified by the Financial offer (Appendix 2), as well as enter the price of the offer, in the manner as specified in the Tender form (Appendix 1).

The 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 and rounded to two decimal places. The price of the offer is fixed during the term of the procurement contract, as well as the unit prices.

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 Kuna according to the Croatian National Bank middle exchange rate, valid on day of the publication of the Invitation for submission of offers.

The price of the offer must include all costs and discounts. The same is applied to any modifications and/or amendments of the offer. In that case, a new Tender form (Appendix 1) and a new Financial offer (Appendix 2) in which discounts are stated must be delivered in printed form with the revised offer. In case the Tenderer does not apply the procedure described above, such offer will be found incomplete and shall not be accepted.

If the Tenderer does not operate within the VAT system, it should be stated in the Tender form (Appendix 1). Prior to the submission of the offer, the Tenderer is required to study the complete Invitation for submission of offers based on which he will offer the subject of procurement.

4.6 Validity period of the offer

The validity period of the offer is at least 60 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.

4.7 Cost of the offer

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

5. SELECTION CRITERIA FOR THE OFFERS

The criterion for selection of offers is the is economically most favorable offer.

When selecting the economically most favorable offer, the Contracting Authority will use the following criteria:

- a) Price (maximum 70 points) - relative significance: 70%
- b) Warranty period (maximum 30 points) - relative significance: 30%

The maximum total number of points of the offer is 100. To determine the total number of offer points, the points obtained under a) and b) will be added up. The economically most favorable offer is the one that achieves the highest number of points among the valid offer, after scoring. If two or more valid offers are equally ranked according to the selection criteria, the Contracting Authority shall select the offer received earlier. If Tenderer submits modifications and/or amendments to the offer, time of delivery of the latest version of the offer will be considered as the time of delivery.

The methodology for evaluation of offers that the Contracting Authority will apply is as follows:

a) Price (maximum 70 points)

The Contracting Authority determines the price of the offer as one of the criteria. The offer with the lowest total price without VAT (Cmin) will be awarded a maximum of 70 points.

Points (Bp) for an individual offer (Cp) are calculated using the following formula, rounding the results to two decimal places:

$$Bp = Cmin/Cp \times 70$$

Bp = number of points the offer received for offered price without VAT

Cmin = lowest price offered in the procurement procedure

Cp = offered price that is evaluated

b) Warranty period (maximum 30 points)

The minimum required warranty period for the subject of procurement is 12 months from the date of the shipping of goods as stated in Technical Specifications (Appendix 3).

The Tenderer shall show the duration of the warranty period in months by indicating the number of months in the Technical specifications (Appendix 3) in the space provided. A warranty is considered for the repair or replacement of damaged parts due to damage resulting from the regular and correct use of the goods procured.

The Tenderer warrants that the subject of procurement is new, unused and in comply with the Technical Specifications.

To the Offer with the longest warranty period (Gmax) will be awarded a maximum of 30 points. Points (Bw) for an individual offer (Gp) are calculated using the following formula, rounding the results to two decimal places:

$$Bw = Gp/Gmax \times 30$$

Bw = number of points the offer received for the offered warranty period

Gmax = the longest warranty period offered in the procurement procedure

Gp = warranty period of the offer which is subject to assessment

6. REVIEW AND EVALUATION OF OFFERS

After the deadline for submission of offers, the Contracting Authority examines and evaluates the content of the submitted offers regarding the criteria defined in the Invitation for submission of offers.

During the offer review and evaluation process, the Contracting Authority:

- Checks the content of the submitted offers,
- Compares the content of the offers with the Technical specifications, and all relevant technical details of the subject of procurement,
- Affirms whether all the prescribed procurement conditions are fulfilled (in terms of set deadlines, required documentation, selection criteria).

6.1 Clarification and supplement of offer

If the required information or if the documentation that should have been submitted by the Tenderer is incomplete or erroneous or appears to be missing or if certain documents are missing, the Contracting Authority may, respecting the principles of equal treatment and transparency, request the relevant Tenderers to supplement, clarify, complete or submit necessary information documentation within a reasonable period of not less than five days. Clarification should not result in an offer change.

7. CONTRACT AWARD OR ANNULMENT DECISION

Based on the review of offers and offer evaluation, the Contracting Authority is obligated to refuse:

- An offer which is not complete,
- An offer which is contradictory to the stipulations of the Invitation for submission of offers,
- An offer in which the price is not shown in the absolute value,
- An offer which contains errors, shortcomings, or uncertainties if those errors, shortcomings or uncertainties are not removable,
- An offer in which, by modifications and/or amendments in accordance with regulations, an error, shortcoming or uncertainty is not removed,
- An offer which does not meet the conditions regarding the procurement subject features, and by that is not meeting the conditions from the Invitation for submission of offers,
- An offer for which the Tenderer has not, in written form, accepted the correction of the calculation error.

Contracting Authority may reject an offer whose price is higher than the secured funds of procurement.

Contracting Authority may exclude the Tenderer only if conditions from the procurement documentation are not fulfilled, i.e. in accordance with the grounds for exclusion stated in the documentation.

Contracting Authority publishes the Contract award decision of the selected Tenderer and the total price of the selected offer or Decision of annulment at the same place where the Invitation to submission offers was published (www.strukturnifondovi.hr).

Contract award decision must contain at least:

- name and address of the winning Tenderer;
- total price of the winning offer.

Decision on exclusion of the Tenderer/Decision on refusal of the offer must contain at least:

- name and address of the excluded Tenderer / whose offer is rejected,
- reasons for exclusion of the Tenderer/ rejection of the offer.

Decision on exclusion of the Tenderer/Decision on refusal of the offer shall be delivered to the Tenderer to which it refers.

After selecting the most favorable offer, the Contracting Authority will sign contract with the winning Tenderer. Procurement contract is concluded under the terms of the Invitation for submission of offers and selected offer.

Contracting Authority will cancel the procurement procedure if after the deadline for submission of offers:

- No offers were submitted;
- Has not received a single valid offer;
- After the offer refusal there is not a single valid offer.

If there are grounds for annulment of the procurement procedure, the Contracting Authority will immediately issue the annulment decision containing:

- Procurement subject for which the annulment decision is made;
- Explanation of the annulment decision;
- Deadline in which the new procurement procedure will be initiated for the same or similar procurement subject, if applicable;
- Date of annulment and signature of the authorized person.

and will without delay publish a notice on procurement procedure annulment on the web site: www.strukturnifondovi.hr.

8. DEADLINE, METHOD AND THE CONDITIONS OF PAYMENT

Terms of payment will be defined by the Contract with the selected Tenderer as follows:

- 15% of the value of the subject of procurement in advance upon signing the Contract
- 75% of the value upon notification of the Tenderer of the readiness of the goods for delivery from location of manufacturing
- 10% of the value after final acceptance certificate is signed or 120 days from the date of shipping the goods.

9. GROUNDS FOR OBLIGATORY EXCLUSION OF THE TENDERER

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

- the Tenderer or the person authorised under the law to represent the Tenderer has been convicted by final judgement for any of the following criminal offenses or corresponding criminal acts under the legal provisions of the country in which the Tenderer is established or the country which a person authorised under the law is a citizen of: participation in a criminal organization, criminal association, commission of a criminal offense within a criminal association, association for the conduction of criminal offenses, terrorism or criminal offenses related to terrorism activities, money laundering or terrorism financing, child labour or other forms of trafficking, corruption, accepting a bribe in business operation, offering a bribe in business operations, abuse in public procurement procedures, abuse of position and authority, illegal favouritism, accepting a bribe, offering a bribe, influence peddling, influence peddling bribery, abuse of position and authority, abuse in state government duties, illegal intermediation, fraud, fraudulent business activities, tax or customs duty evasion, subsidy fraud; and
- has not fulfilled obligations related to payment of salaries to employees, payment of contributions to compulsory insurance (especially health or pension) or payment of taxes in accordance with the regulations of the Republic of Croatia, or the state where the Tenderer is established, in accordance with the regulations of the country of establishment of the Tenderer, unless a deferral of payment of these obligations is granted in accordance with special rules, while due and unpaid liabilities do not exceed an amount of HRK 200; and
- is guilty of false presentation and false information providing, which are stated as a condition for exclusion or qualification standards.

For determining above mentioned circumstances, the Tenderer will submit in the offer the Statement on the absence of reasons for exclusion from Appendix 5 of the Invitation for submitting of offers. The Statement is given by the person legally authorized to represent the Tenderer.

The Contracting Authority may at any time during the procurement procedure, require the Tenderer to submit one or more documents (certificates, excerpts, etc.) confirming that the

Tenderer is not in the situations specified in this section, if such the documents are issued in the country of the Tenderer is registered office and can be obtained by him.

10. PROVISIONS RELATED TO GROUP OF TENDERERS (CONSORTIUM)

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

If the Tenderer applies in a form of the Consortium, he is obliged to complete the form in Appendix 7 of the Invitation for submission of offers.

Each member of Consortium is obliged with the joint offer to submit the Statement from Appendix 5 that member is not in any of the cases of exclusion and is obliged to submit the evidence of technical and professional ability.

Tenderer who submitted an offer cannot simultaneously participate in multiple offers, individual or joint. In a joint offer there must be indicated which part of a procurement contract (item of expenditure, the quantity, value and a percentage) will be performed by an individual member of a consortium.

11. PROVISIONS RELATED TO SUBCONTRACTORS

If Tenderer or Consortium intends to place a part of the procurement contract to one or more subcontractors, he is obliged to complete the form in Appendix 8 of the Invitation for submission of offers, i.e., has to stipulate in the offer the information regarding the subcontractor (name and residence) and the part of the procurement contract which he intends to subcontract.

In this case, the Tenderer is obliged to submit the Statement from Appendix 5 that subcontractor is not in any of the cases of exclusion and is obliged to submit the evidence of technical and professional ability.

The participation of the subcontractor does not affect the responsibility of the selected Tenderer for the execution of the contract. If the Tenderer does not submit data on the subcontractor / subcontractors, it is considered that the entire subject of procurement will be performed independently.

12. APPENDIXES

Appendix 1 – Tender submission form

Appendix 2 – Financial offer

Appendix 3 – Technical specifications

Appendix 4 – Project Assignment

Appendix 5 – Statement

Appendix 6 – List of delivered goods

Appendix 7 – Information on Consortium

Appendix 8 – Information on subcontractors