CALL FOR BIDS

Procurement of the TB4 wet extraction line

Procurement registration number: IO-EZ-01

Zaprešić, february 2022.



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1. GENERAL INFORMATION

1.1. Information about the Client

Name and residence of the Client:	**Elektroda Zagreb d.d.** (NoJN - not obliged by the Law on Public Procurement) Ruševje 7, 10 290 Zaprešić
I.D.:	99516156261
Phone number:	+385 98 354 139
Fax number::	+ n/a
Internet address:	http://www.ezg.hr/
E-mail address:	elektroda@ezg.hr
Responsible person:	Hrvoje Popović, director

The Client has started the implementation of the project "Strengthening competitiveness and competence for digital and green transition of the company Elektroda Zagreb d.d." in accordance with the project application to the Call for Proposals "Strengthening the competitiveness of companies by investing in digital and green transition", reference reference Call: KK.11.1. 1.01, by the Ministry of Economy and Sustainable Development.

1.2. Information on the person in charge of communication with the Bidders

Name and surname:	Goran Krsnik
Phone number:	+385 99 810 4969
Fax number:	n/a
Adress:	Ruševje 7, 10 290 Zaprešić
E-mail address:	gkrsnik@ezg.hr

Communication and any other exchange of information between the contracting authority and the economic operators shall be in writing. Written request of interested economic entities for clarification is submitted via e-mail: gkrsnik@ezg.hr.

If necessary, economic operators may request additional information and explanations related to the bid documents during the deadline for submission of bids. Additional information and explanations will be published without providing information about the applicant on the website www.strukturnifondovi.hr. The request is timely if it is submitted to the contracting authority no later than the **3rd (third) day** before the day on which the deadline for submission of bids expires. If the request is submitted on time, the Client is obliged to send a response no later than **3 days** from the receipt of the request for additional information. The contracting authority is then obliged to extend the deadline for submission of bids by **7 days**. If the request for additional information is not submitted in time or if the importance of the clarification in relation to the preparation of valid

bids is negligible, the contracting authority is not obliged to extend the deadline for submission of bids. If the contracting authority changes the documentation during the deadline for submission of bids, it will ensure the availability of changes to all interested economic entities on the website www.strukturnifondovi.hr. The extension of the deadline will be proportional to the importance of the clarification.

The Contracting Authority may amend the Invitation to Bid during the deadline for submission of bids. In that case, the Contracting Authority will ensure the availability of changes to all interested Bidders at the same place where the basic Procurement Notice, Invitation to Bid and clarifications of documentation were published. The contracting authority may extend the deadline for submission of bids and the extension will be proportionate to the importance of clarification and / or modification of the documentation.

1.3. Procurement record number

IO-EZ-01.

1.4. Type of procurement procedure

Procedure for publishing the Invitation to Bid.

Procurement is carried out on the basis of Annex 4. Procurement procedures for persons not subject to the Public Procurement Act (version 7.0), Call for proposals "Strengthening the competitiveness of enterprises by investing in digital and green transition", reference code Call: KK.11.1.1.01 which is available at www.strukturnifondovi.hr.

The day of the beginning of the procurement procedure is considered to be the day of publication of the Procurement Notice and the Invitation to Bid with the attached attachments on the website: www.strukturnifondovi.hr.

1.5. List of economic entities with which the Client has a conflict of interest

Members of the Procurement Committee, the person authorized to represent the Client and the person appointed to conduct the procurement procedure shall act in accordance with the principles of avoiding conflicts of interest and shall be excluded from the procurement procedure in case of conflict of interest. Only if the conflict of interest cannot be effectively eliminated by excluding the said persons or by taking other measures, the Contracting Authority shall exclude the economic operator from the procurement procedure.

The client may not enter into contracts with the following entities:

- HYDRA CONSULTING d.o.o. – 82306718971
- MEDIKA d.d. – 94818858923
- Binera development d.o.o. – 40147507788

2. INFORMATION ON THE SUBJECT OF THE PROCUREMENT

2.1 Technical specifications and / or job description and / or all relevant technical details of the subject of procurement

The subject of procurement is a wet extraction line of category TB4, which further improves the production process and increases production capacity.

Item description:

All details and description are given in Form 6 - Technical characteristics, and the quantity in Form 5 - Cost estimate. The Bidder is obliged to offer all items of the Bill of Quantities and Technical Characteristics, otherwise the Bidder's bid will be assessed as unacceptable.

The technical specifications of the subject of procurement, and the quantity of the subject of procurement are determined by Form 5 and Form 6, which form an integral part of this Invitation to Bid.

2.2 Information on the type, scope and general nature of the goods and services to be provided

Quantity of the subject of procurement: Defined in Form 5. Quantity is correct.

Cost estimate

The cost estimate is an integral part of this Call for Proposals.

For all standards, types and models or brands listed in the bill of quantities, "or equivalent" applies to the bill of quantities.

The Bidder fills in the Bill of Quantities by entering the unit price in column V, while in column VI he enters the product of cell IV (quantity) and cell in column V (Price per unit of measure).

The relevant unit prices are entered in the Bill of Quantities. The discount and all costs must be included in the offered and entered unit prices in the items of the Bill of Quantities.

The Bidder acts in the described manner even if he changes the prices in the Bill of Quantities by amending and / or supplementing the bid. In this case, the Bidder must submit a fully completed new Bill of Quantities with amended unit prices, in hard copy.

The Bill of Quantities (Form 5) must be signed by a person legally authorized to represent the economic entity and certified by the trademark.

2.3 Place of delivery of the service

Delivery is at the address of the customer, according to *Incoterms 2012 DAP or equivalent* Elektroda Zagreb d.d., Ruševje 7, 10290 Zaprešić, Croatia.

2.4 Deadline for delivery of goods and services

Deadline Delivery services :

- Deadline of the service is up to 6 months from the day of the signature of the Treaty.

Proof of delivery of the service is the delivered documentation and a signed certificate, delivery note or any other document by which both parties confirm the execution.

The Supplier and the Client have the right to extend the delivery time of goods and services in the following cases:
- due to force majeure,
- due to measures provided by acts of public bodies,

Force majeure means natural events, such as floods, fires, etc., or human actions that affect the delivery of goods, such as quarantine, sudden restriction of goods relevant to the delivery, etc., which events could not have been foreseen and eliminate. In these cases, the Supplier and the Client will not have mutual claims due to any costs incurred due to the extension of delivery of goods, except in cases where the measures provided by acts of public bodies adopted solely through the fault of the Bidder.

The Supplier shall pay penalties to the Client at a daily rate of 2 ‰ (two per mille) for each day of delay in delivery of goods and services in relation to the established deadline, if the delay was due to the fault of the Bidder. The total amount of the penalty may not exceed 5% of the total value of the contract.

Delivery of goods is considered the date of signing the handover record, certificate, delivery note or any other document by which both parties confirm the execution.

3. DEADLINE FOR SUBMISSION OF BIDS

Date, time and place of submission of bids

The bid, regardless of the method of delivery, must be received by the Client, no later than:

18.02.2022.

to the address of the Client from point 5.3. Calls for bids.

The bid submitted after the deadline for submission of bids unopened is returned to the sender without delay.

4. CONDITIONS AND REQUIREMENTS TO BE MET BY POTENTIAL BIDDERS

For the purpose of determining the conditions and requirements for the execution of the contract, the potential Bidders, ie the communities of Bidders, are obliged to enclose in their bid evidence proving:

- legal and business conditions

4.1 LEGAL AND BUSINESS CONDITIONS

4.1.1. REQUEST: The Bidder must be legally and commercially capable.

In the case of a joint bid, members of the Bidder community are required to individually prove the existence of the capability.
As **proof** of fulfillment of the conditions of legal and business capacity, the Bidder shall submit an excerpt from the court, trade, structural or other appropriate register of the state of the Bidder's seat, not older than six months from the date of the procurement procedure. In the case of a community of Bidders, all members of the community individually prove their legal and business capacity.

5. BID INFORMATION

5.1. Content and method of making the bid

The Bidder submits the bid in the original containing the documentation composed and signed in the places provided for that by the authorized person under the law to represent the Bidder or a person authorized by him with the obligatory submission of a document proving the power of attorney.

The offer must contain at least:

- completed bid form (Form 1 for an independent Bidder or Form 2 for a community of Bidders) – in the original
- if applicable, Subcontractor Data (Form 3) – in the original
- statement by which the Bidder proves that there are no reasons for exclusion (item 12 of the Invitation to Bid, Form 4) – in the original
- documents / evidence that the Bidder meets the required conditions (item 4 of the Invitation to Bid)- original or certified or uncertified copies,
    - proof of entry in the court, trade, professional or other appropriate register of the state of the seat of the economic entity not older than six months from the date of publication of the invitation. – in the original or certified or uncertified copies

- completed Bill of Quantities (Form 5) – in the original,
- completed Technical Specifications (Form 6) – in the original

The offer must be made in paper form, printed or written in indelible ink.

When preparing the bid, the Bidder must comply with the requirements and conditions of this Invitation to Bid. The Bidder may not change and supplement the text of the Invitation to Bid. All costs of bid preparation are borne by the bidders. Bidders are not entitled to any reimbursement of the costs of preparing the bid.

The offer together with the accompanying documentation is made in the Croatian language or in any other language.

Corrections in the offer must be made in such a way that the corrected text remains visible (legible) or provable (eg deleting, coating or removing letters or prints is not allowed). Corrections must be confirmed by the bidder's signature, stating the date.

5.2. Document delivery rules

All required documents and evidence submitted in accordance with the requirements of item 4. Bidders may submit in the **original, certified or uncertified copies**. This does not apply to the Forms that the Bidder must fill out. In case of doubt in the truthfulness of the data in the attached documents or statements of Bidders from this point, the contracting authority may contact the competent authorities to obtain information on the situation of these Bidders, and in case of Bidders based in another country.

5.3. Method of bid submission

The bid in a sealed envelope is delivered directly to the Client or by mail to the address:

Front of the envelope:

Elektroda Zagreb d.d. Ruševje 7, 10 290 Zaprešić Public procurement – (IO-EZ-01)

On the back:

< Name and address of the Bidder >

The Bidder independently determines the method of bid submission and bears the risk of possible loss or untimely bid submission. If the envelope is not marked in accordance with the requirements of this Invitation to Bid, the Contracting Authority does not assume any responsibility in case of loss or premature opening of the bid.

Bids and documentation attached to the bids are not returned to the Bidders.

Alternative offers are not allowed.

The Bidder may submit an amendment and/or supplement to the bid until the deadline for submission of bids. Amendments and/or supplements to the Bidder shall be submitted in the same manner as the basic bid with the obligatory indication that it is an amendment and/or supplement to the bid. In this case, the bids are opened in the reverse order of receipt, and the time of receipt is considered to be the delivery of the latest version of the bid change. If the Bidder expresses a discount by amending or supplementing the bid, in addition to submitting the amendment or supplement to the bid, it is necessary to submit a new cost list in which the discounts are stated.

The Bidder may withdraw from the submitted bid by a written statement until the deadline for submission of bids. The written statement is submitted in the same way as the bid with the obligatory indication that the bid is withdrawn. In this case, unopened offer is returned to the bidder.

5.4. The method of determining the bid price

The selection criteria for the bid is the economically most favorable bid.

The selection of the most favorable bid will be made by comparing the stated bid price and additional selection criteria developed through formulas. The most favorable bid is the bid that achieves the highest number of points among the valid bids, after scoring.

If two or more valid bids are ranked equally according to the bid selection criteria, the Contracting Authority will select the bid with more points within the "Price" criterion, and if they still have the same number of points, the one received earlier will be selected. If the Bidder submits an amendment and / or supplement to the bid after the submission of the bid, the time when the last amendment and / or supplement was submitted shall be considered the time of receipt of the bid.

When selecting the most favorable Bidder, the Client will use the following criteria:

- Price (maximum 60 points) – relative importance: 60%
- Warranty period (maximum 40 bodova) – relative importance: 40%

The contracting authority will evaluate the price and the warranty period within the criteria of the economically most favorable bid.

The bid evaluation methodology to be applied by the Contracting Authority is as follows:

a) Price (maximum 60 points)

The bid with the lowest price (Cmin) is awarded a maximum of 60 points.

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

$$C = Cmin/Cp \times 60$$

C = number of points awarded to the Bidder for the offered price
Cmin = total lowest price offered
Cp = bid price being evaluated

b) Warranty period (maximum 40 points)

The Bidder shall display the duration of the warranty period in months by indicating the number of months in the Bid Sheet (Form 1) in the space provided. The bid with the longest warranty period is awarded a maximum of 40 points. Points (G) for an individual bid are calculated using the following formula, rounding the results to two decimal places:

$$G = Gp/Gmax \times 40$$

G = number of points awarded to the Bidder for the warranty period
Gp = warranty period offered in the bid being evaluated
Gmax = total longest warranty period offered

The client reserves the right to verify all submitted evidence.

6. PROVISIONS RELATING TO THE COMMUNITY OF BIDDERS

Several economic operators may join forces and submit a joint bid, regardless of the arrangement of their mutual relationship. The responsibility of the Bidder from the community of Bidders is joint and several. If the Bidder acts as an Association of Bidders, it is obliged to fill in Form 2. Bid Sheet-community-of-bidders. Invitation to submit bids. Each member from the community of Bidders is obliged to submit a Statement on Form 4 of the Invitation to Bid that it is not in any of the cases of exclusion (item 12 of the Invitation to Bid). A Bidder who has submitted a bid independently may not participate in a joint bid at the same time. The joint bid must specify which part of the procurement contract (object, quantity, value and percentage) will be executed by each member of the bidder community.

Payments are made according to the modality defined in point 11. The group of bidders can independently decide how the payment will be made (to the holder of the Community or to each member individually). The mentioned provision, by agreement, will be included in the Agreement.

7. PROVISIONS CONCERNING SUBCONTRACTORS

The Bidder, or the group of bidders, who intends to assign part or parts of the bid to subcontractors, must clearly state in its bid data on all subcontractors (name and seat) and data on the part of the contract it intends to subcontract, and for this purpose fill in and submit Form 3 of this Invitation to Bid.

Economic operators who intend to subcontract one or more subcontractors shall provide the following information in the bid:

- name or company, registered office, I.D. (or national identification number according to the country of establishment of the economic operator, if applicable) and subcontractor's account number, and
- the subject, quantity, value of the subcontract and the percentage of the procurement contract to be awarded in the subcontract

In the case referred to in this point, the economic operator is obliged to submit evidence in the bid on the absence of reasons for exclusion of the subcontractor as required by point 12. Calls for bids.

The participation of subcontractors does not affect the responsibility of the selected Bidder for the performance of the contract.

8. REVIEW AND EVALUATION OF BIDS

After the deadline for submission of bids, the NOJN reviews and evaluates the content of the submitted bids in relation to the conditions from the Invitation to Bid.

In the process of reviewing and evaluating bids, the Client:

- checking the content of submitted bids
- compares the content of bids with technical specifications and / or job descriptions, and / or all relevant technical details of the subject of procurement,
- determines whether all the prescribed conditions of the bid have been met (in terms of the set deadlines for the required documentation, selection criteria).

Clarification and completion of bids

In the process of reviewing and evaluating bids, the NOJN may invite bidders to clarify or complete within a reasonable time, which may not be shorter than 5 or longer than 15 calendar days, the documents requested in relation to the existence of reasons for exclusion and eligibility conditions

standards, remove errors, deficiencies or ambiguities that can be removed, where clarification or completion in relation to these documents is not considered a change in the bid (if these conditions are set in the bid documents).

In the process of reviewing and evaluating bids, the NOJN may invite bidders to clarify certain elements of the bid in the part related to the offered subject of procurement within a period that may not be shorter than 5 or longer than 15 calendar days. The clarification must not result in a change in the bid..

9. WARRANTIES REQUIRED

The Contracting Authority does not seek guarantees from the Bidder within this public procurement.

10. MAKING A DECISION ON SELECTION OR ANNULMENT

The Contracting Authority will make a Decision on selection / cancellation and send it to all bidders and publish it on page www.strukturnifondovi.hr

Based on the results of the review and evaluation of bids, the Contracting Authority (NOJN) will reject:

- an offer that is not complete,
- a bid that is contrary to the provisions of the bid documentation,
- an offer in which the price is not stated in absolute amount
- an offer containing errors, shortcomings or ambiguities if the errors, shortcomings or ambiguities are not remediable,
- an offer in which the clarification or completion does not eliminate the error, deficiency or ambiguity,,
- a bid that does not meet the requirements related to the characteristics of the subject of procurement, and thus does not meet the requirements of the bid documentation,
- a bid for which the bidder has not accepted a correction of a calculation error in writing,,

NOJN is able to exclude the bidder only if the conditions from the bid documentation are not met, ie in accordance with the reasons for exclusion stated in the documentation

NOJN informs in writing / electronically all entities that submitted a bid about the selected bidder, enclosing a copy of the Selection Decision and sends them a reasoned written notice of rejection of their bid. The selection decision shall contain at least:

- name and address of the selected bidder

The decision on exclusion / rejection of the bid must contain at least:

- name and address of the bidder who is excluded / whose bid is rejected,
- reasons for exclusion of bidders / rejection of bids

The decision on exclusion of the bidder / decision on rejection of the bid shall be delivered to the bidder to whom it refers.

After selecting the most favorable bid, NOJN enters into a contract with the selected bidder. The procurement contract is concluded on the basis of the conditions from the bid documentation and the selected bid.

NOJN cancels the procurement procedure if after the deadline for submission of bids:

1. no bids were received;

2. has not received any valid offer;

3. After the rejection of the bids, no valid bid remains.

If there are reasons for annulment of the procurement procedure, the NOJN shall without delay issue a decision on annulment stating:

- the subject of procurement (or group of subjects of procurement) for which the decision on annulment is made;
- explanation of the reasons for cancellation;
- the deadline within which to initiate a new procedure for the same or a similar subject of procurement, if applicable;

- date of adoption and signature of the responsible person;

and shall deliver it without delay to the economic operators who have submitted bidders.

NOJN without delay publishes a notice on the cancellation of the procurement procedure on the website www.strukturnifondovi.hr.

11. DEADLINE, METHOD AND TERMS OF PAYMENT

The Client will pay its incurred obligations in the following modality:

- 30% within 10 days from the signing of the Contract
- 60% within 5 days from the delivery of the subject of procurement
- 10% up to 5 days after the commissioning of the procurement item

12. OBLIGATORY REASONS FOR EXCLUSION OF BIDDERS

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

- has been convicted of any of the following offenses or of the relevant offenses under the regulations of the bidde's residence or the country of which the person is authorized by law to represent the bidder: participation in a criminal organization, criminal association, criminal offense within a criminal association, association for the commission of criminal offenses, terrorism or terrorist offenses, money laundering or terrorist financing, child labor or other forms of trafficking in human beings, corruption, bribery in business, bribery in business, abuse in public procurement, abuse positions and powers, illegal favoritism, receiving bribes, giving bribes, trading in influence, giving bribes for trading in influence, abuse of position and authority, abuse of office, illegal mediation, fraud, business fraud, tax or customs evasion, are bvension fraud;
- if all payments of salaries to employees, payments of contributions for financing compulsory insurance (especially health or pension) or tax payments in accordance with the regulations of the Republic of Croatia as the state in which the bidder is established are not met, in accordance with the regulations of the state of establishment establishment in the Republic of Croatia), unless in accordance with special rules a deferral of payment of the said obligations has been granted, and if the amount of due and unpaid obligations does not exceed HRK 200;
- if he / she falsely stated, presented or provided false information regarding the conditions stated by the NOJN as necessary;
- f the Bidder is bankrupt, insolvent or in liquidation, if the property is managed by a bankruptcy trustee or a court, if it is in settlement with creditors, if business activities are suspended or in any similar situation resulting from similar proceedings under national law and regulations;
- if in the last two years until the beginning of the procurement procedure a serious professional omission has been made which the Client can prove in any way;
- if there is a conflict of interest between the Bidder and the members of the Procurement Committee, the persons authorized to represent the Contracting Authority or the persons appointed to conduct the procurement procedure which cannot be effectively eliminated by excluding the said persons.

For the purpose of determining the circumstances referred to in item 12, the economic entity in the bid shall submit the Statement referred to in Form 4 of this Invitation to Bid. The statement is given by a person legally authorized to represent the economic entity. The statement must not be older than three months from the date of the beginning of the procurement procedure.

The provisions of Chapter 12 apply to both the community of bidders and subcontractors, ie the bidder is obliged to prove that there are no reasons for exclusion for all members of the community as well as for the subcontractors shown in the bid.

At any time during the procurement procedure, the Contracting Authority may require the Bidder to submit one or more documents (certificates, excerpts, etc.) confirming that the BIdderer is not in the situations specified in items 12.1.-12.5. if such documents are issued in the country of

residence of the economic operator and he can obtain them. In the case of a community of bidders, the NOJN may require all members of the community to individually prove the absence of a reason for exclusion. The bidder is allowed to submit evidence in the original, in a certified or uncertified copy.

13. APPENDICES

Form 1 - Bid sheet (independent bidder)
Form 2 - Bid sheet (bidder community)
Form 3 - Data on subcontractors
Form 4 - Statement on the absence of grounds for exclusion
Form 5 - Bill of Quantities
Form 6 - Technical specifications