INVITATION FOR SUBMISSION OF OFFERS

Procurement procedure for Entities not subject to Public Procurement Act

SUBJECT OF PROCUREMENT: Materials for fuel cell system research

PUBLICATION REFERENCE: **04**

PROJECT NO. AND NAME: KK.01.2.1.02.0115 „Environmentally friendly vehicle for cleaning public areas with autonomous control systems based on artificial intelligence - EKOKOMVOZ“

CALL FOR PROPOSALS: Increasing the development of new products and services arising from research and development activities - phase II

CALL REFERENCE: KK.01.2.1.02

Note: Documentation is prepared in Croatian language, with translation to English language. In case of disagreement or dispute, the relevant version is the one made in Croatian language.

Kalinovac, March 2022

Europska unija
Zajedno do fondova EU
REPUBLIKA HRVATSKA
Ministarstvo regionalnoga razvoja i fondova Europske unije
EUROPSKI STRUKTURNI I INVESTICIJSKI FONDOVI
Operativni program KONKURENTNOST I KOHEZIJA

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1. GENERAL INFORMATION

1.1. Information on Contracting Authority

Contracting Authority's name and location:	RASCO tvornica komunalne opreme d.o.o., Kolodvorska 120/b, 48361 Kalinovac, Hrvatska
PIN:	HR12710048305
Phone number:	+385 48 883 112
Fax number	+385 48 280 146
Web page:	www.rasco.hr
Authorized person:	Ružica Petričec Fabijanec

The Contracting Authority is implementing the project "Environmentally friendly vehicle for cleaning public areas with autonomous control systems based on artificial intelligence - EKOKOMVOZ", applied under the Call for proposals "Increasing the development of new products and services arising from research and development activities - phase II", call reference KK.01.2.1.02. The project is co-financed by the European Regional Development Fund.

1.2. Information on Contact person responsible for communication with tenderers

Name and surname:	Marko Mađer
Phone number:	+385 48 883 112 and/or +385 99 288 3869
E-mail address:	iri2tender@rasco.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 offer and clarification of the documentation were published. In case of amendments of the Invitation for submission of offer during the last 5 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 offer by at least 5 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: iri2tender@rasco.hr.

1.3. Publication reference

04

1.4. Type of procurement procedure

Procedure with the publication of the procurement notice.

The procurement is being conducted based on Appendix 3. Procurement procedure for Entities not subject to Public Procurement Act (version 7.0) of Call for proposals "Increasing the development of new products and services arising from research and development activities - phase II" Reference no. KK.01.2.1.02 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 interest 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:

1. RASCO Muvo d.o.o., Kolodvorska 120/b, 48361 Kalinovac, Croatia
2. Rasco TAMP d.o.o. Eugena Savojskog 6, 24400 Senta, Serbia
3. Rasco BH d.o.o. Gundulićeva 76, 78000 Banja Luka, Bosnia and Herzegovina
4. Rasco komunalna oprema d.o.o. XIV. Divizije street 14, 3000 Celje, Slovenia
5. Gumix Elastor d.o.o. Bana Josipa Jelačića 21, 33411 Gradina, Croatia
6. CESTAR - PZC VARAŽDIN d.d. i dr.k.d., Kralja Petra Krešimira IV 25, 42000 Varaždin, Croatia
7. ERDEC d.o.o. , Kolodvorska 24A, 48350 Đurđevac, Croatia
8. RASCO GmbH, Am Ahlsberg 50, 72793 Pfullingen, Germany

2. INFORMATION ON THE SUBJECT OF THE PROCUREMENT

2.1 Subject of procurement

Subject of procurement are materials for fuel cell system research which will be used for construction of hydrogen fuel cell vehicle prototype in a laboratory environment during the

industrial development project phase, in accordance with the technical specifications in Appendix 2 of Invitation for submission of offers.

Within this procedure with publication of the Invitation for submission of offers, a supply of goods procurement contract will be concluded.

Tenderer must deliver the subject of procurement in the manner prescribed by this Invitation and the technical specifications and other appendices.

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 2 „ Technical specifications„ of the Invitation for submission of offer. Appendix 2 specifies the type and quantity of the procurement subject as well as technical specifications of all items.

The requirements defined in the Technical Specifications represent the minimum characteristics or standards that the offered subject of procurement must meet.

For all manufacturers, product types, standards, or norms, stipulated in Technical specifications, applies „or equivalent ". The proof of equivalence itself must be proved in the offer, by any appropriate means, by the Tenderer. This proof can be technical specifications, technical data sheets of manufacturers, catalogues, etc. Evidence of equivalence is offered for the purpose of assessing whether the offered products have the required characteristics of the subject of procurement.

2.3 Place of delivery of the subject of the procurement

Place of delivery of the subject of procurement is at Contracting Authority's premises.

Delivery commercial terms: INCOTERMS 2020 DAP Kalinovac.

2.4 Deadline for delivery of the subject of the procurement

The deadline for delivery of the subject of procurement shall commence from the date of signature of the Contract with the wining Tenderer, whereas deadline for delivery is: July 15th 2022.

The Subject of procurement will be considered as delivered after materials for fuel cell system research are delivered as per quantities specified in Appendix 2 „Technical specifications".

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,

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

Force majeure means natural events, such as floods, fires, etc., or human actions that affect the procurement process, such as quarantine, war operations, sudden restriction in delivery of goods relevant to the proper execution of contracts, etc., which events could not have been foreseen and eliminated. In these cases, the Tenderer and the Contracting Authority will not have mutual claims due to any costs incurred due to the extension of the delivery deadline for the subject of procurement, unless the measures provided by acts of public bodies are adopted solely due to the Tenderer's fault.

The Tenderer shall pay the Contracting Authority for late delivery for every day which shall elapse between the deadline for delivery and the actual date of delivery, if the late delivery is caused by Tenderer's fault, to liquidated damages equal to 1‰ daily of the value of the undelivered supplies to a maximum of 1% of the total value of the contract (VAT excluded).

3. REQUIRED COMPETENCES OF THE TENDERERS

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

- legal and business ability.

3.1 Legal and business ability

Each Tenderer must prove its legal and business capacity with a statement included in the Tender form (Appendix 1).

4. INFORMATION ON THE OFFER

4.1 Content and methodology of the offer

Tenderer shall submit an offer in a form of documents suitable for electronic delivery. The offer contains documentation that is compiled and signed in a designated place by a person authorized by the law to represent the Tenderer.

<u>The offer must consist of at least:</u>

- Completed Tender form (Appendix 1), which includes a statement on non-existence of grounds for exclusion
- Completed Technical specifications (Appendix 2),
- Evidence of equivalence of the offered subject of procurement, if applicable

The offer must be made in a form suitable for electronic transmission, in such a way that its content is legible. The completed Tender form must be certified by the Tenderer's signature.

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.

4.2 Rules for submitting the documentation

All required documents and evidence are submitted by the Tenderer electronically as scanned documents or documents issued/filled in in electronic form.

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.

The Contracting Authority reserves the right, after ranking the offers according to the selection criteria for the offers, and before making the award decision, to request the most favourable bidder to submit the original or certify copies of all documents attached to the offer.

The offer shall be submitted in Latin script, in Croatian or English. All supporting documentation, if attached, must be in Croatian or English. Professional (technical) terms that have international and multilingual application and for which there is no adequate translation into Croatian or English, may be in another language.

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:

March 16th 2022 until 10:00 CET

at the e-mail address of Contracting Authority: iri2tender@rasco.hr.

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

4.4 Way of submission of offers

The offer is delivered electronically and it shall be delivered to the following address: iri2tender@rasco.hr in such a way that the procurement subject for which the offer is submitted can be identified from the title or text of the e-mail (Materials for fuel cell system research, publication reference 04)

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 Technical specification (Appendix 2) in which discounts are stated must be delivered as well as new Tender form (Appendix 1) with a revised offer price.

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 an offer withdrawal.

4.5 Methodology for determining the price of the offer

The Tenderer is obliged to enter the total 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. All costs and discounts must be included in the offer price.

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 offer.

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) in which discounts are stated must be delivered with the revised offer. In case the Tenderer does not apply the above-described procedure, 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.

The selected Tenderer may reduce the unit prices due to the granting of discounts during the implementation of the contract, harmonization with the market, etc.

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 selection criterion is the most economically advantageous offer.

The Contracting Authority will select the most economically advantageous offer from among the eligible valid offers on the basis of the following criteria:

a) Price - relative importance 60% - maximum 60 points

b) Support to the Contracting Authority in the fuel cell system integration - relative importance 20% - maximum 20 points

c) Support to the Contracting Authority in the final fuel cell system integration commissioning - relative importance 20% - maximum 20 points

The maximum possible total number of points of an individual offer is 100. In order to determine the total score, the points obtained under a), b) and c) will be added up. The most favorable offer is the one which achieves the highest total number of points according to the stated criteria.

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

a) Price (maximum 60 points)

The offer that has the lowest total price without VAT among the valid received offers is awarded a maximum of 60 points. The price shall be determined and indicated in accordance with point 4.5 of the Invitation for submission of offers.

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

BCp = Cmin / Cp x 60

BCp = number of points the offer has received for the price criterion

Cmin = lowest price of valid offers in the procurement procedure

Cp = price of the offer which is being evaluated

b) Support to the Contracting Authority in the fuel cell system integration (maximum 20 points)

The offer must include a minimum of 100 hours of support to the Contracting Authority for the fuel cell system integration. Support can be realized through the physical presence of the professional staff of the Tenderer during system integration or by electronic means of communication (by phone, e-mail, videoconferencing, etc.). The Tenderer must enter the offered duration of support for fuel cell system integration in the designated fields within Tender form and Technical specifications.

Offers with a minimum of 100 hours of support shall not be awarded any points as this is a minimum condition. Offers will be awarded 10 points according to this sub-criterion in case 101-149 hours of support is offered. The maximum number of hours of support to be scored is 150; thus the offers with 150 or more hours of support will be awarded 20 points.

Offered number of hours of support to the Contracting Authority for the fuel cell system integration	Number of points
100	0 points
101 - 149	10 points
150 and more hours	20 points

c) Support to the Contracting Authority in the final fuel cell system integration commissioning (maximum 20 points)

The offer must include a minimum of 100 hours of support to the Client for the final fuel cell system integration commissioning. Support must be realized through the physical presence of the professional staff of the Tenderer during the final system integration commissioning along with additional support by electronic means of communication (by phone, e-mail, videoconferencing, etc.). The Tenderer must enter the offered duration of support during the final fuel cell system integration commissioning in the designated fields within Tender form and Technical specifications.

Offers with a minimum of 100 hours of support shall not be awarded any points as this is a minimum condition. Offers will be awarded 10 points according to this sub-criterion in case 101-149 hours of support is offered. The maximum number of hours of support to be scored is 150, thus the offers with 150 or more hours of support will be awarded 20 points.

Offered number of hours of support to the Contracting Authority for the final fuel cell system integration commissioning	Number of points
100	0 points

101 - 149	10 points
150 and more hours	20 points

If two or more valid offers are ranked equally according to the selection criteria, the Contracting Authority will select the offer received earlier.

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 offer.

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.

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 (does not contain all elements prescribed by the Invitation for submission of tenders),
- An offer which is contradictory to the stipulations of the Invitation for submission of offers,
- An offer in which the price is not stated in absolute amount,
- An offer which contains errors, shortcomings, or uncertainties if those errors, shortcomings or uncertainties are not removable,
- An offer in which an error, shortcoming or uncertainty is not removed by modifications and/or amendments,
- 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 met i.e. the existence of grounds for exclusion are established.

Contracting Authority publishes the Contract award decision which contains information on the selected Tenderer and the total price of the selected offer or Decision of annulment at the same place where the Invitation to submission offer 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 favourable offer, the Contracting Authority will sign a 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 submit the annulment decision to the economic entities who submitted their offers by publishing a notice on procurement procedure annulment on the web site: www.strukturnifondovi.hr.

8. DEADLINE, METHOD AND THE CONDITIONS OF PAYMENT

Payment terms shall be defined by the Procurement contract. The Contracting Authority does not exclude advance payment. All suppliers based outside the Republic of Croatia will be paid in Euros (EUR). Payments to all suppliers based in the Republic of Croatia will be made in Croatian currency (HRK).

9. GROUNDS FOR OBLIGATORY EXCLUSION OF THE TENDERER

The Contracting Authority will exclude the Tenderer from the procurement procedure if:

- the Tenderer or the person authorised by 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 statement, false presentation and providing false information regarding conditions stated by the Contracting Authority as necessary.

For determining above mentioned circumstances, the Tenderer will submit signed statement included in the Tender form (Appendix 1). The Statement is given by the person authorized by the law 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 chapter, if such the documents are issued in the country of the Tenderer is registered office and can be obtained by him.

10. APPENDIXES AND ANNEXES

Appendix 1 – Tender form

Appendix 2 –Technical specifications