



Operativni program  
**KONKURENTNOST  
I KOHEZIJA**



**EUROPSKI STRUKTURNI  
I INVESTICIJSKI FONDOVI**



## **TENDER INVITATION**

## **MACHINES PROCUREMENT**

Title of the Call: Increasing energy efficiency and the use of renewable energy sources in manufacturing industries (No: KK.04.1.1.03)

Samobor, 25.5.2021.



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## **1. PROCUREMENT INFORMATION**

### **1.1. General information**

Contracting Authority: Klimaoprema d.d.  
Address: Gradna 78/A, 10430 Samobor  
Identification/ Registration Number: 34383404032  
Phone: +385 1 3362-513  
Fax: +385 1 3362-905  
Web: <http://www.klimaoprema.hr/>  
E-mail: [info@klimaoprema.hr](mailto:info@klimaoprema.hr)

#### **Contact person:**

Sergio Galošić, CEO  
Phone: +385 1 3362-513  
E-mail: [sgalosis@klimaoprema.hr](mailto:sgalosis@klimaoprema.hr)

### **1.2. Conflict of interest**

List of economic operators with whom the Contracting Authority is considered to be in a conflict of interest according to Annex 3 Procurement procedures for Organizations that are not obliged to apply Public Procurement Law:

1. ALFATHERM d.o.o., Metković, Mostarska bb, OIB: 44831746559
2. PRO EKO d.o.o., Vojnić, Bukovica Utinjska 52, OIB: 62328948651
3. RUNIT d.o.o., Zagreb, Talani 14 , OIB: 23649827329
4. ASCENDANT d.o.o., Zagreb, Budmanijeva 1, OIB: 44213375024
5. PRO-KLIMA d.o.o., Samobor, Gradna 78 E, OIB: 47347658558

### **1.3. Type of procurement procedure and type of Contract**

The Contracting Authority carries out the procurement procedure with a mandatory publication of the Tender invitation on the website [www. strukturnifondovi.hr](http://www.strukturnifondovi.hr)

Type of contract is supply contract. A public procurement contract is concluded with the selected bidder for Group 1 and Group 2.

### **1.4. Additional information and modification of tender invitation**

- a. During the time limit for the receipt of tenders, economic operators may request additional information and clarifications related to the tender invitation on the contact mail of Contracting Authority, and the Contracting Authority shall provide additional information and clarifications on the web page [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr), without indicating the information about the person who requested them.
- b. Provided that the request for additional information has been requested on time, the additional information and clarifications shall be made available by the Contracting Authority not later than four (4) days before the deadline for the submission of tenders.
- c. Request for additional information is made within the deadline if submitted to the Contracting Authority not later than during the sixth day before the day of expiry of the time limit for the



submission of tenders.

d. If for any reason the Tender invitation and any supporting documents were not made available, or if the Contracting Authority has not answered to timely request in accordance with paragraphs above, the Contracting Authority shall extend the time limit for submission of tenders suitably so that all interested economic operators may familiarize themselves with all the information needed for submitting tenders.

e. If the Contracting Authority during the time limit for the receipt of tenders modifies the Tender invitation or any of the Attachments, it shall ensure that the modifications are available to all interested economic operators in the same way and at the same Internet address as the basic documentation and ensure that economic operators have at least eight (8) days to submit a tender from the date of modification, that is, the deadline will be extended accordingly.

## **2. SUBJECT OF PROCUREMENT**

### **2.1. Description of the subject of procurement**

The subject of procurement is divided into two groups:

Group 1 - procurement and delivery of machine for laser cutting of sheet metal

Group 2 - procurement and delivery of machine for sheet metal profiling by expansion technology

The Tenderer may submit a bid for one, two or all groups of procurement items. A separate bid is submitted for each group. The bid must offer all items within the group in the manner defined by the bill of quantities. The bidder may submit only one bid for each group.

### **2.2. Technical specifications and quantity of subject of procurement**

Detailed technical specifications for each group can be found in Annex II and Annex III of this Tender invitation.

Technical Specifications present the minimum technical characteristics of the offered machines and they must not be changed by the bidder.

For all the items listed in the technical specifications in which brand, patent, type, norms, standards, or specific origin is indicated, the tenderer may offer "equivalent" to everything requested or indicated.

Quantity is exact.

### **2.3. Place of delivery**

The place of delivery of goods for Group 1 and Group 2: Klimaoprema d.d., Industrijska ulica br 17, 35400 Nova Gradiška.

### **2.4. Delivery deadlines**

The final delivery deadline for procurement and delivery of procured items for Group 1 and Group 2 is 180 days from the conclusion of the procurement contract.

The moment of fulfilment of contractual obligations is created by signing the handover record, from which moment the guarantee for the correctness of the sold item from point 7.3. of this Tender invitation begins.



### **3. EXCLUSION CRITERIA**

3.1. The tenderers shall be excluded from participation in this tender procedure if they are in any of the following situations:

- a) If the tenderer or the person authorised under the law to represent tenderer has been convicted for participation in organised criminal activities, corruption, fraud, terrorism, terrorism financing, money laundering, children work or other form of human trafficking.
- b) 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 payment has been authorised (for example in pre-bankruptcy settlement proceedings).
- c) has faulty presented or provided false information related to conditions the Contracting Authority has defined as exclusion criteria or procurement conditions.
- d) is bankrupted, it is being wound up or is in any stage of the bankruptcy proceeding, its affairs are being administered by a person designated by the relevant court, it has entered arrangements with creditors, 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.

For proving it is not in the situations described under point 3.1 of this Tender Invitation, the Tenderer shall submit the tender declaration of an authorised representative, which makes Annex III of this Tender Invitation.

In the case of a group of tenderers (consortium), the circumstances in connection with exclusion criteria shall be established for all members of the group of tenderers (consortium) individually and documents proving that there are no grounds for exclusion must be provided for each member of the consortium.

If part of the Contract is to be executed by one or more subcontractors, the circumstances in connection with exclusion criteria shall be established for subcontractors individually. Tenderer shall, in its tender, submit documentation on basis of which it can be determined the subcontractors are not to be excluded.

Contracting Authority reserves the right, in every moment until making an award decision to request the submission of the following documentation:

A) for proving tenderer is not in the situations under point 3.1. b) of Tender Invitation:

- a certificate issued by the tax authority concerning the state of debt, which may not be older than 30 days of the date of publication of Procurement Notice, or if the document referred to in this paragraph is not issued in the country in which the Tenderer is established, it may be replaced by an equivalent document issued from the competent authority or
- if the documents referred to in preceding paragraph a is not issued in the country in which the economic operator is established, it may be replaced by a declaration on oath or a corresponding declaration made by the person who is authorised under law to represent the economic operator before the competent judicial or administrative Authority or the notary public or the competent professional or trade body in the country in which the economic operator is established, which may not be older than 30 days of the date of publication of tender.

B) for proving tenderer is not in the situations under point 3.1. d) of Tender Invitation:

- an extract from the judicial, trade or other relevant register of the country in which the Tenderer is established which may not be older than three months of the date of publication of tender or;
- if extract referred to in point preceding point does not exist or it does not contain all the relevant data an equivalent document issued by the competent judicial or administrative authority in the



state in which the economic operator is established, which may not be older than three months of the date of publication of tender or

- if the documents referred to in preceding points above are not issued in the country in which the Tenderer is established or documents do not contain all relevant information, they may be replaced by a declaration on oath or a corresponding declaration made by the person who is authorized under law to represent the economic operator before the competent judicial or administrative authority or the notary public or the competent professional or trade body in the country in which the economic operator is established.

Documents related to the exclusion criteria must be written on Croatian or English language and Latin script. If the document is written in language other than Croatian or English language, translation into Croatian or English language must be attached with the addition of documents in that other language.

#### **4. SELECTION CRITERIA**

Tenderer or group of tenderers/consortium must prove that it has, or they have sufficient legal capacity to implement the tasks of the Contract.

##### **4.1. Legal and business capacity – Group 1 and Group 2**

The Tenderer must prove its legal and business capacity. For purpose of proving its capacity, the tenderer shall submit the tender statement, which makes Annex IV of this Tender Invitation.

In case of group of tenderers, each member of group must individually prove its legal and business capacity.

In the case of subcontractors, all subcontractors are required to prove their legal and business capacity.

The Contracting Authority reserves the right, in every moment until making an award decision to request the submission of the following documentation:

- an extract from the judicial, commercial or other appropriate register of the State kept in the Member State of establishment, which may not be older than three months of the date of publication of tender or
- if extract referred to in point preceding point does not exist or it does not contain all the relevant data an equivalent document issued by the competent judicial or administrative authority in the state in which the economic operator is established, which may not be older than three months of the date of publication of tender or
- if the documents referred to in preceding points above are not issued in the country in which the Tenderer is established or documents do not contain all relevant information, they may be replaced by a declaration on oath or a corresponding declaration made by the person who is authorized under law to represent the economic operator before the competent judicial or administrative authority or the notary public or the competent professional or trade body in the country in which the economic operator is established Documents related to the selection criteria must be written on Croatian or English language and Latin script. If the document is written in language other than Croatian or English language, translation into Croatian or English language must be attached with the addition of documents in that other language.



## **5. TENDER**

### **5.1 Content of tender:**

- Annex I - Tender sheet  
Annex I - Tender sheet – ad. 1 (enclose only if the tender is group of tenderers/consortium) /  
Annex I - Tender sheet – ad. 2 (enclose if part of the contract is subcontracted)
- Annex II - Bill of Quantities
- Annex III - Tenderer's declaration (proving point 3. of the Tender invitation)
- Annex IV – Tenderer's declaration (proving point 4. of the Tender invitation)
- Annex V - Technical specifications

### **5.2 Making of tender**

Tender is to be made in Croatian or English language and the Latin script. Exceptionally, it is possible to list certain professional terms in a foreign language and to use internationalisms, foreign words, adaptations, abbreviations / designations, and names in a foreign language.

As of the date of publication of Tender invitation, the Contracting Authority offers unrestricted and full access by electronic means to the tender documentation and any supplementary documents at the web: [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr)

The tender must be submitted on paper, printed or written in indelible ink and shall be submitted in the original.

When submitting the tender, a tenderer must comply with all instructions and specifications contained in this tender documentation. Tenderer cannot amend or complement the text of this tender documentation.

No costs incurred by the tenderer in preparing and submitting the tender are reimbursable. All such costs will be borne by the tenderer.

The tender is drawn up in such a way to constitute an integral unit.

Documents required in this Tender invitation, except the ones which are to be submitted upon Contracting Authority's request until the adopting of the award decision, may be submitted in original, certified, or uncertified copy.

The Contracting Authority reserves the right, after the ranking of tenders according to the award criteria and before adopting an award decision, to request the best tenderer to submit the originals or certified copies of all those documents (certificates, documents, statements, etc.) that were delivered in an uncertified copy and are being issued by the competent authorities.

The Tenderer is expected to review the Tender invitation, including all instructions, forms, terms, and specifications. The offer which is contrary to the provisions of the Tender invitation, or which contains errors, omissions, or ambiguities if errors, omissions, and ambiguities are not removable or where clarification or completing of offers could not remove error, omission or ambiguity, is in every respect at the risk of the Tenderer and can result with rejection of such tenders.

### **5.3 Method of review and evaluation of tender**

If the information or documentation to be provided by the economic operator is incomplete or erroneous or appears to be such, or if certain documents are missing, NOJN may, respecting the principles of equal treatment and transparency, require the economic operators concerned to supplement, clarify, complete, or provide necessary information or documentation within a reasonable period of not less than five days. This procedure must not lead to negotiations regarding the tender selection criteria or the offered subject of procurement.



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The deadline for selecting decision is a maximum of 60 days.

#### **5.4 Submission of tenders**

The tender, in a sealed envelope, shall be submitted to the following address:

Contracting Authority: Klimaoprema d.d.  
Gradna 78/A, 10430 Samobor  
Subject of the procurement:  
Procurement of the machines  
GROUP             
„DO NOT OPEN “

Back of envelope:

The name and address of the tenderer

If the envelope is not marked in accordance with the requirements of the Tender invitation, Contracting Authority assumes no responsibility for any loss or early opening of tenders. The Tenderer defines the method of tender submission and bears the risk of loss or untimely delivery.

Offers and other documents which are an integral part of tender shall not be returned to the Tenderers.

#### **5.5 Alternative tender (variant)**

Alternative tender (variant) is not allowed.

#### **5.6 Alteration or withdrawal of tenders**

Tenderers may alter their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline. Any such notification of alteration must be prepared and submitted in the same way as the original tender. The outer envelope must be marked 'Alteration'. In that case tenders are opened in reverse order of receipt and time of receipt is the delivery of last version of amended tender.

Tenderers may also withdraw their tenders by written notification prior to the deadline for submission of tenders. Any such notification of withdrawal must be prepared and submitted in the same way as the original tender. In such case, unopened envelope shall be returned to the tenderer.

#### **5.7 Determining tender prices**

Tender prices must be stated in HRK or EUR. Price contains all costs and discounts. If the price is expressed in EUR, applicable rate for tender price is the average exchange rate of Croatian National Bank on the day on which the Tender documentation is published, 26/5/2021 (1 EUR= 7,505183 HRK).

Tender price is fixed and may not be amended in the period of Contract duration. Tender price without Value Added Tax (VAT) must include all costs and discounts for goods and services (such as cost of delivery, installation etc.). In the Bill of Quantities, tenderers must state unit prices, VAT, and total price with VAT (rounded to 2 decimal places), for each item. If the Tenderer is registered outside of the Republic of Croatia or is not subject to VAT, in accordance with legal provisions, in the boxes





intended for the insertion of the tender price with VAT included, the tenderers should insert the equivalent number as indicated in the boxes for the tender price without VAT, whilst the place intended for inserting VAT amount remains empty.

## **5.8 Tender validity period**

Tender validity period shall be minimum 60 days from the deadline for submission of tenders.

If the period of validity expires, the Contracting Authority will ask the tenderer to extend the validity of the tender. Tender with the validity period shorter than 60 days from the deadline for submission of tenders may be excluded from the process of review and evaluation of tender.

## **6. AWARD CRITERIA**

The tender selection criterion is the lowest price without VAT.

If two or more valid tenders are equally ranked according to the tender selection criteria, the Contracting Authority will select the tender that arrived earlier in the manner and address of the Contracting Authority specified in point 5.4. of this Tender Invitation.

## **7. OTHER PROVISIONS**

### **7.1. Provisions 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 Client.

The circumstances regarding the exclusion criteria and its legal and business capacity shall be established for all members of the group separately.

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. Client shall make payments to each member of the group for the part of the Contract executed by the member, unless otherwise specified by the group of tenderers.

### **7.2. Provisions on subcontractors**

Tenderers who intend to subcontract a part of the public procurement Contract to one or more subcontractors shall specify in their tender the following data:

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), and

the subject-matter, quantity, subcontract value and percentage share of the public procurement subcontracted.

In case 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 tenderer will perform this part of the Contract itself.

Subcontracting does not affect the responsibility of the tenderer for execution of Contract.

The Contracting authority pays the subcontractor directly for the part of the contract that he has



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performed.

### **7.3. Warranty for quality of sold item**

Tenderer is obliged to ensure warranty for quality of sold item.

Period of warranty for quality of sold item for Group 1 and Group 2 is minimum 12 months.

The warranty period for both groups starts from the day of acceptance of the delivered goods, i.e. by fulfilling all contractual obligations and by signing the handover record.

### **7.4. Date, time and place for the delivery of tenders**

All Tenders must be received by the Client, at the address of Client from point 5.4 of this Tender Invitation, **by 11:00 hours CET of 8/6/2021**, at the latest.

Any tender received after this deadline will not be considered and shall be returned to the sender unopened

## **8. PAYMENT TERMS**

Payments shall be made for both groups as follows:

- 30 % of the contract amount shall be paid within 10 days after the signature of the Contract based on the Invoice suitable for payment;
- 25% of the contract amount shall be paid within 5 days after the half of delivery period, based on the Invoice suitable for payment;
- 25% of the contract amount shall be paid within 5 days after testing the machine at the manufacturer, based on the Invoice suitable for payment;
- 20% of the contract amount shall be paid within 30 days after installation of the machine at the premises of the Contracting authority, based on the Invoice suitable for payment.

For any contractor that is a legal person established outside the Republic of Croatia, payments shall be made in EUR. For any contractor that is a legal person established in the Republic of Croatia, payments shall be made in the Croatian currency (HRK).

## **9. CONTRACT CHANGES**

The Client may modify the procurement contract in its duration without conducting a new procurement procedure if needed modification occurred due to circumstances which the careful Client could not have foreseen.

All changes to the procurement contract will be made exclusively in writing, in a demonstrable manner.

Samobor, 25.5.2021.

Annexes:

- Annex I - Tender sheet
- Annex II - Bill of Quantities
- Annex III - Tenderer's declaration (proving point 3. of the Tender invitation)
- Annex IV – Tenderer's declaration (proving point 4. of the Tender invitation)
- Annex V - Technical specifications