

TENDER INVITATION

Procurement procedure for Entities not subject to Public Procurement Act

PROCUREMENT TITLE: Machines for milling and education

PUBLICATION REFERENCE: SUPPLIES 02/2021

INFORMATION ABOUT THE PROJECT

PROJECT TITLE:

I4.0 in production process of Elcon Geraetebau

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

CALL REFERENCE: KK.11.1.1.01 – version 1

Remark: 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.

Rijeka, 28 June 2021

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1. GENERAL INFORMATION

1.1. Information on the Contracting Authority

Contracting Authority's name and location: ELCON GERAETEBAU d. o. o., Bilogorska 23, 51 000 Rijeka

PIN: 12276445344

MBS: 040123204

Phone number: +385 51 648 677

Web page: <https://www.elcon-cnc.com//>

E-mail address: amela.zlibanovic@elcon-cnc.com

Authorized person: Aldin Žlibanović

It is expected that the project will be co-financed from the European Fund for Regional Development. The Contracting Authority started the implementation of the project „I4.0 in production process of Elcon Geraetebau“, in line with the project application to the Call for submission of project applications, named „Strengthening the competitiveness of the companies by investments in digital and green transition“, published within a framework Operating programme „Competitiveness and Cohesion 2014-2020“, call reference KK.11.1.1.01 – version 1.

The procurement is implemented based on the PROCUREMENT PROCEDURES FOR ENTITIES NOT SUBJECT TO PUBLIC PROCUREMENT ACT, version 7.0, December 2020.

1.2. Information on contact person responsible for communication with Tenderers

Name and surname: Amela Žlibanović

Phone number: +385 51 648 677

Address: Bilogorska 23, 51 000 Rijeka

E-mail address: amela.zlibanovic@elcon-cnc.com

Communication and any other information exchange between the Contracting Authority and respective Tenderers shall be made in written form.

If necessary, legal entities may require additional information and clarifications regarding the Tender invitation during the deadline for submission of the offers. Additional information and explanations will be published on the website www.strukturnifondovi.hr without revealing information regarding the submitter of the request.

If the request for additional information is not submitted in a given period or if the importance of the clarification is negligible in relation to the preparation of valid offers, the Contracting Authority is not obliged to extend the deadline for submission of offers. If the Contracting Authority changes tender documentation during the tender submission deadline, the Contracting Authority shall ensure the availability of amendments to all interested legal entities on the website www.strukturnifondovi.hr.

Extension of the deadline shall be in proportion to the importance of clarification and not shorter than five (5) days, as of the day of the publication of the change.

1.3. Publication reference

Supplies 02/2021

1.4. Respect of the principle of avoiding conflicts of interest

The Procurement selection committee members, the person authorized to represent the Contracting Authority and the appointed person for the implementation of the procurement procedure shall 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. Legal 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.

The Contracting Authority may not conclude procurement contracts with the following business entity:

- AMBER društvo s ograničenom odgovornošću za trgovinu, PIN 33028453059

1.5. Type of procurement procedure and type of contract

Procedure with the publication of Tender invitation on the website www.strukturnifondovi.hr.

Type of the contract is contract on procurement of goods.

1.6. Estimation of procurement value

The procurement subject is divided into groups. The Tenderers have the possibility to provide their offer for one, more or all groups.

The total estimated procurement value is 10,256,250.00 HRK without VAT.

The estimated value per procurement group is the following:

Group 1 Milling machines with pallet change: 7,882,200.00 HRK (without VAT)

Group 2 Milling machines: 1,875,750.00 HRK (without VAT)

Group 3 Milling machine (3-axis): 498,300.00 (without VAT)

1.7. Commencement of the procurement procedure

The procurement procedure begins with the publication of the Tender invitation with the accompanying attachments on the website: www.strukturnifondovi.hr.

2. GENERAL INFORMATION ON THE PROCUREMENT SUBJECT

2.1. Description of the procurement subject

The procurement subject is divided into groups:

Group 1 Milling machines with pallet change

The procurement subject is one 5-axis milling machine with change of pallets for 18 pallets and one 5-axis milling machine with change of pallets for 36 pallets. The subject of procurement includes delivery, installation, and commissioning. Procurement subject also includes education of Contracting Authority's employees on use of the respective machines. The education will be conducted at the location of the Contracting Authority.

Group 2 Milling machines

The procurement subject is one 5-axis milling machine and two 3-axis milling machines. The subject of procurement includes delivery, installation, and commissioning. Procurement subject also includes education of Contracting Authority's employees on use of the respective machines. The education will be conducted at the location of the Contracting Authority.

Group 3 Milling machine (3-axis)

The procurement subject is one 3-axis milling machine. The subject of procurement includes delivery, installation, and commissioning. Procurement subject also includes education of Contracting Authority's employees on use of the respective machine. The education will be conducted at the location of the Contracting Authority.

2.2. Technical details of the procurement subject and quantity of supplies

Detailed technical specifications of the procurement subject and quantity are contained in Annex 3 – Financial offer and Annex 4 - Technical specifications of the procurement subject, which are an integral part of this Tender invitation. The requirements defined by the Technical specifications represent the minimum technical characteristics that the offered goods must meet and they must not be changed by a Tenderer. If a technical specification seeks or states a trademark, patent, type, norms, standards or specific origin, the Tenderer may offer "equivalent" to all that is requested or stated.

2.3. Place and method of delivery of the procurement subject

The goods should be supplied at the location of the production facility of the Contracting Authority: ELCON GERAETEBAU d. o. o., Bilogorska 23, 51 000 Rijeka.

2.4. Deadlines for the delivery of the procurement subject

The deadline for delivery of the procurement subject is defined per procurement groups.

For Group 1, the deadline for delivery of the procurement subject is maximum 300 calendar days from signing of the contract for the procurement. For Group 2 and Group 3, the deadline for delivery of the

procurement subject is maximum 240 calendar days from signing of the contract for the procurement. The moment of fulfilment of contractual obligations is created by signing the handover record.

The duration of the contract for procurement can be changed only by written consent of both contracting parties. The Supplier of the procurement subject and the Contracting Authority have the right to extend the deadline for the delivery of the procurement subject in the following cases:

- due to the occurrence of force majeure, or
- due to measures provided for by acts of public bodies, or
- due to a written request of the Supplier with reasons for extension and written approval of the Contracting Authority,

on which an Addendum to the procurement contract will be concluded, which will regulate the new agreement of the deadline for execution of the procurement subject.

3. EXCLUSION CRITERIA FOR TENDERERS

3.1. The Contracting Authority is obliged to exclude Tenderer from participation in this tender procedure, in case:

a) the Tenderer or the person authorised under the law to represent the Tenderer has been finally convicted 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, taking bribes in business operation, giving bribes in business operation, abuse in public procurement procedures, abuse of position and authority, illegal favouring, receiving bribes, giving bribes, trading in influence, giving bribes for trading in influence, abuse of position and authority, abuse in state government duties, illegal broking, fraud, business fraud, tax or customs evasion, subsidy fraud; and

b) has not fulfilled payment obligations related to payment of salaries to employees, payment of contributions to compulsory insurance (especially health or pension) or to payment of taxes 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

c) is guilty of false presentation and false information providing, which are stated as a condition for exclusion or qualification standards; and

d) is bankrupt, insolvent or is in the process of liquidation, its assets are being managed by a bankruptcy trustee or the court, is in any arrangements with creditors, has suspended its business activities, or is in any similar procedure under the national regulations of the country in which the legal entity is established; and

e) has committed grave professional misconduct which the Contracting Authority can prove by any means in the previous two years up to the commencement of the public procurement procedure.

For proving that it is not in the situations described under point 3.1 of this Tender invitation, the Tenderer shall submit the statement signed by the authorised representative within the offer. The respective Tenderer statement makes Annex 2 of this Tender invitation (Annex 2 - Statement concerning grounds for exclusion).

In case of a group of tenderers (consortium), the circumstances related to exclusion criteria shall be determined for each member of the group of tenderers (consortium) individually and for each member of the consortium shall be submitted Annex 2 - Statement concerning grounds for exclusion, as a document proving there are no grounds to exclude a member of the consortium.

Provided the part of the Contract is to be executed by one or more subcontractors, the circumstances related to exclusion criteria shall be established for all subcontractors individually. Within offer, it shall be submitted Annex 2 - Statement concerning grounds for exclusion, as a document proving there are no grounds to exclude subcontractors.

Contracting Authority reserves the right that, in any moment during the procurement period, requests from the Tenderer that before signing a Contract submits one or more documents (confirmations, extracts, etc.) confirming that Tenderer is not in any of the exclusion situation stated in this chapter, provided such documents can be issued in its country of residence and the Tenderer can obtain them.

Documents which will be used as a proof that there are no reasons for exclusion, must be prepared in Croatian or English language. In case documents are written in any other language, it should be submitted in original language, but Tenderer is also obliged to attach the translation to Croatian or English language.

4. CONDITIONS AND REQUIREMENTS WHICH SHOULD BE FULFILLED BY THE POTENTIAL TENDERER

4.1. Capacity to pursue a professional activity

Tenderer, or the group of tenderers/consortium is obliged to provide in its offer the documents based on which it proves that it has the capacity to pursue a professional activity.

The Tenderer must prove that it is registered in judicial, commercial, craft or other relevant register in the country of residence of the economic entity. The registration in the relevant register is proved with the relevant extract, and the Tenderer can provide documents in original, verified or non-verified copies, as extracts from e-registers, etc. In case it is not possible to obtain an extract, the economic entity can provide the statement on registration verified by signature by the person authorized to represent the economic entity. Extract or the statement proving the registration in relevant registry should not be older than 3 months, starting from the moment the procurement procedure commenced.

Documents proving capacity of the Tenderer to pursue a professional activity must be in one of the official European union languages. In case documents proving capacity are written in any other language, other than official European Union languages, the Tenderer should submit the documents in original language, but is also obliged to attach the translation to Croatian or English language.

4.2. Financial capacity

The Tenderer must prove that it generated a total revenue cumulatively in the last three (3) available financial years, depending on the date of establishment or commencement of the economic activity, in a minimum amount of the estimated procurement subject value per Group for which it submits an offer. The realization of the generation of the total revenue is proved with the profit and loss account or similar document issued in the country of residence of the Tenderer, for each available year. The Tenderer can provide documents in original, verified or non-verified copies, as extracts from e-registers, etc.

In order to determine an eligibility of the offer, in case the evidences proving fulfilment of the financial capacity are stated in foreign currency, the revenue amount will be recalculated to Croatian kuna applying the Croatian National Bank middle exchange rate, valid on day of the publication of the Tender invitation.

Documents proving financial capacity of the Tenderer must be in one of the official European union languages. In case documents proving capacity are written in any other language, other than official European Union languages, the Tenderer should submit the documents in original language, but is also obliged to attach the translation to Croatian or English language.

Members of the group of tenderers/consortium prove the capacity from chapter 4.2. together.

4.3. Technical and professional capacity

In the procurement process, the Tenderer is obliged to prove its technical and professional capacity – by proving that it has performed minimum one supply of goods which is same or similar to the procurement subject for each Group for which it submits an offer, in a year in which the public procurement procedure commenced (2021) and during three (3) years preceding respective year (2020-2018).

As a proof of fulfilment of conditions for technical and professional capacity, the Tenderer provides the list of main supplies (Annex 5 of the Tender invitation). The list includes information about the delivered supply, year of execution, the name of the other contracting party and the procurement group it refers to.

As a proof of fulfilment of conditions for technical and professional capacity, the Contracting Authority can request from the Tenderer that before signing of the procurement contract, it provides confirmation that the supplies stated in Annex 5 were duly provided. The confirmation should be issued and signed by the other contracting party. In case it is not possible to obtain the confirmation, the Contracting Authority will accept the statement of the Tenderer that the confirmation is requested. The Contracting Authority can require directly from other contracting party the verification of veracity of received confirmations, in case such confirmations will be requested.

Members of the group of tenderers/consortium prove the capacity from chapter 4.3 together.

5. OFFER

5.1 Offer content:

- Annex 1 - Tender submission form

Annex 1.1. to the Tender submission form (fill in and enclose only in case of group of tenderers/consortium)

Annex 1.2. to the Tender submission form (fill in and enclose only in case part of the contract is subcontracted)

- Annex 2 - Statement concerning grounds for exclusion (proof related to chapter 3 of the Tender invitation)
- Annex 3 – Financial offer
- Annex 4 – Technical specifications
- Annex 5 – List of main supplies
- Requested proofs of capacity stated in the chapter 4 of Tender invitation

5.2 Preparation of offer

The offer should be provided in Croatian or English language and Latin script. Exceptionally, it is possible to list certain professional terms in other foreign language (which is not Croatian or English) and to use internationalisms, foreign words, adaptations, abbreviations / designations, and names in other foreign language.

As of the date of publication of Tender invitation, the Contracting Authority offers access by electronic means to the Tender invitation and any supplementary documents at the website: www.strukturnifondovi.hr.

The offer must be submitted on paper, printed or written in indelible ink and shall be submitted in the original. When submitting the offer, a Tenderer must comply with all instructions and specifications contained in this Tender invitation. Tenderer cannot amend or complement the text of this Tender invitation and Annexes.

All costs incurred by the Tenderer in preparing the offer will be borne by the Tenderer. No costs incurred by the Tenderers are reimbursable.

The offer is prepared in such a way to constitute an integral unit.

The procurement subject is divided into groups and Tenderers have the possibility to submit an offer for one, more or all groups. The submission of other versions and alternative offers is not allowed.

The Contracting Authority reserves the right, after the ranking of offers according to the selection criteria and before conclusion of the procurement contract, to request the best Tenderer to submit the originals or certified copies of all those documents (extracts, profit and loss account or similar document issued in the country of residence of the Tenderer, etc.) that were delivered in an uncertified copy and are being issued by the competent authorities. The Tenderer will define the appropriate deadline for delivery of original documents or verified copies. In case of doubt in the veracity of the data in the submitted documents or statements of the Tenderer, the Contracting Authority may contact the competent authorities to obtain information on situation of the respective Tenderers. In case the Tenderers have a residence in other country, the Contracting Authority may request the cooperation of the foreign 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 and 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 offer.

5.3 Method of review and evaluation of offer

If the information or documentation to be provided by the legal entity is incomplete or erroneous or appears to be such, or if certain documents are missing, Contracting Authority may, respecting the principles of equal treatment and transparency, require the economic entities concerned to supplement, clarify, complete, or provide necessary information or documentation within a reasonable period of not less than five (5) calendar days. This procedure must not lead to negotiations regarding the offer selection criteria or the offered subject of procurement.

5.4 Method of submission of offer

The offer, in a sealed envelope, shall be submitted directly to the Contracting Authority or by post mail to the following address:

ELCON GERAETEBAU d. o. o., Bilogorska ulica 23, 51 000 Rijeka

On the envelope of the offer should be marked:

Name and address of the Contracting Authority: ELCON GERAETEBAU d. o. o., Bilogorska ulica 23, 51 000 Rijeka

Name and address of the Tenderer/Group of tenderers (if applicable): /State the name and address/

Publication reference: Supplies 02/2021

Procurement subject: Machines for milling and education

Note: "DO NOT OPEN", „On hands of Amela Žlibanović“

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 offers. The Tenderer independently

defines the method of offer submission and bears the risk of loss or untimely delivery. Offers and other documents which are an integral part of the offer shall not be returned to the Tenderers.

5.5 Alternative offers

Alternative offer (variant) is not allowed.

5.6 Modification and / or amendment of the offer and waiver of the offer

The Tenderer can, until the due date for the submission of offers, submit modifications and/or amendments to 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 this case, offers are opened by the reversed order of receipt, and the time of receipt is considered to be the delivery of the last version of the amended offer. Tenderer may, until the due date for the submission of offers, withdraw the offer by a written statement. 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.

5.7 The price of the offer

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. The price of the offer is fixed during the period of the procurement contract. The price of the offer must include all costs and discounts.

The Tenderer is obliged to offer, i.e. enter the unit price (rounded up to two decimal places) for each item of the Financial offer and total price amount, in the way specified by the Financial offer, as well as enter the price of the offer in the Tender submission form.

Prior to the submission of the offer, the Tenderer is required to study the complete Tender invitation based on which it will offer the subject of procurement.

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 Tender invitation.

5.8 Validity period of the offer

The validity period of the offer is at least 60 (sixty) calendar days from the expiration of 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 may 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 its offer.

6. SELECTION CRITERIA FOR THE OFFERS

The selection criterium for the offers is the most economically advantageous offer.

If two or more valid offers are equally ranked according to the offer selection criteria, the Contracting Authority will select the offer received earlier. If Tenderer submits modifications and/or amendments to the offer, the time of delivery is considered the time of delivery of the latest version of the offer.

When choosing the most economically advantageous Tenderer, the Contracting Authority will use the following criteria:

- Price (maximum 40 points) – relative significance 40 points
- Deadline for machine delivery (maximum 30 points) - relative significance 30 points
- Quality (maximum 30 points) - relative significance 30 points

The methodology of the evaluation of offers which will be applied by the Contracting Authority is as follows:

a) Price (maximum 40 points) – relative significance 40 points

The offer with the lowest price (Cmin) will receive maximum 40 points. Points (Bp) for individual offer (Cp) are calculated based on the following formula, rounding to two (2) decimal places: $Bp = Cmin/Cp \times 40$

b) Delivery deadline (maximum 30 points) - relative significance 30 points

The delivery deadline of the procurement subject is the day when the delivery, installation, commissioning of the machine and education of employees is finished. The deadline for the delivery of the procurement subject is defined in chapter 2.4 of the Tender invitation. The Contracting Authority will reject the offers in which longer deadline for delivery of the procurement subject is defined. The Tenderer marks the deadline for delivery in calendar days in the Tender submission form and calculation starts from the day of the signature of the procurement contract.

Points for the shorter delivery deadline will be awarded based on the following methodology, individually for each group of the procurement subject:

Group 1				
	Delivery deadline	Up to 210 days (including 210 th day)	211-299 days	300 days
	Number of points	30 points	10 points	0 points
Group 2 and 3				
	Delivery deadline	Up to 120 days (including 120 th day)	121 – 239 days	240 days
	Number of points	30 points	10 points	0 points

c) Quality (maximum 30 points) - relative significance 30 points

In required technical specifications for the procurement subject, the Contracting Authority has defined minimum technical characteristics (values) which all the Tenderers should comply with, which are awarded based on the principle satisfy/does not satisfy. The Contracting Authority will evaluate individual parameters of technical specifications which it considers relevant for the procurement subject per each procurement group.

Points for quality will be assigned to those Tenderers which offer technical specifications better than minimum, for item which is taken as a criterium for evaluating quality. The Tenderer marks in the Annex 4 Technical specifications options which it offers.

The evaluating criterium chosen is the number of days required to deliver spare parts. The respective criterium is chosen in order to minimize the potential days of production downtime in case of machine failure.

The points will be awarded based on the following methodology:

Number of item from Annex 4	Quality criterium	Description of the quality criterium	Points
1.11 and 2.11 3.9. and 4.9. 5.9.	Spare parts delivery	5 days	0
		4 days	10
		3 days	20
		2 days	30

The respective calculation methodology will apply individually for each group of the procurement subject.

To calculate the total amount of points, points gained under a), b) and c) will be summed up. Maximum number of points per each group is 100.

7. OTHER PROVISIONS

7.1. Provisions concerning group of tenderers (consortium)

Group of tenderers may submit joint offer, regardless of the nature of the links among them. The group of tenderers shall be jointly and severally liable. Every member of the group of tenderers is obliged to submit, within the offer, all the documents based on which it can be determined whether there are any exclusion grounds or to confirm its professional capacity. Every member of the group of tenderers is obliged to fill in Annex 1.1 and Annex 2.

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

7.2. Provisions concerning subcontractors

Economic entities who intend to subcontract a part of the procurement contract to one or more subcontractors are obliged to, within offer, provide filled in Annex 1.2 and Annex 2.

In case Tenderer does not provide information about subcontractor, 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 it that has performed.

8. DATE, TIME AND PLACE FOR THE DELIVERY OF OFFERS

The offer, regardless of the method of delivery, should be received by the Contracting Authority, at the address of the Contracting Authority stated in section 5.4 of this Tender Invitation, no later than July 12th 2021, 13:00 p.m. CET. All offers received by the Contracting Authority after the deadline for submission of offers, will be marked as late and will not be considered.

9. DEADLINE FOR THE AWARD DECISION

The Contracting Authority will promptly notify all of the Tenderers about the Contract Award decision or Decision of annulment. The Contracting Authority can cancel the procurement procedure if the price of the most advantageous offer is higher than the ensured procurement budget, in case during the process it is determined that the Tender invitation is deficient and as such does not enable effective conclusion of contract or if new significant circumstances arise related to the project for which the respective procurement is performed.

10. DEADLINE, METHOD AND THE CONDITIONS OF PAYMENT

Payment for the procurement subject will be conducted in the following way:

- 30 % of the contract amount will be paid within 10 days after the signature of the Contract, based on the invoice suitable for payment;
- 60% of the contract amount will be paid within 10 days from the day the machine is ready for supply, based on the invoice suitable for payment;
- 10% of the contract amount will be paid within 10 days after the final installation of the machine and education at the premises of the Contracting Authority, based on the invoice suitable for payment.

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

11. CONTRACT CHANGES

The Contracting Authority may modify the procurement contract in its duration without conducting a new procurement procedure, if needed modification occurred due to circumstances which the careful Contracting Authority could not have foreseen. All changes to the procurement contract will be made exclusively in writing, in a demonstrable manner.