PROCUREMENT PROCEDURE FOR PARTIES NOT BOUND BY THE PUBLIC PROCUREMENT LAW

(NOJN)

**CALL FOR TENDERS**

Procurement number: **KK.11.1.1.01.00** **83-25082021**

Procurement name: **Purchase** **of** **distributor washing machine by distillation technique**

**Documentation approved by:**

**Radisav Drljević, President of the Management Board**

**Dražice, August 2021**

1. **GENERAL INFORMATION**
   1. Information on the Contracting Entity (NOJN):

Name of the client: **TTO THERMOTECHNIK D.O.O.d.o.o. (LLC)**

Registered office: Lukeži 17, 51218 Jelenje

Personal Identification Number /OIB/: 30288960129

Phone no.: +385 51 230 244

Contact person of the Contracting Entity: Maja Filipović

Phone no.: +385 51 444 712

E-mail: [maja.filipovic@jelic-konzalting.hr](mailto:maja.filipovic@jelic-konzalting.hr)

* 1. The procurement is carried out on the basis of:

1. the Act on the Establishment of the Institutional Framework for the Implementation of the European Structural and Investment Funds in the Republic of Croatia in the Financial Period 2014-2020 (NN 92/14)
2. the Regulation on Bodies in the Management and Control Systems of the Use of the European Social Fund, the European Regional Development Fund and the Cohesion Fund, in relation to the objective "Investment for Growth and Jobs" (OG 107/14, 23/15)
3. the Common National Rules, version 7.0 of December 2020, adopted by the Ministry of Regional Development and European Union Funds in accordance with the Act on the Establishment of the Institutional Framework for the Use of Structural Instruments of the European Union in the Republic of Croatia, Rule no. 05 - Execution and management of grant agreements, Annex 3 - Rules on the implementation of the Procurement Procedure for Parties Not Bound by the Public Procurement Law ("Procurement procedures")
   1. The list of economic operators with which the Contracting Entity has a conflict of interest, based on the principle of avoiding conflicts of interest as defined by the Procurement Procedures:

* TTO - INOVA d.o.o. OIB: 65943522960, Matuljska cesta 37, Matulji
* ŽIČARA UČKA d.o.o. OIB: 21248575428, Ivana i Matka Baštijana 17, Matulji
* BIONIK SE d.o.o., OIB: 43403189150, Čalogovićeva ulica 1, 10000 Zagreb
* Mennyacht Germany UG (haftungsbeschränkt) VAT ID. no.: 308046152, Hohenbrunner Straße 4a, 85521 Ottobrunn, Germany
* WTP GmbH, Lochhamer Strasse 31, 82152 Planegg, Germany, VAT ID no.: DE812204323
* Sole Proprietorship for Media Production "Aria komunikacije"; Mate Lovraka 6, Rijeka; OIB 97437560133
* Production and Service Sole Proprietorship "SAM"; Zastenice 34A, Zastenice; OIB 69534652413
* Index d.o.o.; Mate Lovraka 6, Rijeka; OIB 19330860613
* Lektira d.o.o.; Sv. Lucija 51 / B, Kostrena, OIB 05611146154
* OZF DESIGN, Sole Proprietorship for Design, Personal Identification Number /OIB/: 73716845584, Brestovice 10/2, 51215 Kastav
  1. Type of procurement procedure:

Procedure with the publication of the call for tenders on the internet site www.strukturnifondovi.hr pursuant to Point 4 of the Procurement Procedure for Parties Not Bound by the Public Procurement Law, version 7.0, on the basis of which the procurement contract will be concluded.

1.5. Procurement Identification Number

**KK.11.1.1.01.0083-25082021**

1.6. Estimated value of procurement (excluding VAT):

Amounts: HRK 1,600,000.00

1.7.Explanations and changes to the Call for Tenders

During the time period for the submission of tenders, economic operators may ask questions and request explanations related to this Call for Tenders. If there is a need to amend the Call for Tenders during the publication (if the economic operator requests additional information, explanations or changes regarding the terms of the call for tender during the time limit for submission of tenders), it will be transparent and published simultaneously so that all economic operators can become familiar with the change.

If there is a need to amend the call for tenders during the last 5 days before the expiry of the initial time limit for the submission of tenders, the time limit for the submission shall be extended proportionally by a minimum of 5 days, counting from the day of the publication of the amendment.

Any questions which the economic operator wishes to ask the Contracting Entity, arising from any potential ambiguities in the content of the Call for Tenders, as well as any other communication between the Contracting Entity and the economic operator must be sent in writing by e-mail to the e-mail address from point 1.1 of this Call for Tenders.

The Contracting Entity shall post all answers and clarifications on the web page containing the basic documents (link: https://strukturnifondovi.hr/nabave-lista/), without providing information of the entity who submitted the request.

1. **INFORMATION ON THE PROCUREMENT SUBJECT:**
   1. Procurement subject

The procurement subject is the procurement, installation and commissioning of the machine for washing the distributor by distillation technique and training in the use of the equipment in accordance with the Technical Specifications which are provided as **Annex VI** and the Bill of Quantities which is provided as **Annex VII** of this Call for Tenders.

2.2. Technical specifications

Detailed technical specifications of the procurement subject are provided in **Annex VI** of this Call for Tenders. the brand of the product name, service standard or standards given in the technical specification always include the possibility of delivering “an equivalent” product or service.

* 1. Description and designation of groups of the procurement subjects:

The procurement subject is not divided into groups of procurement.

The Tenderer may submit only one Tender. The Tender must contain an offer for all items in a manner defined in the Bill of Quantities **Annex VII** and the technical specifications **Annex VI**. All tenders submitted by a Tenderer who submits or participates in multiple tenders, either as an independent tenderer or a member of a consortium of tenders, as well as all tenders in which he is a member of a Consortium of Tenderers shall be rejected.

* 1. Quantity of procurement subjects

The quantity of procurement subjects is defined in the Bill of Quantities, **Annex VII** of this Call for Tenders. The quantity is correct.

* 1. Place of delivery of the procurement subject

**TTO THERMOTECHNIK d.o.o., Lukeži 17, 51218 Jelenje**

* 1. Delivery time of the procurement subject

The selected Tenderer undertakes to make the final delivery of the procurement subject within 90 days after signing the procurement contract, during which period the Tenderer shall carry out staff training after the equipment has been delivered, installed and commissioned.

In the event of delays of faulty performance, the Contracting Entity is entitled to charge liquidated damages.

1. **MANDATORY GROUNDS FOR THE EXCLUSION OF THE TENDERER** 
   1. The economic operator shall be excluded from the procedure:
      1. if they or a person authorized by law to represent the Tenderer (a person who is a member of the administrative, management or supervisory body or has the authority to represent, make decisions or supervise that economic entity) has been convicted of any of the following criminal offenses or relevant offenses under regulations of the state of the Tenderer's seat or the state of which the person is legally authorized to represent the Tenderer: participation in a criminal organization, criminal association, commission of a criminal offense within a criminal association, association for the commission of criminal offenses, terrorism or terrorist offenses, money laundering or financing of terrorism, child labor or other forms of human trafficking, corruption, receiving bribes in business, giving bribes in business, abuse of public procurement, abuse of position and authority, granting illegal advantage, receiving bribes, giving bribes, influence peddling, giving bribes for influence peddling, abuse of position and authority, abuse of office, illegal intermediation, fraud, fraud in business, tax or customs evasion, subsidy fraud.
      2. if they have not fulfilled the obligation to pay salaries to employees, pay contributions to fund compulsory insurance (especially health or pension insurance) or pay taxes in accordance with the regulations of the Republic of Croatia as the state in which the Tenderer is established, in accordance with the regulations of the country of establishment (if they are not established in the Republic of Croatia), unless in accordance with special rules a deferral of payment of the stated liabilities has been granted, and if the amount of due and unpaid liabilities does not exceed HRK 200.
      3. if they have falsely stated, presented or provided false information regarding the conditions stated by the NOJN as necessary.

3.2 The Tenderer shall prove the absence of grounds for exclusion from point 3.1. of this Call for Tenders by a signed statement by the person authorized to represent the economic operator that he submits with the tender. The completed **Statement** from **Annex II to** this Call for Tenders shall be considered to be an appropriate statement.

3.3 In the case of a Consortium of Tenderers, the circumstances related to the grounds for exclusion are determined for all members of the Consortium of Tenderers individually and the required statement must be signed by each member of the Consortium of Tenderers.

The NOJN may, at any time during the procurement procedure, require the Tenderer to submit one or more documents (certificates, excerpts, etc.) confirming that the situations specified in items 3.1 do not apply to the Tenderer before the Decision on the Selection is made, if applicable, if such documents are issued in the country of residence of the economic operator and can be obtained by them. In the case of a Consortium of Tenderers, the NOJN may require all members of the consortium to individually prove the absence of grounds for exclusion. The Tenderer is allowed to submit evidence in the original or in a certified or uncertified photocopy. In case of submission of any of the evidence in a foreign language, any such document must be submitted with the attached translation into Croatian.

1. **TERMS AND EVIDENCE OF THE TENDERER’S QUALIFICATION:**
   1. Capacity to perform professional activity

Each Tenderer must be able to perform a professional activity.

Each Tenderer must prove its registration in the court, trade, professional or other appropriate register of the Tenderer’s country of residence in the call to tenders procedure, which is proved by:

A statement of the person authorized to represent the economic operator on the fulfillment of the conditions for the ability to perform professional activity, which is contained in **Annex III** to this Call for Tenders.

In case of a Consortium of Tenderers, all members of the consortium are required to individually prove their ability according to point 4.1. of this Call for Tenders.

The NOJN may require the Tenderer to submit an excerpt from the court, trade, structural or other appropriate register of the tenderer's country of residence, not older than six months from the date of the start of the procurement procedure, at any time during the procurement procedure**.** In case of a consortium of tenders, the NOJN may require all members of the consortium to individually demonstrate their ability to carry out a professional activity.

4.2. Financial Standing

Each tenderer must prove in the public procurement procedure that the total annual turnover of the tenderer for the period of the last three available financial years (cumulatively) is at least equal to the estimated value of the procurement.

*NOTE: Contracting EntityIn order to formulate the Call to Tenders in a clear, precise, understandable and unambiguous manner and to enable the submission of comparable tenders, the Contracting Entity notes that the "annual turnover" means the value of all goods sold and services provided on the market during the year, irrespective of whether they were charged or not. Value added tax is excluded from sales. The turnover corresponds to the income from performing activities without extraordinary and financial incomes (definition of the Central Bureau of Statistics).*

As a proof of meeting the financial standing requirement, the tenderer shall submit a statement of the person authorized to represent the economic operator referred to in **Annex IV** to this Call for Tenders.

As a proof of fulfillment of the conditions of financial capacity, the NOJN may require the tenderer to submit other appropriate evidence before making the selection decision (for example: balance sheet, profit and loss account, other appropriate financial reports, etc.)at any time during the procurement procedure.

In the case of a Consortium of Tenderers, all members of the consortium are required to prove (cumulatively) joint financial capacity.

To prove that they meet the requirements under point 4.2, the Tenderer may rely on the ability of other entities, regardless of the legal nature of their mutual relations. In that case, the tenderer must prove to the Contracting Entity that they will have the resources necessary for the performance of the contract at their disposal, for example by accepting the obligation of other entities to make those resources available to the economic operator.

Under the same requirements, the Consortium of Tenderers may rely on the ability of the members of Consortium of Tenderers or other entities.

**5. TENDER**

**5.1** **Content of the Tender:**

* completed Tender Sheet (**Annex I of the** Call to Tenders); APPENDIX 1 - information on subcontractors
* Statement on the Absence of Grounds for Exclusion (**Annex II of the** Call for Tenders)
* Statement on Meeting the Requirements for Professional Capacity (**Annex III of the** Call for Tenders)
* Statement on Meeting the Financial Standing Requirement (**Annex IV of the** Call for Tenders)
* Statement on Delivery Time Limit ( **Annex V of the** Call for Tenders)
* Completed and certified Technical Specifications (**Annex VI of the** Call for Tenders)
* Completed and certified Bill of Quantities (**Annex VII of the** Call for Tenders)
  1. The Tender must be given as a physical copy, printed or written in indelible ink, and submitted in the original. One original tender is submitted.

The tender in a physical copy must be bound in its entirety in such a way as to prevent the subsequent extraction or insertion of sheets or parts of the tender. In the event that the sheets from the tender can be removed and returned without visible damage, the tender is unacceptable.

If the tender cannot be made in such a way as to form a whole due to its scope or other objective circumstances, then it is made in two or more parts. If the tender is made in two or more parts, each part shall be bound in such a way as to prevent subsequent extraction or insertion of sheets.

Tenders in physical form shall be written in indelible ink. Corrections to the tenders submitted as physical copies form must be made in such a way that they are visible or provable (e.g. deleting or removing letters or prints). Corrections must be confirmed by a valid signature and stamp of the authorized person of the tenderer, stating the date.

5.3 The tender price is given in kunas (HRK) or euros (EUR). If the tender price is given in euros, it will be converted into kunas during the evaluation of tenders as per the middle exchange rate of the CNB in effect on the day / date of publication of the Call for Tenders. The official exchange rate list of the Croatian National Bank is available at the following link: <http://www.hnb.hr/temeljne-funkcije/monetarna-politika/tecajna-lista>.

The tender price shall be immutable during the term of the procurement contract. All costs and discounts must be included in the price of the tender without value added tax (for goods: costs of transport, installation and assembly of equipment on site, instructions for use and maintenance, commissioning, guarantees and other requirements; for services: visit costs, transport and transfer costs, air tickets / fuel and tolls, bed and breakfast for workers who will perform equipment installation and employee training for the tenderer).

If the tenderer is located outside of the Republic of Croatia or if the tenderer is not a VAT payer, the same amount entered in the place provided for the entry of the tender price without VAT should be entered in the place provided for entering the tender price with VAT, and the place for entering the amount VAT is left blank.

The tenderer is required to enter in the tender sheet the same stated total price without value added tax (VAT) from the Bill of Quantities, followed by the amount of value added tax (VAT) and the total price with value added tax (VAT), rounded off to two decimal places.

5.4 The goods must be delivered in accordance with the terms of delivery:

DAP (delivered on site) - TTO THERMOTECHNIK d.o.o., Lukeži 17, 51218 Jelenje, according to Incoterms® 2020 of the International Chamber of Commerce.

The Tenderer is required to offer, i.e. enter the unit price for each item and the total price without value added tax (VAT) in the Bill of Quantities.

5.5 When preparing the tender, the tenderer must comply with the requirements and terms from the Call to Tenders and may not change or supplement the text. All costs of drafting the tender shall be borne by the tenderers. The Tenderers are not entitled to any reimbursement of the costs of preparing the tender.

5.6. Before making the selection decision, the Contracting Entity reserves the right to request from the most favorable tenderer the delivery of originals or certified copies of all documents (certificates, documents, excerpts, authorizations, etc.) that were submitted as an uncertified copy, issued by the competent bodies.

1. **METHOD OF TENDER DELIVERY**
2. The tender shall be delivered to the address:

Contracting Entity (NOJN): **TTO THERMOTECHNIK D.O.O.**

Tender delivery address: **Lukeži 17, 51218 Jelenje**

Procurement number: **KK.11.1.1.01.0083-25082021**

**Subject of procurement** : **Procurement of a machine for washing the distributor distillation technique**

**"DO NOT OPEN"**

On the back:

**Name and address of the Tenderer**

1. The tenderer shall deliver the sealed envelope with the tender directly (in person) or by registered mail or courier to the address of the Contracting Entity referred to in item 6.1. and shall bear the risk of possible loss or late delivery of the tender. If the envelope is not marked in accordance with the requirements of this Call for Tenders, the Contracting Entity does not assume any responsibility in case of loss or premature opening of the tender.
2. Tenders and documentation attached to the tenders (except for the Tender Guarantee, if requested) shall not be returned to the tenderers.
3. Alternative offers are not allowed.
4. The tenderer may submit an amendment and/or supplement to the tender by the time limit for submission of tenders. The amendment and/or supplement to the tender shall be submitted in the same manner as the basic tender with the obligatory indication that it is an amendment and/or supplement to the tender. In this case, the tenders are opened in the reverse order of receipt, and the time of receipt is considered the delivery of the latest version of the tender change.
5. The tenderer may withdraw his submitted tender by a written statement by the time limit for the submission of tenders. The written statement is submitted in the same way as the tender with the obligatory indication that it is a withdrawal from the tender. In this case, the unopened tender is returned to the tenderer.
6. **DATE, TIME AND PLACE OF TENDER DELIVERY**
   1. The tender must be received by the Contracting Entity, at the address from point 6.1. of this Call for Tenders, no later than by **08.09.2021. at 12:00** local time.

The opening of the tenders shall take place on **September 08, 2021. at 12:00** at the address of the Contracting Entity. **TTO THERMOTECHNIK d.o.o., Lukeži 17, 51218 Jelenje** in the order of receipt of the tenders.

There will be no public opening of tenders.

1. **CRITERIA FOR THE SELECTION OF THE TENDER**

The selection criterion is the **most economically advantageous tender**.

If two or more valid tenders are ranked equally according to the tender selection criterion which is the lowest price, the Contracting Entity will select the tender which was received earlier as the most favorable tender.

**CRITERIA FOR THE SELECTION OF THE MOST ECONOMICALLY ADVANTAGEOUS TENDER AND THEIR RELATIVE SIGNIFICANCE:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Criterion** | | | **Relative importance** | | **Maximum number of points** | |
| **PRICE CRITERION:** | | |  |  |  |  |
|  | 1. **Tender price** | | 60% | | 60 | |
| **NON-PRICE CRITERIA:** | | |  |  |  |  |
|  | 1. **Delivery date** | | 40% | | 40 | |
|  |  | Delivery time: up to 45 days, including the 45th day | 40% | | 40 | |
|  |  | Delivery time: from 46 to 60 days, including the 60th day | 20% | | 20 | |
|  |  | Delivery time: from 61 to 80 days, including the 80th day | 10% | | 10 | |
|  |  | Delivery time: from 81 to 90 days | 1% | | 1 | |
| **TOTAL (1 + 2)** | | | **100%** | | **100** | |

**DESCRIPTION OF THE CRITERIA AND MANNER OF DETERMINING THE POINT VALUE:**

**Calculation formula: UB = P + RI**

UB = total number of points

P = number of points that the tender received for the tendered price (excluding VAT)

RI = number of points received by the tender for the delivery time limit.

**PRICE CRITERION**

The Contracting Entity shall determine the price of the tender as one of the criteria.

The maximum number of points that a tenderer can receive according to this criterion is 60. The tenderer who submits the tender with the lowest price will receive the maximum number of points.

Depending on the lowest tender price, other tenders will receive a lower number of points, according to the following formula:

**P=PI/Pt\*60**

P = number of points that the tender received for the offered price without VAT (rounded to the nearest whole number)

PI = the lowest price offered in the tender procedure

Pt = the price of the tender that is the subject of the evaluation

60 = maximum number of points

**NON-PRICE CRITERION**

* **DELIVERY DATE**

The tenderer shall submit in **Annex V a** statement defining the delivery deadline. The points will be awarded on the following points scale (maximum number of points: 40 points):

1. Delivery time: up to 45 days, including the 45th day: 40 points
2. Delivery time: from 46 to 60 days, including the 60th day: 20 points
3. Delivery time: from 61 to 80 days, including the 80th day: 10 points
4. Delivery time: from 81 to 90 days: 1 point
5. **LANGUAGE AND SCRIPT OF THE TENDER**
   1. The tender must be made in Croatian or English and in Latin script. In case of delivery of any of the documents in another language, such documents must be submitted with the attached translation into Croatian or English.

Official documents issued by state and public bodies that are not written in Croatian or English must be translated into Croatian or English.

1. **TENDER VALIDITY PERIOD**
   1. The tender must be valid for at least 60 days from the time limit for the submission of the tenders.
2. **REVIEW AND EVALUATION OF TENDERS**
   1. After the expiry of the time limit for the submission of tenders, the Procurement Committee shall review and evaluate the compliance of the submitted tenders with regard to the terms from the Call for Tenders.
   2. In the process of reviewing and evaluating the tenders, the Contracting Entity shall perform:

* a verification of formal compliance
* an assessment of the existence of grounds for exclusion and fulfillment of qualification conditions
* an assessment of technical and material conformity
* an evaluation of tenders based on previously published selection criteria (most economically advantageous tender).

1. **CLARIFICATION AND SUPPLEMENTING**

12.1. If the data or documentation to be submitted by the Tenderer are or appear to be incomplete or incorrect or if certain documents are missing, the NOJN may during the review and evaluation of tenders require these tenderers to submit, supplement, clarify or complete the necessary data or documentation within a reasonable period which may not be shorter than 5 calendar days.

A submission, supplementation, clarification or completion in relation to the documents requested for the purpose of assessing the existence of grounds for exclusion and fulfillment of the qualification conditions shall not be considered an amendment to the tender.

The Contracting Entity may also request clarifications regarding the documents requested in the part related to the offered subject of procurement, whereby the clarification may not result in a change in the tender.

The procedure of the NOJN related to the clarification and completion of tenders, i.e. the requirements and actions of the NOJN must be in accordance with the principles of equal treatment and transparency.

1. **DECISION ON THE SELECTION OR ANNULMENT**
   1. . Based on the results of the review and evaluation of tenders, the Contracting Entity (NOJN) is required to reject:

* tenders received after the time limit for delivery,
* tenders that in a language other than that specified in the Procurement Notice and the Call for Tenders
* tenders of tenderers who did not submit the requested guarantee if it was requested, i.e. if the submitted guarantee is not valid or if its value is to low,
* tenders of tenderers who have not proved the conditions of qualification in accordance with the Call for Tenders
* tenders that are not complete, i.e. do not contain all the mandatory elements prescribed in the Call for Tenders
* tenders containing errors, shortcomings or ambiguities if the errors, shortcomings or ambiguities are not remediable,
* tenders contrary to the provisions of the Call for Tenders,
* tenders in which the price is not expressed in absolute amount,
* tenders in which the clarification or completion in accordance with this Call for Tenders has not remedied the error, deficiency or ambiguity,
* tenders that do not meet the mandatory technical specifications specified in the Call for Tenders,
* tenders for which the tenderer did not accept the correction of a calculation error in writing,
* tenders of tenderers who have submitted two or more tenders in which they are the tenderer and/or a member of the consortium,
* tenders containing harmful provisions.

13.2. The NOJN shall make a decision on the selection of the best tender which as a minimum must contain the name and address of the selected tenderer, the total value of the selected tender with and without VAT and the date of adoption and signature of the responsible person.

The time limit for making the Decision on the Selection is **twenty (20) calendar days** from the day of the expirty of the time limit for the submission of tenders. If additional clarifications or additions are requested from individual potential Tenderers, the time limit for making the Decision on the Selection is twenty (20) calendar days from the date of expiration of the time limit for submission of the requested additional clarifications or additions to the documents.

* 1. The NOJN will cancel the procurement procedure if:
* no tenders were received;
* no valid tenders were received.

13.4. The NOJN may cancel the procurement procedure if:

* the price of the most advantegeous tender exceeds the funds secured for the procurement;
* during the procedure it is determined that the Call for Tenders is faulty and as such does not allow for an effective conclusion of a contract (for example, the Call for Tenders states the wrong quantities of the subject of procurement);
* significant new circumstances have arisen related to the project for which the procurement is being carried out (for example, the project has not been approved).

13.5. In case of cancellation of the procurement procedure, the NOJN makes a Decision on annulment in which as a minimum it is necessary to state the subject of procurement for which the decision on annulment is made, explanation of the reasons for annulment, time limit for initiating new procedure for the same or similar subject of procurement, if applicable and date of issuance and the signature of the responsible person. The decision on cancellation will be delivered to the same place where the Call for Tenders was published

( [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr) )

13.6. The NOJN will inform all tenderers about the final selection by delivering the Decision on Selection of the selected tenderer and the total value of the selected tender at the same place where the Call for Tenders was published ( [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr))

* 1. Together with the Decision on Selection or the Decision on Cancellation, the Contracting Entity shall deliver separately to each individual:
* unsuccessful tenderer: a notification of the reasons for his exclusion or rejection of his tender;
* tenderer who has submitted an acceptable tender: a notice of the characteristics and relative advantages of the selected tender in relation to his tender.

1. **OTHER PROVISIONS**

14.1. Subcontractors:

If the tenderer intends to subcontract a part of the procurement contract to one or more subcontractors, they shall state the following information in the tender:

* name or company, registered office, OIB (or national identification number according to the country of establishment of the economic operator, if applicable), IBAN / subcontractor account number
* the subject matter, quantity, value of the subcontract and the subcontracted percentage of the procurement contract.

**The selected tenderer must attach to his invoice the invoices of his subcontractors which they have previously certified, and which the Contracting Entity shall pay directly to the subcontractor.**

During the execution of the public procurement contract, the selected tenderer may request approval from the Contracting Entity for:

- the change of the subcontractor for that part of the public procurement contract which was previously subcontracted by them,

- taking over the execution of the part of the public procurement contract that was previously subcontracted by them,

- the introduction of one or more new subcontractors.

If the selected tenderer requests the permission of the contracting authority to change the subcontractor or introduce one or more new subcontractors, they must provide the Contracting Entity with information (name or company, registered office, OIB (or national identification number according to the economic operator's country of residence, if applicable), subject, quantity, value of subcontract and the percentage of the procurement contract to be subcontracted) for the new subcontractor.

The participation of subcontractors does not affect the responsibility of the selected tenderer for the execution of the public procurement contract. Therefore, even in the case of subcontracting, only the selected tenderer is responsible to the Contracting Entity for the execution of the public procurement contract.

If the tenderer does not provide information on the subcontractor, it is considered that they will perform the entire subject of procurement independently.

14.2. Consortium of Tenderers

Several economic operators may join forces and submit a joint offer, regardless of the arrangement of their mutual relationship. Tenderers from the Consortium of Tenderers have joint liability.

The tender of the Consortium of Tenderers must contain information on each member of the Consortium of Tenderers, as specified in the tender sheet, with the obligatory indication of the member of the Consortium of Tenderers number 1 who will be called “Tenderer" and who shall be authorized to communicate with the Contracting Entity.

The qualification requirements for members of the Consortium of Tenderers shall be demonstrated in accordance with point 4 of this Call for Tenders.

The joint tender must specify which part of the procurement contract (object, quantity, value and percentage) will be performed by each member of the Consortium of Tenderers.

The Contracting Entity shall make direct payment to each member of the Consortium of Tenderers for that part of the procurement contract which they have executed, unless the Consortium of Tenderers determines otherwise.

14.3. Time limit, method and conditions of payment

The amount of 90% of the contracted value of the equipment will be paid after the delivery of a bank guarantee (1st advance payment) issued by a bank with the clause "payable at the first written invitation of the guarantee user" and "no objection" in favor of the client or blank promissory note/promissory note to be charged in case the selected tenderer does not deliver the contracted equipment within the contracted period with a validity time limit of plus 21 days from the final delivery date for the contracted equipment. The return of the guarantee for the 1st advance will be upon signing the record on the handover of the delivered equipment.

The remaining amount of 10% will be paid within 30 days after the delivery of the subject of procurement, which is determined by signing the minutes of handover, installation and commissioning of equipment and records of employee training.

14.4. Equipment quality guarantee

The selected tenderer undertakes to deliver a bank guarantee or blank promissory note/promissory note for the quality of equipment within the warranty period no later than the record of handover of equipment which includes delivery, installation, commissioning of equipment and employee training with the clause "payable at the first written invitation” and "without the right to object" in favor of the customer in the amount of 10% of the total value of the equipment without VAT. The term of validity of the bank guarantee or blank promissory note/promissory note shall be least 12 months from the date of signing the handover record.

As a guarantee from this point, the tenderer may pay a cash deposit in the required amount (10% of the total value of equipment without VAT) to the business account of TTO THERMOTECHNIK d.o.o., IBAN: HR4824070001100615509, payment reference number: HR01 OIB (tenderer's OIB), description of payment: Equipment quality guarantee.

14.5. Special and other terms for the execution of the contract

The contract for the supply of goods shall be drafted in accordance with the terms of this Call and the tender of the selected tenderer.

The selected Tenderer shall deliver the subject of procurement in accordance with the quality, characteristics, price and quantity specified in the tender and the conditions of this Call, which all form an integral part of the Public Procurement Contract.

In case of breach of the provisions of the contract, the selected tenderer undertakes to pay liquidated damages to the contracting authority. The liquidated damages is 0.2 ‰ of the total contract price for each recorded day of delay regarding the set out contract time limits. The total amount of the liquidated damages determined in this manner may not exceed 10% of the total contract price.

14.6. Control and monitoring of the execution of procurement contracts:

The public procurement contract must comply with the conditions set out in the Call for Tenders and the selected tender.

14.7. Personal identification number (companies and persons authorized to represent the economic operator)

If the tenderer is a company outside the Republic of Croatia, and the OIB is not used in the tenderer's country, the use of a national identification number according to the country of residence of the economic operator is allowed, if applicable.

For the data of persons authorized to represent the economic entity, in which the use of OIB or equivalent identification number is not applicable, it is allowed to enter only the identity card number of the person authorized to represent the economic entity in the event that the OIB is considered confidential information in accordance with the laws of the country in which the tenderer operates and the tenderer cannot provide it.

**ANNEX I OF THE CALL FOR TENDERS**

**TENDER SHEET**

Procurement number: **KK.11.1.1.01.0083-25082021**

Procurement name: **Procurement of a machine for washing the distributor by distillation technique**

1. **Name (company) and registered office of the applicant**

|  |  |
| --- | --- |
| **Consortium of Tenderers (circle)** | YES NO |
| **Tenderer:** |  |
| **Address:** |  |
| **Personal Identification Number /OIB/:** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | YES NO |
| **Mail delivery address:** |  |
| **Contact person of the tenderer, phone no., e-mail:** |  |

1. **Tender price**

|  |  |
| --- | --- |
| **Tender price in HRK or EUR without VAT:** |  |
| **VAT amount:** |  |
| **Tender price in HRK or EUR with VAT:** |  |

**(specify currency)**

1. **Tender validity period**

|  |  |
| --- | --- |
| **Tender validity period:** |  |

**By signing, we confirm that we have examined and understood the Call for Tenders and all the terms of the tender, and that we are submitting a tender whose technical specifications (job description) are described in Annex VI of the Call for Tenders, all in accordance with the provisions of the Call for Tenders.**

IN \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_. FOR THE TENDERER:

L.S. \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent

the economic operator)

In case of a Consortium of Tenderers - to be filled in for all members of the Consortium of Tenderers separately. If there is no Consortium of Tenderers, it is not necessary to submit it.

1. **Name (company) and seat of the Tenderer**

|  |  |
| --- | --- |
| **Consortium of Tenderers** | YES |
| **Member of the consortim of tenderers 1 (Tenderer)** **:** |  |
| **Address:** |  |
| **Personal Identification Number /OIB/:** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | YESNO |
| **Mail delivery address:** |  |
| **Contact person of the tenderer, phone no., e-mail:** |  |
| **Part of the contract to be executed by the member of the Consortium of Tenderers (specify the subject, quantity, value and percentage):** |  |

|  |  |
| --- | --- |
| **Member of the Consortium of Tenderers 2:** |  |
| **Address:** |  |
| **Personal Identification Number /OIB/:** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | YESNO |
| **Mail delivery address:** |  |
| **Contact person of the tenderer, phone no., e-mail:** |  |
| **Part of the contract to be executed by the member of the Consortium of Tenderers (specify the subject, quantity, value and percentage):** |  |

IN \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_. FOR THE MEMBER OF THE CONSORTIUM OF TENDERERS 2:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( signature of the person authorized to represent

the economic operator )

|  |  |
| --- | --- |
| **Member of the Consortium of Tenderers 3:** |  |
| **Address:** |  |
| **Personal Identification Number /OIB/:** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | YESNO |
| **Mail delivery address:** |  |
| **Contact person of the tenderer, phone no., e-mail:** |  |
| **Part of the contract to be executed by the member of the Consortium of Tenderers (specify the subject, quantity, value and percentage):** |  |

IN \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_. FOR THE MEMBER OF THE CONSORTIUM OF TENDERERS 3:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent

the economic operator)

1. **Tender price**

|  |  |
| --- | --- |
| **Tender price in HRK or EUR without VAT:** |  |
| **VAT amount:** |  |
| **Tender price in HRK or EUR with VAT:** |  |

**(specify currency)**

1. **Tender validity period**

|  |  |
| --- | --- |
| **Tender validity period:** |  |

**By signing, we confirm that we have examined and understood the Call for Tenders and all the terms of the tender, and that we are submitting a tender whose technical specifications (job description) are described in Annex VI of the Call for Tenders, all in accordance with the provisions of the Call for Tenders.**

IN \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_. FOR THE TENDERER:

L.S. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( signature of the person authorized to represent

the economic operator )

**Tender sheet: APPENDIX 1 - INFORMATION ON SUBCONTRACTORS** (attach / fill in only if a part of the contract is subcontracted )

1. **Name (company) and registered office of the subcontractor**

|  |  |
| --- | --- |
| 1. **Subcontractor:** |  |
| **Address:** |  |
| **Personal Identification Number /OIB/:** |  |
| **IBAN:** |  |
| **Subcontractor in the VAT system (circle):** | YESNO |
| **Subcontractor’s contact person, phone no., e-mail** |  |
| **Part of the contract to be performed by the subcontractor (specify subject, quantity, value and percentage):** |  |

|  |  |
| --- | --- |
| **2) Subcontractor:** |  |
| **Address:** |  |
| **Personal Identification Number /OIB/:** |  |
| **IBAN:** |  |
| **Subcontractor in the VAT system (circle):** | YESNO |
| **Subcontractor’s contact person, phone no., e-mail** |  |
| **Part of the contract to be performed by the subcontractor (specify subject, quantity, value and percentage):** |  |

IN \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_. FOR THE TENDERER:

L.S. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent

the economic operator )

**ANNEX II TO THE CALL FOR TENDERS**

**STATEMENT OF ABSENCE OF GROUNDS FOR EXCLUSION**

Procurement number: **KK.11.1.1.01.0083-25082021**

Procurement name: **Procurement of a machine for washing the distributor by distillation technique**

In order to prove the absence of situations described in point 3 of the Call for Tenders, which could lead to the exclusion of the tenderer from the procurement procedure, we hereby issue the following:

**STATEMENT**

by which I, \_\_ **\_\_\_\_\_\_\_\_\_\_\_\_** \_\_\_ (name and surname) from **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** \_\_ (residential address), OIB: \_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, identity card number \_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_,** issued by **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, as a legally authorized person to represent the economic entity **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (name and seat of the economic entity, OIB), declare under material and criminal liability that the tenderer and the person legally authorized to represent them

* + 1. if they or a person authorized by law to represent the Tenderer (a person who is a member of the administrative, management or supervisory body or has the authority to represent, make decisions or supervise that economic entity) has been convicted of any of the following criminal offenses or relevant offenses under regulations of the state of the Tenderer's seat or the state of which the person is legally authorized to represent the Tenderer: participation in a criminal organization, criminal association, commission of a criminal offense within a criminal association, association for the commission of criminal offenses, terrorism or terrorist offenses, money laundering or financing of terrorism, child labor or other forms of human trafficking, corruption, receiving bribes in business, giving bribes in business, abuse of public procurement, abuse of position and authority, granting illegal advantage, receiving bribes, giving bribes, influence peddling, giving bribes for influence peddling, abuse of position and authority, abuse of office, illegal intermediation, fraud, fraud in business, tax or customs evasion, subsidy fraud.
    2. has not fulfilled the obligation to pay salaries to employees, pay contributions to fund compulsory insurance (especially health or pension insurance) or pay taxes in accordance with the regulations of the Republic of Croatia as the state in which the Tenderer is established, in accordance with the regulations of the country of establishment (if they are not established in the Republic of Croatia), unless in accordance with special rules a deferral of payment of the stated liabilities has been granted, and if the amount of due and unpaid liabilities does not exceed HRK 200.
    3. if he has falsely stated, misrepresented or provided false information regarding the requirements which the NOJN defined as necessary .

IN \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_.

FOR THE TENDERER:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( signature of the person authorized to represent

the economic operator )

|  |
| --- |
| **In the case of a consortium, the statement must be signed by each member of the consortium.** |

**ANNEX III** **TO THE** **CALL FOR TENDERS**

**STATEMENT OF MEETING THE PROFESSIONAL ABILITY REQUIREMENTS**

Procurement number: **KK.11.1.1.01.0083-25082021**

Procurement name: **Procurement of a machine for washing the distributor by distillation technique**

In order to prove the legal qualifications required in point 4.1. of the Call for Tenders, we hereby issue the following:

**STATEMENT**

by which I, **\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_** \_ (name and surname) from \_\_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** \_ (residential address), OIB: \_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, identity card number **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,** issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as a legally authorized person to represent the economic entity **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (name and seat of the economic entity, OIB) declare under material and criminal liability :

1. that the tenderer/each member of the Consortium of Tenderers is registered in the court, trade, professional or other appropriate register of the state of the seat of the tenderer/member of the Consortium of Tenderers

**(circle “the tenderer” or “the Consortium of Tenderers”)**

IN \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_.

L.S. FOR THE TENDERER:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent

the economic operator)

**ANNEX IV TO THE CALL FOR TENDERS**

**STATEMENT OF FINANCIAL CAPACITY**

Procurement number: **KK.11.1.1.01.0083-25082021**

Procurement name: **Procurement of a machine for washing the distributor by distillation technique**

In order to prove the financial qualifications required in point 4.2. of the Call for Tenders, we hereby issue the following:

**STATEMENT**

by which I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and surname) from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (residential address), OIB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, identity card number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as a legally authorized person to represent the economic entity \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and seat of the economic entity, OIB) declare under material and criminal liability:

* that the total annual turnover of the tenderer for the last three available financial years is as follows:

|  |  |
| --- | --- |
| **YEAR** | **TOTAL (specify currency)** |
|  |  |
|  |  |
|  |  |

IN \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_.

L.S. FOR THE TENDERER:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent

the economic operator)

**ANNEX V TO THE CALL FOR TENDERS**

**STATEMENT ON DELIVERY TIME LIMIT**

Procurement number: **KK.11.1.1.01.0083-25082021**

Procurement name: **Procurement of a machine for washing the distributor by distillation technique**

In order to determine the selection criteria defined in point 8. of the Call for Tenders, I hereby issue the following:

**STATEMENT**

by which I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and surname) from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (residential address), OIB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, identity card number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as a legally authorized person to represent the economic entity \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and seat of the economic entity, OIB) declare under material and criminal liability:

that the delivery time is:

1. Delivery time: up to 45 days; \_\_\_\_\_\_ days
2. Delivery time: from 46 to 60 days; \_\_\_\_\_\_ days
3. Delivery time: from 61 to 80 days; \_\_\_\_\_\_ days
4. Delivery time: from 81 to 90 days; \_\_\_\_\_\_ days

**(circle the delivery deadline offered by the tenderer and state the exact number of days offered by the tenderer)**

IN \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_ / \_\_ / 20\_\_.

L.S. FOR THE TENDERER:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent

the economic operator)