PROcurement Procedures for THE Entities THAT ARE NOT SUBJECT to the Public Procurement Act (NSPP)

**Invitation to submit a tender**

Procurement number: **KK.03.2.2.06.0019-10092021**

Name of procurement: **Procurement of paint drying booth for surface protection line**

**Documentation approved by:**

**Josip Šutalo, Director**

**Velika, September 2021.**

1. **GENERAL DATA**
   1. Information on Contracting Entity (NSPP):

Name of Contracting Entity: **EMBER KAMIN d.o.o. (Llc.)**

Address: Industrijska 7, 34330 Velika

ID no. ('OIB'): 23883882865

Contact person of Contracting Entity: Maja Filipović

Phone: +385 51 444 712

Electronic mail: **maja.filipovic@jelic-konzalting.hr**

* 1. The procurement is being implemented on the basis of:

1. Law on 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 (official gazette 'Narodne Novine' 92/14)
2. Regulation on the Bodies in the Management and Control Systems of the European Social Fund, the European Regional Development Fund and the Cohesion Fund, with reference to the objective "Investment for Growth and Jobs" (official gazette 'Narodne Novine' 107/14, 23/15)
3. Common National Rules, Version 6.0 from June 2020, issued by the Ministry of Regional Development and European Union Funds in accordance with the Law on Establishment of the Institutional Framework for the Use of Structural Instruments of the European Union in the Republic of Croatia, Rules no. 05 - Performance and Management of Grant Agreements, Annex 3 - Procurement Procedures for Entities that are not Subject to the Public Procurement Act ("Procurement Procedures“)
   1. The list of economic entities with which the Contracting Entity is in conflict of interest is in conformity with the principle of avoiding conflicts of interest as defined in Procurement Procedures:

* **COLOR EMAJL d.o.o., OIB: 80145324726, Alaginci 87/a, Požega**
* **COLOR TRGOVINA d.o.o., OIB: 44543107610, Industrijska 42, Požega**
* **VINOTA d.o.o., OIB: 57501301944, Industrijska 7, Velika**
* **Color fire GmbH, DE 259827157, Brückenstrasse 16, 57629 Höchstenbach**
  1. Type of procurement procedure and type of contract:

Procurement procedure with mandatory publication with the intention of concluding a contract.

1.5. Procurement file number

**KK.03.2.2.06.0019-10092021**

1.6. Estimated value of procurement (excluding VAT):

The estimated value of the procurement is HRK 750,000.00, of which:

• Group 1 - Paint drying booth is 265,000.00 HRK

• Group 2 - Surface protection line amounts to HRK 485,000.00 HRK

1.7. Clarifications and amendments of Invitation to submit a tender

During the deadline for submission of tenders, economic operators may ask questions and request explanations related to this Procurement documentation. If during the publication there is a need to amend the Procurement documentation (if the economic operator requests additional information, explanations or changes regarding the conditions of the Procurement documentation during the deadline for submission of tenders), it will be transparent and published simultaneously so that all economic operators were familiar with the change.

Provided that the request is submitted in a timely manner, the Contracting Entity shall make the response available **at the latest during the third (3rd) day before** the day of expiry of the deadline for the submission of tenders.

The request is timely if it has been delivered to the Contracting Entity **at the latest during the fourth (4th) day** beforethe day of expiry of the deadline for the submission of tenders.

If for any reason the clarification has not been published at the latest during the third day before the term for the submission of tenders, the Contracting Entity shall extend the deadline for the submission of tenders. The extension of the deadline will be proportionate to the importance of the clarification and will not be shorter than five days.

If the Contracting Entity amends the Procurement documentation within the term for the submission of tenders, it will ensure the availability of the amendments to all interested economic operators in the same places (media) where the initial Procurement Notice and Invitation to submit a tender were published. The extension of the deadline will be proportionate to the importance of the clarification and will not be shorter than five days.

All questions that the economic operators have intention to ask the Contracting Entity, arising from any ambiguities in the content of the Procurement Documentation, as well as any other communication between the Contracting Entity and economic operators must be exclusively in Email Writing Format from p. 1.1. of this Procurement documentation.

Answers to questions and clarifications will be made available by the Contracting Entity on the same website where the Procurement documentation is available (link <https://strukturnifondovi.hr/nabave-lista/> ), without providing information about the applicant that demands explanation.

1. **INFORMATION ON THE SUBJECT OF PROCUREMENT:** 
   1. Subject of procurement

The subject of procurement is the Procurement of a laser tile engraving machine, in accordance with the Technical specification from **Appendix V** and the Bill of quantities from **Appendix VI** of this Invitation to submit a tender

* 1. Technical specification/job description

A detailed technical specification/job description of the subject of procurement is contained in **Appendix V** of this Invitation to submit a tender. When referring to a brand, the name of a product, service, standard or norm that is stated within technical specifications always implies either the possibility of delivering an "or equivalent" product or service.

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

The subject of procurement is divided into two groups of procurement:

* **Group 1** - Paint drying booth
* **Group 2** - Surface protection line

The tenderer may submit only one tender. The tender must contain all items in the manner as defined in the Bill of quantities from **Appendix VI** and Technical specification in **Appendix V**. If the tenderer submits or participates in multiple offers, as a stand-alone tenderer or a member of a consortium of tenderers, all his tenders as well as the tenders where he acts as a member of a consortium of tenderers shall be rejected.

* 1. The quantity of the subject of procurement

The quantity of subject of procurement is defined in the Bill of quantities **Appendix VI**. The quantity is accurate.

* 1. The place of delivery of the subject of procurement:

Ember kamin d.o.o., Industrijska 7, 34 330 Velika.

* 1. Delivery term of the subject of procurement:
* Group 1 - Paint drying booth. The selected tenderer undertakes to deliver the subject of procurement within 20 days from the date of signing the procurement contract in which it will perform procurement, installation and commissioning of the equipment.
* Group 2 - Surface protection line. The selected tenderer undertakes to deliver the subject of procurement within 150 days from the date of signing the procurement contract in which it will perform procurement, installation and commissioning of the equipment.

In the event of delay or improper performance of the obligation, the Contracting Entity shall be authorized to collect liquidated damages.

1. **MANDATORY REASONS FOR THE EXCLUSION OF THE** **TENDERER**
   1. An economic operator shall be excluded from the proceedings if:
      1. the entity or the person authorized for its legal representation was convicted with a final verdict of a criminal offence of participation in a criminal organization, corruption, fraud, terrorism, financing of terrorism, money laundering, child labor or other forms of trafficking in human beings
      2. the entity has not fulfilled the obligation to pay due tax liabilities and pension and health insurance obligations, unless the payment of those obligations is not permitted under a special law or postponed payment was approved
      3. the entity misrepresented or provided false information regarding the conditions that the Contracting Entity has indicated as the grounds for exclusion or the qualification requirements
   2. An economic operator shall be excluded from the proceedings if:
      1. the operator undergoes bankruptcy, it is insolvent or is in liquidation proceedings, if his assets are managed by a receiver or a court, if it has entered a settlement with creditors, if it suspended business activities or is in any other similar situation arising from a similar procedure under the national laws and regulations
      2. the operator has in the last two years before the beginning of the procurement procedure committed a severe professional omission which the Contracting Entity may prove in any manner
      3. a conflict of interest cannot be removed by excluding the representative of the Contracting Entity from the Procurement Committee.
   3. The tenderer will demonstrate the absence of the grounds for exclusion from item 3.1. and item 3.2 of this Invitation to submit a tender by a signed declaration to be submitted enclosed with tender. The aforementioned **Declaration** is in **Appendix II** of this Invitation to submit a tender*.*
   4. In the case of a consortium of tenderers, the circumstances related to the reasons of exclusion shall be ascertained for all members of the consortium of tenderers individually and the required declaration must be signed by each member of the consortium of tenderers.

NSPP may at any time during the procurement procedure require: the tenderer to submit, before the conclusion of the agreement, one or more documents (certificates, excerpts, etc.) confirming that the tenderer is not in the situations referred to under items 3.1 and 3.2 if such documents are issued in the country of the economic operator's seat and the operator may obtain them. In the case of a consortium of tenderers, NSPP may require all the members of the consortium to individually prove the absence of the grounds for exclusion. The tenderer is allowed to submit evidence as original, certified or uncertified copy. In the case of delivery of any evidence in a foreign language, the document must be submitted with the enclosed translation into Croatian.

1. **CONDITIONS AND EVIDENCE OF THE TENDERER’S QUALIFICATIONS:** 
   1. Legal capacity and capacity to exercise rights

Every tenderer must have legal capacity and capacity to exercise rights.

Every tenderer, during the procurement procedure, must prove its entry in the court, trade, professional or other appropriate register of the state where it's head office is registered, as evidenced by:

A statement by the person authorized to represent the economic operator on the fulfilment of the conditions of legal capacity contained in **Appendix III** to this Invitation to submit a tender.

In the case of a consortium of tenderers all members of the consortium are required to individually prove their capacity under item 4.1. of this Invitation to submit a tender.

NSPP may, at any time during the procurement procedure before making the Decision od selection, require the tenderer to submit, the excerpt from the court, craft, professional or other appropriate register of the country of the tenderer' seat, not older than six months counting from the day of the commencement of the procurement procedure. In the case of a consortium of tenderers, the NSPP may require all members of the consortium to individually prove their legal capacity and capacity to exercise rights.

4.2. Economic and financial capacity

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 twice the estimated value of the procurement for each of the procurement groups:

• **Group 1** - Paint drying booth

• **Group 2** - Surface protection line

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

As proof of fulfillment of the conditions of economic and financial capacity, the tenderer shall submit a statement of the person authorized to represent the tenderer referred to in **Annex IV** to this Invitation to submit a tender.

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

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

To prove the conditions 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 he will have at his disposal the resources necessary for the performance of the contract, for example, by accepting the obligation of other entities to make those resources available to the economic operator.

Under the same conditions, a Consortium of tenderers may rely on the ability of members of the Consortium of tenderers or other entities.

1. **TENDER**

**5.1 Tender contents:**

* Completed Tender Submission Form (**Appendix I** of the Invitation to submit a tender); APPENDIX 1 - information on subcontractors. Submit for each group separately and indicate the group for which the tender is submitted, **for group 1 and group 2**
* Declaration on the absence of the reasons for exclusion (**Appendix II** of the Invitation to submit a tender) **for Group 1 and for Group 2** (If more than one tenderer offers more groups, the statement is attached only once)
* Declaration on the fulfilment of the conditions of legal and economic capacity (**Appendix III** of the Invitation to submit a tender) **for Group 1 and for Group 2** (If more than one tenderer offers more groups, the statement is attached only once)
* Completed and certified Technical Specification (**Appendix IV** of the Invitation to submit a tender). Submit for each group separately and indicate the group for which the tender is submitted, **for Group 1 and Group 2**
* Completed Bill of Quantities (**Appendix V** of this Invitation to submit a tender). **For Group 1 and Group 2**

* 1. The tender must be made in paper form, printed or written in indelible ink, and submitted as original. One original tender is to be submitted.

The tender in paper form must be bound as a whole in such a manner so as to prevent subsequent extraction or insertion of the sheets or parts of the tender. In case that the sheets from the tender may be removed and returned without noticeable damage, the tender shall be unacceptable.

If the volume or other objective circumstances prevent the tender from being made in a manner that it makes a whole, then the tender will be made in two or more parts. If the tender is made in two or more parts, each part is to be bound in the manner so as to prevent subsequent extraction or insertion of the sheets.

Tenders in paper form are written in indelible ink. Corrections in the offer in paper form must be made in such a way that they are visible or provable (eg deleting or removing letters or prints). Corrections must be confirmed along with indication of the date and by valid signature and stamp of the authorized person of the tenderer.

* 1. The price of the tender is to be expressed in kunas (HRK) or euros (EUR). If the bid price is expressed in euros, it will be converted into kuna during the evaluation of bids in accordance with the middle exchange rate of the CNB on the day / date of publication of the Invitation to Bid. 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 unchanged throughout the term of the procurement agreement. The price of the tender without value added tax must include all expenses and discounts (for goods: on-site installation and mounting of equipment, operating and maintenance instructions, commissioning, warranty and other required).

If the tenderer is not from the Republic of Croatia or if the tenderer is not a VAT payer, the same amount that is entered in the field for the tender price without VAT will be entered in the field for the tender price with VAT, and the field for VAT will be left empty.

The tenderer is obliged to enter in the offer list the same stated total price without value added tax (VAT) from the Bill of quantities, then the amount of value added tax (VAT) and the total price with value added tax (VAT), rounded up to two decimal places.

* 1. The goods must be delivered in accordance with the terms of delivery:
* **Group 1** - Paint drying booth - DAP (Delivered-at-place), Ember kamini d.o.o., Industrijska 7, 34330 Velika, under Incoterms® 2020 of the International Chamber of Commerce.
* **Group 2** - Surface protection line - DAP (Delivered-at-place), Ember kamini d.o.o., Industrijska 7, 34330 Velika, under Incoterms® 2020 of the International Chamber of Commerce.

The tenderer must in the Bill of Quantities offer i.e. enter the unit price for each item and the total price without value added tax (VAT).

* 1. When composing the offer, the tenderer must comply with the requirements and terms of the Invitation to submit a tender and may not modify and supplement the text of the Invitation to submit a tender. All costs of tender composing shall be borne by the tenderer. The tenderer shall not be entitled to any compensation for the costs of tender composing.
  2. The Contracting Entity reserves the right, before signing the Decision on the selection, to require from the most advantageous tenderer to submit the original or certified copies of all those documents (certificates, documents, excerpts, authorizations and similar) which have been submitted in the tender as uncertified copies, which are issued by competent authorities.

1. **THE MANNER OF TENDER DELIVERY**
2. The tender is to be delivered to the address:

**Contracting Entity (NSPP): EMBER KAMIN d.o.o.**

**Headquarter: Industrijska 7, 34330 Velika**

**Procurement number: KK.03.2.2.06.0019-10092021**

**The subject of procurement: Procurement of paint drying booth for surface protection line**

**Procurement group for which the tender is submitted\_\_\_\_\_\_\_\_\_**

**„** **DO NOT OPEN“**

* On the reverse side:

**Tenderer name and address**

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 authority referred to in item 6.1. and bears the risk of possible loss or late delivery of the bid. If the envelope is not designated in accordance with the requirements of this Invitation to submit a tender, the Contracting Entity does not assume any responsibility in the event of a loss or premature opening of the tender.
2. The tenders and the documentation enclosed with the tenders (except for the tender guarantee, if required) will not be returned to tenderers.
3. Alternative tenders are not allowed.
4. The tenderer may submit a modification and/or supplement of the tender by the expiry of the deadline for the submission of tenders. The modification and/or supplement of the tender is to submitted in the same manner as the initial tender with the mandatory indication that it is a modification and/or supplement of the tender. In that case, tenders will be opened in reverse order of receipt, and the delivery time considered will be the delivery of the last version of the tender amended.
5. The tenderer may by the term for the submission of tenders by a statement in writing waive its submitted tender. The statement in writing is to be submitted in the same manner as the tender with the mandatory indication that it is the waiver from the tender. In this case, the unopened tender will be 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 item 6.1. of this Invitation to submit a tender, at the latest by **20.09.2021. u 12:00** local time.

The opening of the tenders will take place on **20.09.2021. u 12:00** at the address of the Contracting Entity: **Ember kamin d.o.o. (Llc.), Industrijska 7, 34330 Velika**, in the order of tender receipt. There will be no public tender opening.

1. **CRITERIA FOR SELECTION OF TENDERS**
   1. The criterion for tender selection will be **the lowest price.**
2. **TENDER LANGUAGE AND SCRIPT** 
   1. The tender must be made in Croatian or English and in Latin script. In case of delivery of one of the documents in another language, the documents must be submitted with the enclosed translation into Croatian or English.

Exceptionally, certain parts of the offer (exclusively certain words or phrases) may also be in English, and only for a term for which there is no or appropriate or standard professional term in the Croatian language, which is used as such in the professional sector language and is self-evident on English. Official documents issued by state and public law bodies, which are not written in Croatian or English, must be translated into Croatian or English.

1. **DATE OF VALIDITY OF THE TENDER**

* 1. The validity of the tender must be at least 60 days from the final deadline for the submission of tenders.

1. **REVIEW AND EVALUATION OF TENDERS** 
   1. After the expiry of the deadline for the submission of tenders, the Procurement Committee will review and evaluate the content of the tenders submitted against the terms of the Invitation to submit a tender.
   2. In the process of reviewing and evaluating tenders the Contracting Entity will:

- verify formal compliance

- assess the existence of the reasons for exclusion and the fulfilment of qualification terms

- assess technical and substantive compliance

- evaluate the tenders based on the previously published selection criteria (the lowest price).

1. **CLARIFICATION AND COMPLETION**

12.1. If the information or documentation to be submitted by the tenderer shall be or seem incomplete or erroneous or if certain documents shall be absent, NSPP may during the review and evaluation of the tender request such tenderers to submit, supplement, clarify or complete the necessary data or documentation within an appropriate deadline which **must not be shorter than 5 calendar days**.

The submission, supplementing, clarification or completion related to the documents required for the purpose of assessing the existence of grounds for exclusion and the fulfilment of qualification requirements shall not be considered a tender modification.

The Contracting Entity may also request clarifications regarding the documents required in the part referring to the subject of procurement, wherein the clarification shall not result in tender amendment.

The NSPP proceedings regarding the clarification and completion of tenders, or the requirements and actions of NSPP, must be in accordance with the principles of equal treatment and transparency.

1. **DECISION ON SELECTION OR ANNULMENT**
   1. Based on the results of the review and evaluation of tenders, the Contracting Entity (NSPP) must reject:

* a tender that has arrived after the submission deadline
* a tender which is in a language different from the one specified in the Procurement Notice and the Invitation to submit a tender
* a tender by the tenderer who failed to submit the tender guarantee if it was requested, or if the submitted guarantee is not valid or its value is too low
* a tender by the tenderer who failed to demonstrate the qualification requirements in accordance with the Invitation to submit a tender
* a tender that is not complete or does not contain all the elements indicated in Article 5.1. of this document and which cannot be within a reasonable time, not shorter than 5 calendar days, completed with the necessary data or with absent documentation in accordance with the principles of equal treatment and transparency
* a tender containing errors, shortcomings or ambiguities if the errors, shortcomings or ambiguities are not removable
* a tender that is contrary to the provisions of the Invitation to submit a tender
* a tender in which the price is not expressed in the absolute amount
* a tender whose clarification or supplementation in accordance with this tender documentation did not remove an error, shortcoming or ambiguity
* a tender that does not meet the mandatory technical specification specified in the Invitation to submit a tender
* a tender for which the tenderer has failed to accept in writing a correction of calculation error
* tenders by the tenderer who has submitted two or more tenders as tenderer and/or as member of a consortium of tenderers
* a tender containing harmful terms.
  1. NSPP will render the decision on the selection of the best tender which will contain at the minimum the name and address of the selected tenderer, the total value of the selected tender, with and without VAT, and the date of the rendering and the signature of the responsible person.

The deadline for rendering the Decision on selection is **twenty (20) calendar days** from the date of expiry of the term for the submission of tenders. If additional clarifications or additions to the tenders are requested from individual potential Tenderers, the deadline for making a selection decision is **twenty (20) calendar days** from the date of expiration of the deadline for submission of the requested additional clarifications or additions to the documents.

* 1. NSPP will cancel the procurement procedure if:

- no tenders arrived;

- no valid tenders were received

* 1. NSPP may cancel the procurement procedure if:
* the price of the most advantageous tender is greater than the funds secured for procurement;
* during the procedure it has been established that the Invitation to submit a tender has shortcomings and that as such does not allow for effective conclusion of an agreement (for example, the Procurement documentation indicates 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 was not approved).
  1. In the case of annulment of the procurement procedure, NSPP shall issue a Decision of Annulment specifying at the minimum the subject of the procurement for which the annulment decision is being rendered, explanation of the reasons for cancellation, deadline for initiating a new procedure for the same or similar subject of procurement, if applicable, and the date of issue and signature of the responsible person.
  2. NSPP will notify all tenderers and candidates of the final selection, by delivering the Decision on Selection of the Best Tender or the Decision of Annulment in a provable manner: by fax and/or by post and/or by electronic means (by publishing the Decision on Selection on the same website where the Procurement Documentation was published) or a combination of these means.
  3. Concurrently with the Decision on Selection or the Decision of Annulment, the Contracting Entity will submit separately to each individual:
* unsuccessful tenderer: notice of the reasons for exclusion or rejection of its tender;
* tenderer who has submitted an acceptable offer: notice of the characteristics and relative advantages of the selected tender in relation to its tender.

1. **OTHER PROVISIONS**

**14.1.** **Subcontractors:**

If the tenderer intends to have a part of the procurement agreement subcontracted to one or more subcontractors, the tenderer must indicate the following data in its tender:

* subcontractor’s name or business, headquarters, ID no. (‘OIB’) (or national identification number of the country of the economic operators seat, if applicable), IBAN/account number
* subject, quantity, value of the subcontract and the percentage of the procurement agreement being subcontracted.

**The selected tenderer must attach to his invoice the invoices of his subcontractors which he has previously confirmed, and which the Contracting authority will pay directly to the subcontractor.**

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

- change of subcontractor for that part of the public procurement contract which he has previously subcontracted,

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

- introduction of one or more new subcontractors.

If the selected tenderer requires from a Contracting Entity a change of subcontractor or the introduction of one or more new subcontractors, he must provide the Contracting Entity with in the information (name or company, registered office, OIB (or national identification number according to the economic operator's country of residence, if applicable), subject, quantity, the value of the subcontract and the percentage of the procurement contract given in the subcontract) 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 the responsible to Contracting Entity for the execution of the public procurement contract.

If the tenderer does not submit the data on the subcontractor, it is considered that the entire procurement will be performed independently.

**14.2. Consortium of tenderers**

Several economic operators may join and submit a joint tender, irrespective of the arrangement of their mutual relations. The liability of the tenderers from a consortium of tenderers is joint and several.

The tender by a consortium of tenderers must contain information on each member of the consortium of tenderers, as specified in the Tender Submission Form, with the mandatory designation of the consortium of tenderers number 1, which will be called "Tenderer" and will be authorized to communicate with the Contracting Entity.

The qualification requirements for the members of the consortium of tenderers shall be demonstrated in accordance with item 4 of this Invitation to submit a tender.

Joint tender must specify which part of the procurement agreement (subject, quantity, value and percentage) will be performed by each member of the consortium of tenderers.

The Contracting Entity shall pay directly to each member of the consortium of tenderers for the part of the procurement agreement performed by the member, unless the consortium of tenderers determines otherwise.

**14.3. The term, method and conditions of payment**:

Payment will be made as follows:

* Group 1 - Paint drying booth: The amount of 80% of the contracted value will be paid within 8 days from the signing of the procurement contract, the amount of 10% of the contracted value will be paid within 8 days from the date of delivery and the remaining amount of 10 % will be paid within 8 days from the delivery of the subject of procurement, which is determined by the minutes of handover, installation and commissioning of the booth.
* Group 2 - Surface protection line: The amount of 80% of the contracted value will be paid within 8 days of signing the procurement contract, the amount of 10% of the contracted value will be paid within 8 days from the date of delivery and the remaining amount of 10 % will be paid within 8 days from the delivery of the subject of procurement, which is determined by the minutes of handover, installation and commissioning of the booth.

**14.4. Special and other conditions for the performance of the agreement**

An Agreement on Procurement of Goods shall be made in accordance with the terms and conditions of this Procurement Documentation 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 indicated in the tender and the terms of this Procurement Documentation, all of which form an integral part of the Public Procurement Agreement.

In the event of a breach of the provisions of the agreement, the selected tenderer undertakes to pay liquidated damages to the Contracting Entity. The liquidated damages amount to 0.2 ‰ of the entire agreement price for each registered day of delay of the specified agreement deadlines. The total amount of such liquidated damages may not exceed 10% of the total agreement price.

**14.5. Control and monitoring of the performance of the procurement agreement:**

The public procurement agreement must comply with the terms and conditions specified in the Invitation to submit a tender and the selected tender.

Contracting Parties shall perform the public procurement agreement in accordance with the conditions specified in Invitation to submit a tender and the selected tender.

**14.6. Personal identification number (companies and persons authorized to represent the economic entity)**

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 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 in accordance with the laws of the country in which the tenderer operates OIB, the information is secret and the tenderer cannot provide it.

**APPENDIX I THE INVITATION TO SUBMIT A TENDER**

**TENDER SUBMISSION FORM**

Procurement number: **KK.03.2.2.06.0019-** **10092021**

Name of procurement: **Procurement of paint drying booth for surface protection line**

* + - 1. **Tenderer name (company) and seat**

|  |  |
| --- | --- |
| **Consortium of tenderers (circle)** | YES  NO |
| **Tenderer:** |  |
| **Address:** |  |
| **OIB:** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | YES  NO |
| **Postal address:** |  |
| **Tenderer’s contact person, phone, e-mail:** |  |
| **Procurement group offered by the bidder:** |  |

* + - 1. **Tender price**

|  |  |
| --- | --- |
| **Tender price in HRK/EUR without VAT: (please specify currency)** |  |
| **VAT amount:** |  |
| **Tender price in HRK/EUR with VAT:** |  |

**(specify currency)**

* + - 1. **Date of validity of the tender**

|  |  |
| --- | --- |
| **Date of validity of the tender:** |  |

**With our signature, we are confirming that we have studied and understood the Procurement Documentation and all the conditions of procurement and that we are submitting the tender offer whose technical specification (job description) is described in Appendix IV of the Invitation to submit a tender, all in accordance with the provisions of the Invitation to submit a tender.**

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

Stamp \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent the

  economic operator)

In the case of a consortium of tenderers – to be completed for all the members of the consortium of tenderers individually; if there is no consortium of tenderers, it does not need to be submitted.

**1. Tenderer name (company) and seat**

|  |  |
| --- | --- |
| **Consortium of tenderers** | YES |
| **Consortium of tenderers member 1 (Tenderer):** |  |
| **Address:** |  |
| **OIB:** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | YES  NO |
| **Postal address:** |  |
| **Tenderer’s contact person, phone, e-mail:** |  |
| **The part of the agreement to be performed by the member of the consortium of tenderers (specify subject, quantity, value, and percentage):** |  |
| **Procurement group offered by the bidder:** |  |

|  |  |
| --- | --- |
| **Consortium of tenderers member 2 (Tenderer):** |  |
| **Address:** |  |
| **OIB*\*:*** |  |
| **IBAN:** |  |
| **Tenderer in the VAT system (circle):** | DA  NE |
| **Postal address:** |  |
| **Tenderer’s contact person, phone, e-mail:** |  |
| **The part of the agreement to be performed by the member of the consortium of tenderers (specify subject, quantity, value, and percentage):** |  |
| **Procurement group offered by the bidder:** |  |

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_/\_\_/20\_\_.

FOR THE CONSORTIUM OF TENDERERS MEMBER 2:

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

(signature of the person authorized to represent the

  economic operator)

|  |  |
| --- | --- |
| **Consortium of tenderers member 3 (Tenderer):** |  |
| **Address:** |  |
| **OIB***\*****:*** |  |
| **IBAN:** |  |
| **Subcontractor is in the VAT system (circle):** | YES  NO |
| **Address for postal delivery:** |  |
| **Contact person of the tenderer, phone, e-mail:** |  |
| **The part of the agreement to be performed by the member of the consortium of tenderers (specify subject, quantity, value, and percentage):** |  |
| **Procurement group offered by the bidder:** |  |

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_/\_\_/20\_\_. FOR THE MEMBER OF THE CONSORTIUM OF TENDERER 3:

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

(signature of the person

authorized to represent the   economic operator)

1. **Tender price**

|  |  |
| --- | --- |
| **Bid price in HRK/EUR without VAT:**  **(please specify currency)** |  |
| **VAT amount:** |  |
| **Bid price in HRK/EUR with VAT:** |  |

**(specify currency)**

1. **Offer validity period**

|  |  |
| --- | --- |
| **Offer validity period:** |  |

**With our signature, we are confirming that we have studied and understood the Procurement Documentation and all the conditions of procurement and that we are submitting the tender whose technical specification (job description) is described in Appendix IV of the Procurement Documentation, all in accordance with the provisions of the Procurement Documentation.**

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

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

(signature of the person authorized to represent the

  economic operator)

Stamp

**Tender Submission Form; SCHEDULE 1 – INFORMATION ON SUBCONTRACTORS** (enclose/fill in only if a part of the contract is subcontracted)

1. **Name (company) and seat of subcontractors**

|  |  |
| --- | --- |
| 1. **Subcontractor:** |  |
| **Address:** |  |
| **OIB:** |  |
| **IBAN:** |  |
| **Subcontractor is in the VAT system (circle):** | YES  NO |
| **Subcontractor’s contact person, phone, e-mail** |  |
| **The part of the agreement to be performed by the subcontractor (specify subject, quantity, value, and percentage):** |  |

|  |  |
| --- | --- |
| **2) Subcontractor:** |  |
| **Address:** |  |
| **OIB:** |  |
| **IBAN:** |  |
| **Subcontractor is in the VAT system (circle):** | YES  NO |
| **Subcontractor’s contact person, phone, e-mail** |  |
| **The part of the agreement to be performed by the subcontractor (specify subject, quantity, value, and percentage):** |  |

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

Stamp \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of the person authorized to represent the

  economic operator)

**APPENDIX II THE INVITATION TO SUBMIT A TENDER**

**DECLARATION ON THE ABSENCE OF THE REASONS FOR EXCLUSION**

Procurement number: **KK.03.2.2.06.0019- 10092021**

Name of procurement: **Procurement of paint drying booth for surface protection line**

For the purpose of demonstrating the absence of the situations described under item 3. of the Invitation to submit a tender, which may cause the exclusion of the tenderer from the procurement procedure, I am making this

**DECLARATION**

whereby I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and family name) from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (residential address), ID number (OIB):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ID card no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a legally authorised person to represent the economic operator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and seat of the economic operator, ID no. (OIB) under substantive and criminal liability declare that the tenderer and the person legally authorised to represent the tenderer:

1. have not been convicted with a final verdict of a criminal offence of participation in a criminal organization, corruption, fraud, terrorism, financing of terrorism, money laundering, child labour or other forms of trafficking in human beings
2. have fulfilled the obligation to pay due tax liabilities and pension and health insurance obligations, unless the payment of those obligations is not permitted under a special law or postponed payment was approved
3. have not misrepresented themselves or provided false information regarding the conditions that the Contracting Entity has indicated as grounds for exclusion or qualification requirements
4. is not undergoing bankruptcy, is not insolvent or in liquidation proceedings, its assets are not managed by a receiver or a court, it has not entered a settlement with creditors, it has not suspended business activities or is not in any similar situation arising from a similar procedure under the national laws and regulations
5. in the last two years before the beginning of the procurement procedure it has not committed a severe professional omission which the Contracting Entity may prove in any manner

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_/\_\_/20\_\_.

FOR THE TENDERER:

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

(signature of the person

authorized to represent the   economic operator)

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

**APPENDIX III THE INVITATION TO SUBMIT A TENDER**

**DECLARATION ON FULFILMENT OF THE CONDITION OF LEGAL CAPACITY**

Procurement number: **KK.03.2.2.06.0019-10092021**

Name of procurement: **Procurement of paint drying booth for surface protection line**

For the purpose of demonstrating the legal qualifications required under item 4.1 of the Invitation to submit a tender I am making this:

**DECLARATION**

whereby I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and family name) from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (residential address), ID number (OIB):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ID card no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a legally authorised person to represent the economic operator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and seat of the economic operator, ID no. (OIB) under substantive and criminal liability declare:

1. that the tenderer/each member of the consortium of tenderers is registered with the court, craft, professional or other appropriate register in the country of the seat of the tenderer/member of the consortium of tenderers

**(circle: tenderer or consortium** **of tenderers)**

In \_\_\_\_\_\_\_\_\_\_\_\_, \_\_/\_\_/20\_\_.

Stamp FOR THE TENDERER:

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

(signature of the person authorized to represent the economic operator)

**APPENDIX IV OF THE PROCUREMENT DOCUMENTATION**

**DECLARATION OF ECONOMIC AND FINANCIAL CAPABILITY**

Procurement number: **KK.03.2.2.06.0019-10092021**

Name of procurement: **Procurement of paint drying booth for surface protection line**

For the purpose of demonstrating the financial qualifications required under item 4.2. of the Procurement Documentation I am making this:

**DECLARATION**

whereby I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and family name) from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (residential address), ID number (OIB):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ID card no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a legally authorised person to represent the economic operator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name and seat of the economic operator, ID no. (OIB) under substantive and criminal liability declare:

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

**Group 1.**

|  |  |
| --- | --- |
| **YEAR** | **TOTAL (HRK / EUR)** |
|  |  |
|  |  |
|  |  |

**Group 2.**

|  |  |
| --- | --- |
| **YEAR** | **TOTAL (HRK / EUR)** |
|  |  |
|  |  |
|  |  |

**The tenderer fills in a table for each group of procurement items it offers.**

In \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_/\_\_/20\_\_.

Stamp FOR THE TENDERER:

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

(signature of the person authorized to represent the

  economic operator)