

Ovaj poziv se financira iz Europskog fonda za regionalni razvoj

**PROCEDURE FOR PERSONS WHO ARE NOT OBLIGATORY TO PUBLIC
PROCUREMENT LAW**

**DOCUMENTATION FOR BIDDING
Procurement number: 1/2017**

Name of Procurement:

*Supply of a machine
Installation of the machine
Technical training for machine operation*

About PROJECT:

**PROJECT NAME: : Enhance the competitiveness of Medved metali d.o.o. by
procuring a new garage and industrial door panel production line**

INVITATION NAME: E-pulse

REFERENCE CODE POINTS: KK.03.2.1.06.0613

Velika Gorica, December 2017.

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Bidding Document Attachment List:

- Annex I - Bid Sheet - MEDVED METALI d.o.o.**
- Annex II - Bill of Quantities**
- Annex III - Technical Specifications**
- Annex IV - Technical Specifications-Draft 1**
- Annex V - Technical Specifications - Draft 2**
- Annex VI - Technical Specifications - Draft 3**
- Annex VII - Tenderers Declaration**
- Annex VIII - Delivery deadline declaration**

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1. GENERAL INFORMATION:

1.1. Client Details (NOJN):

Name and address of the client:

Medved metali d.o.o.

Slavka Kolara 57,
10410 Velika Gorica

OIB: 47243684113

Phone: +3851 62 53 433

Internet address: www.medvedmetali.hr

E-mail address: prodaja@medvedmetali.hr

* Note: The client is not a party to the Public Procurement Act.

The client publishes the Procurement Notice and the Bidding Document with accompanying attachments on the website www.medvedmetali.hr and www.strukturnifondovi.hr

1.2. Information about the person in charge of communicating with the bidders

Name and surname: Tomislav Medved

Cell phone number: +38591 2393 258

Address: Slavka Kolara 57, 10410 Velika Gorica

Email address: vrata.medo@gmail.com

Communication and any other exchange of information between the contracting entity and the economic entities shall be carried out in electronic form. Written request of interested business entities for clarification is delivered in Croatian or English on e-mail: vrata.medo@gmail.com

1.3. The procurement is provided on the basis:

1. of the Law establishing the institutional framework for the implementation of the European Structural and Investment Funds in the Republic of Croatia in the financial period 2014-2020. (OG 92/14)

2. The Regulation on 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 of "Investment for growth and jobs" (OG 107/14, 23/15)

3. Common National Rules, Version 1.1. from August 2015, issued by the Ministry of Regional Development and European Union Funds in accordance with the Law on

Establishment of an 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 Grant Agreements, Annex 3 - Procurement Procedures for Non-Compulsory Public Procurement Act ("Procurement Procedures")

1.4. Conflict of interest:

The client may not conclude procurement contracts with the following economic entity (in the capacity of the bidder, a member of the bidder or sub-contractor community to the selected bidder):

1. Medo-metal j. t.d. in liquidation, Slavka Kolara 57, 10410 VELIKA GORICA

1.5. Type of procurement procedure

The type of procurement procedure is an open public procurement procedure with the publication of the Procurement Notice. The procurement procedure is carried out in accordance with item 5 of Annex 4. Procurement procedures for persons not subject to the Public Procurement Act, which is an integral part of the instructions for applicants within the framework of the "E-Impuls" Call for Proposals: KK.03.2.1.06.). The aforementioned Annex 4 is available on the website <http://www.strukturnifondovi.hr/vaznidokumenti>

1.6. Number of procurement

The procurement number is: 1/2017

1.7. Beginning of procurement procedure

The procurement procedure begins on the day of publication of the Procurement Notice on the web site: www.medvedmetali.hr, or the corresponding procurement sub-item for NoJN, and on <http://strukturnifondovi.hr/>

1.8. Explanation and modification of tender documentation

a) Within the deadline for the submission of bids, economic entities may request additional information relating to the bidding documents and the Client will answer the question in the same places (media) on which the Procurement Notice and Bidding Documents have been published without disclosing the identity of the business entity.



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b) Provided that the request is submitted in a timely manner, the Client is obliged to make the reply available at the latest on the fifth (5) day before the date on which the deadline for submission of bids expires.

c) The request is timely if it is delivered to the Client no later than ten (10) days before the date on which the deadline for submission of bids expires.

d) If, for any reason, the clarification has not been published at the latest on the fifth day before the deadline for the submission of bids, the Client shall extend the deadline for the submission of bids. The extension of the deadline will be of relative importance to the clarification and will not be shorter than five days.

e) If the Client changes the documentation within the deadline for the submission of bids, it will ensure the availability of changes to all interested parties in the same places (media) on which the basic Procurement Notice and Bidding Documents have been published. The extension of the deadline will be of relative importance to the clarification and will not be shorter than five days.

1.9. Right to participate

In this procurement procedure as Bidders, all legal entities may participate, irrespective of the country in which they are registered or having their affiliates.

2. Data on the Procurement Case

2.1. Type of contract

Purchase contract of the goods

2.2. Course description

The subject matter of the procurement is the procurement of the machine (Profiling Line for Garage Doors and Industrial Door Panels), installation of the machine and technical training for machine operation

2.3. Groups of procurement object

The procurement is not divided into procurement groups.
The bidder may submit only one bid for the entire subject of the procurement.

2.4. Quantities and technical description of procurement object

The amount of procurement is defined in Annex II- Bill of Quantities.

Detailed technical specifications / job descriptions of procurement object are contained in Annex III. Annex: IV, V and VI of this Bidding Document is a panel layout design that defines how the line should bend the outer and inner panel that will form the panel.

2.5. Place of delivery of the procurement object:

Selected Tender delivers the object of procurement:

- in the case of road transport in accordance with the terms of delivery of EXW;
 - in the case of maritime transport in accordance with FOB delivery conditions.
- Incoterms® 2010 International Chamber of Commerce.

Installation of the machine and technical training for machine operation are to be done in the production facility of MEDVED METALI d.o.o. at: Poljana Čička 69c, Poljana Čička, 10415 Novo Čiče, Republic of Croatia.

2.6. Deadline for delivery of the procurement object:

The selected bidder is obliged to deliver the item - the goods (profiling machine) within the maximum 45 working days after the two-signing of the contract of supply.

The selected bidder is obliged to deliver the subject of the procurement-service of the installation of the machine and technical training for machine operation at the latest 15 working days after the delivery of the machine to the aforementioned location (Poljana Čička 69c, 10415 Novo Čiče, Croatia).

The bidder shall prove the delivery deadline by the signed declaration of the authorized person who submits the offer. The proposal of the said statement is made in the Delivery deadline declaration Annex VIII of Tender Documentation.

In case of delay or improper fulfillment of the obligation, the Client is authorized to charge the agreed penalty.

3. REASONS FOR EXCLUSION OF THE BIDDER

The Bidder is allowed to submit the requested documents in the original, in a verified or unverified print. Documents proving that there are no grounds for exclusion must be in Croatian or English and Latin script. If the document is written in another language other than Croatian and English, with the addition of documents in that other language, the bidder must enclose the translation of the authorized (court) interpreter into Croatian or English with each document.

In the case of a bidder's community, circumstances related to the exclusionary grounds shall be established for all members of the bidder community individually and documents proving that there are no grounds for exclusion shall be submitted for each member of the bidder's community.

If the tenderer is to be subcontracted to one or more subcontractors, the circumstances of this point shall be determined individually for the subcontractors, and the bid shall be accompanied by documents proving that there are no grounds for exclusion for the subcontractor.

3.1. Reasons for mandatory exclusion of Bidder

The Client is obliged to exclude the Bidder from the procurement process if:

a. is an economic entity or person authorized for his legal representation who is legally convicted of a criminal offense of participation in a criminal organization, corruption, fraud, terrorism, terrorist financing, money laundering, child labor or other forms of trafficking

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- b. has not fulfilled the obligation to pay due tax liabilities and pension and health insurance obligations unless it is not permitted under a special law to pay such obligations or is granted a delay
- c. misrepresented or provided inaccurate information regarding the terms the Client has provided as grounds for exclusion or conditions
- d) is in bankruptcy, insolvency or liquidation proceedings if his assets are managed by a bankruptcy trustee or a court if he or she is in a settlement with creditors, has discontinued business activities or is in any other similar situation arising from a similar procedure in accordance with national laws and regulations the country where it has a business

3.2. Proof of the absence of reasons for the exclusion of the Bidder:

Lack of grounds for exclusion from point 3.1. of this Tender Documentation the Tenderer will prove by signed declaration of the authorized person who submits the Bid. The proposal of the said statement is made by the Tenderers Declaration of Annex VII – of Tender Documentation.

4. Bidder's ability

The bidder, or the community of the bidder, is obliged to enclose documents proving his / her legal and business capacity in his bid. The Tenderer is allowed to submit the requested documents in the original, in verified or unverified print. Documents proving the ability of the bidder must be in the Croatian language or English language and the Latin script. If the document for proof of ability in another language, other than Croatian and English, with the addition of documents for proof of ability in that other language, the bidder must enclose the translation of the authorized (court) interpreter into Croatian or English with each document.

Every bidder must be legally and business-minded. The tenderer will be able to prove the ability of the tenderer in the procurement procedure by signing the Declaration in Annex VII to this Tender Documentation. This statement shall not be older than three months from the date of commencement of the public procurement procedure.

In the case of a bidder's community, all members of the community are obliged to prove their legal and business ability individually.

The contracting authority may, at any time during the procurement procedure, request from the tenderer, before the conclusion of the contract, to deliver an extract from the court, craft, structural or other appropriate register of the country of the bidder's seat, not older than three months from the date of commencement of the procurement procedure (if in language other than Croatian or English, the same document must be submitted with enclosed translation into Croatian or English).

5. OFFER

5.1. Bid content:

The bidding must include the following:

- a) Annex I - Bid Sheet - MEDVED METALI d.o.o.
- b) Annex II - Bill of Quantities
- c) Annex III - Technical Specifications
- d) Annex IV - Technical Specifications-Draft 1
- e) Annex V - Technical Specifications - Draft 2
- f) Annex VI - Technical Specifications - Draft 3
- g) Annex VII - Tenderers Declaration
- h) Annex VIII – Delivery deadline declaration

The offer may also include: catalogs, brochures and the like if the bidder considers it necessary.

5.2 Making an Offer

The offer is delivered in Croatian or English and Latin script. From the announcement of the Tender Documentation and the Procurement Notice, the Buyer shall provide access to the Bidding Document and the accompanying documents electronically on the Client's website: www.medvedmetali.hr and on the website www.strukturnifondovi.hr

The offer must be made in paper form and then scanned in digital format as a PDF document. The offer is made in a way that makes the whole as a common PDF document for all the required attachments.

When making a bid, the bidder must comply with the requirements and the terms and conditions of the bidding documents and may not modify and supplement the text of the bidding documents.

All bidding costs are borne by the bidder. Bidders are not entitled to any reimbursement of the cost of the bid.

The Client reserves the right, after ranking the offers according to the Bid Selection Criteria, and prior to making a selection decision, to request the original bid or certified copies of all the documents submitted in the uncovered copy of the best bidder.

The bidders are expected to review the bidding documentation, including all instructions, forms, terms and specifications. An offer that is contrary to the provisions of this Tender Documentation and contains errors, deficiencies or ambiguities, and where errors, deficiencies or ambiguities are not removable or in which clarification or supplementation of the bid has not been remedied, the lack or ambiguity in each respect is a risk to the Tenderer and may result by rejecting such offer.

5.3 Delivery mode

The offer will be delivered by 19.01.2018. until 23:00, in the requested electronic form at the e-mail address of the Client of vrata.medo@gmail.com

Alternative offers are not allowed.

5.3.1. Bid changes

The Bidder may submit a modification and / or addition of the Bid by the expiry of the Bid Deadline. The modification and / or addition of the bid is submitted in the same way as the basic bid with a mandatory indication that it is a modification and / or addition of the offer. In this case, the bid is opened in reverse order of receipt and the delivery time is considered to be the delivery of the last version of the bid change.

5.3.2. Canceling of Offer

The Bidder may by a written statement (electronically) surrender his tender before the expiry of the deadline for the submission of tenders. The written statement is delivered in the same manner as the tender with the mandatory indication that the waiver is from the offer.

5.4. Offer Price

The offer price is expressed in kunas or euros or US dollars. The price includes all the costs and discounts. The bid price is unchanged for the duration of the public procurement contract. All costs and discounts must be included in the price without VAT (eg the costs of arrival and accommodation of the lecturer and / or installer and the other requested). The bidder must offer in Bill of Quantities, ie enter the unit price, value added tax, and the total value added tax (rounded up to two decimal places) for each item.

If the bidder is a company outside of the Republic of Croatia or if the bidder is not a taxpayer (VAT), enter the same amount that is entered in the place envisaged for entering the price of VAT without VAT , and a place to enter the VAT amount is left empty.

5.5. Validity period of the offer

The bid must be valid for 45 days from the deadline for submission of tenders. Bids with shorter validity may be rejected.

If the validity period of the bid expires, the Client may request from the Tenderer the extension of the validity of the tender in accordance with that extended deadline.

6. BID SELECTION CRITERION

The bid selection criterion is the lowest bid price that is valid.

7. REVIEW AND EVALUATION OF THE OFFER

The Procurement Committee after the expiry of the bidding deadline shall review and evaluate the contents of the bids submitted in respect of the terms of the Bidding Documentation.

In the review procedure and the evaluation of the offer, the Client may invite the Tenderers to remove errors, omissions or ambiguities by clarifying or supplementing the documents required in items 3 and 4 of this documentation. Misdemeanors, disadvantages, or ambiguities are considered to be documents that are or appear to be unclear, incomplete, misleading, or contain errors.

The Client shall invite the Bidders to provide, within a reasonable time limit, not less than five (5) days or longer than fifteen (15) days, to clarify or complete the documents submitted according to points 3 and 4 of this Tender Documentation and will not be considered as changing the offer.

The Client may invite the Bidder to, within a time limit which may not be shorter than five (5) days or more than ten (10) days, clarify individual elements of the bid in the part pertaining to the object of the procurement. Clarification should not result in an offer change.

The search for clarification or supplementation will not have the effect of discrimination, unequal treatment of the bidder or favoritism of an individual bidder or business entity.

On the basis of the results of the review and the evaluation of tenders, the client will refuse:

- A bid that is not complete
- An offer that is contrary to the tender documentation

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- A bid containing errors, deficiencies or ambiguities if errors, deficiencies or ambiguities are not removable
- Offer in which the price is not expressed in the absolute amount
- An offer in which clarification or supplementation did not remove the error, lack or ambiguity in accordance with Annex 4 Procurement Procedures for Non-Compulsory Public Procurement Act
- A bid that does not meet the requirements for the properties of a procurement object and thus does not meet the requirements of the tender documents
- A bid for which the bidder did not accept the error correction in writing
- Offers of applicants submitting two or more tenders in which the bidder and / or member of the bidder's community
- Alternative offer
- A bid that did not deliver the required warranties (if applicable)
- An offer that contains harmful terms
- A bidder who is in conflict of interest

After reviewing and evaluating the offers, a valid offers are ranked according to the offer selection criteria. If two or more valid bids are ranked the same according to the bid selection criteria, the Purchaser will choose the bid received earlier. A bid that meets all conditions and has the lowest price will be considered the best offer.

8. DECISION ON SELECTION

On the basis of the results of the review and the evaluation of the bids, and on the basis of the selection criteria, the Client will make a decision on the selection, which will select the most favorable bid for the object of the procurement, ie the bidders with whom the contract of supply will be concluded. The selection decision shall at least include the name and address of the selected bidder, the total value of the selected bid, including and without VAT, the date of the decision and the signature of the responsible person. The decision on the selection of the Tenderer selected will be delivered in a demonstrative manner.

The deadline for making a Selection Decision is seven (7) days, starting on the day of expiry of the deadline for submission of tenders.

After the bid is ranked according to the selection criterion, and before making a decision on the selection, the Client may ask for the original or certified copies of one or more of the documents required by the tender documentation from the tenderer with whom he

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intends to conclude the Purchase Contract. If the bidder has already delivered certain documents in the original or certified copy, he is not required to re-submit them.

Excerpts or certified copies of documents submitted for the purpose of the verification of the tenderer shall not be in accordance with previously submitted unsupported copies of documents, such as the date of issue or age, but the economic operator must prove that he still fulfills the conditions specified by the Client in the tender documents.

If the bidder whose tender is most favorable within the prescribed time limit does not submit all the required originals or certified copies of the document and / or does not prove to still meet the conditions specified by the Purchaser, the Purchaser shall exclude such bidder or reject his bid. Then he will re-execute the ranking of the bid according to the selection criteria without taking into consideration the bid of the bidder he has excluded, ie the bidder whose offer has been refused and to invite the new best bidder to submit the requested.

The Client will compile a Record of examination and evaluation of the offers from the Bid Evaluation Meeting and will notify all bidders of the final selection of the Bidder / Supplier by sending information on the Bid Decision or the Bid Declaration pursuant to Annex 4. Procurement Procedures for Persons that are not subject to the Public Procurement Act, which forms an integral part of the Grant Contract no. : KK.03.2.1.06.0613.

The decision to reject the bid shall at least include the name and address of the bidder whose tender is refused, the reasons for rejecting the bid, and the date of issue and signature of the responsible person.

The decision to reject the tender shall be delivered to the relevant bidders in a substantiated manner.

In the event that no tender or any valid tender is submitted, the Purchaser will cancel the public procurement procedure, and in that case, an Annulment Decision shall be passed without delay to the economic entities submitting tenders under this proceeding. In addition, an Annulment decision will be published on the website <http://www.strukturfondovi.hr/>. The decision on the cancellation shall at least contain the subject matter of the Procurement which is to be the subject of a decision on the annulment, the reasons for the annulment, the time limit for the same procedure or the like, and, where applicable, the date and signature of the responsible person.

9. CONCLUSION OF THE PROCUREMENT CONTRACT

If the Selection Decision is made, the Client will conclude a Purchase Contract with the selected Bidder.

The contract must comply with the terms and conditions set out in this procurement procedure and the selected offer.

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The procurement contract shall contain at least the following information:

- name, address, telephone number, fax number, e-mail address of the Client
- name, address, telephone number, fax number, e-mail address of the selected bidder
- description of the subject of procurement, - data on the amount of the Purchase Agreement corresponding to the amount of the selected offer, - the deadline for the provision of services

The Purchase Contract will be valid on the date on which the two parties sign it.

10. OTHER GUIDELINES

10.1. Deadline, method and terms of payment

- 25% of the contracted amount will be paid upon signing of the Purchase Contract.
- 75% of the agreed amount will be paid upon notice that the goods are ready for delivery

All Acting parties with headquarters outside the Republic of Croatia will be paid in Euro or US Dollars. All Acting parties with head offices in the Republic of Croatia will be paid in Croatian currency (HRK). For a payment in Euro or USD equivalent, the average exchange rate of the Croatian National Bank will be the relevant rate on the day of payment.

10.2. Secrecy of Business entity Documents

If an undertaking indicates certain information from an offer of a business secret, it is obliged, in the bid to state the legal basis on which the information is confidential. Business entities should not mark secret data on unit prices, the amounts of an item, and the total bid price.

10.3. Warranties

No warranties are warranted in this call.

11. COMPLAINT

Any bidder may file a petition if he considers that his bid should be selected as the best, but this is prevented due to the Client's conduct contrary to Annex 4. Public Procurement Procedures for Persons Not Obligated to the Public Procurement Act, which is an integral part of the Grant Agreement number: KK.03.2.1.06.0613, due to which:

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- unjustifiably excluded from the procurement procedure,
- his bid is unjustifiably refused, or
- an evaluation of the tender in contrary to the terms and conditions of the tender documents and the provisions set forth in Annex 4. Public Procurement Procedures for Persons Not Obligated to the Public Procurement Act, which forms an integral part of the Grant Contract No. KK.03.2.1.06.0613.

The submission shall be submitted to the Mediation Body level 2 in writing and delivered to the following address:

Croatian Agency for Small Business, Innovation and Investment, **(Hrvatska agencija za malo gospodarstvo, inovacije i investicije)**

Ksaver 208,

10 000 Zagreb

Tel: +385 1 488 10 03

Fax: +385 1 488 10 09

hamagbicro@hamagbicro.hr

A copy of the complaint shall be delivered to the Client at the same postal address to which it was delivered and the basic bid, within 8 days of the receipt of the Decision on the Selection / Decree on Refusal or the Decree on Cancellation.

The applicant must state in his complaint the reasons for his allegations.

Submission of the complaint does not stop the conclusion of the Purchase Contract but if the Client considers the request to be established and in the event that the Contract is not yet concluded, it may correct the irregularities and make a new decision, as reported by the Mediation Body at Level 2.

The Level 2 Mediator shall consider the request within the framework of a request for reimbursement of funds and may request additional information from the applicant and the Client. If the Mediation Body of Level 2 determines that the petition is based, it notifies the applicant of the petition and sets it to court.

The Applicant who suffered damage due to the violation of Annex 4. Public Procurement Procedures for Persons Not Obligated to the Public Procurement Act, which forms an integral part of the Grant Agreement No. KK.03.2.1.06.0613, has the possibility of compensation of damages before the competent court according to general regulations on compensation for damages.