Croatia Control Ltd.

TENDER DOCUMENTS

Open public procurement procedure

PROCUREMENT OF DISPLAYS

E - VV 16/17

September 2017
CONTENTS OF THE TENDER DOCUMENTS

1. General information (information on Contracting Authority and procurement procedure)
2. SUBJECT MATTER OF THE PROCUREMENT
3. GROUNDS FOR EXCLUSION OF AN ECONOMIC OPERATOR
4. CRITERIA FOR SELECTION OF AN ECONOMIC OPERATOR
   (REQUIREMENTS AND EVIDENCE OF QUALIFICATION)
5. EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)
6. TENDER PROVISIONS
7. RELIANCE ON CAPACITIES OF OTHER ECONOMIC OPERATORS
8. SUBCONTRACTING
9. SECURITIES
10. DEADLINE, TERMS AND CONDITIONS OF PAYMENT
11. CLARIFICATION OF TENDER DOCUMENTS
12. DEADLINE FOR THE ADOPTION OF A DECISION ON CONTRACT AWARD OR ANNULMENT OF THE PUBLIC PROCUREMENT PROCEDURE
13. LEGAL RECOURSE
14. GOVERNING LAW

Attachments:
Attachment 1: European Single Procurement Document (ESPD)
Attachment 2 - Technical Specification
Attachment 3: Schedule of Prices
Attachment 4: Compliance matrix
Attachment 5: Clarification Request Form
1. GENERAL INFORMATION

1.1. Contracting Authority's general information:

a) Name: Croatia Control Ltd.
B) Address; 10410 Velika Gorica, Rudolfa Fizira 2, p.p.103, Hrvatska
C) VAT No.: 33052761319
d) Bank Account: Privredna banka Zagreb IBAN: HR6023400091100198272
   SWIFT: PBZGHR2X The Contracting Authority is a subject to payment of VAT in
   the Republic of Croatia
e) Telephone: +385 1 6259320; Fax: +385 1 6259572
f) Web site: www.crocontrol.hr

1.2. Contact person

Mr. Zlatko Bayer
Telephone: +385 1 6259 320
i) E-mail address: zlatko.bayer@crocontrol.hr

1.3. Procurement ref. No.:

E - VV 16/17

1.4. List of economic operators with whom the Contracting Authority is in the conflict of
interest / statement of no such economic operators

On the basis of Articles 75 to 83 of the Public Procurement Act (Official Gazette 120/16), there are
no such economic operators with which Croatia Control Ltd. as a public contracting authority may
not conclude public procurement contracts in the sense of the Public Procurement Act.

1.5. Type of public procurement procedure

OPEN PUBLIC PROCUREMENT PROCEDURE

1.6. Estimated procurement cost:

The estimated costs of the procurement, amounts to HRK 7,515,200.00, based on the total amount
of costs exclusive of Value Added Tax.

1.7. Type of the Public Procurement Contract (Goods, Works or Services)

Goods

1.8. The tendering procedure includes the conclusion of a Public Procurement Contract
   or a Framework Agreement

Public Procurement Contract

1.9. Dynamic Purchasing System / Electronic Auction

Not applicable

1.10. Internet site on which the report on preliminary market consultations with interested
economic operators was published

www.crocontrol.hr
2. SUBJECT MATTER OF THE PROCUREMENT

2.1. Description of the subject matter of the procurement

CPV 30231000-7: Computer screens and consoles

Subject matter of the procurement: Procurement of displays, pursuant to the Technical Specification and Schedule of Prices attached to the present Tender Documents.

2.2. Description and marking of groups of the subject matter of procurement, if the subject matter of procurement is divided into groups

The subject matter of the procurement is not divided into groups since it represents a functional whole.

2.3. Quantity of the subject matter of the procurement

The quantity of the subject matter of the procurement is specified in Technical Specification and Schedule of Prices of the present Tender Documents.

2.4. Technical Specification

Technical Specification is attached as Attachment 3 to these Tender Documents.

The Tenderer must comply with all requirements stated in Technical Specification.

Tenders complying with the above requirements shall be evaluated according to the formula described in item 6.10. of the present Tender Documents (Contract award criteria).

2.5. Schedule of Prices

Technical Specification is attached as Attachment 3 to these Tender Documents.

The Tenderer shall fill in the Schedule of prices in line with the requirements contained in the present Tender Documents.

Unless the Tenderer completes all requested items in the Schedule of Prices or makes changes to the wording or quantities in the Schedule of Prices, such Schedule of Prices shall be deemed incomplete and non-compliant, and the Tender shall be rejected.

For equipment the prices should be stated on parity: DDP Contracting Authority's sites INCOTERMS 2010, as specified in Schedule of Prices.

The Tenderer shall insert in the Schedule of Prices the unit prices and total price without VAT for each item of the Schedule of Prices.

The prices for items of the Schedule of Prices offered by a sub-contractor from the Republic of Croatia shall be stated in EUR, as well as the total offer.

2.6. Place of delivery of goods and performance of services

The Tenderer shall deliver all goods to the warehouse of the Contracting Authority, Croatia Control Ltd. on the address Rudolfa Fizira 2, Velika Gorica

2.7. Contract execution deadline
All equipment shall be delivered within the period of 12 (twelve) months after the signature of the Contract, pursuant to the Technical Specification and Schedule of Prices attached to the present Tender Documents.

2.8. Warranty Period

Warranty period for delivered goods is 60 months after the delivery.

3. GROUNDS FOR EXCLUSION OF AN ECONOMIC OPERATOR

3.1. Mandatory grounds for exclusion of an economic operator

3.1.1 The Contracting Authority shall exclude the Tenderer from the public procurement procedure if it is established that:

1. The Tenderer is an economic operator established in the Republic of Croatia or a physical person who is a member of administrative, managing or controlling authority or has the powers to represent, make decisions or inspects that economic operator and who is a national of the Republic of Croatia convicted by final judgment for:

a) participation in criminal association, pursuant to
- Article 328 (criminal association) and Article 329 committing criminal act through criminal association) of the Criminal Code
- Article 333 (association for committing criminal acts) of the Criminal Code (“official Gazette” no. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. and 143/12.)

b) corruption, on the basis of
- Article 252 (accepting a bribe in business activities), Article 253 (offering a bribe in business activities), Article 254 (abuse in the public procurement procedure), Article 291 (abuse of position and powers), Article 292 (illegal favoring), Article 293 (accepting a bribe), Article 294 (offering a bribe), Article 295 (influence peddling) and Article 296 (influence peddling bribery) of the Criminal Code
- Article 294.a (accepting a bribe in business activities), Article 294.b (offering a bribe in business activities), Article 337 (abuse of position and powers), Article 338 (abuse of state power), Article 343 (illegal mediation), Article 347 (accepting a bribe) and Article 348 (giving a bribe) of the Criminal Code (Official Gazette no. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. and 143/12.)

c) fraud, on the basis of
- Article 236 (fraud), Article 247 (fraudulent business activities), Article 256 (tax or customs duty evasion), Article 258 (subsidy fraud) of the Criminal Code
- Article 224 (fraud), Article 293 (fraud in business activities) and Article 286 (tax and other duties evasion) of the Criminal Code (“official Gazette” no. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. and 143/12.)

d) terrorism and criminal acts related to terrorism, on the basis of
- Article 97 (terrorism), Article 99 (public provocation to commit a terrorist offense), Article 100 (recruitment for terrorism), Article 101 (training for terrorism), Article 102 (terrorist association) of the Criminal code
- Article 169 (terrorism), Article 169.a (public provocation to commit a terrorist offense), and Article 169.b (recruitment and training for terrorism) of the Criminal Code (Official Gazette no. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. and 143/12.)

e) money laundering or financing of terrorism, on the basis of
- Article 98 (training of terrorism), and Article 265 (money laundering) of the Criminal code
- Article 279 (money laundering)) of the Criminal Code (Official Gazette no. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. and 143/12.)

f) child labor and other forms of human trafficking, on the basis of
- Article 106 (trafficking in human beings) of the Criminal Code
- Article 175 (trafficking in human beings and slavery) of the Criminal Code (“official Gazette” no. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. and 143/12.)

2. The Tenderer is an economic operator not established in the Republic of Croatia or a physical person who is a member of administrative, managing or controlling authority or has the powers to represent, make decisions or inspects that economic operator and who is not a national of the Republic of Croatia, convicted by final judgment for criminal offenses stated in Item 1., sub-items from a) to f) of this paragraph and for criminal offenses which, in line with the regulations on the state of the establishment of the economic operator, i.e. of the state of the person’s nationality, encompass the grounds for exclusion as stated in Article 57, paragraph 1, items from (a) to (f) of Directive 2014/24/EU.

3.1.2 The Contracting Authority shall exclude the economic operator from public procurement process if it has been established that the economic operator failed to fulfill the obligation to pay outstanding tax liabilities and contributions for pension and health insurance:
1. in the Republic of Croatia, if the economic operator is established in the Republic of Croatia, or
2. In the Republic of Croatia or in the state of the establishment of the economic operator, if the economic operator is not established in the Republic of Croatia.

In exceptional cases, the Contracting Authority shall not exclude the economic operator from public procurement process if, pursuant to a special regulation, the economic operator is not allowed to make such payment or had been approved a delayed payment.

3.2. Documents serving as a proof that there are no reasons for exclusion

For the purposes of establishing the circumstances stated in item 3.1 of the present Tender Documents, the economic operator shall attach as preliminary evidence to its tender the completed European Single Procurement Document (ESPD) from the Attachment 2 to the present Tender Documents (Part III: Exclusion Grounds, Section A: Grounds related to criminal convictions; and Section B: Grounds related to Grounds related to the payment of taxes or social security contributions).

The Contracting Authority shall, before awarding the decision, request from the tenderer who submitted the most economically advantageous tender to deliver within reasonable period of time, which shall not be shorter than five days, the updated supporting documents proving that there are no grounds for exclusion under item 3.1 of this Tender Documents, as follows:

1. Excerpt from criminal records or other appropriate register or, if this is not possible an equivalent document issued by competent judicial or administrative authority in the state of the establishment of the economic operator, i.e. the state of nationality of the physical person (for Item 3.1.1.),

2. Certificate issued by tax authority or other competent authority in the state of establishment of the economic operator (for Item 3.1.2)

If documents stated in this item cannot be issued in the state of establishment of the economic operator, i.e. in the state of nationality of physical person, or if such document does not include all circumstances stated in items 3.1.1. And 3.1.2 of the present tender documents, they may BE replaced by a statement under oath or, if statement under oath does not exist in the legislation of the particular state, by the statement of the tenderer with signature certified by competent
judicial or administrative authority, public notary or a competent professional or trade body in the
state of establishment of the economic operator, i.e. the state of nationality of the physical person.

In case of a group of tenderers, the circumstances under item 3.1 (Mandatory grounds for
exclusion) of the present Tender Documents shall be established for each member of the group
individually.

The grounds for exclusion under item 3.1.2 of the present tender documents (obligation to pay
outstanding tax liabilities and contributions for pension and health insurance) shall be applied on
subcontractors.

If the Contracting Authority establishes that there are grounds for exclusion of a subcontractor, it
will demand from the economic operator to replace such subcontractor within reasonable period of
time, not shorter than five days.

4. CRITERIA FOR SELECTION OF AN ECONOMIC OPERATOR
(REQUIREMENTS AND EVIDENCE OF QUALIFICATION)

4.1. Capacity to perform professional activities

The economic operator must submit evidence of registration into a court, trade, professional or
other equivalent register in the state of the establishment of the Economic Operator.

For the purposes of establishing the circumstances stated in item 4.1 of the present Tender
Documents, the economic operator shall attach as preliminary evidence to its tender the
completed European Single Procurement Document (ESPD) Form from the Attachment 2 to the
present Tender Documents (Part IV: Selection Criteria, Section A: Suitability).

The Contracting Authority shall, before awarding the decision, request from the tenderer who
submitted the most economically advantageous tender to deliver within reasonable period of
time, which shall not be shorter than five days, the updated supporting documents proving the
capacity to perform professional activities, as follows:

- An excerpt from a court, trade, professional or other equivalent register in the state
  of establishment of the Economic Operator.

In case of a group of tenderers, the circumstances under item 4.1 of the present Tender
Documents shall be established for each member of the group individually.

4.2. Economic and financial standing

The economic operator shall furnish the proof of its economic and financial standing required for
the implementation of the public procurement contract, i.e. it:

1. shall prove that it has certain turnover, including certain minimum turnover in the area covered
   by the subject matter of the procurement, and
2. shall deliver the information on its annual financial reports demonstrating for example the ratio
   between the assets and liabilities.

For the purposes of establishing the circumstances stated in item 4.2 of the present Tender
Documents, the economic operator shall attach as preliminary evidence to its tender the
completed European Single Procurement Document (ESPD) from the Attachment 2 to the
present Tender Documents (Part IV: Selection Criteria, Section B: Economic and Financial
Standing under 1a).

The Contracting Authority shall, before awarding the decision, request from the tenderer who
submitted the most economically advantageous tender to deliver within reasonable period of
time, which shall not be shorter than five days, the updated supporting documents furnishing the evidence of economic and financial standing, as follows:

- Audited or certified balance-sheet for the last audited year and audited or certified profit and loss account for the last audited year in order to establish that the Tenderer has suffered no losses and that it has available liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the production cash flow for the contract estimated to the minimum amount of HRK 6,000,000.00 (EUR 800,000).

Clarification of the condition:
It is the estimate of the Contracting Authority that the loss presented in the balance sheet, i.e. lack of sufficient financial means may threat the Tenderer’s capability of timely settlement of all obligations resulting from business process, and these are the preconditions for continuous execution of the subject matter of procurement during the period of validity of the contract.

In order to prove the fulfillment of the criteria for the selection of the economic operator stated in item 4.2 (Economic and financial standing), the economic operator may rely on the capacities of other economic operators, regardless of the legal nature of their mutual relationship.

If the economic operator relies on the capacity of other economic operators, it must submit evidence to the Contracting Authority that it will have at its disposal sufficient means for execution of contract, like for example the acceptance of the obligations of other entities that they would put their resources at disposal to the mentioned economic operator.

Under the same conditions, the group of economic operators may rely on the capacities of the members of the group of economic operators or other entities.

4.3. Technical and professional capacity

4.3.1. The economic operator shall furnish the proof of experience necessary for the execution of the public procurement contract, which can be proved by adequate references from previously executed contracts.

For the purposes of establishing the circumstances stated in item 4.3.1 of the present Tender Documents, the economic operator shall attach as preliminary evidence to its tender the completed European Single Procurement Document (ESPD) Form from the Attachment 2 to the present Tender Documents (Part IV: Selection Criteria, Part C: Technical and professional capacity under 1.b))

The Contracting Authority shall, before awarding the decision, request from the tenderer who submitted the most economically advantageous tender to deliver within reasonable period of time, which shall not be shorter than five days, the updated supporting documents furnishing the evidence of technical and professional capacity, as follows:

- a list of major deliveries of goods, same or similar to the subject matter of this procurement, executed in the year in which the public procurement procedure was initiated and in the three (3) years preceding that year.

The list from this item shall include the value of goods, delivery dates and the name of the other contracting party involved.

The list shall contain at least 3 (three) contracts with the same or similar subject matter of procurement, i.e. procurement of displays.

If necessary, the Contracting Authority may request the check-up of the authenticity of the statement directly from the other Contracting Party.
The total sum of the values of the 3 (three) contracts shall be minimum 50% of the estimated subject matter procurement value.

The Contracting Authority shall, before awarding the decision, request from the tenderer who submitted the most economically advantageous tender to deliver within reasonable period of time, which shall not be shorter than five days, the updated supporting documents furnishing the evidence of technical and professional capacity, as follows:

In order to prove the fulfillment of the criteria for the selection of the economic operator stated in item 4.3 (Technical and professional capacity), the economic operator may rely on the capacities of other economic operators, regardless of the legal nature of their mutual relationship.

If the economic operator relies on the capacity of other economic operators, it must submit evidence to the Contracting Authority that it will have at its disposal sufficient means for execution of contract, like for example the acceptance of the obligations of other entities that they would put their resources at disposal to the mentioned economic operator.

Under the same conditions, the group of economic operators may rely on the capacities of the members of the group of economic operators or other entities.

5. EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

5.1. The economic operator shall file the European Single Procurement Document (ESPD) in the standard form from the Attachment 2 of the present Tender Document. The ESPD is an updated formal statement by economic operators providing preliminary evidence replacing the certificates issued by public authorities or third parties that the economic operator:

1. is not in one of the situations in which economic operators shall or may be excluded (ground for exclusion)
2. meets the relevant selection criteria

The Contracting Authority shall complete the information in Section I: Information concerning the procurement procedure. The Information in all other sections of the ESPD are to be filled in by the economic operator

5.2. If an economic operator relies on the capability of another Economic Operator, it shall provide in its tender a separate European Single Procurement Document form containing the data from item 5.1 of Tender document for that economic operator, i.e.:

- if the tender is delivered by a group of economic operators, ESPD form shall be delivered for each group member (as regards the circumstances stated in item 3.1 and item 4.1),
- if the economic operator subcontracts a part of the public procurement contract, ESPD form shall be delivered for each subcontractor (as regards the circumstances stated in item 3.1.2),
- ESPD form shall be delivered for any other economic operator on which a economic operator of a group of economic operators relies, regardless of the legal nature of their mutual relationship (see item 7) (as regards the circumstances stated in items 4.2 and 4.3).

5.3. The European Single Procurement Document on the procurement contains a list of authorities that issue the supporting documents and a statement that an economic operator will be able to, upon such request and without delays, provide the documents to the Contracting Authority.

If the Contracting Authority can obtain the supporting documents directly by accessing a database, in the European Single Procurement Document an economic operator shall provide details necessary for such access, i.e. database internet address, all identification details and statement of consent, if applicable.
5.4. An economic operator can use the European Single Procurement Document it had already used earlier in another procurement procedure, if it confirms that the details contained therein are true and accurate.

5.5. The Contracting Authority can, at any time during the Public Procurement Procedure and if it is necessary to implement the procedure correctly, verify information stated in the European Single Procurement Document (ESPD) on the procurement with the authority competent for official records (e.g. criminal records) kept in compliance with a special regulation and request issuing of relevant certificate, by analyzing the supporting documents or evidence it already has or by using electronic means of communication to directly access a free national database available in the language stated in item 6.11 of the present Tender Documents. If such verification cannot be completed or a certificate stated in this item cannot be obtained, the Contracting Authority can require from an Economic Operator to provide all or part of the supporting documents or evidence, within a due deadline which is not shorter than five (5) days.

5.6. The Contracting Authority shall, before awarding the decision, request from the tenderer who submitted the most economically advantageous tender to deliver within reasonable period of time, which shall not be shorter than five days, the updated supporting documents pursuant to items 3 and 4 of the present Tender Documents, unless the Contracting Authority is already in their possession.

5.7. The Contracting Authority can invite an economic operator to amend or provide explanation of the received documents in accordance with Items 3 and 4 of this Tender Documentation.

5.8. If a tenderer that has submitted the most favorable tender fails to deliver the updated supporting documents within the set deadline or if these documents cannot prove that requirements stated in Items 3 and 4 of these Tender Documents have been met, the Contracting Authority shall reject the tender submitted by that tenderer and shall request from the next most favorable tenderer to deliver the updated supporting documents or cancel the public procurement procedure, providing there are reasons for such cancellation.

6. TENDER PROVISIONS

By delivering the tender, the Tenderer accepts all conditions set down by the present Tender Documents. If the Tenderer states in its tender any conditions that are not in line with the conditions set down by the present Tender Documents or are are contrary to them, such Tender shall be rejected.

6.1. Tender content and drawing-up method

When making a Tender, the Tenderer must adhere to the requirements and conditions stated in Tender Documents, and it shall not make any changes or amendments to Tender Documents.

The Tender shall include
- Tender Form (tender dossier pursuant to EPPC - Electronic Public Procurement Classifieds and a form from Attachment 1 of the present Tender Documents)
- Tender Security
- completed ESPD form
- completed Schedule of Prices

Tender Form shall contain the information on the Contracting Authority, tenderer of a group of tenderers, tender price, the information on sub-contractors if required, tender price without VAT, the VAT amount, the tender price with VAT, and tender validity expiry date.

Tender by a group of economic operators
More economic operators may join together and deliver a joint tender, regardless of the arrangements related to their mutual relationship.

The tender by a group of economic operators shall contain the information on the each member of the group of tenderers, as set in the form in Electronic Public Procurement Classifieds and a form from Attachment 1 of the present Tender Documents), with mandatory information on the member of the group of economic operators which is the leader of the group of economic operators and in charge of the communication with the Contracting Authority.

Confidentiality classification: The economic operator may, pursuant to the law, other regulation or a general act classify some information as classified, including technical or trade secrets and confidential features of tenders.

If an economic operator classifies some information as confidential, it shall, pursuant to Article 52, paragraph 2 of the Public Procurement Act, to state in the tender the legal basis in line with which the information have been classified as confidential.

Pursuant to Article 52, para. 3 of the Public Procurement Act, the economic operator may not classify as confidential: tender price. Schedule of prices, catalog, information on the criteria for tender selection, public documents, excerpts from public registers and other information that must be published publicly or may not be classified as confidential pursuant to a special law or subordinate legislation.

6.2. Tender delivery by means of electronic communication

The tender shall be delivered by means of electronic communication via Electronic Public Procurement Classifieds, in line with Article 280, paragraph 5 of the Public Procurement Act (Official Gazette No. 120/2016) and Article 10 of the Rules on Procurement and Tender Documentation in Public Procurement Procedures (OG 65/2017).

The electronic tender submission shall be done via Electronic Public Procurement Classifieds, with the reference to the electronic call for tenders and electronic access to tender documents.

The process of tender submission is considered to be the attaching (uploading) of all tender documents. All attached documents are bound together by the Electronic Public Procurement Classifieds in a whole tender, under the title “Tender Dossier”.

Electronic Public Procurement Classifieds of the Republic of Croatia ensures that the tender as well as all of its parts delivered by means of electronic communication are done in a way that they make a single whole, and that they are safely uploaded together.

Electronic Public Procurement Classifieds of the Republic of Croatia makes a record of each timely delivered tender, amendment to the Tender or withdrawal from tendering in the order of receipt in the tender receipt records.

It shall be considered that a tender submitted electronically via Electronic Public Procurement Classifieds of the Republic of Croatia obliges the Tenderer in the sense of tender validity date regardless of whether it is signed or not, therefore the Contracting Authority shall not reject such tender only for that reason.

If parts of tender are delivery by the means of communication that are not electronic means, the tenderer shall state in its tender which parts of the tender shall be delivered by these means.

The Tenderer may not submit the tender in paper form, except for the Tender Security.
Tender Security shall be delivered in its original, in a manner described in Item 6.5 of the present Tender Documents.

The Tenderer shall submit its tender electronically by uploading it to Electronic Public Procurement Classifieds not later than _____, October 2017 at 10:00 AM local time.

Detailed information on electronic tender delivery are available on the web site of the Electronic Public Procurement Classifieds, on the following web address: https://eojn.nn.hr/Oglasnik/

When tenders are submitted electronically, all communication, exchange and storage of information between the Tenderer and the Contracting Authority must be done in a manner that preserved the data integrity and tender confidentiality.

In case if the Contracting Authority stops the public procurement procedure due to complaint on Tender Documents or changes to Tender Documents, or annuls the public procurement procedure before the expiry of tender delivery period, the Electronic Public Procurement Classifieds of the Republic of Croatia shall permanently disable the access to tenders that had been delivered by electronic means of communication, and the public contractor shall return to the economic operators the unopened parts of tender delivered by the means of communication which are not electronic.

In case the procedure shall continue, the Tenderers shall have to re-submit their tenders.

6.3. Inaccessibility of Electronic Public Procurement Classifieds (EPPC)

The inaccessibility during the tender submission deadline exists if, for technical or other reasons, it is not possible perform the following activities in the period of four hours prior to expiry of tender delivery period on the EPPC web site:

1. To attach any document in supported format, including the Schedule of Prices
2. To create or attach tender dossier
3. To submit tender.

Inaccessibility in the moment of or during the tender opening shall be ascertained if it is not possible to do as follows in the system in the moment of or during the tender opening:

1. To attach the private keys
2. To make the insight into the records of the electronically delivered tenders
   To make insight into the tender dossier, i.e. Tender Form.

It is mandatory to report the inaccessibility to EPPC Help Desk of Narodne novine Plc. (from Monday to Saturday from 6:00 - 20:00).

Upon the receipt of the report, Narodne novine Plc. shall check it, and if the inaccessibility is ascertained, Narodne novine Plc. shall inform accordingly by e-mail the interested economic operators/Tenderers and the Contracting Authority and, if possible, it shall also publish the information of the inaccessibility of EPPC on its web site.

In exceptional cases, if the inaccessibility is eliminated within a period shorter than 30 minutes from the receipt of the report, and after the elimination of inaccessibility the remaining time for tender delivery is at least four hours, it shall be considered that there has been no inaccessibility.

When the inaccessibility of EPPC is ascertained, the deadline expiry period for tender delivery shall be put to a halt until the inaccessibility is eliminated.

If the inaccessibility of EPPC is ascertained in the moment of or during the tender opening, the tender opening procedure shall start at the expiry of tender delivery period and it shall be halted until the inaccessibility is eliminated.
Upon the elimination of inaccessibility, EPPC shall inform accordingly without any delay by e-mail the interested economic operators / tenderers and the Contracting Authority and, if possible, it shall also publish the information of the accessibility on its web site.

Upon the receipt of the notice on the elimination of inaccessibility, the Contracting Authority shall continue with tender opening not later than within 48 hours after the receipt of the notice, and should that period expire on the Contracting Authority's non-business day, the opening shall continue on the first following business day.

The Contracting Authority shall the Tenderers without any delay of the time and place of tender opening, if the tender opening is public. In the period from the elimination of inaccessibility until the continuation with tender opening, no changes shall be made to the tenders.

6.4. Modifications or withdrawal of Tender

Within the deadline for tender submission, the Tenderer may modify or withdraw its tender. If a Tenderer changes its tender during a bid submission deadline, a tender shall be considered submitted at the time of submission of the last modification of a tender.

A tender or the final tender cannot be modified or withdrawn after a tender submission deadline has expired.

A tender shall be binding for a Tenderer until expiry of the tender validity. Upon the request made by the Contracting Authority a Tenderer may extend the tender validity.

6.5. Delivery of parts of tender by means of communication which are not electronic

In cases when a tenderer delivers a part of the tender, such as tender security by means of communication which are not electronic, this part of tender shall be delivered in a sealed envelope to the contracting Authority's address - Croatia Control Ltd., 10410 Velika Gorica, Rudolfa Fizira 2, PO BOX 103, Croatia or by direct delivery to the Registry Office of the Contracting Authority: Rudolfa Fizira 2, Velika Gorica, room no. 112/1st floor, with the remark “DO NOT OPEN”.

On the front of the envelope the following should be stated:
- Name and address of the Contracting Authority
- Name and address of the Tenderer
- Procurement ref. No.:
- title of the subject matter of the procurement
- Remark “part of tender that is delivered separately” and warning “DO NOT OPEN”.

On the back or in the upper left corner of the envelope the following should be stated:
- Name and address of the Tenderer/group of Tenderers

If the tenderer delivery the tender by means of electronic communication, and its part by means of communication which are not electronic, this part shall be entered into the records on the receipt of the parts of tender which forms and appendix to the EPPC records on the receipt of tenders as stated in item 6.2 of the present Tender Documents.

The parts of the tender that are delivered by means of communication which are not electronic shall be delivered before the expiry of tender submission deadline, and in such a case the tender is considered to be submitted in the moment of tender delivery by means of electronic communication.
6.6. Public Tender Opening

Public opening of the received Tenders shall take place on October ____, 2017 at 10:00 AM local time at the Contracting Authority's address: Croatia Control Ltd., Rudolfa Fizira 2, Velika Gorica.

Those entitled to attend public tender opening are duly authorized representatives of the Tenderers and other persons.

Pursuant to Article 282, para. 8 of the Public Procurement Act, only the members of the expert commission of the Contracting Authority and the authorized representatives of tenderers (upon presentation of a written, duly signed Power of Attorney - written evidence on authority) may actively participate in the public tender opening procedure.

6.7. Alternative Tenders

Alternative Tenders are not allowed.

6.8. Tender Price

The Tender Price shall be expressed in figures.

The Tender shall specify in Tender Form the Tender price exclusive of Value Added Tax (VAT), VAT amount and the Tender price inclusive of VAT.

The Tender Price exclusive of Value Added Tax shall include all costs and discounts.

The tender price shall contain the insurance of equipment during the transport, unloading the equipment at the site and the insurance of the equipment during the unloading.

The Tender Price exclusive of Value Added Tax shall include all costs, including special taxes, excise and customs duties, if there are any, and discounts.

The tender price without VAT stated in the Schedule of Prices shall correspond to the tender price without VAT in Tender Form. In a case of a disparity between the two, the valid tender price without VAT shall be the one stated in the Schedule of Prices.

The offered unit prices shall be expressed in Euro. They shall remain firm and fixed during the contract validity period for the tenderer/contractor as well as for all possible sub-contractors.

If the Tenderer is not subject to the Value Added Tax System in the Republic of Croatia or if the subject matter of the procurement is exempt from the Value Added Tax, in the line "Tender Price with VAT" (hereinafter: gross price), the same amount as specified in the line "Tender Price without VAT" (hereinafter: net price) shall be inserted, while the line "VAT Amount" shall be left blank.

The same shall apply to the tenderer who is subject to VAT regulation, and which shall apply the reverse charge concept when invoicing the present procurement to the Contracting Authority. In such case, the Tenderer shall attach additional information to Tender Form, stating that VAT reverse charge concept/rule shall be applied at invoicing the subject matter of particular part of the procurement.

All the other Tenderers subject to VAT regulation which shall not apply VAT reverse charge concept/rule when invoicing the subject matter of this procurement to the Contracting Authority, or in cases when the subject matter of this procurement is not exempted from VAT, the Tenderer shall enter the VAT amount in the Tender Form field designated exclusively for the VAT amount relevant to this specific procurement along with Net and Gross price.

Furthermore, if in addition to the Tenderer, one or more sub-contractors also participate in this Tender, a price overview shall be presented on the additional information sheet attached to the Tender Form. It shall contain Net price, VAT amount (if stated on the Tender Form) and
Gross price per Tenderer and any possible sub-contractor, which all sum up to the total Tender price stated in the Tender Form.

If no single but multiple VAT rate(s) apply to goods and/or services related to this procurement, it is necessary to attach in additional information to the Tender Form the analytical breakdown of all particular VAT rates per each relevant good/service of the procurement.

The comparison of tender prices shall be done by reviewing the following values:

- for the subject matter of procurement exempt from VAT or for tenderer which is not subject to VAT regulation, net price of tender (without VAT) shall be considered,

- for the Tenderer subject to VAT regulation, Net price shall be considered if Contracting Authority avails itself of the right to recognize an input ("recoverable") VAT associated to this procurement, or if Contracting Authority in case of this specific procurement shall benefit from the VAT related reverse charge right/concept,

- for other tenderers the total gross tender price with the pertaining VAT amount shall be taken into consideration which shall finally be borne by the Contracting Authority since in such case it can not avail itself of the right of return of paid VAT, or VAT was invoiced without the possibility of reverse charge.

Should the Tenderer have sub-contractor(s), the prices for items in the Schedule of Prices, as well as the whole Tender, must be expressed in EUR.

6.9. Tender Currency

The Tender Price shall be expressed in EUR.

The amounts in EUR shall be converted into HRK countervalue by the Contracting Authority. The calculation shall be done on the basis of the Croatian National Bank middle exchange rate for EUR in force on the day when the Contracting Authority issues the Call for Tenders (October ___, 2017).

6.10. Contract Award Criteria

Among the Tenders assessed as responsive, the Contract will be awarded to the Tenderer with the economically most advantageous tender.

Methods of application of the evaluation criteria, in order of priority:

Each tender shall be evaluated and be given points pursuant to the following criteria:

Criteria for offer evaluation

The best offer will be chosen among acceptable offers on the basis of the most economical criteria.

Only the offers that satisfy all requirements of the tender documentation as well as all mandatory (M) technical requirements stated in the Technical requirements table will be evaluated by the authorised representatives of the Purchaser in the way described hereafter. The Purchaser will decline the offer that doesn't satisfy mandatory requirements.

Criteria application and evaluation, in the order of importance:

1) Price up to 800 points
2) Optional Technical Requirements (O) up to 100 points
3) Waranty longer than 5 years up to 100 points
Possible total number of points: 1000

The offer that satisfies requirements to be evaluated will be scored with the following formula:

\[ U_b = C_b + T_b + J_b \]

\[ U_b = \text{Total number of points} \]
\[ C_b = \text{Price criteria points} \]
\[ T_b = \text{Optional Technical Requirements (O) points} \]
\[ J_b = \text{Prolonged Waranty points} \]

1) **Price criteria points (C_b)** – points are calculated with following formula (maximum number of points is 800):

\[
\text{Price criteria points}^* = \frac{\text{Price of the lowest accepted offer}}{\text{Price of the evaluated offer}} \times 800
\]

*Rounded to an integer

2) **Optional Technical Requirements (O) points (T_b)** – points are given and summed according to the table below (maximum number of points is 100):

<table>
<thead>
<tr>
<th>Points</th>
<th>Optional Tech. Req. (O)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>TRTI0020</td>
</tr>
<tr>
<td>30</td>
<td>TVAN0020</td>
</tr>
<tr>
<td>30</td>
<td>TLLI0015</td>
</tr>
<tr>
<td>10</td>
<td>TVIN0025</td>
</tr>
<tr>
<td>10</td>
<td>TPSU0015</td>
</tr>
</tbody>
</table>

3) **Prolonged waranty points (J_b)** – points are given according to the following criteria (maximum number of points is 100):

If two or more acceptable tenders are equally ranked in accordance with the selection criteria, the public contractor shall select the one which had been received earlier, pursuant to Article 302, para. 3 of the Public Procurement Act.

6.11. **Language and Script of the Tender**

The Tender, as well as all other documents attached to the Tender, shall be drawn up in Croatian or English language and Latin script.

If the Tender has been drawn up in the Croatian language:

If any of the required documents is written in a language other than Croatian, the Tenderer shall enclose its original version, as well as its Croatian translation translated and certified by a registered court interpreter.

If the Tender has been drawn up in the English language:
If any of the required documents is written in a language other than English, the Tenderer shall enclose its original version, as well as its English translation translated and certified by a registered court interpreter.

6.12. Tender validity date

Tender validity shall be 4 (four) months from tender opening date.

The Contracting Authority reserves the right to request in writing the statement on extension of tender validity period.

In such case the Tenderer shall extend the validity period of Tender Security, which shall not be shorter than tender validity period.

7. RELIANCE ON CAPACITIES OF OTHER ECONOMIC OPERATORS

7.1. In order to prove the fulfillment of the criteria for the selection of the economic operator stated in item 4.2 (Economic and financial standing) and 4.3 (Technical and professional capacity) of the present Tender Documents, the economic operator may rely on the capacities of other economic operators, regardless of the legal nature of their mutual relationship.

7.2. If the economic operator relies on the capacity of other economic operators, it must submit evidence to the Contracting Authority that it will have at its disposal sufficient means for execution of contract, like for example the acceptance of the obligations of other entities that they would put their resources at disposal to the mentioned economic operator.

7.3. The Contracting Authority shall, pursuant to the Items 3 to 5 of the present Tender Documents, check whether other economic operators on the capacities of which the economic operator relies, also fulfill the relevant criteria for the selection of the economic operator, and whether there are any grounds for their exclusion.

7.4. The Contracting Authority shall demand from the economic operator to replace the other economic operator on the capacities of which it relied in order to furnish the evidence for fulfilling the selection criteria, if on the basis of Item 7.3 of the present Tender Document it is established that in relation to that other economic operator there is a basis for exclusion, or that it does not fulfill the relevant criteria for the selection of economic operator.

7.5. If an economic operator relies on the capacities of other economic operators in order to furnish the evidence of fulfilling the criteria of economic and financial capabilities, the Contracting Authority shall require their joint and several liability.

7.6. A group of economic operators may rely on the capacities of the member of the group or other entities, under the conditions stipulated under Item 7 of the present Tender Documents.

8. SUBCONTRACTING

8.1. The grounds for exclusion under item 3.1.2 of the present tender documents (obligation to pay outstanding tax liabilities and contributions for pension and health insurance) shall be applied on subcontractors.

If the Contracting Authority establishes that there are grounds for exclusion of a subcontractor, it will demand from the economic operator to replace such subcontractor within reasonable period of time, not shorter than five days.

8.2. The economic operator intending to subcontract a part of the public procurement contract shall in its tender:

1. state a part of the contract it intends to subcontract (subject matter or quantity, value or percentage)
2. state the information on subcontractors (name or title, VAT no. or national identification number, bank account no., legal representatives of the subcontractor)
3. deliver ESPD for the subcontractor.

Where a part of a public procurement contract is subcontracted, the above information on the subcontractor shall be included in the public procurement contract.

8.3. If a part of public procurement contract is subcontracted, the Contracting Authority shall pay directly to a subcontractor for that part of the contract the subcontractor had executed, unless it is not applicable due to a reasonable cause related to the nature of the contract or specific conditions for its execution, provided that these reasons were stated and explained in procurement documents, or the Contractor gives evidence that the obligations to the subcontractor for that part of the contract have already been settled.

The Contractor shall enclose to its invoice or accounting report the invoices or accounting reports issued by its Subcontractors that it had previously confirmed.

8.4. The Contractor may during the execution of public procurement contract require from the Contracting Authority:
1. the change of the Subcontractor for that part of the public procurement contract that it had previously subcontracted,
2. the introduction of one or more new Subcontractors whose total share shall not exceed 30% of the value of public procurement contract without VAT, irrespective of whether it previously subcontracted a part of the public procurement contract or not.
3. the takeover of the performance of the part of the public procurement contract that it had previously subcontracted,

The Contractor shall deliver to the Contracting Authority the information and documents under Item 8.2 attached to the request under Item 8.4, sub-items 1 and 2, in relation to the new subcontractor.

8.5. The Contracting Authority shall not approve the request by a Contractor:
1. In cases under Item 8.4, sub-items 1 and 2 of the present Tender Documents. If the Contractor relied on the subcontractor’s capability in order to prove the fulfillment of the criteria for the selection of the economic operator and is replacing that subcontractor, and the new subcontractor does not meet the requirements, or there are grounds for exclusion
2. In cases under Item 8.4, sub-item 3 of the present Tender Documents. If the Contractor relied on the subcontractor’s capability for the execution of that part, and the Contractor does not have such capability on its own, or if that part of the contract has already been executed.

8.6. Participation of Subcontractors shall be without prejudice to the liability of the Contractor for the performance of a public procurement contract.

9. GUARANTEES

9.1. Tender Security is required by the Contracting Authority and the Tenderer shall submit a Bank guarantee to the amount of HRK 225,000.00, i.e. EUR 30,000.00 with validity period until at least until Tender validity period. Tender Security form is provided in Attachment 4 to the present Tender Documents.

If, during the procurement procedure period, a Tender Security expires, the Contracting Authority is obliged, prior to selection request the extension of the tender validity deadline and guarantees from the bidder who had submitted the most favorable bid, within a reasonable deadline not shorter than five days.

The Contracting Authority shall have the right to collect payment in following cases:
1. when the Tenderer decides to withdraw its tender during its term of validity;
2. failure to provide updated supporting documents, pursuant to Items 3 and 4 of the present Tender Documents;
3. refusal to accept correction of errors in calculation;
4. refusal to sign a public procurement contract, or
5. Failure to submit the performance guarantee for public procurement contract.

The original copy of Tender Security shall be delivered. The Tender Security shall be delivered separately from the electronic tender submission, in paper form, in sealed envelope on which the information on the Tenderer are stated, as well as the following: “Public procurement procedure for Displays, E-VV 16/17, - A part/parts of the tender that are delivered separately, “do not open”.

Pursuant to Article 214 para. 4 of the Public Procurement Act, the Tenderer may make a monetary deposit in the requested amount. The information on the Contracting Authority bank account can be found in the General Information of this Tender Documents, item 1.1.d

9.2 The Contracting Authority shall require a guarantee for the restitution of advance payment and performance guarantee.

A Performance Guarantee in the form of an irrevocable, unconditional Bank Guarantee, payable on first demand and without recourse for 20% of the Contract Price, shall be delivered by the selected Tenderer together with the signed public procurement contract.

A Performance Guarantee in the form of an irrevocable, unconditional Bank Guarantee, payable on first demand and without recourse for 10% of the Contract Price, shall be delivered by the selected Tenderer together with the signed public procurement contract.

10  DEADLINES, TERMS AND CONDITIONS OF PAYMENT

The Contracting Authority shall make payments as follows:

20% of the total Contract Price as advance payment. The Contracting Authority shall transfer the advance payment upon the receipt of:
- invoice for advance payment
- bank guarantee for the restitution of advance payment in case of failure to deliver the goods

80% of the value of goods delivered upon the receipt of invoice within 30 days for each delivery
Delivery notes shall be attached to invoices.

Payments shall be done in convertible currency: EUR

The amounts in EUR shall be calculated by the Contracting Authority in HRK, on the basis of the Croatian National Bank middle exchange rate for EUR in force on the day when the Contracting Authority issues the Call for Tenders (___ October 2017).

11  CLARIFICATION OF TENDER DOCUMENTS

During the period for Tender delivery, economic operator may request the information, explanations and changes related to tender documentation in the attached form, and the Contracting Authority shall publish the reply on the same web pages on which the basic documentation is available, without explicitly mentioning the information on the entity filing the request.

If the request was delivered timely, the Contracting Authority shall publish the response not later than during the sixth day before the day which is the deadline for Tender delivery.

The request is timely if delivered to the Contracting Authority not later than during the eighth day before the day which is the deadline for Tender delivery.
The request shall be sent to the following e-mail address of the Contracting Authority: zlatko.bayer@crocontrol.hr, to the attention of "Expert Commission for the procurement of displays (E-VV 16/17)"

12 DEADLINE FOR THE ADOPTION OF A DECISION ON THE CONTRACT AWARD OR ANNULMENT OF THE PUBLIC PROCUREMENT PROCEDURE

The Decision on the contract award or on the annulment of the public procurement procedure shall be made by the Contracting Authority within 60 (sixty) days from the deadline for Tender submission.

The Decision on the contract award or on the annulment of the public procurement procedure with a copy of Minutes on review and assessment of Tenders will be delivered to each Tenderer in a verifiable manner (delivery receipt, return receipt, report on successful delivery via telefax, electronic document, publication in Electronic Public Procurement Classified, where the delivery is considered to be carried out by the expiry of the day of publication).

13. LEGAL RECOURSE

 Appeals, if any, shall be lodged in writing with the State Commission.

The appellant shall deliver a copy of the appeal to the Contracting Authority within the appeal submission deadline.

The Appeals, if any, shall be lodged within 10 (ten) days starting from:

1. publication of invitation to public tender, when relating to the content of the invitation or the tender documentation;
2. publication of the notice on the corrections, when relating to the content of the correction;
3. publication of any modification of the tender documentation, when relating to the content of tender documentation;
4. opening the Tenders, when relating to failure of the Contracting Authority to duly respond to timely submitted request for additional information, clarification or modification relating to the tender documentation and tender opening procedure;
5. the receipt of the decision on the selection or annulment, when relating to the tender review, evaluation and selection of tenders, or reasons for annulment.

The complainant who failed to submit an appeal during certain stage of the open public procurement procedure pursuant to paragraph 1 of this Article shall have no right to appeal during any later stage of the procedure for a previous stage.

14 GOVERNING LAW

To any matter not specifically mentioned herein, the provisions of the Public Procurement Act (Official Gazette No. 120/2016) and Rules on Procurement and Tender Documentation in Public Procurement Procedures (OG. no. 65/2017).
Appendix 1

STANDARD FORM
EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

(attached as a separate document)
Appendix 2

TECHNICAL SPECIFICATION

(attached as a separate document)
Appendix 3

SCHEDULE OF PRICES

(attached as a separate document)
Appendix 4

COMPLIANCE MATRIX

(attached as a separate document)
## CLARIFICATION REQUEST FORM (CRF)

<table>
<thead>
<tr>
<th>Reference to Tender</th>
</tr>
</thead>
<tbody>
<tr>
<td>(section/item of TD)</td>
</tr>
</tbody>
</table>

**QUESTION**

<table>
<thead>
<tr>
<th>CRF No.:</th>
</tr>
</thead>
</table>

**REPLY:**

| NAME: | DATE: |