

TENDER DOCUMENTATION

PUBLIC ENTERPRISE
"SKI RESORTS OF SERBIA"
Milutina Milankovica
New Belgrade

PUBLIC PROCUREMENT – original spare parts for the Sufag artificial snowing system in Zlatibor

**NEGOTIATION PROCEDURE WITHOUT AN INVITATION TO BID
PUBLIC PROCUREMENT No. 42/13**

October 2013

Pursuant to Article 31, Item 2 and Article 36, Paragraphs 6 and 61 of the Law on Public Procurement (RS Official Gazette, No 124/2012), (hereinafter: the LPP), Article 5 of the Rules on Mandatory Elements of Tender Documentation and the Manner of Proving the Fulfilment of Requirements (RS Official Gazette, No 29/2013), Decision on Initiating the Public Procurement Procedure number 3626 and the Decree on the Formation of Public Procurement Committee No 3627 dated 31 October 2013, it was prepared as follows:

TENDER DOCUMENTATION
in the negotiating procedure without an invitation to bid in a public procurement procedure for– original spare parts for the Sufag artificial snowing system in Zlatibor
PP No. 42/13

The tender documentation includes:

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I GENERAL – DATA ON THE PUBLIC PROCUREMENT

1. Data on the Procuring Entity

The Procuring Entity: Public Enterprise "Ski Resorts of Serbia"
Address: Milutina Milankovica 9, New Belgrade
Web page of the Procuring Entity: www.skijalistasrbije.rs

2. Type of public procurement:

This public procurement is executed in the form of a negotiation procedure without invitation to bid, in accordance with the LLP and the bylaws governing public procurements.

The grounds for applying the negotiation procedure without invitation to bid are the following:

Article 36, Paragraph 1, Item 2 of the Law on Public Procurement stipulates that a Procuring Entity may initiate a negotiation procedure without invitation to bid if, due to technical or artistic nature of the subject of the public procurement, or for reasons related to protection of exclusive rights, the supply can only be executed by a certain bidder.

The Bidder Sufag from Austria is the only bidder who, for reasons of technical nature, is able to meet the public procurement obligations, given that this bidder is the manufacturer of the artificial snowing system which requires original spare parts, and only the manufacturer's spare parts may be used to repair and overhaul the artificial snowing system from this manufacturer.

Pursuant to Article 36, Paragraph 2 of the Law on Public Procurement, prior to initiating the procedure, the Procuring Entity asked the Public Regarding the above request, the Public Procurement Office, in its letter No. 404-02-1406/13 of 27 August 2013 asked for a revision of the request. In accordance with the above letter from the Office, the Procuring Entity has revised the request and submitted it to the Public Procurement Office on 12 September 2013. Since the Procuring Entity has not received an opinion from the Public Procurement Office within the prescribed deadline, on 17 October 2013 the Procuring Entity urged the Office to issue an opinion. Since, even after such urging, the Procuring Entity has not received the opinion from the Public Procurement Office, the Procuring Entity has proceeded in accordance with Article 36, Paragraph 6 of the Law on Public Procurement.

3. Subject of the public procurement

Subject of the public procurement no. 42/13 are the goods – original spare parts for the Sufag artificial snowing system in Zlatibor.

4. Note in case of a reserved public procurement.

This is not a reserved public procurement.

5. Note in case of electronic bidding.

There shall be no electronic bidding.

6. Contact (person or office)

Contact office: Public Procurement Department, fax no. 011/311-90-30.

II DATA ON THE SUBJECT OF THE PUBLIC PROCUREMENT

1. Subject of the public procurement

Subject of the public procurement no. 42/13 are the goods – original spare parts for the Sufag artificial snowing system in Zlatibor.

Code from the general public procurement glossary: 31000000 – power machines, devices, equipment and supplies

2. Lots

The subject of this procurement is not divided into lots.

3. The type of framework agreement

There shall be no framework agreement.

III TYPE, TECHNICAL SPECIFICATIONS, QUANTITY AND DESCRIPTION OF GOODS, TERM AND POINT OF DELIVERY OF GOODS

1. Type of goods

Subject of the public procurement no. 42/13 are the goods – original spare parts for the Sufag artificial snowing system in Zlatibor.

Code from the general public procurement glossary: 31000000 – power machines, devices, equipment and supplies

2. Technical characteristics

In conformity with the technical specification requirements from Chapter 4 of the Tender Documentation.

3. Quantity and description of goods

In conformity with the technical specification requirements from Chapter 4 of the Tender Documentation.

4. Term and point of delivery

Original spare parts are delivered within the term specified in the bid form, to Zlatibor ski resort, CIP Zlatibor, Tornik ski resort, the Republic of Serbia.

IV TECHNICAL SPECIFICATION (APPENDIX IN EXCEL FORMAT)

V REQUIREMENTS FOR BIDDING IN THE PUBLIC PROCUREMENT FROM ART. 75 75. AND 76 AND INSTRUCTIONS HOW TO PROVE FULFILMENT OF THE CONDITIONS

1. REQUIREMENTS FOR BIDDING IN THE PUBLIC PROCUREMENT FROM ART. 75 75. AND 76 OF THE LPP

- 1.1.** *The entitled bidders in this public procurement is the bidder who meets the **compulsory conditions** prescribed in Article 75 of the LPP, as follows:*
- 1) The bidder must be registered with the competent public authority or enlisted in the appropriate register (Art. 75, Par. 1, Item 1 of the LPP);
 - 2) The bidder and its legal representative have not been convicted for any criminal offence as members of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud (Art. 75, Par. 1, Item 2 of the LPP);
 - 3) That the bidder has not been prohibited from performing economic activities by any measure in force at the time of publishing the invitation to bid (Art. 75, Par. 1, Item 3 of the LPP);
 - 4) The bidder must settle all taxes, contributions and other public liabilities in line with the regulations of the Republic of Serbia or a foreign state where the bidder's seat is located (Art. 75, Par. 1, Item 4 of the LPP);
 - 5) Holds valid license issued by a competent authority for conducting business activities, which are the subject of the public procurement, (Art. 75, Par. 1, Item 5) - *only if such license is stipulated in a special regulation.*
 - 6) When preparing the bid, the bidder shall explicitly state that he has complied with the liabilities arising from current regulations on safety at work, employment and working conditions, environmental protection, and that the bidder guarantees that he is the holder of intellectual property rights (Art. 75, Par. 2 of the LPP).
- 1.2.** If the bidder is bidding with a subcontractor, pursuant to Article 80 of the LPP, the subcontractor must meet the requirements referred to in Article 75, Paragraph 1, Items 1 to 4 of the LPP and the requirements referred to in Article 75, Paragraph 1, Item 5 of the LPP for the section of the procurement the bidder shall execute through a subcontractor.
- 1.3.** If the bid is submitted by a group of bidders, each bidder from the group of bidders shall fulfil the requirements referred to in Article 75, paragraph 1, items 1 to 4 of the LPP, and they shall jointly meet additional requirements.
The condition from Article 75, Paragraph 1 Item 5 of the LPP shall be fulfilled by the bidder from a group of bidders who is entrusted with the execution of the part of the procurement for which this condition must be fulfilled.

2. INSTRUCTION HOW TO PROVE COMPLIANCE WITH REQUIREMENTS – COMPLIANCE FORM

Bidders shall prove **compliance with the requirements** for bidding in the public procurement No. 42/13 by submitting a statement in which he states under penalty of perjury that he complies with the requirements, which is a comprising part of the documentation herein.

Pursuant to Article 77 Paragraph 4 of the Law on Public Procurement (Official Gazette of the RS, No 124/12)

_____,
(Bidder's name)

is making the following:

STATEMENT

ON COMPLIANCE WITH THE REQUIREMENTS FOR BIDDING IN THE PUBLIC PROCUREMENT 42/13

Under penalty of perjury we hereby confirm that we comply with all the compulsory requirements for bidding in a public procurement of original spare parts for the Sufag artificial snowing system, as stated in the tender documentation, chapter 5.

Date:

PoS

Bidder's signature

Note: The bidder shall immediately inform in writing the Procuring Entity of any change with respect the compliance with the public procurement requirements that occurs before the decision is made, and/or before the contract is concluded, and/or during the contract validity, and provide relevant accompanying documents.

VI CONTRACT ELEMENTS TO BE NEGOTIATED UPON AND THE MANNER OF NEGOTIATIONS

The subject of the negotiations shall be the total bid price.

The negotiation process shall commence immediately after the bid is opened, with an authorized representative of the bidder who has submitted the bid. There shall be two rounds of negotiations, before the bidder offers his final price.

Prior to the initiation of the negotiations, the representative of the bidder must submit to the committee a written authorisation to attend the bid opening procedure and the authorisation to negotiate, stamped and signed by the legal representative of the bidder.

If the authorised representative does not attend the negotiation procedure, it shall be assumed that his final price is the price stated in the bid.

It is not permitted to offer a higher price in the negotiation process than the price stated in the bid.

The Procuring Entity shall make sure in the negotiation process that the contractual price is not higher than the comparative market price and shall diligently check the quality of the subject of the procurement.

The Procuring Entity shall make a record on the negotiation process.

VII INSTRUCTIONS TO BIDDERS ON HOW TO PREPARE THE BID

1. DATA ON THE LANGUAGE IN WHICH THE BID MUST BE MADE

The bid shall be written in the Serbian language or in the English language.

2. THE MANNER IN WHICH THE BID MUST BE MADE

Bidder shall submit the bid in person or by mail in a sealed envelope or box, so that at its opening it can be verified that it has been opened for the first time.

The back of the envelope shall contain the correct name and address of the bidder.

In case a bid is submitted by a group of bidders, it shall be stated on the envelope that it is submitted by a group of bidders and it shall contain the names and addresses of all the joint bidders.

The bid shall be submitted to the following address: PE "SKI RESORTS OF SERBIA", Milutina Milankovica 9, 11 070 New Belgrade, with the following note: "A **bid in a public procurement** procedure for– original spare parts for the Sufag artificial snowing system , **PP No. 42/13 – DO NOT OPEN**". The bid shall be deemed timely if it has been received by the Procuring Entity before the deadline for submitting bids has expired - **15 November 2013, by 12 a.m., local time. The bid opening procedure and the negotiation procedure shall be on the same day, 15 November 2013, commencing at 12.30 a.m.**

Upon receipt of each bid, the Procuring Entity shall record on the envelope, i.e. box, containing the bid the time of receipt and record the number and date of the bid in the order of arrival. If a bid is submitted in person, the Procuring Entity shall give to the bidder a certificate of receipt. In this certificate of receipt, the Procuring Entity shall state the date and time of the receipt of the bid.

The bid that the Procuring Entity does not receive within the deadline set for the receipt of bids, i.e. which is received after the date and hour set as the deadline for the receipt of bids, shall be deemed untimely.

A bid must comprise the following:

- Bid form
- Form for the Statement on compliance with the requirements for bidding in the public procurement
- Price breakdown with a spare parts list
- Form of the Statement on the Independent Bid
- Statement on Conformity with Art. 75, Paragraph 2 of the LPP.

3. LOTS

The subject of this procurement is not divided into lots.

4. BIDS WITH VARIATIONS

Bids with variations are not allowed.

5. AMENDMENTS, SUPPLEMENTS AND CANCELLATION OF BIDS

Within time limits for submitting the bid, the bidder may change, amend or revoke its bid in the manner specified for bid submission.

The bidder shall clearly mark the part of the bid which is being changed, and/or subsequently added to the document.

The amendments, supplements or cancellations shall be submitted to the following address: PE Ski Resorts of Serbia, Milutina Milankovica 9, New Belgrade, with the following note:

"Amendments to the public procurement – original spare parts for the Sufag artificial snowing system, PP No. 42/13 – DO NOT OPEN" or

"Supplements to the public procurement – original spare parts for the Sufag artificial snowing system, PP No. 42/13 – DO NOT OPEN" or

"Cancellation of the public procurement – original spare parts for the Sufag artificial snowing system, PP No. 42/13 – DO NOT OPEN" or

"Amendments and supplements to the public procurement – original spare parts for the Sufag artificial snowing system, PP No. 42/13 – DO NOT OPEN" or

The back of the envelope or the box shall contain the correct name and address of the bidder. In case a bid is submitted by a group of bidders, it shall be stated on the envelope that it is submitted by a group of bidders and it shall contain the names and addresses of all the joint bidders.

After the deadline for submission of bids has expired, a bidder is not allowed to change his bid.

6. PARTICIPATION IN A JOINT BID OR AS A SUBCONTRACTOR

A bidder may submit one bid only.

The bidder who has independently submitted its bid cannot simultaneously participate in some other bid as a joint bidder or as a subcontractor, nor can he participate in several joint bids.

In the Bid Form (Chapter VIII), the bidder shall state the manner in which he is submitting the bid, i.e. whether he is bidding independently or as a joint bidder, or with a subcontractor.

7. BIDS WITH A SUBCONTRACTOR

If a bidder is bidding with a subcontractor, he shall state in the Bid Form (Chapter VIII) that he is bidding with a subcontractor, the percentage of the total procurement value to be entrusted with the subcontractor, which may not exceed 50% as well as the part of the subject of the public procurement to be executed by the subcontractor. In the Bid Form, the bidder shall state the name and the head office address of the subcontractor, if he is to entrust a subcontractor with the execution of a part of the procurement.

If the Procuring Entity and the bidder who is bidding with a subcontractor conclude the contract on public procurement, the subcontractor shall be indicated in the public procurement contract.

The bidder shall submit evidence for the subcontractors on compliance with the requirements stated in Chapter V of the tender documentation, in accordance with the Instructions on how to prove compliance with the requirements.

The bidder shall be fully responsible to the Procuring Entity for the execution of all the liabilities under the procurement, i.e. the contractual obligations, regardless of the number of subcontractors.

The bidder shall provide access to the Procuring Entity, upon the Procuring Entity's request, to the subcontractor for the purpose of determining compliance with the requirements.

8. A JOINT BID

A bid may be submitted by a group of bidders.

If a bid is submitted by a group of bidders, an integral part of the joint bid shall be the agreement whereby the bidders from the group commit to each other and to the Procuring Entity to execute the public procurement, which shall comprise the data from Article 81, Par. 4, Item 6 of the LPP as follows:

- the leading member of the group, i.e. the one who will submit the bid and represent the group of bidders before the Procuring Entity;
- the bidder who will sign the contract on behalf of the group of bidders;
- the bidder who will provide the financial security instruments on behalf of the group of bidders;
- the bidder who will issue the invoice;
- the account for the execution of payments;
- the responsibilities of each bidder from the group of bidders for the execution of the contract.

The group of bidders shall submit written statement on compliance with the requirements stated in Chapter V of the tender documentation, in accordance with the Instructions on how to prove compliance with the requirements.

The bidders from the group of bidders shall bear unlimited joint and several liability towards the Procuring Entity.

9. METHOD AND TERMS OF PAYMENT, GUARANTEE PERIOD, AND OTHER CIRCUMSTANCES THAT DETERMINE THE ACCEPTABILITY OF A BID

9.1. Requirements regarding the method and terms and conditions of payment.

The term for payment is 10 days from the delivery of spare parts, pursuant to a document supplied by the bidder.

Payment is made to the bidder's bank account.

The bidder may not ask for an advanced payment.

9.2. Requirements regarding the guarantee period

The bidder shall state the duration of the guarantee period for the spare parts in the Bid Form.

9.3. Requirements regarding the term

The bidder shall state the term of delivery for the spare parts in the Bid Form. Point of delivery shall be Zlatibor ski resort.

9.4. Requirements regarding bid validity period

Bid validity period may not be shorter than 30 days from the day of the bid opening. In the case that the validity of a bid has expired, the Procuring Entity shall ask the bidder in writing for the extension of the validity period.

The bidder that accepts the extension request may not change the bid.

10. THE CURRENCY AND HOW THE PRICE STATED IN THE BID SHALL BE STATED

The Procuring Entity allows the bidder to state the price in Euro. The price shall be converted into dinars using the medium exchange rate of the National Bank of Serbia on the date when the bid opening started (with the aim of determining the acceptability of the bid compared to the estimated procurement value).

The price includes the price for spare parts and the delivery of such spare parts CIP Zlatibor, Tornik ski resort.

The price may not be changed.

11. 6.11 DATA ON THE STATE AUTHORITY OR ORGANIZATION, OR THE BODY OR SERVICE OF THE TERRITORIAL AUTONOMY, OR LOCAL SELF-GOVERNMENT WHERE THE BIDDERS CAN OBTAIN IN A TIMELY MANNER ACCURATE INFORMATION REGARDING THE TAX-RELATED LIABILITIES, ENVIRONMENTAL PROTECTION, EMPLOYMENT PROTECTION, WORKING CONDITIONS, ETC, WHICH APPLY TO THE EXECUTION OF THE PUBLIC PROCUREMENT CONTRACT

The data on the tax related liabilities may be obtained from the Tax Administration, Ministry of Finance and Economy.

The data on environmental protection may be obtained from the Environmental Protection Agency and the Ministry of Energy, Development and Environmental Protection.

Information regarding employment protection and working conditions may be obtained at the Ministry of Labour, Employment and Social Policy.

For a foreign bidder, in accordance with the regulations of his domicile state.

12. DATA ON THE TYPE, CONTENTS, WAY OF SUBMITTING, AMOUNT AND EXPIRY DATES FOR PERFORMANCE BONDS OF THE BIDDERS

The Procuring Entity requires financial securities in this public procurement.

13. NON-DISCLOSURE OF THE DATA THE PROCURING ENTITY MAKES AVAILABLE FOR THE BIDDERS, INCLUDING THEIR SUBCONTRACTORS

This procurement does not contain confidential information made available by the Procuring Entity.

14. ADDITIONAL INFORMATION OR CLARIFICATIONS ON HOW TO PREPARE THE BID

An interested person may request from the Procuring Entity in writing via regular mail or email of the Procuring Entity dusica.sikora@skijalistasrbije.rs or via fax number 011/311-90-30 additional information on how to prepare the bid, at least 5 days before the deadline for submitting bids has expired.

Within three (3) days upon receiving the request for information and clarifications on the tender documentation, the Procuring Entity shall supply such information and explanations in writing and shall publish such information and clarifications on the public procurement portal and its website.

Additional information or clarifications are to be supplied with the following note: "Request for additional information or explanations on the tender documentation, **PP No. 42/13**."

If the Procuring Entity amends or supplements the tender documentation eight or less days before the expiry of the deadline for the submission of bids, it shall extend the deadline for the submission of bids and publish the information on the extension of the deadline for submission of bids.

After the deadline for submission of bids has expired, a bidder is not allowed to change or supplement the tender documentation.

Requesting additional information and clarifications about bid preparation over the phone is not allowed.

Communication in the public procurement procedure shall be made exclusively in the manner specified in Article 20 of the LPP.

15. ADDITIONAL CLARIFICATIONS BY THE BIDDERS AFTER THE BID OPENING AND CONTROL WITH THE BIDDER AND/OR HIS SUBCONTRACTOR

The Procuring Entity may, upon expert bid evaluation, request from the bidder in writing additional clarifications which will help in reviewing, evaluating and comparing the bid and it may also perform control (pre-inspection) of the bidder, i.e. his subcontractor (Article 93 of the LPP).

If the Procuring Entity concludes that additional clarifications are needed or that it is necessary to control (inspect) some elements with the bidder, and/or his subcontractor, the Procuring Entity shall allow reasonable time for the bidder to act upon the request from the Procuring Entity, i.e. to enable the Procuring Entity the control (inspection) of the bidder and/or his subcontractor.

The Procuring Entity may, with bidder's consent, rectify arithmetic errors noticed while examining the bid, upon termination of the bid opening procedure.

If there is a difference between the unit and total price, the unit price shall be the reference one.

If the bidder does not consent to the correction of arithmetic errors, the Procuring Entity shall reject his bid as unacceptable.

16. ADDITIONAL PERFORMANCE SECURITY FOR THE BIDDERS THAT ARE ON THE NEGATIVE REFERENCE LIST

The bidder that is on the negative reference list compiled by the Public Procurement Office, pursuant to Article 83 of the LPP, and who has a negative reference for a subject of the public procurement other than the subject of this public procurement, and in case such bidder is awarded the procurement contract, at the contract conclusion, he shall submit to the Procuring Entity a performance bond with the following clauses: unconditional and payable on first demand. The performance bond shall be issued for the amount of 15% (*instead of the 10% from Item 12 of the Instructions to the bidders on how to prepare the bid*) of the total contractual value VAT excluding, valid 30 longer than the performance deadlines. If during the contract term the performance deadlines are extended, the validity of the performance bond must be extended accordingly.

17. CONTRACT ELEMENTS TO BE NEGOTIATED UPON AND THE MANNER OF NEGOTIATIONS

The subject of the negotiations shall be the total bid price.

The negotiation process shall commence immediately after the bid is opened, with an authorized representative of the bidder who has submitted the bid. There shall be two rounds of negotiations, before the bidder offers his final price.

Prior to the initiation of the negotiations, the representative of the bidder must submit to the committee a written authorisation to attend the bid opening procedure and the authorisation to negotiate, stamped and signed by the legal representative of the bidder.

If the authorised representative does not attend the negotiation procedure, it shall be assumed that his final price is the price stated in the bid.

It is not permitted to offer a higher price in the negotiation process than the price stated in the bid.

The Procuring Entity shall make sure in the negotiation process that the contractual price is not higher than the comparative market price and shall diligently check the quality of the subject of the procurement.

The Procuring Entity shall make a record on the negotiation process.

18. THE TYPE OF CRITERIA FOR AWARDING THE CONTRACT, THE ELEMENTS OF THE CRITERIA FOR AWARDING THE CONTRACT AND THE METHODOLOGY FOR PONDERING EACH ELEMENT OF THE CRITERIA

The selection of the most advantageous bidder is done by applying the criteria of **“the lowest bid price”**.

19. THE CRITERIA ELEMENTS UPON WHICH THE PROCURING ENTITY SHALL AWARD THE CONTRACT IN A SITUATION WITH TWO OR MORE BIDS WITH EQUAL NUMBER OF WEIGHTS OR THE SAME BID PRICE

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20. COMPLYING WITH THE OBLIGATIONS ARISING FROM CURRENT REGULATIONS

In his bid, the bidder shall state under penalty of perjury that he has complied with all the obligations arising from current regulations on safety at work, employment and working conditions, environmental protection, and that the bidder guarantees that he is the holder of intellectual property rights. (The Bid Form given in Chapter XII of the tender documentation).

21. USING PATENTS AND LIABILITY IN CASE OF BREACH OF THIRD PERSONS INTELLECTUAL PROPERTY RIGHTS

The fee for the use of patents, as well as liability for breach of third parties intellectual property rights shall be borne by the bidder.

22. THE MANNER AND DEADLINE FOR SUBMITTING THE REQUEST FOR THE PROTECTION OF THE RIGHTS OF THE BIDDERS

A request for protection of rights may be submitted by the bidder, i.e. any stakeholder or by a business association on their behalf.

A request for the protection of rights shall be presented to the Republic Commission, and submitted to the Procuring Entity. The submitter of the request for the protection of rights shall also simultaneously send a copy of the request to the Republic Commission. The request for protection of rights shall be submitted to the Procuring Entity's address PE Ski Resorts of Serbia, Milutina Milankovica 9, 11070 New Belgrade directly or via registered mail. The request for the protection of rights may be submitted during the entire public procurement procedure, against any action of the Procuring Entity, unless otherwise stipulated by the LPP. The Procuring Entity shall inform all the participants in the public procurement on the submitted request for the protection of rights, i.e. shall publish it, within 2 days from the date of receipt of such request.

If the request for protection of rights challenges the type of procedure, the contents of the invitation for bidding or tender documentation, the request shall be deemed timely if it is received by the Procuring Entity not later than 7 days before the deadline for submitting bids, regardless of the method of delivery. This provision shall not apply if the requesting party or his affiliate did not participate in the procedure.

If a request for protection of rights is submitted which challenges the type of procedure, the contents of the invitation for bidding or the tender documentation, there shall be a halt in the submission procedure.

The request for protection of rights halts further activities in the public procurement procedure until a decision upon the request is made.

Following the decision to award the contract under Art. 108 of the LPP or the decision to suspend the procurement procedure under Art. 109 of the LPP, the

deadline for submitting a request for the protection of rights shall be 10 days upon the receipt of the decision for the participants in the process, or 10 days from the date of publication of the decision to award the contract on the Public Procurement Portal for the applicants who did not participate in the negotiation process.

The request for protection of rights may not challenge the actions of the Procuring Entity made in the public procurement procedure if the applicant was aware or could have been aware of the reasons for such submission of the request before the deadline for submission of bids has expired and he failed to submit such request before such deadline has expired.

If the same applicant submits a request for protection of rights once again in the same procedure, such request may not challenge the actions of the Procuring Entity of which the applicant was aware or could have been aware at the time when he submitted the first request.

The submitter of the request for the protection of rights shall pay to the account of the budget of the Republic of Serbia (Account Number: 840-742221843-57, reference number 50-016, purpose: Republic administrative tax with the code of the relevant public procurement, the recipient: Budget of the Republic of Serbia) the tax amounting to 40,000.00 dinars.

The procedure for the protection of the rights of bidders is regulated by the provisions of Articles 138 – 167 of the LPP.

23. THE DEADLINE FOR THE CONCLUSION OF THE CONTRACT

The public procurement contract shall be concluded with the bidder who was awarded the contract 8 days upon expiry of the deadline for submitting the request for the protection of rights referred to in Article 149 of the Law on Public Procurement.

VIII BID FORM

Bid no. _____ of _____ for the public procurement – original spare parts for the Sufag artificial snowing system, PP No. 42/13.

1) GENERAL DATA ON THE BIDDER

Bidder's name:	
Bidder's address:	
Bidder's registry number:	
Bidder's tax identification number (TIN):	
Contact person:	
Bidder's e-mail:	
Telephone:	
Fax:	
Bidders account number and the name of the bank:	
Person authorised to conclude contracts:	

2) THE BID IS SUBMITTED:

A) INDEPENDENTLY
B) WITH A SUBCONTRACTOR
C) AS A JOINT BID

Note: please circle the method of submitting the bid and enter the data on the subcontractor if the bid is submitted with a subcontractor, i.e. the data on all the participants in a joint bid if a bid is submitted by a group of bidders.

3) Bid no. _____ of _____ for the public procurement – original spare parts for the Sufag artificial snowing system in Zlatibor, PP No. 42/13.

Total price VAT excluded	
Total price VAT included	
Term and point of delivery	The payment deadline is 10 days upon delivery.
Term of delivery:	
Guarantee period	
Point and method of delivery:	CIP Zlatibor, Tornik ski resort
Bid validity term:	

Date

PoS

Bidder

The bidder shall fill in the Bid Form, stamp it and sign, which confirms that the information in the Bid Form is accurate. If bidders are bidding in a joint bid, the group of bidders may choose the option in which all the bidders from the group of bidders sign and stamp the Bid Form or the group of bidder may delegate one bidder from the group of bidders who shall fill in, sign and stamp the Bid Form.

4) DATA ON THE SUBCONTRACTOR

1)	<i>Subcontractor's name:</i>	
	<i>Address:</i>	
	<i>Registration number:</i>	
	<i>Tax identification number (TIN):</i>	
	<i>Name of the contact person:</i>	
	<i>The percentage of the total value of the procurement which shall be executed by this subcontractor:</i>	
	<i>The part of the subject of the procurement which shall be executed by the subcontractor:</i>	
2)	<i>Subcontractor's name:</i>	
	<i>Address:</i>	
	<i>Registration number:</i>	
	<i>Tax identification number (TIN):</i>	
	<i>Name of the contact person:</i>	
	<i>The percentage of the total value of the procurement which shall be executed by this subcontractor:</i>	
	<i>The part of the subject of the procurement which shall be executed by the subcontractor:</i>	

Note:

The form "Data on the Bidder" are to be submitted only by those bidders who bid with a subcontractor, and if there is a greater number of bidders than the boxes in the table, the form should be photocopied in a sufficient number of copies, filled in and submitted for each bidder.

5) DATA ON THE BIDDER IN A JOINT BID

1)	<i>Data on the bidder in a joint bid:</i>	
	<i>Address:</i>	
	<i>Registration number:</i>	
	<i>Tax identification number:</i>	
	<i>Name of the contact person:</i>	
2)	<i>Data on the bidder in a joint bid:</i>	
	<i>Address:</i>	
	<i>Registration number:</i>	
	<i>Tax identification number:</i>	
	<i>Name of the contact person:</i>	
3)	<i>Data on the bidder in a joint bid:</i>	
	<i>Address:</i>	
	<i>Registration number:</i>	
	<i>Tax identification number:</i>	
	<i>Name of the contact person:</i>	

Note:

The form "Data on the Bidder in a Joint Bid" are to be submitted only by those bidders who bid in a joint bid, and if there is a greater number of bidders than the boxes in the table, the form should be photocopied in a sufficient number of copies, filled in and submitted for each bidder who is bidding in a joint bid.

***IX PRICE BREAKDOWN FORM, WITH THE INSTRUCTIONS ON
HOW TO FILL IT IN***

With the bid, the bidder shall also submit the spare parts specifications with item prices for each part, as well as the total price for the spare parts, with all the costs of the public procurement.

X BID PREPARATION EXPENSES FORM

Pursuant to Article 88, Paragraph 1 of the LPP, the bidder _____ (*write the name of the bidder*), submit the total amount and the structure of costs incurred for the bid preparation, as shown in the table:

<i>TYPE OF COST</i>	<i>COST AMOUNT IN RSD</i>
<i>TOTAL AMOUNT FOR BID PREPARATION</i>	

The costs of preparing and submitting the bid shall be exclusively borne by the bidder, and the bidder shall not request the reimbursement of costs from the Procuring Entity.

If the public procurement procedure was cancelled due to reasons related to the Procuring Entity, it shall reimburse the costs for producing sample or model to the bidder, if these were made in compliance with the technical specifications of the Procuring Entity, as well as the costs of providing the financial security instruments, provided that the bidder requested reimbursement of these costs in its bid.

Note: the submission of this statement is not mandatory.

Date:

PoS

Bidder's signature

XI STATEMENT ON INDEPENDENT BID FORM

Pursuant to Article 26 of the LPP, _____,
(Bidder's name)
is making the following:

STATEMENT

ON THE INDEPENDENT BID

I hereby declare under penalty of perjury that I have submitted the bid in the public procurement procedure original spare parts for the artificial snowing system in Zlatibor, No. 42/13 independently, without agreement with other bidders or stakeholders.

Date:

PoS

Bidder's signature

Note: *in case of reasonable doubt in the accuracy of the statement on independent bid, the Procuring Entity shall immediately inform the relevant competition protection body. The body competent for the protection of competition may ban the bidder, i.e. stakeholder from bidding in the public procurement if it establishes that the bidder, i.e. the stakeholder has violated competition rules in the public procurement procedure in accordance with the law governing competition protection. The ban from participating in a public procurement may last for up to two years. Violation of competition constitutes a negative reference, in accordance with Article 82, Paragraph 1, Item 2 of the LPP.*

If the bid is submitted by a group of bidders, *the Statement must be signed by an authorised person of each bidder in the group of bidders and verified by stamp.*

XII STATEMENT ON CONFORMITY WITH ART. 75, PARAGRAPH 2 OF THE LPP.

Regarding Article 75 Paragraph 2 of the Law on Public Procurement, as the representative of the bidder, I am hereby making the following

STATEMENT

The bidder(state the name of the bidder) in the public procurement procedure – original spare parts for the Sufag artificial snowing system in Zlatibor, No. 42/13, has complied with all the obligations arising from current regulations on safety at work, employment and working conditions, environmental protection, and guarantee that he is the holder of intellectual property rights.

Date

Bidder

PoS

Note: If the bid is submitted by a group of bidders, the Statement must be signed by an authorised person of each bidder in the group of bidders and verified by stamp.