



PROCUREMENT PROCEDURE FOR NON OBLIGATOR PARTIES OF THE  
PUBLIC PROCUREMENT ACT

**BIDDING DOCUMENTATION**  
**(Invitation to submit a bid)**

Procurement number: EV 01/20

Procurement name: **Machine for vertical packing of  
bulk materials into bags and industrial control software  
for the machine**

The documentation approved by:

Damir Dominić, director

Prelog, October 2020.

## **1. GENERAL INFORMATION**

### **1.1. Client Information**

Name of the client: Royal Transport d.o.o.

Headquarters: Glavna 45, 40323 Prelog

OIB: 74855856301

Contact person of the client: Luka Dominić

Telephone: +385 98 967 7566

Fax: +385 40 608 087

E-mail: damir@royaltransport.hr

### **1.2. Procurement is carried out on a foundation basis of:**

- European Territorial Cooperation Program 2014-2020, adopted by the Ministry of Regional Development and European Union Funds.
- B Light Grant project which finances the cooperation of small and medium enterprises (SMEs) in the border area Hungary - Croatia within the Interreg V-A Cooperation Program Hungary - Croatia 2014 - 2020.

The invitation to submit bids and this tender documentation and any changes and / or clarified (here and after referred to as "Documentation") are published on the website of the client: [www.royaltransport.hr](http://www.royaltransport.hr)

The Client will make the answers to all questions available in the same way as the bidding Documentation and within the deadlines specified in the bidding Documentation.

### **1.3. The list of economic entities with which the Client has a conflict of interest based on the principle of avoiding conflicts of interest as defined by the Procurement Procedures**

The Client may not conclude a public procurement contract with the following economic operators:

1. DAD Centar d.o.o. Glavna 45, 40323 Prelog, Hrvatska, OIB: 05680685853
2. Royal otpremništvo d.o.o. Glavna 45, 40323 Prelog, Hrvatska, OIB: 67043958589
3. Međimurje plin d.o.o. Obrtnička 4, HR 40000 Čakovec, Hrvatska, OIB: 29035933600
4. GKP PRE-KOM d.o.o. Hrupine 7b, 40323 Prelog, Hrvatska, OIB: 15704341739
5. DMD Trgovina d.o.o. *Oporovec* 78, , 40323 Prelog, Hrvatska, OIB 50561593329
6. Whis d.o.o. Glavna 45, 40323 Prelog, Hrvatska, OIB: 74773584014
7. Solmax kft Alsórajk, 8767 Mađarska, EU porezni broj: HU14617757.

### **1.4. Type of procurement procedure and type of contract:**

The Client applies the procurement procedure with the obligatory publication of a call for tenders. The beginning of the public procurement procedure is the day of publication of the Invitation for submission of bids on the website of the Client, ie October 5, 2020.

### **1.5. Estimated purchase value**

Industrial control software for the machine: **78,595.00 EUR**

Machine for vertical packing of bulk materials into bags: **51,435.00 EUR**

## **1.6. Procurement registration number EV 01/20**

### **1.7. Explanations and changes to the tender documentation**

The Client may at any time, and before the deadline for submission of tenders, for any reason, either on its own initiative or in response to a request from the economic operator for additional information and explanations, modify the bidding Documentation.

During the deadline for submission of bids, and no later than 5 (fifth) day before the day in which the deadline for submission of bids expires, economic entities may send a written request to e-mail [damir@royaltransport.hr](mailto:damir@royaltransport.hr) for clarifications related to this Tender Documentation, and the Client will make the answers available to all interested parties as specified in point 1.2. Documentation without revealing the identity of the applicant.

Provided that the request is submitted on time, the Client is obliged to make the answer available no later than 4 (fourth) day before the day in which the deadline for submission of tenders expires.

If the Client changes the Documentation during the deadline for submission of bids, it will ensure the availability of changes to all interested economic operators in the same way and on the same website as the basic documentation and in case of significant changes will ensure that economic operators have at least 8 (eight) days to submit a bid. If necessary, the Client will amend or correct the Procurement Notice. In case of untimely request for clarification or in case the importance of clarification in relation to the preparation of valid tenders is negligible, the Client does not have to extend the deadline for submission of tenders.

## **2. INFORMATION ON THE SUBJECT OF THE PROCUREMENT**

### **2.1. Item description**

The subject of the procurement is machine for vertical packing of bulk materials into bags and industrial control software for the machine.

Programming must be guaranteed (guaranteed) for 3 years, which includes the fact that the client has the right to change the program at any time with additional work if it does not meet the expected actions.

A bidder may submit only one bid. The bid must offer all items as defined in the „Costs“ document.

### **2.2. Technical specifications**

Detailed technical specification can be found in the **Costs document** which is an integral part of this Documentation.

The requirements defined in the Costs document represent the minimum required functionalities to which the offered goods must correspond, unless otherwise stated in them, and they must not be changed.

A valid bid must satisfy all items required by the technical specification, which bidder confirms by entering the answer "YES" within the column "Offered specifications YES / NO". Accordingly, a bid containing at least one "NO" answer will be excluded from the procurement procedure.

In all places in the technical descriptions, drawings and cost estimates where the supplier / brand / type is indicated, the expression "or equivalent" is accompanied.

The bidder may not change the Costs document.

The column "Note of the supplier" may be filled in by the bidder, ie the supplier only if: (I) if in the column "Exists YES / NO" he answered "YES", in order to clarify how the subject of the tender is equivalent to the requested one and refer to the evidence equivalence proves, or (II) if in the column "Exists YES / NO" he answered "YES", but the subject of his offer positively exceeds the required characteristics, where he will explain it under the column "Note of the supplier".

A Costs document that is not filled in in accordance with this Documentation will be considered incomplete or invalid and such offer **will be rejected**. It is noted that with institute of clarification cannot eliminate errors related to the subject of procurement, and thus neither incorrectly filled technical documentation or cost estimate.

### **2.3. Quantity of procurement items**

The quantity of procurement items is defined in the Costs document of this Documentation. The quantity is correct.

### **2.4. Place of delivery of the subject of procurement**

The place of delivery of the machine is Royal Transport d.o.o., Carinski odvojak bb, 40000 Čakovec.

### **2.5. Delivery date**

In accordance with the subsequently concluded contract according to the selected offer, and no later than 30. August 2021.

Extension of the contract execution deadline, ie delivery deadline, is only possible in case of force majeure. Force majeure means an exceptional event or circumstance:

- a) which is beyond the control of the Contracting party;
- b) which the Contracting party could not reasonably have avoided before concluding the Contract;
- c) which, when incurred, the Contracting party could not reasonably have avoided or overcome and
- d) which cannot be substantially attributed to the other Contracting party.

Force majeure includes, but is not limited to, the exceptional events or circumstances listed below, provided that conditions a) to d) are met:

- war, hostilities (whether declared or not), invasions, attacks by foreign enemies;
- rebellion, terrorism, revolution, uprising, military or usurped authority or civil war;

- incidents, riots, strikes or work stoppages by persons not belonging to the tenderer and his subcontractors;
- war ammunition, explosive materials, ionizing radiation or radioactive contamination, unless sampled by the bidder's use of such ammunition, explosives, radiation or radioactivity;
- natural disasters such as earthquakes, hurricanes, typhoons or volcanic activity, and
- epidemic or pandemic disease.

In this situation, the deadline may be extended by a maximum of the number of days resulting from force majeure. Such extension of the delivery deadline will not affect the increase of the total contracted price. Such changes will not be considered a significant change to the contract.

An extension of the delivery period cannot be granted due to non-executing of the contractual obligations of the contractor.

For the delay in the delivery of the machine, a **contractual penalty of 0.05%** of the contracted value without VAT is determined per day of delay.

## **2.6. NORM PROVISIONS**

If the procurement documentation contains technical rules that describe the subject of procurement using Croatian or European or international standards, the bidder should offer the subject of procurement in accordance with the standards of the Procurement Documentation or equivalent standards. For each standard listed under the relevant standardization system, it is allowed to offer an equivalent standard, technical approval or instruction from the relevant Croatian, European or international nomenclature.

If, for demonstrable reasons other than his conduct, the economic operator has not been able to obtain the mark provided by the Client or an equivalent mark within certain time limits, the Client shall accept other appropriate means of proof, such as the manufacturer's technical documentation. Under condition that economic operator proves that the goods or services it offers meet the requirements for a particular label or certain requirements specified by the Client.

## **3. OBLIGATORY REASONS FOR EXCLUSION OF THE BIDDER**

Documents proving that there are no grounds for exclusion must be in Croatian or English and in Latin script. If the document is written in a language other than Croatian or English, with the attachment of documents in that other language, the bidder is obliged to enclose a translation into Croatian or English with each document. If in the bid evaluation phase the translations do not satisfy the quality or intelligibility of the text, the Client may request a translation by a certified court interpreter.

In the case of a group of bidders, the circumstances related to the reasons for exclusion are determined for each member of the group of bidders individually and documents proving that there are no reasons for exclusion must be submitted for each member of the group of bidders.

Everything related to the reasons for exclusion of bidders will also apply to the community of bidders and subcontractors, and it is necessary to submit documents proving for everyone that there are no reasons for exclusion.

### **3.1. The Client is obliged to exclude the bidder from the procurement procedure at any stage if:**

3.1.1. the bidder or the legal representative of the bidder has been convicted of participation in a criminal organization<sup>1</sup>, corruption<sup>2</sup>, fraud, terrorist offenses<sup>3</sup>, money laundering or terrorist financing<sup>4</sup>, child labor or other forms of trafficking in human beings<sup>5</sup>,

3.1.2. the bidder has not fulfilled the obligation to pay due tax obligations and obligations for pension and health insurance, unless according to a special law he is not allowed to pay these obligations or a delay has been granted,

3.1.3. the bidder is guilty of misrepresentation or has submitted false information when submitting the documents specified by the Client as a condition for participation in this public procurement procedure,

3.1.4. bankruptcy has been opened against the bidder, if he is insolvent or in liquidation, if his assets are managed by a bankruptcy trustee or a court, if he is in settlement with creditors<sup>6</sup>, if he has suspended business activities or is in an analogous situation resulting from similar proceedings under national law, or regulations of the country in which he is established,

3.1.5. the bidder has committed a professional omission in the last two years from the day of the beginning of this public procurement procedure, which the Client can prove in any way. Serious professional misconduct is the conduct of the bidder in performing his professional activity contrary to the relevant regulations, collective agreements, professional rules or concluded procurement contracts, which are such as to make the bidder an inappropriate or unreliable party to the procurement contract that the Client intends to enter into. Severe professional failure in the performance of the procurement contract is such conduct of the bidder that results in significant and / or repeated deficiencies in the execution of significant requirements of the contract that led to its early termination, damage or other similar consequences.

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<sup>1</sup> In accordance with the definition of Art.2. Council Framework Decision 2008/841 / JHA of 24 October 2008 on the fight against organized crime.

<sup>2</sup> In accordance with the definition in Article 3 of the Convention on the Fight against Corruption, in which officials of EU Member States participate, and Art. 2 para. 1 of the Council Framework Decision 2003/568 / JHA of 22 July 2003 on combating corruption in the private sector. It also includes corruption as defined in the national law of the Client or economic operator.

<sup>3</sup> In terms of Article 1 of the Convention on the protection of the European Communities' financial interests.

<sup>4</sup> In accordance with the definition from Art. 1 of Directive 2005/60 / EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

<sup>5</sup> In accordance with the definition from Art. 2 of Directive 2011/36 / EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629 / JHA.

<sup>6</sup> An concluded before the bankruptcy settlement does not represent a settlement with creditors for the purposes of this Documentation.

The existence of a serious professional omission is assessed by the Client on the basis of an objective assessment of each individual case.

### **3.2. Evidence of the absence of mandatory grounds for exclusion**

The absence of reasons for exclusion from items 3.1.1 - 3.1.5 of this Documentation will be proved by the bidder with a **signed statement (the proposal of the said statement is Annex 2 to this Documentation) which will be accepted by the Client as preliminary evidence.**

All evidence of the absence of mandatory and optional reasons for exclusion may **not be older than 30 (thirty) days from the date of publication of the Invitation to bid.**

Failure of the Bidder to submit the required evidence (if the Client invites him to submit them) within the given deadline (which may not be shorter than 5 or longer than 15 calendar days) will result in the exclusion of his bid.

At any time during this procurement procedure, the Client may require any bidder, and in particular the selected bidder, to submit one or more documents confirming that the bidder is not in the situations referred to in point 3.1 before concluding the procurement contract, if such documents are issued in the country of residence of the economic operator and he may obtain them.

The bidder will be allowed to submit the required documents in the original or a certified copy.

The Client will exclude the bidder from the procurement procedure if it has submitted false information when submitting documents in accordance with this Invitation. In case of doubt as to the veracity of the data stated in the documents submitted by the bidders, the Client may request the tenderers to submit original or certified copies of these documents within a reasonable time and / or contact the issuer and / or competent authorities.

In the case of a community of economic operators, the circumstances relating to the mandatory grounds for exclusion shall be determined for all members of the community of economic operators individually. Therefore, the offer of the community of economic operators must be accompanied by the required documents on the basis of which it is determined whether there are reasons for exclusion for all members of the community of economic operators.

If the bidder states in his bid that he intends to subcontract part of the contracted goods to one or more **subcontractors, he is obliged to prove that there are no grounds for exclusion of the subcontractor and submit the required documents.**

### **4. CONDITIONS AND EVIDENCE OF THE BIDDERS'S ABILITY**

The bidder, ie the community of bidders, is obliged to enclose documents in their bid proving their legal and business capacity.

**Given that the subject of procurement through the Client's project is co-financed by the cooperation of small and medium enterprises (SMEs) in the border area Hungary - Croatia under the Interreg VA Cooperation Program Hungary - Croatia 2014-2020, it is extremely important that**



**the selected bidder delivers goods on time. So the Client could fulfill its obligations in time in accordance with the grant agreement.**

The bidder's failure to submit the required evidence within the given deadline (which may not be shorter than 5 or longer than 10 calendar days) will result in the exclusion of his bid.

Documents proving the bidder's ability must be in Croatian or English and in Latin script. If the document is written in a language other than Croatian or English, with the attachment of documents in that other language, the bidder is obliged to enclose a translation into Croatian or English with each document. If at the evaluation stage the translations do not meet the quality or intelligibility of the text, the Client may request a translation by a certified court interpreter.

All documents that are attached as proof of the bidder's ability can be in an uncertified copy, and an uncertified printout of an electronic document is also considered an uncertified document. The Client may at any time during this procurement procedure request from any bidder, and in particular from the selected bidder, the original (or a certified copy) of the documents proving the capability.

#### **4.1. Ability to perform economic activity**

In the procurement procedure, the bidder must prove his **entry in the court, trade, professional or other appropriate register** kept in the state of his establishment, and that he was registered at least 3 years before the publication of the Invitation to tender.

In the case of a community of economic operators, all members of the community are obliged to **prove their legal and business capacity individually**

#### **METHOD OF PROOF:**

**For the purpose of proving the said capacity, the economic operator shall submit an extract from the court, trade, professional or other appropriate register of the state of the headquarters of the economic operator.**

Evidence must not be older than 3 months from the date of publication of the Invitation to bid.

#### **4.2. Economic and financial capacity**

The bidder proves its economic and financial capacity in accordance with the following:

The bidder must prove that he has not been blocked in the last 6 (six) months from the day of the beginning of the public procurement procedure, for more than three days.

#### **METHOD OF PROOF:**

**Ability referred to in point 4.2. it is proved by a document (BON 2 / SOL 2 or equivalent) issued by banking or other financial institutions (eg in the Republic of Croatia a document issued by FINA proving the solvency of an economic entity) and a certificate from the tax administration on the absence of debt.**



The client will take into account the company's offers:

- A company that has been operating for at least 10 years. It cannot be liquidated or bankrupt and cannot have tax debt.
- Share capital is at least 62,000 euros.
- His retained earnings have at least four times the price for the project.

#### **4.3. Professional ability**

The economic operator must prove that in the year in which the public procurement procedure started (2020) and during the three years preceding that year (2017-2019) he delivered the same or a similar subject of procurement. **The sum of the values (excluding VAT) of a maximum of 3 deliveries of goods must be at least in the amount of the estimated value of the subject of the procurement it offers.** In this way, the economic operator proves that he has the necessary experience, knowledge and ability and that, given the scope, subject matter and estimated value of the procurement, he is able to deliver the quality of the goods that are the subject of the procurement.

If the other contracting party is the Client within the meaning of the applicable Public Procurement Act, the list shall contain or be accompanied by a certificate issued or signed by the Client. If the other contracting party is a private entity, the list shall contain or be accompanied by a certificate, and in the absence of it, the bidder's statement with proof that the certificate has been requested shall be valid.

#### **METHOD OF PROOF:**

**Certified list of contracts with the names of the contracting authorities, dates and values (in net amounts) in the last 3 years, the minimum value of the bid of the bidder within one contract.**

The contracting authority shall prescribe the following conditions for the bidder.

Machine production:

- The main activity is engineering, technical consulting, machine manufacturing.
- At least 5 years of experience in the production of unique machines.
- Reference design for at least 5 individual machines. Only machines controlled by at least a PLC or microcontroller and having at least 5 peripherals, with at least 5 sensors, are accepted for reference.
- The applicant has at least 5 references where 5 own machines are equipped with a microcontroller machine controller.
- The applicant has at least 1 machine reference number, where the machine controlled by the PIC or microcontroller contains at least 3 servo drives with a minimum of 1.5 kW.
- The applicant has at least 3 electrical engineers and at least 3 mechanical engineers who have been employed for at least 2 years.

- The bidder must be able to manufacture and assemble machines with its staff. You cannot use only subcontractors. The subcontracting rate may not exceed 50% of the value of the work.
- Mechanical tasks are included in the specification (separate document)
- The machine manufacturer must work closely with the company (defined by the customer) to install the electrical units.
- The work performed must be guaranteed for 3 years.
- Since the creation of the machine is a continuous development process, the bidder must undertake that in case of any modifications during mechanical engineering, certain parts of the machine after the modification will require re-production, and the bid amount must cover this cost, no additional charge.
- The programming fee is paid based on the invoice. The invoice can be submitted upon completion of the work, upon receipt by the customer and upon receipt of a successful trial run.
- The company must undertake to correct or modify any defects that occur after the trial works, as well as design deficiencies and deficiencies that occur during long-term operation, at any time within 3 years. After submitting the new specifications you have 48 hours to start this business.
- The license rights of the control software become the property of the customer.

#### Control software for machine:

- His main activity is engineering, technical consulting
- At least 5 years of unique experience in machine design. Not only programming experience, but also complex machine design. (Electrotechnical design documentation, Mechanical design documentation.)
- Reference design for at least 5 individual machines. Only machines controlled by at least a PLC or microcontroller and having at least 5 peripherals and at least 5 sensors are accepted for reference.
- The company has at least 5 programmed robotic stations, where the robotic station is connected to another machine controller and the machine did not require automatic human intervention.
- The applicant has at least 5 references where 5 own machines are equipped with a microcontroller machine controller.
- The applicant has at least 1 machine reference number, where the machine controlled by the PIC or microcontroller contains at least 3 servo drives with a minimum of 1.5 kW.
- The applicant has at least 3 electrical engineers and at least 3 mechanical engineers who have been employed for at least 2 years.

- Programming must be performed on 2 microcontrollers or PLC controllers.
- One of the preferred species is Omron. Another preferred type is Siemens.
- The applicant must be able to program in both system environments with his staff, he cannot use a subcontractor.
- Programming should be performed according to defined specifications. (Private document)
- Programming must be guaranteed (guaranteed) for 3 years, which also includes the fact that the customer has the right to change the program at any time with additional work if it does not meet the expected actions.
- The programming fee is paid based on the invoice. The invoice can be submitted upon completion of the work, receipt by the customer and receipt of a successful trial run.
- The company must undertake to correct any errors that occur after the trial run, as well as shortcomings and design errors that occur during continuous operation, at any time within 3 years. The company has 48 hours after handing over the new specifications to start this business.

#### **4.4. Conditions of ability of the bidder community**

In the case of a community of bidders, all members of the community are required to prove their legal and financial capacity individually, and all together are required to prove their professional capacity (cumulatively).

### **5. OFFER**

#### **5.1. Content of the offer**

- Completed and signed Bid sheet (Annex 1)
- Signed statement proving that there are no grounds for exclusion from point 3 (three) (Annex2)
- Completed and signed Costs document
- Proof of ability to perform the economic activity referred to in point 4.1. of the Documentation
- Evidence of the existence of economic viability referred to in point 4.2 of the Documentation
- Proof of professional competence referred to in point 4.3 of the Documentation (Annex 3)

**Note:** All documents required in the Documentation must be submitted, regardless of whether they are not explicitly stated in this point 5.1 (example: a signed statement by which the Bidder proves that there are no reasons for exclusion should be submitted not only for the bidder but also for all members of the bidder community. under the contractor as specified in point 3. of the Documentation).

#### **5.2. Making an offer**

The bid shall be submitted in Croatian or English and in Latin script. All documents proving that there are no reasons for exclusion or proving the ability of the bidder as well as documents proving the equivalence of the product, certificate or documentation must be submitted in Croatian or English. If the document is written in a language other than Croatian or English, with the attachment of documents in that other language, the bidder is obliged to enclose a translation into Croatian or English with each document. If in the bid evaluation phase the translations do not satisfy the quality or intelligibility of the text, the Client may request a translation by a certified court interpreter. Other optional brochures and / or catalogs may be submitted in English.

The offer must be made in paper form and printed or written in indelible ink, and submitted in the original. The Costs document must be submitted in paper form. In addition to the paper offer, the offer can be submitted on a CD / DVD-R (or other medium). In case of differences in bids, the relevant bid will be submitted in paper form.

When preparing the bid, the bidder must comply with the requirements and conditions of the Documentation and may not change or supplement the text of the Documentation.

All bidding costs are borne by the bidders. Bidders are not entitled to any reimbursement of the costs for preparing the bid.

**The tender pages must be numbered and marked as follows:**

- the total number of pages through the ordinal number of the page (eg 24/1) or the ordinal number of the page through the total number of pages (eg 1/24). The offer should be imported into an inseparable whole.

**Bids shall be made in such a way as to form a whole and shall be bound in such a way as to prevent the subsequent extraction or insertion of sheets.**

Corrections in the offer must remain visible and legible and provable (deletion is not allowed). Each correction must be signed and stamped by the bidder.

Bidders are expected to review the Documentation, including all instructions, forms, conditions and specifications. A bid that is contrary to the provisions of this Documentation and which contains errors, shortcomings or ambiguities, and if errors, shortcomings or ambiguities are not remediable or in which clarification or completion of the bid does not remove the error, deficiency or ambiguity in any respect is a risk for the bidder and may result in rejection .

The bid must be accompanied by a completed Bid sheet, which is attached to this invitation as Annex I and forms an integral part thereof.

### **5.3. Alternative offers**

Alternative offers are not allowed.

### **5.4. Modifications and / or additions to the offer and withdrawal from the offer**

The bidder may submit a modification to the bid until the deadline for submission of bids. Modifications and / or additions to the bid shall be submitted in the same manner as the basic bid with the obligatory indication that it is a modification and / or addition to the bid. In this case, the bids are opened in the reverse order of receipt, and the time of receipt is considered the delivery of the latest version of the bid change.

The bidder may withdraw from the submitted bid by a written statement until the deadline for submission of bids. The written statement is submitted in the same way as the bid with the obligatory indication that it is a withdrawal from the bid. In that case, the unopened bid is returned to the bidder.

### **5.5. Offer price, deadline and method of payment**

**The bid price is expressed in euros or kunas, according to the middle exchange rate of the Croatian National Bank on the day the bid is drawn up. The price includes all costs and discounts. The bid price is unchanged during the duration of the procurement contract concluded on the basis of this public procurement procedure.**

The price of the offer without value added tax must include all costs and discounts (eg costs of arrival at the site for the needs of implementation and training of employees). The subject of procurement must be delivered in accordance with this Documentation. The bidder is obliged to offer in the Cost document, ie enter the unit price, VAT, and the total price with VAT (rounded to two decimal places) for each item. If the bidder is not in the value added tax system or the subject of procurement is exempt from value added tax in the bid list in the place provided for the entry of the price with value added tax, the same amount is entered as entered in the place provided for entry of the price without tax on value added, and the place provided for entry the amount of value added tax is left blank.

Terms of payment: **60 days after delivery.**

### **5.6. Offer validity period**

The bid must be valid for 60 days from the deadline for submission of bids (60 days from November 5, 2020.) Bids with a shorter validity period may be rejected.

If for any reason it does not make a decision by the expiration of the bid validity period, the Client may request from the bidder an adequate extension of the bid validity period and reject the bid for which the validity has not been extended in accordance with the Client's request.

## **6. SELECTION CRITERIA**

**The criterion for selecting bids is the lowest price.**

Bids that meet all the conditions prescribed by this documentation and meet all the specifications listed in the cost list will be ranked according to the bid price, and the bid with the lowest price will be selected.

## **7. OTHER PROVISIONS**

### **7.1. Provisions relating to the community of bidders (economic operators)**

Several economic operators may join forces and submit a joint offer, regardless of the regulation of their mutual relations. The responsibility of the bidder from the community of bidders is joint and several. The bid of the community of bidders must contain information on each member of the community of bidders as specified in the bid list, with the obligatory indication of the member of the community of bidders who is authorized to communicate with the Client.

Each member from the community of bidders is obliged to submit with the joint bid all documents on the basis of which it is determined whether there are reasons for exclusion and proof of legal and business capacity and all together are obliged to prove (cumulatively) joint capacity with other evidence of capacity. The absence of reasons for exclusion of each member from the community of bidders will be proven by a written statement (the proposal of the said statement is Annex 2 to this Documentation) which will be accepted by the Client as preliminary evidence. The existence of legal and business capacity, financial and professional capacity of each member of the community will prove as stated in point 4 of the Documentation. The joint bid must specify which part of the public procurement contract (subject, quantity, value and percentage) will be performed by each member of the community of bidders. The Client shall pay directly to each member of the community of tenderers for that part of the public procurement contract which he has executed, unless the tenderer community in the tender determines otherwise. The joint bid form must be signed by all members of the community or their authorized representatives.

### **7.2. Provisions relating to sub-contractors**

If the economic operator intends to subcontract part of the procurement contract to one or more subcontractors, they shall provide the following information in the tender:

- Name or company, registered office, TAX Number, (or national identification number according to the country of establishment of the economic operator, if applicable), IBAN / account number of the contractor;
- Subject, quantity, value of the subcontract and the percentage of the procurement contract to be subcontracted

If the bidder does not submit the data on the subcontractor, he considers that the entire subject of procurement will be performed independently.

During the execution of the public procurement contract, the Bidder may request from the Client:

- Change of subcontractor for that part of the procurement contract that was previously subcontracted
- Introduction of one or more new subcontractors whose total share may not exceed 30% of the value of the public procurement contract without value added tax, regardless of whether he has previously subcontracted part of the procurement contract or not
- Taking over the execution of the part of the public procurement contract that was previously subcontracted



- Sub-contractors who are introduced during the duration of the procurement contract, must meet the requirements prescribed for sub-contractors in this Documentation.

The procuring entity shall pay directly to each member under the contractor for that part of the procurement contract which he has executed, unless the bidder's community determines otherwise.

Participation under the contractor does not affect the bidder's responsibility for the execution of the contract.

### **7.3. Guarantees**

#### **7.3.1. Guarantee for proper execution of the contract**

The bidder is obliged to submit a guarantee for the proper execution of the contract. It is delivered in the form of a solemnized blank promissory note certified by a public notary, in accordance with enforcement regulations, in the amount of 10% of the contracted value (excluding VAT), or payment of a cash deposit to the Client's bank account in the amount of 10% of the contracted value ), and according to the middle exchange rate of the Central bank on the day of publication of the Invitation to bid.

This guarantee is delivered no later than 15 working days from the conclusion of the cooperation agreement, and is returned upon proper execution of the contract.

### **7.4. Method of submitting bids**

The offer is delivered in a **sealed envelope** by registered mail with return receipt or in person. Regardless of the method of delivery, the bid must arrive at the address of the Client specified in the Documentation **no later than 20** days from the publication of the Invitation to submit bids, and **no later than 03.11.2020. until 10 am**. The bid should be marked with the following indications on the front of the envelope:

**Royal Transport d.o.o.**  
**Glavna 45, 40323 Prelog**  
**"DO NOT OPEN - OFFER"**

The name and address of the Bidder are indicated on the back.

If the envelope is not marked in accordance with the requirements of this Documentation, the Client does not assume any responsibility in case of loss or premature opening of the bid. The bidder independently determines the method of bid submission and bears the risk of possible loss or untimely bid submission.

Each timely submitted bid is entered in the Register of bids and receives an ordinal number according to the order of receipt. Bids are opened according to the ordinal number from the Register of bids. Timely received bids and other documents that form an integral part of the bid are not returned to the bidders.

## **7.5. Date, time and place of submission of bids**

The bid, regardless of the method of delivery, must be received by the Client no later than the time specified in point 7.4 of this Documentation.

All bids received by the Client after the deadline for submission of bids will be marked as late and will be returned unopened to the address of the Bidder indicated on the back of the envelope.

## **7.6. Retention of documentation**

Bids and documentation attached to the bid shall not be returned except in the case of late bid and withdrawal of the bidder before the deadline for submission of bids.

## **7.7. Deadline for making the Selection decision**

The Client shall make and send the Selection decision no later than **15 days from the expiry of the deadline for submission of tenders**.

## **7.8. Download the bidding Documentation**

The Bidding Documentation are free of charge and are fully contained in this Documentation and its attachments and are published on the Client's website [www.royaltransport.hr](http://www.royaltransport.hr)

## **7.9. Secrecy of economic operators' documentation**

If the economic operator marks certain data from the offer as a business secret, he is obliged to state in the offer the legal basis on the basis of which these data are secret. Economic operators may not declare secret information on unit prices, the amounts of individual items and the total bid price or information related to the evaluation criteria.

## **7.10. Review and evaluation of offers**

7.10.1. The bidding process reviews and evaluations are not public. In the procedure of review and evaluation of tenders, the Client first excludes bidders who have acquired reasons for exclusion.

7.10.2. Bidders remaining after the exclusion in accordance with item 7.10.1, the Client shall review the following in accordance with the conditions and requirements of the Documentation:

- form, content and completeness of the offer - fulfillment of the conditions of ability
- fulfillment of requirements related to the description of the subject of procurement and technical specifications
- calculation correctness of the offer
- fulfillment of other conditions from the Documentation

7.10.3. During the inspection, the Client may request clarification or completion or removal of the error, deficiency or ambiguity that the Client considers remediable within a reasonable time, and

not shorter than five (5) calendar days. Clarifications or additions may not include significant changes to bid, such as changes to technical specifications, changes of bid (other than computer error) or changes of bidder or the composition of the bidders community.

7.10.4. If the Client finds a calculation error during the review of the bid, he is obliged to request the bidder to accept the correction of the calculation error, and the bidder is obliged to respond within two working days.

7.10.5. Based on the results of the review and evaluation of bids, the Client will reject:

- an offer that is not complete
- an offer that is contrary to the provisions of the Documentation
- an offer in which the price is not expressed in absolute amount
- an offer containing errors, shortcomings, or ambiguities if the errors, shortcomings or ambiguities are not remediable
- an offer in which the clarification or completion in accordance with these rules does not eliminate the error, deficiency or ambiguity within the specified deadline
- a bid that does not meet the requirements related to the properties of the subject of procurement, and thus does not meet the requirements of the bidding Documentation
- a bid for which the bidder did not accept the correction of the calculation error in writing within the set deadline.

7.10.6. After reviewing and evaluating the bids from the previous points of the valid bid (a valid bid is one that meets the requirements of the Bidding Documentation and which is timely) are ranked according to the bid selection criteria. If two or all bids are equally ranked, the Client will select the bid received earlier.

7.10.7. The bid that meets all the conditions listed in the Documentation and the Cost Sheet with the lowest price will be considered the best bid.

7.10.8. The Procurement Committee of the Client will compile the Minutes book from the meeting for evaluation of bids and based on it the Client will inform all bidders about the outcome of this public procurement procedure.

7.10.9. The Client will cancel the procurement procedure in case:

- (i) no bids were received
- (ii) no valid bidders are submitted,
- (iii) in the event that no valid bidder remains after the rejection of the bidders.

7.10.10. The Client may cancel the public procurement procedure if:

- (i) the price of valid bids calls into question the quality of the service / product offered,
- (ii) the price of the most favorable bid is 30% higher than the secured means of procurement and
- (iii) if during this public procurement procedure it is established that the Documentation is defective and as such does not enable the efficient conclusion of the contract, or
- (iv) if significant new circumstances have arisen in relation to the project for which the procurement is being carried out

### **7.11. Legal remedy**

The bidder, ie the economic entity that submitted the bid within the deadline for submission of bids, may submit a reasoned application to the decision of the Client on selection or the decision on annulment and notification within 8 (eight) days from the date of receipt of the decision. The petition does not delay the effect, but the Client may, in case the Contract is not concluded and if he considers that the petition is founded, correct the irregularities and make a new decision, which will be reported to the Level 2 Mediator.

An applicant who considers that he has suffered damage due to a violation of the provisions of this public procurement procedure by the Client has the possibility of compensation before the competent court according to the general regulations on compensation which are in accordance with Croatian legislation.

### **7.12. Contract**

The selected tenderer will be obliged to enter into a contract with the Client within 15 calendar days from the notification of the Client that there are no circumstances that require a delay in the completion of the public procurement procedure.

The contract will contain provisions in accordance with this Documentation as well as the following essential provisions:

- Name, address, telephone number, fax number and e-mail of the Client
- Description of the subject of procurement
- Name and data on the selected bidder
- Data on the amount of the contract corresponding to the amount of the selected bid
- Methods and deadlines of payment
- Contract performance guarantees and warranty period.

The provisions of the Contract may be changed only in writing, on which an Annex to the Contract will be drawn up, if necessary, and the changes must be approved by the responsible person of the Client.

Amendments to the contract concerning the price, technical specifications and other important provisions of the procurement procedure, which influenced the selection of a particular bidder, are not possible.

The applicable law for the contract will be Croatian substantive law, and all disputes arising out of and in connection with the contract, including disputes relating to the issues of its valid origin, breach or termination, as well as the legal effects arising therefrom, shall ultimately to be resolved amicably and the really competent court is the Court in Varaždin.

**ANNEX 1 Bid sheet (bid form provided by an independent bidder)**

Procurement number: EV 01/20

Procurement name: Machine for vertical packing of bulk materials into bags and industrial control software for the machine

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

2. Community of bidders (circle):	YES	NO
3. Address:		
4. TAX Number:		

Royal transport d.o.o.



**Hungary-Croatia**  
Cross-border Co-operation Programme



European Regional Development Fund



EUROPEAN UNION



5. IBAN (bank account):		
6. Bidder in the VAT system (circle):	YES	NO
7. Adress for mail delivery:		
8. Contact person of bidder, telephone, e-mail:		
<b>2. Bid price:</b>		
9. Bid price (software):		
10. Bid price (machine):		
11. Bid price summa(9.+10.) in EUR without VAT:		
12. Bid price in EUR with VAT:		
<b>3. Bid expiry date:</b>		
13. Bid expiry date:		

With our signature we confirm that we have read and understand the bidding Documents and all the conditions of the bidding to submit a bid, the technical specifications of which are described in the Bill of Quantities and all in accordance with the provisions of the Bidding Documents.

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

FOR BIDDER:

\_\_\_\_\_

(name, surname i signature of authorized person)

**ANNEX 1 – Bid sheet (bid form provided by the community of bidders, attach / fill in only in case of joint application - repeat the table for each member of the community separately)**

Procurement number: EV 01/20

Procurement name: Machine for vertical packing of bulk materials into bags and industrial control software for the machine



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

2. Community of bidders (circle):	YES	NO
3. Adress:		
4. TAX Number:		
5. IBAN (bank account):		
6. Bidder in the VAT system (circle):	YES	NO
7. Adress for mail delivery:		
8. Contact person of bidder, telephone, e-mail:		
9. Part of the contract to be executed by the member of the community of bidders (specify the subject, quantity, value and percentage):		

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

FOR A MEMBER OF THE BIDDER'S COMMUNITY:

\_\_\_\_\_  
(name, surname i signature of authorized person)

**2. Bid price:**

10. Bid price (software):
11. Bid price (machine):
12. Bid price summa(10.+11.) in EUR without VAT:
13. VAT amount :
14. Bid price in EUR with VAT:

**3. Bid expiry date:**

15. Bid expiry date:
----------------------

With our signature we confirm that we have read and understand the bidding Documents and all the conditions of the bidding to submit a bid, the technical specifications of which are described in the Bill of Quantities and all in accordance with the provisions of the Bidding Documents.

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

FOR BIDDER:

\_\_\_\_\_  
(name, surname i signature of authorized person)

**ANNEX 2 - STATEMENT ON NON-EXISTENCE OF REASON FOR EXCLUSION**

Procurement number: EV 01/20

Procurement name: Machine for vertical packing of bulk materials into bags and industrial control software for the machine

### BIDDER'S STATEMENT ON THE NON-EXISTENCE OF THE REASON FOR EXCLUSION

In order to prove the non-existence of the situations described in item 3.1. I provide documentation that could lead to the exclusion of bidders from the public procurement procedure

### STATEMENT

by which I \_\_\_\_\_ from \_\_\_\_\_ (name and surname)  
(residence address) ID number: \_\_\_\_\_, as a legally authorized person to represent the  
economic entity \_\_\_\_\_

(name and seat of the economic entity, TAX Number)

under material and criminal liability I declare that

- the bidder or the legal representative of the bidder has not been convicted of participation in a criminal organization<sup>7</sup>, corruption<sup>8</sup>, fraud, terrorist offenses<sup>9</sup>, money laundering or terrorist financing<sup>10</sup>, child labor or other forms of trafficking in human beings<sup>11</sup>,
- the bidder has fulfilled the obligation to pay due tax obligations and obligations for pension and health insurance, unless according to a special law he is not allowed to pay these obligations or a delay has been granted,

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<sup>7</sup> In accordance with the definition of Art.2. Council Framework Decision 2008/841 / JHA of 24 October 2008 on the fight against organized crime.

<sup>8</sup> In accordance with the definition in Article 3 of the Convention on the Fight against Corruption, in which officials of EU Member States participate, and Art. 2 para. 1 of the Council Framework Decision 2003/568 / JHA of 22 July 2003 on combating corruption in the private sector. It also includes corruption as defined in the national law of the Client or economic operator.

<sup>9</sup> In terms of Article 1 of the Convention on the protection of the European Communities' financial interests.

<sup>10</sup> In accordance with the definition from Art. 1 of Directive 2005/60 / EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

<sup>11</sup> In accordance with the definition from Art. 2 of Directive 2011/36 / EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629 / JHA.

-the bidder is not guilty of misrepresentation or has submitted false information when submitting the documents specified by the Client as a condition for participation in this public procurement procedure,

-bankruptcy has not been opened against the bidder, he is not insolvent or in liquidation, his assets are not managed by a bankruptcy trustee or a court, he is not in settlement with creditors<sup>12</sup>, he has no suspended business activities or is in an analogous situation resulting from similar proceedings under national law, or regulations of the country in which he is established.

- the tenderer has not committed a professional omission in the last two years from the day of the beginning of this public procurement procedure, which the Client can prove in any way.

In \_\_\_\_\_, \_\_ / \_\_ / 2020

FOR BIDDER:

\_\_\_\_\_  
(name, surname and signature of the authorized person)

### **ANNEX 3 - PROOF OF PROFESSIONAL ABILITY**

Procurement number: EV 01/20

\_\_\_\_\_  
<sup>12</sup> An concluded before the bankruptcy settlement does not represent a settlement with creditors for the purposes of this Documentation.

Procurement name: Machine for vertical packing of bulk materials into bags and industrial control software for the machine

For the purpose of proving technical and professional ability in point 4.2. I provide tender documents:

### STATEMENT

by which I \_\_\_\_\_ (name and surname) from \_\_\_\_\_ (residential address): \_\_\_\_\_, ID number \_\_\_\_\_ issued by \_\_\_\_\_ as a legally authorized person to represent the economic entity \_\_\_\_\_ (name and seat of the economic entity, TAX Number) under material and criminal liability I declare that the bidder / community of bidders has executed the following contracts:

### List of contracts

NO.	NAME OF PROJECT	VALUE WITHOUT VAT-a (EUR)	PERIOD OF REALIZATION OF CONTRACTS	PLACE OF REALIZATION	NAME OF THE OTHER CONTRACTING PARTIES
1					
2					
3					
4					
5					

\* If necessary, insert additional rows in the table.

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

FOR BIDDER:

\_\_\_\_\_  
(name, surname and signature of the authorized person)