

TENDER DOCUMENTATION

**Belgrade Philharmonic Orchestra
Belgrade, Studentski trg 11**

**PUBLIC PROCUREMENT OF PROFESSIONAL CASES (FLIGHT CASES AND HARD CASES)
FOR SAFE TRANSPORT OF MUSICAL INSTRUMENTS AND ORCHESTRA EQUIPMENT IN
ROAD AND AIR TRAFFIC**

OPEN PROCEDURE

PUBLIC PROCUREMENT No. 5/2014

April 2014

TENDER DOCUMENTATION

for the public procurement of goods - professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic for the Belgrade Philharmonic Orchestra

- Open procedure; Public procurement number 5/2014 -

Pursuant to Articles 32 and 61 of the Public Procurement Law (Official Gazette of RS No. 124/2012, hereinafter referred to as the “Law”), Article 2 of the Regulation on Mandatory Elements in Tender Documentation in Public Procurement Procedures and the Manner of Proving the Fulfilment of Requirements (Official Gazette of RS No. 29/2013 and 104/13), Decision on Launching the Public Procurement Procedure No.: 412/1 dated the 26th of March and Decision on the Education of the Public Procurement Committee: 413/1 dated the 26th of March 2014, the following has been prepared:

TENDER DOCUMENTATION

Chapter	Name of chapter	Page
I	General information on the public procurement	3
I	Information on the subject of the public procurement	3
III	Type, quality, quantity, and description of goods, technical specifications, method of control and securing quality assurance, locations, technical specification	4
IV	Requirements for participation in the public procurement procedure under Article 75 of the Law and instructions for proving the fulfilment of these requirements	5
V	Instructions to bidders on bid preparation	8
VI	Bid template	16
VII	Model contract	18
VIII	Bid preparation costs template	21
IX	Independent bid declaration template	22
X	Template for the declaration of fulfilment of obligations under Article 75 paragraph 2 of the Law	23
XI	Standard compliance declaration template	24

English version of tender documentation contains 24 pages in total.

I GENERAL INFORMATION ON THE PUBLIC PROCUREMENT

1. Information on the contracting authority

Name of contracting authority: Belgrade Philharmonic Orchestra; address: Studentski trg 11, 11000 Belgrade; tax identification number: 102060932; registration number: 07023901.

Contracting authority's website: www.bgf.rs

2. Public procurement procedure type

The subject public procurement is conducted using the open procedure in accordance with the Law and regulations governing public procurements.

3. Subject of the public procurement

The subject of the public procurement number 05/2014 is the provision of goods – professional cases (flight case and hard case) for safe transport of musical instruments and orchestra equipment in road and air traffic. Code 37321600, cases and boxes for musical instruments, from the common procurement vocabulary.

The invitation to bid for the subject public procurement has been published on the Public Procurement Portal and on the Contracting Authority's website www.bgf.rs.

4. Procedure objective

The public procurement procedure is conducted with the purpose of concluding the public procurement contract.

5. Reserved public procurement

This is not a reserved public procurement.

6. Electronic bidding

There is no electronic bidding.

7. Contact (person or office)

- Legal Affairs Office: pravno@bgf.co.rs

8. Deadline for the contracting authority's contract award decision

The contract award decision shall be made by the contracting authority within 25 (twenty five) days from the day of the public opening of bids.

II INFORMATION ON THE SUBJECT OF THE PUBLIC PROCUREMENT

1. The subject of the public procurement number 05/2014 is the provision of goods – professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic.

2. Name and designation from the common procurement vocabulary: 37321600 cases and boxes for musical instruments or equipment.

Belgrade Philharmonic Orchestra - Tender documentation for PP No. 05/2014

3. The subject public procurement is not divided into lots.

III TYPE, QUALITY, QUANTITY, AND DESCRIPTION OF GOODS, METHOD OF CONTROL AND SECURING QUALITY ASSURANCE, LOCATIONS, TECHNICAL SPECIFICATIONS

1. Type of goods

professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic

2. Quality

In compliance with the ATA standard (ATA spec 300 category 1 compliant) and the requirements in the technical specifications.

3. Quantity and description of goods

The quantity and description of goods that represent the subject of this public procurement are laid out in item 6 of this Chapter of this tender documentation - Technical Specifications.

4. Method of control and securing quality assurance

The bidder provides the declaration of standard compliance or an appropriate certificate. The quantitative and qualitative controls of delivered goods is conducted by the Contracting Authority upon the receipt of goods.

5. Place of delivery of goods - locations

The place for the delivery of goods is Belgrade.

6. TECHNICAL SPECIFICATIONS

The subject of public procurement number 05/2014 is the provision of professional cases (flight case and hard case) for safe transport of musical instruments and orchestra equipment in road and air traffic for the Belgrade Philharmonic Orchestra for the following types and estimated quantities of boxes-

Specifications of instruments and equipment for which cases are procured:

No.	Number and type of instruments for which transport cases are procured	Approximate dimensions of instruments (WxHxD) in cm	Number of transport cases
1	10 cellos with hard cases (BAM case)	54x140x35 with box	optional*
2	8 double basses	74x200x50 (without case) 80x210x57 (with soft case)	8 pcs.
3	30 violins (in their own boxes)	30x80x16 (with case)	optional**
4	12 violas (in their own boxes)	60x60x60	optional***
5	notation materials	100x50x40	1 piece

Belgrade Philharmonic Orchestra - Tender documentation for PP No. 05/2014

6	small orchestra equipment		1 piece
---	---------------------------	--	---------

* allowed variants - 1 piece or 2 pieces per case

** allowed variants - 5 pieces to 10 pieces per case

*** allowed variants - 5 pieces to 10 pieces per case

Notes and suggestions:

- The bidders must provide precise specifications of the offered goods with descriptions, dimensions, weight, photograph and/or sketches and a material description (outer and inner walls of cases).

- for violins, violas and cellos, the bidders are free to suggest the case model or several variants, whereby the most favourably priced variant shall be awarded points.

Technical requirements:

The transport cases must comply with the ATA standard, namely:

ATA specification 300 category 1, of which the bidder must submit an appropriate certificate or complete the template for the declaration that the cases have been manufactured in compliance with this standard.

The cases must have an inner lining made of sponge foam with reinforced support (esterfoam and ethafoam), and for Double Basses it must be specially adjusted to the dimensions specified by the Contracting Authority.

SPECIAL REQUEST: all cases must have high-quality wheels.

Bids that fail to meet these technical specifications shall be considered as inadequate.

IV REQUIREMENTS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE UNDER ARTICLES 75 AND 76 OF THE LAW AND INSTRUCTIONS FOR PROVING THE FULLFILLMENT OF THESE REQUIREMENTS

1. REQUIREMENTS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE UNDER ARTICLE 75 OF THE LAW

1.1 The right to participate in the subject public procurement procedure is granted to the bidder that meets the MANDATORY REQUIREMENTS for participation in the public procurement procedure defined by Article 75 of the Law, namely:

1. The bidder is registered with the competent body, i.e. registered in the appropriate register (Article 75 paragraph 1 item 1) of the Law);

2. The bidder and its legal representative do not have prior convictions for a criminal act as members of an organised crime group, and do not have prior convictions for crimes against the economy, crimes

against the environment, crimes of giving or receiving bribes or crime of fraud (Article 75 paragraph 1 item 2) of the Law);

3. The bidder must not have an issued order prohibiting it from performing an activity at the time the invitation to bid is published (Article 75 paragraph 1 item 2) of the Law);

4. The bidder must have all its payable taxes paid, as well as contributions and other public taxes in accordance with the regulations of the Republic of Serbia or in the foreign country where its head office is located (Article 75 paragraph 1 item 4) of the Law);

5. The bidder is obliged to explicitly specify within the bid preparation that it has observed the obligations that result from the current legislation on work safety, employment and work conditions, environment protection, as well as guaranteeing that it has the right to intellectual property (Article 75 paragraph 2 of the Law).

1.2 If the bidder is submitting the bid with a subcontractor, in accordance with Article 80 of the Law, the subcontractor must meet the mandatory requirements under Article 75 paragraph 1 item 4) of the Law and the requirement under Article 75 paragraph 1 item 5) of the Law, for the part of the procurement which the bidder shall execute through the subcontractor.

1.3 Requirements that must be met by every bidder from a group of bidders in accordance with Article 81 of the Law. Every bidder from a group of bidders must meet the requirements specified under IV-1. (requirements 1, 2, 3, and 4) and submit proof of the fulfilment of requirements, while other requirements are met jointly.

2. INSTRUCTIONS FOR PROVING THE FULLFILLMENT OF REQUIREMENTS

FOR DOMESTIC BIDDERS: The fulfilment of mandatory requirements for participation in the subject public procurement procedure is proven by the bidder by submitting the following evidence:

1. The requirement under Article 75 paragraph 1 item 1) of the Law - Proof: Extract from the register of the Serbian Business Registers Agency, i.e. extract from the register of the competent Commercial Court:

2. The requirement under Article 75 paragraph 1 item 2) of the Law - Proof: Legal persons: 1) Extract from the penal records, i.e. certificate from the primary court in whose jurisdiction the head office of the legal person is located, i.e. the head office of the branch office of a foreign legal person, which confirms that the legal person does not have any convictions for crimes against the economy, crimes against the environment, crimes of giving or receiving bribes or the crime of fraud; 2) Extract from the penal records of the Special Department for Organised Crime of the Higher Court in Belgrade, which confirms that the legal person does not have any convictions for acts of organised crime; 3) Extract from the penal records, i.e. certificate of the competent police administration of the Ministry of Interior, which confirms that the legal representative of the bidder does not have any convictions for crimes against the economy, crimes against the environment, crimes of giving or receiving bribes, crime of fraud, or any act of organised crime (the request can be submitted according to the place of birth or according to the place of residence of the legal representative). If the bidder has several legal representatives, it is obliged to submit evidence for each of them. Entrepreneurs and natural persons: Extract from the penal records, i.e. certificate of the competent police administration of the Ministry of Interior, which confirms that they do not have convictions for a crime as a member of an organised crime group, nor any convictions for crimes against the economy, crimes against the environment, crimes of giving or receiving bribes or the crime of fraud (the request can be submitted according to the place of birth or according to the place of residence).

Proof cannot be dated more than two months before the opening of bids.

3. The requirement under Article 75 paragraph 1 item 3) of the Law - Proof: Legal persons: Certificates from a commercial or magistrate's court confirming that it has not been issued an order prohibiting it from performing an activity or a certificate from the Serbian Business Registers Agency confirming that it is not registered with this body or that it has been issued an order as a company prohibiting it from performing an activity, which is in effect at the time the invitation to bid is published; Entrepreneurs: Certificate from a magistrate's court confirming that it has not been issued an order prohibiting it from performing an activity or a certificate from the Serbian Business Registers Agency confirming that it is not registered with this body or that it has been issued an order as a business entity prohibiting it from performing an activity, which is in effect at the time the invitation to bid is published; Natural persons: Certificate from a magistrate's court confirming that they have not been issued an order prohibiting them from performing particular work.

Proof must be issued after the invitation to bid is published;

4. The requirement from Article 75 paragraph 1 item 4) of the Law - Proof: Certificate from the Tax Administration of the Ministry of Finance and Economy confirming that it paid all payable taxes and contributions and a certificate from the competent body of the local self-government confirming that it paid all obligations on the grounds of original local public revenues or a certificate from the Privatization Agency confirming that the bidder is in the process of privatization.

Proof cannot be dated more than two months before the opening of bids;

5. The requirement under Article 75 paragraph 2 - Proof: Signed and stamped Declaration Template (Declaration Template is given in Chapter XI). The Declaration must be signed by the bidder's authorised person and certified by stamp. If the bid is submitted by a group of bidders, the Declaration must be signed by every bidder's authorised person from the group of bidders and certified by stamp.

If the bid is submitted by a group of bidders - the bidder is obliged to submit the specified evidence for each member of the group concerning the fulfilment of requirements under Article 75 paragraph 1 item 1) through 4). The group of bidders meets additional requirements jointly.

The specified evidence of the fulfilment of requirements can be submitted by the bidder in the form of uncertified copies. The contracting authority can request from the bidder, whose bid has been evaluated as acceptable based on the report of the expert evaluation of bids by the Public Procurement Committee, to submit originals or certified copies of all or individual pieces of evidence for inspection before making the contract award decision.

If the bidder fails to submit for inspection the originals or certified copies of the requested evidence within the set, appropriate deadline (which cannot be less than five days) the contracting authority shall reject the bid as unacceptable.

The bidders that are registered in the register kept by the Serbian Business Registers Agency do not have to submit the evidence under Article 75 paragraph 1 items 1), 2), 3), and 4) of the Public Procurement Law, which are publicly available on the website of the Serbian Business Registers Agency. It shall be sufficient that they provide a statement on the public availability of the evidence in which they should specify the website of the competent authority, i.e. clearly specify that they are in the bidder's register.

FOR FOREIGN BIDDERS: If the country of the bidder's head office does not issue the requested evidence, the bidder can, instead of evidence, submit a written statement, made under criminal and financial liability, certified before a court or administrative body, public notary or other competent body of the country.

V INSTRUCTIONS TO BIDDERS ON BID PREPARATION

1. Mandatory language of the bid

The bidder shall submit the bid in the Serbian OR English language.

2. Manner of bid preparation

The bidder submits the bid directly or by post in a sealed envelope or box, closed in a manner that assures that the bid is being opened for the first time at the time of opening.

The back of the envelope or box should state the name and address of the bidder.

In the case the bid is submitted by a group of bidders, the envelope or box should state that the bid is submitted by a group of bidders and names and addresses of all participants in the joint bid should be displayed.

The bid is to be delivered to the following address: Belgrade Philharmonic Orchestra, Belgrade, Studentski trg 11, marked: "Bid for public procurement number 5/2014 - DO NOT OPEN". The bid is considered to be submitted in a timely manner if it is received by the contracting authority by the 19th of May 2014, by 10:00AM.

The public opening of bids shall be held on 19th May 2014, at 10:30AM, in the offices of the Belgrade Philharmonic Orchestra, Studentski trg 11, Belgrade.

Before the public bid opening procedure commences, the bidders' representatives, who shall attend the public bid opening procedure, are obliged to submit to the Public Procurement Committee a certified authorisation in the Serbian or English language, based on which they prove their authorisation to participate in the public bid opening procedure.

The contracting authority shall, after a bid is received, mark the time of receipt on the envelope, i.e. on the box, and record the number and date of the bid according to the time of its receipt. If the bid is delivered immediately, the contracting authority shall hand over the receipt confirmation for the bid to the bidder. The contracting authority shall specify the date and time of the receipt of the bid in the reception confirmation.

A bid that is not received by the contracting authority within the deadline set for the submission of bids, i.e. that is received after the date and time from which bids can be submitted, shall be considered as untimely.

B I D C O N T E N T S :

BID TEMPLATE, completed, signed and certified by stamp (Chapter VI in the tender documentation)

- GENERAL INFORMATION and manner of submitting the bid

- BID

PROOF OF THE FULLFILLMENT OF REQUIREMENTS under Article 75 of the Law, specified in the Instructions concerning the proving of fulfilment of requirements (Chapter IV in the tender documentation):

1- copy of register extract

2- copy of court certificate

3- copy of certificate from the Serbian Business Registers Agency, i.e. Commercial Court or Magistrate's Court

4- copy of certificate from the Tax Administration

i.e. statement that they are in the bidder's register

- The agreement by which bidders in a group are mutually obliged or obliged towards the bidder that they shall execute the public procurement - if the bid is submitted by a group of bidders;

DECLARATION TEMPLATE in accordance with Article 75 paragraph 2 of the Public Procurement Law, signed and certified by stamp, issued under financial and criminal liability (Chapter X in the tender documentation);

MODEL CONTRACT - The bidder shall complete the model contract in accordance with the bid, the bidder shall sign it and certify it by stamp, which shall confirm that it agrees with general concept only of the proposed model contract (Chapter VII in the tender documentation);

*Bid preparation costs template, signed and certified by stamp (Chapter VIII in the tender documentation), only **IF** the bidder incurred costs in the bid preparation phase;*

INDEPENDENT BID DECLARATION TEMPLATE, signed and certified by stamp, issued under financial and criminal liability (Chapter IX in the tender documentation);

Template of the declaration of ATA standard compliance **only IF** no certificate is submitted (Chapter XI in the tender documentation);

The templates given in the tender documentation, i.e. the information that must be their integral parts, must be completed complete legibly, and the bidder's authorised person is to sign and certified them by stamp.

- Independent bid declaration template, Chapter IX in the tender documentation - Declaration templates in accordance with Article 75 paragraph 2 of the Public Procurement Law), are to be submitted for each of the participants in a joint bid separately and each of the participants in a joint bid signs and certifies by stamp the template pertaining to it.

If the bidder chose one individual from the group to sign and certify by stamp the templates given in the tender documentation (except for the templates that include the provision of statements under financial and criminal liability), the said should be defined by an agreement which obliges the bidders from the group mutually or towards the contracting authority to execute the public procurement, and which constitutes an integral part of the joint bid in accordance with Article 81 of the Law.

3. Lots

The subject procurement is not divided into lots.

4. Bid with variants

Submission of bids with **variants is allowed.**

5. Manner of modifying, amending and cancelling the bid

Within the bid submission deadline, the bidder can modify, amend or cancel its bid, in the manner determined for bid submission. The bidder is obliged to clearly specify which part of the bid is to be modified, i.e. which documents are to be submitted additionally.

The modification, amendment or cancellation of the bid should be submitted to the following address: Belgrade Philharmonic Orchestra, Studentski trg 11, Belgrade, marked:

“Modification/Amendment/Cancellation or Modification and amendment of the bid for public procurement of goods - number 05/2014 - DO NOT OPEN”.

The back of the envelope or box should state the name and head office of the bidder. After the deadline for submission of bids expires, the bidder cannot withdraw or change its bid.

6. Participation in the joint bid or as the subcontractor

The bidder can submit only one bid.

The bidder that submitted its bid on its own cannot participate in a joint bid at the same time or as being subcontractor, nor can the same person participate in several joint bids.

In the Bid Template (Chapter VI), the bidder specifies in what manner the bid is being submitted, i.e. whether it is submitting the bid on its own or as a joint bid or it is submitting the bid with a subcontractor.

If the bidder is submitting the bids with a subcontractor they are obliged to state in the Bid Template (Chapter VI) that it is submitting the bid with a subcontractor, and indicate the percentage of the total value of the procurement to be executed through the subcontractor.

The Bidder specifies the name and head office of the subcontractor in the Bid Template, if the execution of the procurement is to be partially performed by the subcontractor.

The bidder is obliged to submit for the subcontractors the evidence of the fulfilment of requirements specified in Chapter IV of the tender documentation, in accordance with the Instructions for proving the fulfilment of requirements.

The bidder is fully responsible to the contracting authority in regard to the performing of obligations from the public procurement procedure, i.e. execution of the contractual obligations, regardless of the number of subcontractors.

The bidder is obliged to, at the contracting authority's request, provide the contracting authority with access to the subcontractor, for the purpose of determining the fulfilment of requirements.

7. Advantage for bidders with goods of domestic origin

In the case that bidders that are offering goods of domestic and foreign origin apply, the bids evaluation shall adhere to the provision of Article 86 of the Law, if any bidder submits evidence that it is offering goods of domestic origin.

Special attention shall be given to the fact whether the foreign bidders have head offices in a country that has signed the CEFTA 2006 agreement or a country that has signed the Stabilisation and Association Agreement between the EU and their member countries on one side and the Republic of Serbia on the other; accordingly then these agreements shall be observed.

8. Joint bid

The bid can be submitted by a group of bidders.

- If the bid is submitted by a group of bidders, an integral part of the joint bid must be an agreement by which the bidders from the group are mutually obliged towards the contracting authority to execute the public procurement, and must include the information under Article 81 paragraph 4 item 1) through 6) of the Law.

The group of bidders is obliged to submit all evidence of the fulfilment of requirements that are specified in accordance with the Instructions for proving the fulfilment of requirements.

The bidders from a group of bidders are responsible towards the Contracting Authority equally without limitation.

A cooperative can submit a bid on its own, in its own name, on behalf of co-operators or a joint bid in the name of co-operators.

If the cooperative submits the bid in its own name for the obligations in the public procurements procedure and the public procurement contract, the responsible party is the cooperative or co-operators in accordance with the law.

If the cooperative submits the bid in the name of co-operators for the obligations in the public procurement procedure and public procurement contract, co-operators are equally responsible without limitation.

9. Requirements regarding the method, deadline and conditions of payment, as well as other circumstances on which the bid's acceptability depends

9.1 Requirements regarding the manner, deadline and conditions of payment

Payment is made by making payment to the bidder's bank account.

The price of the bid is expressed separately for each item, namely: price per unit without VAT, transport and other expenses and the total price without VAT.

In the case of advance payment, the bidder that is awarded the contract must submit a bank guarantee, as is specified in detail in item 11 of this Chapter.

9.2 Requirement regarding the validity deadline of the bid

The bid's validity deadline cannot be less than 30 days from the day of the opening of bids.

The contracting authority shall, in the case of the bid expiring, request from the bidder in written form to extend the validity deadline.

The bidder that accepts the request for the extension of the validity deadline cannot change the bid.

10. The currency and the manner in which it must be specified and the expressed price in the bid

The procurement price that the bidder states in the bid, in accordance to Article 19 paragraph 3 of the Law, must be expressed in **Euros (EUR) without VAT**.

For the purpose of ensuring equal conditions for all bidders in price weighting, the foreign bidder and the domestic bidder with goods of foreign origin should calculate the price on delivery terms CIP i.e. DAT Belgrade. In the case that it already has the goods of foreign origin in stock, the domestic bidder should express the price without customs fees and state this explicitly in the bid.

If the procurement is awarded to a domestic bidder with foreign origin goods, the bidder shall calculate the customs fees and VAT in the final invoice.

If the foreign bidder cannot deliver the goods on delivery terms CIP Belgrade, the price expressed in the bid should be increased by the amount of the usual expenses for export customs (if EX WORKS) and transport on delivery terms CIP on the given route.

If a bidder submits evidence of offering goods of domestic origin, price weighting shall be done in accordance with the provisions of Article 86 of the Law, according to which the bidder with domestic origin goods has the advantage of 10 points, and the price of the bidder with foreign origin goods shall include customs fees at price weighting.

If the bid specifies an unusually low price, the contracting authority shall act in accordance with Article 92 of the Law.

11. Means of financial security by which the bidders secure the fulfilment of their obligations in the public procurement procedure

If the bidder that has been awarded the contract had asked for advance payment in its bid, the bidder is obliged to, when signing the contract, submit a valid BANK GUARANTEE on behalf of the means of financial security of the contract, and this bank guarantee must be unconditional and payable at first call and shall serve as coverage for the advance payment. The bank guarantee is issued in the amount of the advance payment and must last at least until the advance is justified. The bidder can submit a guarantee from a foreign bank only if the bank has been granted a credit rating equal to at least the credit quality level of 3 (investment rank).

12. Confidentiality of information that the contracting authority provides to the bidders, including their subcontractors:

The contracting authority shall safeguard as confidential all information about the bidders that are contained in the bids and which the bidder has, in accordance with the law, specified as such in the bid; it shall refuse disclosure of information that would mean a violation of confidentiality of information received in the bid; it shall safeguard as confidential the names of interested parties, bidders and application submitters, as well as information about the submitted bids, i.e. applications, until the opening of bids/applications.

Evidence of the fulfilment of requirements, prices and other information from the bid that are significant to the application of criteria elements and ranking of the bid shall not be considered as confidential.

The contracting authority shall treat as confidential that information in the bid that is contained in the documents marked as confidential, i.e. that have in the upper right corner the marking "CONFIDENTIAL", as well as the signature of the bidder's authorised person under the said marking.

The contracting authority is not responsible for the confidentiality of information that is not marked in the specified manner.

13. Additional information or explanations regarding bid preparation

Additional information or explanations can be requested with the note "Request for additional information or explanations for the tender documentation - for public procurement of goods - number 05/2014", during regular business hours between 9AM and 4PM, in one of the following ways:

- by post to the contracting authority's address: Belgrade Philharmonic Orchestra, Belgrade, Studentski trg 11, Legal Affairs Office;
- by fax at number 011/2187-233;
- by e-mail at pravno@bgf.co.rs.

Communication within the public procurement procedure is done only in the manner defined by Article 20 of the Law.

14. Additional explanations from the bidder after the opening of bids and inspection of the bidder, i.e. its subcontractor

After the opening of bids, the contracting authority can, in the expert evaluation of bids, request in written form from the bidder additional explanations that shall help it in the review, evaluation and comparison bids, and it can conduct control (inspection) of the bidder, i.e. the bidder's subcontractor (Article 93 of the Law).

The contracting authority can, with the bidder's consent, perform corrections to calculation errors detected in the consideration of the bid after the opening of bids is completed.

If there is a difference between the unit price and total price, the unit price is valid.

If the bidder rejects the correction of calculation errors, the contracting authority shall reject its bid as unacceptable.

15. Additional ensuring of fulfilment of contractual obligations of the bidder that are in the negative reference list

The contracting authority shall reject a bid if it has evidence that the bidder has failed to adhere to the law in the last three years.

16. Type of criteria for contract award, criteria elements based on which the contract is awarded and the methodology of price weighting for each criteria element

The selection of the most favourable bid shall be done by applying the criterion **“economically most favourable bid”**.

CRITERIA:

- Offered price max. 70 points,
- Delivery deadline (from the day the contract is signed) max. 20 points,
- Warranty period max. 10 points

1. Price category

Price weighting is calculated using the formula=

Lowest offered price	X 70
Offered price from the graded bid	

2. Delivery deadline:

Price weighting is calculated using the formula=

Shortest offered delivery deadline	X 20
Delivery deadline from the graded bid	

3. Warranty period:

Price weighting is calculated using the formula=

Belgrade Philharmonic Orchestra - Tender documentation for PP No. 05/2014

Warranty period from the graded bid	X 10
Longest warranty period	

17. Criteria elements based on which the contracting authority shall award the contract in the situation when there are two or more bids with an equal number of points

If two or more bids have the same number of points, the bid of the bidder that offered the shortest delivery deadline shall be chosen as the most favourable.

18. Observing the obligations resulting from current legislation

The bidder is obliged to submit within its bid a statement given under criminal and financial liability that it observed all obligations resulting from current legislation on work safety, employment and work conditions, environment protection, as well as that it guarantees that they are the holder of intellectual property rights. (Declaration template is given in Chapter X of the tender documentation.)

19. Using patents and responsibility for violation of protected intellectual property rights of third parties

The compensation for patent use, as well as the responsibility for violation of protected intellectual property rights of third parties are borne by the bidder.

20. Reasons for rejection of the bid

The contracting authority shall reject the bid if it is untimely, unacceptable and inappropriate, all in accordance with Article 3 items 31), 32) and 33) of the Public Procurement Law.

Also, the contracting authority shall reject the bid if:

- 1) the bidder fails to prove that it meets the mandatory requirements for participation;
- 2) the offered validity deadline for the bid is shorter than prescribed;
- 3) the bid has other faults due to which it is not possible to determine the real contents of the bid or it is not possible to compare it to other bids.

21. Manner and deadline for the submission of requests for bidder's rights protection

The request for bidder's rights protection can be submitted by the bidder, i.e. any interested party, or business association, in their name.

The rights protection request is submitted to the Republic Commission, and handed over to the Contracting Authority directly – by handing it over at the clerk's office of the contracting authority or by sending it by registered post with return envelope.

The rights protection request can be submitted during the entire public procurement procedure, against any act of the contracting authority, except if the Law specifies otherwise.

One copy of the rights protection request is to be submitted to the Republic Commission by the submitter. The rights protection request that contests the type of procedure, contents of the invitation to bid or the tender documentation shall be considered as timely if it is received by the contracting authority no later than 7 (seven) days before the deadline for the submission of bids expires, regardless of the manner of submission.

After the decision on the awarding of the contract is made under Article 108 of the Law or the decision on the cancellation of the public procurement procedure under Article 109 of the Law, the deadline for the submission of the rights protection request is 10 (ten) days from the day of the reception of the decision.

The request submitter is obliged to pay a fee in the amount of RSD 80,000.00 into the Republic of Serbia's budget account (account number: 840-742221843-57, payment code: 153, reference number: 97 50-016, purpose: Republic administrative fee PP number 05/2014, beneficiary: Budget of the Republic of Serbia).

22. Deadline for the conclusion of the contract

The public procurement contract shall be concluded with the bidder that is awarded the contract within 8 (eight) days from the day of deadline expiry for the rights protection request submission under Article 149 of the Law.

VI BID TEMPLATE

The bid for the public procurement of goods number 05/2014, for which the invitation to bid was published on the Public Procurement Portal on the of 17th April 2014 and on the contracting authority's website www.bgf.rs.

1) GENERAL INFORMATION ON THE BIDDER

Name of bidder:	
Address of bidder:	
Registration number of bidder:	
Tax identification number of bidder:	
Name of contact person:	
Bidder's email:	
Phone:	
Fax:	
Account number of bidder and name of bank:	
Person authorised for contract signing:	

2) **BIDDER** _____ **submits the bid (circle):**

- A) ON ITS OWN**
B) WITH SUBCONTRACTOR
C) AS JOINT BID

Note: circle the manner of bid submission and enter the information on the bidder, if the bid is submitted with a subcontractor, i.e. the information about all participants of the joint bid, if the bid is submitted by a group of bidders

Note:

Table "Subcontractor information" is to be filled out only by those bidders that are submitting joint bids, and if there are more participants in the joint bid than the space in the table, the specified form is to be copied in sufficient numbers, completed and delivered for each bidder that participates in the joint bid.

In
Date

Signature of authorised person
STAMP

3) BID

Name	Quantity	Unit price*	Total price*
Transport case for _ cellos with hard case (BAM case)	–		
Transport case for double bass	8		
Transport case for ___ violins in box	–		
Transport case for _ violas in box	–		
Transport case for notation materials	1		
Transport case for small orchestra equipment	1		
Payment method and deadline			
Bid validity deadline			
Delivery deadline days (cannot be more than 60 days)			
GROSS/NET weight			
Transport expenses on delivery terms CIP Belgrade (i.e. DAT Belgrade)			
TOTAL:			

*Price in the bid is in Euros, without VAT.

VII MODEL CONTRACT

1. BELGRADE PHILHARMONIC ORCHESTRA, Belgrade, Studentski trg 11, registration number 07023901 and tax identification number 102060932, represented by Acting Director Darko Krstić (hereinafter referred to as “Buyer”) and

2. _____ with head office in _____, address _____, tax identification number _____, registration number _____, represented by _____, Director (hereinafter referred to as “Seller”)

and with subcontractors from a group of subcontractors/with subcontractors:

- a)
- b)

if the bidder participates in a group of bidders, strike out “with subcontractors”, if the bidder participates with subcontractors strike out “with subcontractors from a group of subcontractors” and complete the information.

conclude the following:

CONTRACT ON SALE AND PURCHASE

The contracting parties assert the following:

- that the Buyer, pursuant to Article 32, Article 52 paragraph 1 and Article 61 of the Public Procurement Law (Official Gazette of RS, No. 124/12- hereinafter referred to as “Law”), has conducted an open procedure for the public procurement of goods - professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic, number 05/2014 based on the invitation to bid published on the Public Procurement Portal and the Buyer’s website on __ April 2014;
- that the Seller has, on __ 2014, submitted bid number: (copied from the bid), which fully meets the specifications in the tender documentation and is an integral part of the contract;
- that the Buyer has, in accordance with Article 108 paragraph 1 of the Law, based on the Bidder’s bid and the Contract Award Decision No.: __ dated __ 2014, (completed by the Bidder) selected the Bidder for the procurement of goods - professional cases for safe transport of musical instruments.

Article 1 - Subject of Contract

The subject of the contract is the provision of goods in the open procedure - professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic. The Seller is obliged to deliver for the benefit of the Buyer: (description of the contract subject is to be copied from the bid template). The bid with bid specifications represents an integral part of the Contract.

Article 2 - Contract Value

Belgrade Philharmonic Orchestra - Tender documentation for PP No. 05/2014

The contract value of this Contract is _____ (to be copied from the bid) EUR without VAT (in words: to be copied from the bid), i.e. _____ EUR with VAT.

Value Added Tax shall be paid by the Buyer. The Buyer excludes the possibility of any price increase.

Article 3 - Deadline and Delivery Conditions

The Seller is obliged to:

- 1) Deliver the goods from the subject of this contract to the Buyer in accordance with the conditions in the submitted bid;
- 2) Deliver the goods from the subject of this contract to the Buyer within ____ days (delivery deadline - to be copied from the bid) from the day this contract is concluded;
- 3) Deliver the warranty of ____ months for the delivered goods with the bill.

The Seller is obliged to protect the goods by packaging from any kind of damage during transport, as well as from atmospheric influences.

Article 4 - Payment Conditions

The payment for goods that are the subject of this contract shall be made on the basis of a sent invoice.

The Buyer shall make the payment within ____ (completed by the Seller) days, counting from the day this contract is signed.

Payment shall be made by payment to the Seller's account, specified in the invoice.

Article 5 - Warranty and Warranty Claims

The Seller gives ____ warranty for the delivered transport cases and their part in the duration of ____.

In the case defects in quantity or quality of delivered goods have been determined, the Buyer immediately notifies the Seller, who is obliged to resolve the claim in the shortest time possible.

The Buyer and the Seller agree each side bears its own costs incurred in accordance with this Article until the warranty claim procedure is ended.

If the warranty claim is determined to be unfounded, the warranty claim costs are borne by the Buyer.

Article 6 - Contractual Penalty

If the Seller fails to deliver the goods under Article 1 of this Contract within the agreed deadline, the Seller is obliged to pay to the Buyer for every day of delay the amount of 0.2% of the total agreed value under Article 2 of this contract, whereby the total amount of the agreed penalty cannot exceed 5% of the total agreed value.

If the Seller fails to perform all contractual obligations, or is the Seller performs them partially, the Seller is obliged to pay to the Buyer a contractual penalty in the amount of 5% of the agreed price under Article 1 of this Contract.

The Buyer's right to charge the contractual penalty does not affect the Buyer's right to request compensation for damages.

Article - Right to Contract Termination

The Buyer retains the right terminate the contract if the Seller fails to deliver the goods within the agreed deadline or if the delivered goods are not in accordance with the conditions in the bid and this contract.

The Buyer and the Seller can terminate this contract based on mutual agreement.

The Seller retains the right to terminate the contract if the Seller is not paid according to the provisions of this contract.

In the cases under paragraphs 1 and 2 of this Article, the payments made must be reimbursed to the Buyer to the account the Buyer specifies.

Article - Subsidiary Application of the Law (Usances)

Anything that is not regulated by the provisions of this contract shall be subject to the provision of the Law on Obligations (i.e. general usances for foreign bidders).

Article 9 - Entry into Force

This contract enters into force on the day of signing by authorised persons of the contracting parties.

Article 10 - Resolution of Disputes

All disputes in the interpretation and application of this contract shall be resolved by the contracting parties amicably i.e. jointly, on the principles of respecting the interests of the other contracting party. In the case an amicable resolution is not possible, the competence of the Commercial Court in Belgrade is agreed upon (i.e. jointly selected international arbitration for foreign bidders).

Article 11

This contract is made in 4 (four) copies, 2 (two) of which are kept by each contracting party.

BUYER
DIRECTOR

SELLER
DIRECTOR

NOTE: THIS IS JUST A MODEL CONTRACT, WHICH THE BIDDER IS TO COMPLETE AND SIGN AND CERTIFY AS A SIGN OF AGREEMENT WITH THE GENERAL CONCEPT OF THE CONTRACT.

If the bidder is submitting a joint bid, i.e. a bid with subcontractor's participation, the model contract must specify all bidders from the group of bidders, i.e. all subcontractors.

VIII BID PREPARATION COSTS TEMPLATE

In the preparation of the bid for the public procurement of goods - professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic for the Belgrade Philharmonic Orchestra number 05/2014, I have incurred the following expenses:

Type of cost	Cost amount in RSD
Total amount of bid preparation costs	

The bid preparation and submission costs are borne solely by the bidder and the bidder cannot request cost compensation from the contracting authority.

If the public procurement procedure has been cancelled due to reasons by the contracting authority, the contracting authority is obliged to compensate the costs to the bidder concerning the production of samples or models, if they are produced in accordance with the technical specifications of the contracting authority as well as the costs of the acquisition of security means, under the condition that the bidder has requested compensation of these costs in its bid. **Submission of this template is not mandatory.**

In
Date

Signature of bidder
STAMP

IX INDEPENDENT BID DECLARATION TEMPLATE

Pursuant to Article 26 of the Public Procurement Law (Official Gazette of RS, No. 124/12) as well as Article 20 of the Regulation on Mandatory Elements in Tender Documentation in Public Procurement Procedures and the Manner of Proving the Fulfilment of Requirements (Official Gazette of RS No. 29/2013 and 104/13), as the bidder:

_____ from _____
I hereby give

INDEPENDENT BID DECLARATION

Under full financial and criminal liability, I hereby confirm that I have submitted my bid in the procedure of public procurements of goods - professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic for the Belgrade Philharmonic Orchestra, number PP 05/2014, independently, without agreement with other bidders or interested parties.

In
Date

Signature of authorised person
STAMP

Notes:

In the case of reasonable doubt in the validity of the independent bid declaration, the contracting authority shall immediately notify the organisation in charge of competition protection. The organisation in charge of competition protection can issue an order to the bidder, i.e. interested party, prohibiting it from participation in the public procurement procedure if the organisation determines that the bidder, i.e. the interested party, has violated competition in the public procurement procedure in terms of the law that governs the protection of competition. The participation prohibition can last up to two years. The violation of competition represents a negative reference, in terms of Article 82 paragraph 2 of the Law.

If the bid is submitted by a group of bidders, the Declaration must be signed by authorised persons of all bidders in the group of bidders and certified by stamp.

**X TEMPLATE FOR THE DECLARATION OF FULLFILLMENT OF OBLIGATIONS UNDER
ARTICLE 75 PARAGRAPH 2 OF THE LAW**

In relation to Article 75 paragraph 2 of the Public Procurement Law, I, as the bidder's representative, hereby gives the following

DECLARATION

The Bidder _____ (specify the name of bidder) in the public procurement of goods - professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic for the Belgrade Philharmonic Orchestra, number 05/2014, has fulfilled its obligations arising from the current legislation on work safety, employment and work conditions and environment protection and I guarantee that the bidder is the holder of intellectual property rights.

In
Date

Signature of bidder
STAMP

Note: If the bid is submitted by a group of bidders, the Declaration must be signed by authorised persons of all bidders from the group of bidders and certified by stamp.

XI STANDARD COMPLIANCE DECLARATION TEMPLATE

DECLARATION

Under full financial and criminal liability, I hereby confirm that the professional cases (flight cases and hard cases) for safe transport of musical instruments and orchestra equipment in road and air traffic for the Belgrade Philharmonic Orchestra, in the public procurement procedure number 05/2014, are being produced in compliance with the ATA specification 300, category 1 standard.

In
Date

Signature of authorised person
STAMP

Note: If the bid is submitted by a group of bidders, the Declaration must be signed by authorised persons of all bidders from the group of bidders and certified by stamp.

A CERTIFICATE COPY can be submitted INSTEAD OF this declaration.