**TENDER DOCUMENTS**

**BELGRADE PHILHARMONIC ORCHESTRA**

Belgrade, Studentski trg 11

SERBIA

**PUBLIC PROCUREMENT OF**

**VIOLINS**

**in procedure with negotiations and without prior publication of a contract notice, by the Article 36 paragraph 1 item 2 of the Public Procurement Law of Republic of Serbia**

 **No. 8/2018**

***December* 2018.**

Public procurement procedure with negotiations and without prior publication of a contract notice, by the Article 36 paragraph 1 item 2 and and 61 of the Law on Public Procurement ("The Official Gazette of the Republic of Serbia" no. 124/12, 14/15 and 68/15 hereinafter referred to as the Law), Article 6 of the Rulebook on mandatory elements of tender documents in public procurement procedures and the manner of proving the fulfilment of conditions ("The Official Gazette of the Republic of Serbia" no. 86/15), the Decision on the public procurement protocol No.332/1 dd 03.12.18. and the Decision on establishing the Committee for Public Procurement protocol No. 333/1 dd 03.12.18. and according to Official opinion of Public Procurement Office of Serbia No. **404-02-4083/18** dd 19.11.2018., the following has been prepared:

**TENDER DOCUMENTS**

**for public procurement procedure with negotiations and without prior publication of a contract notice**

 **- No. 8/2018**

Tender documents shall contain:

|  |  |  |
| --- | --- | --- |
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***I GENERAL INFORMATION ON THE PUBLIC PROCUREMENT***

**1. Information on the Procuring Entity**

Name of the procuring entity: **Belgrade Philharmonic Orchestra**; Address: Studentski trg 11, 11158 Belgrade; Serbia: VAT 102060932; ID No. 07023901. Website of the procuring entity: [www.bgf.rs](http://www.bgf.rs)

**2. Type of public procurement procedure**

The said public procurement shall be carried out as a public procurement procedure with negotiations and without prior publication of a contract notice, by the Article 36 paragraph 1 item 2 of the Law, approved by Official opinion of Public Procurement Office of Serbia No. **404-02-4083/18** dd 19.11.2018.

**3. The subject of the public procurement**

The subject of public procurement No. 8/2018 is the following goods: musical instruments, stringed instruments, 2 handmade violins, **37313400** in the Common Procurement Vocabulary.

4. Reserved public procurement

This is not a reserved public procurement.

5. Electronic auction

Electronic auction shall not be carried out.

6. Contact (person or service)

- branko.bosiljcic@gmail.com

***II INFORMATION ON THE SUBJECT OF THE PUBLIC PROCUREMENT***

**1. The subject of the public procurement**

The subject of public procurement No. **8/2018** are the following goods: musical instruments, stringed instruments, 2 handmade violins, **37313400** in the Common Procurement Vocabulary.

**2.Lots**

The procurement shall not be conceived by lots.

***III TYPE, TECHNICAL CHARACTERISTICS, QUALITY, QUANTITY AND DESCRIPTION OF THE GOODS***

**stringed musical instruments,**

**2 MASTER CRAFTMAN`S VIOLINS, with following features:**

**Violin, made by Aldo Conti, Cesena 1979. with violin case**

**Violin, copy of Carlo Bisiach, Firenze 1952. with violin case**

Date: Place of seal Bidder

Notes: The bidder has to sign and seal the technical specification, which certifies that agrees with the requirements of technical specifications. If bidders submit a joint bid, a group of suppliers may choose to technical specification is signed and stamped certify all tenderers of the consortium or group bidders may appoint one of the group of bidders to complete, sign and seal of certified technical specification.

***IV REQUIREMENTS FOR THE PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE REFERRED TO IN ARTICLES 75 AND 76 OF THE LAW AND INSTRUCTIONS ON HOW TO PROVE COMPLIANCE WITH THE REQUIREMENTS***

1. ***REQUIREMENTS FOR THE PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE REFERRED TO IN ARTICLES 75 AND 76 OF THE LAW***

Bidder in public procurement procedure must prove that:

1. It is registered with the competent body, or entered in the appropriate register;
2. It or its legal representative have not been convicted for any criminal act as members of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud;
3. It has paid due taxes and other public charges in accordance with laws of the Republic of Serbia or a foreign country if its registered address is in its territory;

The requirement referred to in Article 75 paragraph 2 – The Bidder has complied with the obligations arising from the existing regulations on safety at work, employment and working conditions, environmental protection and has not been imposed a measure prohibiting him from performing activities that is in effect at the time of publication of the invitation to submit a bid;

1. ***INSTRUCTIONS ON HOW TO PROVE COMPLIANCE WITH THE REQUIREMENTS***

Compliance with **mandatory requirements** for the participation in the public procurement, in accordance with Article 77, paragraph 4 of the Law, the bidder shall prove by submitting the **STATEMENT** (*Forms of the Bidder's Statement, given below*), which under penalty of perjury shall confirm that it meets the requirements for the participation in the procurement procedure under Article 75 and 76 of the Law, as defined in the tender documents.

The statement must be signed by an authorized representative of the bidder and stamped. If the Statement is signed by a person who is not entered in the register as a legal representative, it is necessary to submit the authorization to sign along with the bid.

The bidder is not required to submit for review the evidence that is publicly available on the website of the competent authorities.

The bidder shall promptly notify the procuring entity in writing of any change in relation to the compliance with the requirements of the public procurement procedure, which occurs until a decision is made or the contract is concluded, i.e. during the term of the contract on public procurement and shall document it in the prescribed manner.

***V INSTRUCTIONS TO BIDDER ON HOW TO PREPARE A BID***

***1. INFORMATION ABOUT THE LANGUAGE IN WHICH THE BID MUST BE DRAWN UP***

The bidder shall submit a bid in **English**.

***2. THE MANNER IN WHICH THE BID SHALL BE MADE***

The bidder shall submit the bid directly or by post in a sealed envelope or box, sealed in a way that at the time of opening it can be determined with certainty that it is the first opening.

On the back of an envelope or box, the name and address of the bidder shall be indicated.

The bid shall be submitted to the following address: Belgrade Philharmonic Orchestra, 11 Studentski park, 11000 Belgrade, Serbia , specifying, “**Tender for PP No. 8/2018.- DO NOT OPEN**”.

The bid may be submitted by digitally signed protected e-mail, acc. to Article 89 of the Law, with obligation of the bidder to send hard copies by post.

E- mail: dusan.j@bgf.co.rs or branko.bosiljcic@gmail.com .

The bid is considered to be timely if it is received by the procuring entity until **10.12.2018. at 13:00h.**

The procuring entity shall, upon the receipt of a specific bid, mark the time of the receipt on the envelope or box, which contains the bid, and record the number and date of the bid. The bid which the procuring entity does not receive within the time specified for the submission of bids, i.e. it is received after the date and hour by which bids can be submitted, shall be considered tardy.

**OPENING OF BIDS – 10.12.2018. BEGINNING AT 13:30, AT THE PREMISES OF THE BELGRADE PHILHARMONIC ORCHESTRA, STUDENTSKI TRG 11, 11000 BELGRADE.**

***3. BID WITH VARIANTS***

The submission of bids with variants shall not be allowed.

***4. THE MANNER OF MODIFYING, AMENDING AND REVOKING BIDS***

Within the deadline for submitting a bid, the bidder may modify, amend or revoke their bid in the manner specified for the submission of bids. The bidder shall clearly indicate which part of the bid is changed i.e. which documents are subsequently delivered.

Modification, amendment or revocation of the bid should be sent to: Belgrade Philharmonic Orchestra, 11 Students' Square, Belgrade, stating:

"**Modification / amendment / revocation or Modification and amendment** of the bid for the PP No. 8/2018 - DO NOT OPEN".

***5. CURRENCY AND THE MANNER IN WHICH THE PRICE MUST BE SPECIFIED AND EXPRESSED IN THE BID***

The price shall be expressed in **CHF** or **EUROS**.

The price is fixed and cannot be changed.

If the bid contains an unusually low price, the procuring entity shall act in accordance with Article 92 of the Law.

**6. *NEGOTIATED CONTRACT ELEMENTS***

 **- performance characteristics**

 ***-* price and terms of payment**

***7. INFORMATION ON STATE AUTHORITY OR ORGANIZATION OR BODY OR AGENCY OF TERRITORIAL AUTONOMY OR LOCAL SELF-GOVERNMENT WHERE CORRECT INFORMATION CAN BE TIMELY OBTAINED ON TAX LIABILITIES, ENVIRONMENTAL PROTECTION, EMPLOYMENT PROTECTION, WORKING CONDITIONS, ETC., WHICH ARE RELATED TO THE IMPLEMENTATION OF THE CONTRACT ON PUBLIC PROCUREMENT***

Information on taxes can be obtained from the Tax Administration, the Ministry of Finance and Economy.

Information on environmental protection can be obtained from the Agency for Environmental Protection and the Ministry of Energy, Development and the Environment.

Information on employment protection and working conditions can be obtained from the Ministry of Labour, Employment and Social Policy.

***8. THE PROTECTION OF CONFIDENTIALITY OF THE INFORMATION THE PROCURING ENTITY MAKES AVAILABLE TO BIDDERS, INCLUDING THEIR SUB-CONTRACTORS***

The procurement shall not contain confidential information that is made ​​available by the procuring entity.

**9. ADDITIONAL INFORMATION OR CLARIFICATION REGARDING THE PREPARATION OF BIDS**

An interested person may request, in writing *by e-mail to* branko.bosiljcic@gmail.com

*or by fax +381 11 2187533,* additional information or clarification from the procuring entity in relation to the preparation of the bid not later than 5 days prior to the expiration of the deadline for submitting bids.

The procuring entity shall submit a reply in writing to the interested party within 3 (three) days of the receipt of the request for additional information or clarification of the tender documents, and at the same time publish this information on the Public Procurement Portal and its website.

Further information or clarification should be sent along with a note "Request for additional information or clarification of the tender documents, **PP No. 8/2018.**

Should the procuring entity change or amend the Tender Documents within 8 or fewer days before the deadline for the submission of bids, they shall extend the deadline for the submission of bids and publish a notice on extending the deadline for the submission of bids.

After the expiry of the deadline for the submission of bids, the procuring entity shall not alter nor amend the tender documents.

Requesting additional information or clarification regarding the preparation of the bid by phone shall not be allowed.

Communication during the public procurement procedure shall be carried out only in the manner provided in Article 20 of the Law.

**10. ADDITIONAL CLARIFICATION FROM THE BIDDER AFTER THE OPENING OF THE BID AND CONTROL WITH THE BIDDER I.E. THEIR SUBCONTRACTORS**

After the opening of bids, the procuring entity may, during an expert review of the bids, request from the bidder additional explanations in writing that will help them to examine, evaluate and compare bids.

If the procuring entity determines that additional explanation is required, the procuring entity shall set an appropriate deadline within which the bidder shall comply with the invitation of the procuring entity.

The procuring entity may, with the consent of the bidder, may correct calculation errors observed when considering the bid after the opening.

In case there are differences between the unit and the total price, the unit price shall be prevailing.

If the bidder does not agree with the correction of calculation errors, the procuring entity shall reject the bid as unacceptable.

**11. COMPLIANCE WITH OBLIGATIONS UNDER APPLICABLE REGULATIONS**

The Bidder has complied with the obligations arising from the existing regulations by Article 75 paragraph 2 of the Law, on safety at work, employment and working conditions, environmental protection and has not been imposed a measure prohibiting him from performing activities that is in effect at the time of publication of the invitation to submit a bid; (Included in Form IX)

**12. THE USE OF PATENTS AND LIABILITY FOR THE BREACH OF PROTECTED INTELLECTUAL PROPERTY RIGHTS OF THE THIRD PARTIES**

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

**13. METHOD AND DEADLINE TO APPLY FOR THE PROTECTION OF BIDDDERS' RIGHTS**

The request for the protection of rights may be filed by the bidder, or any interested person or business association on their behalf.

The request for the protection of rights shall be submitted to the Republic Committee, and given to the procuring entity. A copy of the request for the protection of the rights the applicant shall be submitted at the same time to the Republic Committee. The request for the protection of rights shall be delivered directly, by e-mail to branko.bosiljcic@gmail.com, or by fax to (011) 2181-533 or by registered mail with a return receipt. The request for the protection of the rights may be filed during the entire procurement procedure, against any acts of the procuring entity, unless the Law provides otherwise. On the filed request for the protection of the rights the procuring entity shall inform all participants in the public procurement procedure, i.e. publish a notice on the filed request on the Public Procurement Portal, no later than 2 days after the receipt of the request.

If the request for the protection of the rights disputes the type of procedure, the content of the invitation to tender or tender documents, the request shall be considered timely if received by the procuring entity no later than 3 days before the deadline for submission of bids, regardless of the method of delivery. In the case of submitting a request for the protection of rights, the deadline for the submission of bids shall be halted.

Following the decision to award the contract under Article 108 of the Law or decision to suspend the public procurement procedure under Article 109 of the Law, the deadline for filing a request for the protection of the rights is 5 days of the receipt of the decision.

The request for the protection of rights cannot challenge the acts of the procuring entity undertaken in the public procurement process if the applicant was or could have been aware of the reasons for its submission before the deadline for the submission of bids, and the applicant had not submitted it prior to its expiration.

If during the same procurement procedure a request is applied again for the protection of rights by the same applicant, this request cannot challenge the actions of the procuring entity which the applicant knew or could have known when filing the request.

The applicant shall pay a fee acc. to Article 156 of the Law to the account of the budget of the Republic of Serbia (details on site: http://kjn.gov.rs/download/Taksa-popunjeni-nalozi-ci.pdf).

**14. DEADLINE WITHIN WHICH THE CONTRACT SHALL BE CONCLUDED**

The public procurement contract shall be signed with the bidder who was awarded the contract within maximum 8 days after the deadline for the submission of requests for the protection of the rights (10 days).

***VI FORM of the BID with price structure***

***1)*** ***GENERAL INFORMATION ABOUT THE BIDDER***

|  |  |
| --- | --- |
| *Name of the bidder:* |  |
| *Address of the bidder:* |  |
| *VAT of the bidder:* |  |
| *Name of a contact person:* |  |
| *E-mail of the bidder:* |  |
| *Telephone/fax* |  |
| *The person authorized to sign the contract* |  |

|  |
| --- |
| **1) THE BID No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **DESCRIPTION** OF THE INSTRUMENTS |  |
| THE TOTAL PRICE |  |
| Deadline and manner of payment |  |
| Validity of the bid (not less then 30 days) |  |

|  |
| --- |
| **2) PRICE STRUCTURE** |
| **Violin, made by Aldo Conti, Cesena 1979. with case** |  |
| **Violin, copy of Carlo Bisiach, Firenze 1952. with case** |  |
| **TOTAL PRICE:** |  |

Date Bidder

Place of the seal

***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

***VII CONTRACT MODEL***

**BY SIGNING THIS MODEL, THE BIDDER SHALL CONFIRM TО AGREE WITH THE GENERAL ELEMENTS OF THE CONTRACT**

1. **BELGRADE PHILHARMONIC ORCHESTRA**, Belgrade, Studentski trg 11, registration number 07023901 and VAT 102060932, represented by director Ivan Tasovac (hereinafter: the Buyer) and

2. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  based in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_, VAT\_\_\_\_\_\_\_\_\_, represented by director\_\_\_\_\_\_\_\_\_\_\_\_ (hereafter: the Seller)

Shall sign the following:

**SALE AND PURCHASE CONTRACT**

The Contracting Parties shall confirm:

- The Buyer, pursuant to Article 36, Article 52, Paragraph 1 and Article 61 of the Law on Public Procurement ("Official Gazette of RS", No. 124/12,14/15 и 68/15- hereinafter the Law), has conducted a public procurement of goods - stringed musical instruments,2 handmade violins, No. 8/2018 in procedure with negotiations and without prior publication of a contract notice.

- The Seller on \_\_\_(insert bid date)\_\_\_\_\_ 2018, submitted the bid number: \_\_\_\_\_(insert bid No)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which fully meets the specifications of the tender documents and is an integral part of the contract;

- The Buyer, pursuant to Article 108, Paragraph 1 of the Law, on the basis of the bid of the Seller and the Decision on awarding the contract No. \_\_\_ of \_\_\_\_ 2018, (filled by the Buyer) chose the Seller for the purchase of the above mentioned instruments.

**Article 1 - The subject of the Contract**

The subject of the contract is the purchase of a string musical instruments – 2 handmade violins, model made by Aldo Conti, Cesena 1979. and copy of Carlo Bisiach, Firenze 1952, with its cases, which are currently in Belgrade by rental agreement between the Buyer and the Seller.

An integral part of the Contract is the bid along with its specifications.

**Article 2 – Value of the Contract**

The agreed value of the Contract is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Value added tax (VAT) in Serbia and local customs duties shall be paid by the Buyer.

The Buyer shall exclude the possibility of increasing the price.

**Article 3** -**Terms of payment**

The seller shall issue an Invoice on the amount referred to in Article 2 and with accurate bank details for payment.

The Buyer agrees to make payment of the amount referred to in Article 2 of this Contract by remittance, no later than 10 days after customs clearance of violins in Serbia, to Seller`s account, according to bank details indicated in the Invoice.

The Seller is responsible for accuracy of the bank details and in case of incorrect or incomplete bank details, Buyer is not responsible for incorrect payment or delay of payment and other side will bear extra charges incurred.

**Article 4 - Warranties and claims**

Violins are currently used by the Buyer under the rental agreement, so all risks passed on him.

**Article 5 - Right of withdrawal from the Contract**

The Buyer and Seller may terminate the Contract by mutual agreement.

The Seller shall reserve the right to terminate the contract if not paid according to the provisions of this Contract and Buyer must return goods.

**Article 6 - Subsidiary application of the Law (trade usage)**

For anything not governed by the provisions of this Contract, the provisions of the General trade usages shall apply.

**Article 7 - Entry into force**

This Contract shall enter into force on the date of mutual signing by the authorized persons of the contractual parties.

**Article 8 - Resolving the dispute**

All issues in the interpretation and application of this Contract, the Parties shall settle amicably i.e. collectively, on the principles of respect for the interests of the other party.

In the event that a negotiated settlement is not possible, jointly selected international arbitration in the third country shall be arranged.

**Article 9**

This Contract is made in 4 (four) identical copies, 2 (two) copies for each contractual party.

 BUYER SELLER

\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

***VIII MODEL STATEMENT ON AN INDEPENDENT BID***

Pursuant to Article 26 of the Law, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**,

Shall give:

**STATEMENT**

**ОN AN INDEPENDENT BID**

Under penalty of perjury I confirm that I have filed the bid for public procurement in procedure with negotiations and without prior publication of a contract notice No. **8/2018,** of the musical instruments – 2 handmade violins, **independently**, without consultation with other bidders or interested parties.

|  |  |  |
| --- | --- | --- |
| Date: | Place of the seal | Signature of the bidder |
|  |  |  |

***IX FORM OF THE STATEMENT ON THE COMPLIANCE WITH THE REQUIREMENTS REFERRED TO IN ARTICLES 75 OF THE LAW***

**THE STATEMENT OF THE BIDDER**

**ON THE COMPLIANCE WITH THE REQUIREMENTS REFERRED TO IN ARTICLES 75 OF THE LAW**

Pursuant to Article 77, Paragraph 4 of the Law, under penalty of perjury, as a representative of the bidder, I give the following

**S T A T E M E N T**

Bidder **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**,in public procurement in procedure with negotiations and without prior publication of a contract notice of the stringed musical instruments – 2 handmade violins, No. 8/2018, meets all the requirements of Articles 75 of the Law, i.e. the requirements defined in the tender documents for the public procurement, including:

1) The Bidder is registered with the competent authority, i.e. entered in the appropriate register;

2) The Bidder and their legal representative have not been convicted of any of the offenses as members of organized criminal groups, have not been sentenced for crimes against the economy, crimes against the environment, the crime of receiving or giving bribes, the crime of fraud;

3) The Bidder has paid all due taxes, contributions and other public duties in accordance with the regulations.

4) The Bidder has complied with the obligations arising from the existing regulations on safety at work, employment and working conditions, environmental protection and has not been imposed a measure prohibiting him from performing activities that is in effect at the time of publication of the invitation to submit a bid.

Place:\_\_\_\_\_\_\_\_\_\_\_\_\_ Bidder:

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_ Place of the seal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_