

In accordance with article 108. Public procurement law („Official gazette of RS”, no. 124/12, 14/15 and 68/15), article 109. Public procurement law ("Official gazette of RS" no. 124/12, 14/15 and 68/15), article 16. clause 2) Decision on the establishment of a limited liability company for managing of the project Research and Development in Public Sector (Official gazette of RS, No. 51/2010, 72/2013, 24/2014 and 65/2014), article 54. of Rulebook on regulating the public procurement procedure, number 8015 dated 29.12.2015., Decision on public procurement procedure no. 6912 dated 12.10.2015. (Amendment to decision on public procurement procedure, number 7576 dated 14.12.2015.) and Evaluation report number 5237 dated 18.03.2016, the Director of „JUP Istraživanje i razvoj“ d.o.o Beograd, Nemanjina 22-26, Belgrade, delivers

DECISION ON CANCELLATION

1. Open public procurement procedure is being cancelled, conducted in order to conclude a contract whose subject is: Procurement of electrical devices for scientific and research organizations, within the Sub-project of the centralized system for stock and purchasing consumables for scientific and research organizations, number IOP/07-2015/G, for Lot 1 and Lot 3, due to no bids were submitted during the procurement procedure, as well as for Lot 4, due to a submitted bid which is substantially not responsive – inadequate and financially acceptable – acceptable bid.
2. This decision is to be published on the website of the Purchaser within three days from the day of its delivery.

R A T I O N A L E

In accordance with article 32. Public procurement law („Official gazette of RS”, no 124/12, 14/15 and 68/15), Decision on public procurement procedure no. 6912 dated 12.10.2015. (Amendment to decision on public procurement procedure, number 7576 dated 14.12.2015.) and Evaluation report number 5237 dated 18.03.2016, a public procurement procedure was initiated: Procurement of electrical devices for scientific and research organizations, within the Sub-project of the centralized system for stock and purchasing consumables for scientific and research organizations

This procurement was included in the Procurement plan for 2015 (Amendment to the Procurement plan dated 25.08.2015. no. 4782), clause 2.1.5.

The means for conducting the public procurement are provided by Financial agreement (Public sector research and development) made between the Republic of Serbia and the European investment bank, on 04.03.2010. in Belgrade („Official Gazette of RS”, number 5/10), and included in Financial plan for 2015. (amendment to Financial operations 2015. – revision dated 30.09.2015. number 5845/1).

Estimated value of the procurement:

LOT	Name of lot	Estimated value (€ VAT excluded)
1	Air Conditioning	29,250.00
2	Household appliances	38,795.00
3	Small electrical appliances	16,585.00
4	Cooling chambers	5,472.90
TOTAL:		90.102,90

I. BASIC DATA ON THE BIDDERS

Procurement notice was published in the Official Journal of the European Union (OJEU) on 12.12.2015., on the website of the Purchaser, as well as on the Portal of public procurements on 14.12.2015., with deadline for bid submission until 27.01.2016. until 11,00 am.

The Committee, upon the expiration of the bid submission deadline, conducted the bid opening procedure on 27.01.2016. starting at 13,00.

In the minutes of bid opening, the Committee noted that the bids of the following bidders are submitted in a timely manner:

No.	Bid is filed under the Purchaser's number	Name or code of the Bidder	LOT	Date and time of receipt
1.	559	„Soko Inžinjeri“ d.o.o. Beograd	4	26.01.2016. at 12.00
2.	711	„Ewe comp“ d.o.o. Beograd, Zemun	2	27.01.2016. at 10.30

Committee noted that there have been no untimely bids.

II. EVALUATION OF THE BIDS

After the conducted bid opening procedure, the Committee started evaluation of the bids i.e. the overview of timely bids and submitted bid addenda which prove the requested mandatory and additional conditions, and noted as follows:

Upon opening the bids, the Committee started overview and evaluation of the bids. Evaluation was done in accordance with relevant provisions of the Bidding Documents which define that - a substantially responsive - adequate and financially acceptable bid is the one that meets the requirements, assumptions and specifications of the Bidding Documents without material deviation, reservation, or omission and in accordance with Section I – Instructions to bidders E. Evaluation and comparison of bids, as well as the Section III - Evaluation and Qualification Criteria.

Section I - Instructions to bidders E. Evaluation and comparison of bids, clause 29. Determination of Responsiveness, sub-clause (29.2) defines that a substantially responsive -

adequate bid is one that meets the requirements of the Bidding Documents without material deviation, reservation, or omission. Also, sub-clause (29.4) defines that if a bid is not substantially responsive to the requirements of Bidding Documents or financially does not comply (is not acceptable) with the Purchaser's Procurement Plan, it shall be rejected by the Purchaser, and it cannot be made responsive, at a later time, after the corrections of material deviations, reservation or omission.

Committee conducted the evaluation procedure and noted as follows:

- **LOT 1:** no bids submitted
- **LOT 2:** Bid by the bidder „Ewe comp“ d.o.o. Beograd, Cara Dušana 212, 11080 Belgrade, Zemun

During the evaluation, the Committee noted that in the Section VII Schedule of requirements 2. Technical specification for two items – device vertical freezer, there are discrepancies between the requested and the offered technical specification (vertical freezer FS225320 – requested preservation time in case of power failure is 24h, while the offered time is 16h-24h; vertical freezer FN126920 - requested preservation time in case of power failure is 24h, while the offered time is 13h-24h).

Having this in mind, the Committee on 03.03.2016. sent the request for additional clarification to the bidder.

Bidder „Ewe comp“ d.o.o. Beograd submitted the clarification number 4033 dated 07.03.2016 in which he stated that considering that most manufacturers conduct the testing of their products in ideal laboratory conditions and that such results do not provide the real data on the characteristics of the device, especially in the mentioned cases, when there are more variables such as the room temperature, exposure of the device to the sun light, air humidity, the flow of hot / cold air through the room etc. Moreover, the bidder who is the distributor of the manufacturer, confirmed that the vertical freezer FS225320 in real conditions such as room temperature above 26 degrees has 16h of preservation time, while at the temperatures which are below 22 degrees has 24h of preservation time in case of power failure, while the vertical freezer FN126920, in the same conditions has 13h and 24h preservation time in case of power failure respectively.

Considering that the bidder in his clarification did not answer the Purchaser's question precisely, the Committee sent an additional request on 09.03.2016. On 11.03.2016 the bidder submitted an additional clarification number 4388, in which he stated that the preservation time in case of power failure for freezers FS225320 and FN126920 is 24h.

Pursuant to abovementioned, the Committee noted that the offered technical specification fulfils the requests from the Bidding document, and it noted that the bid is substantially responsive (adequate).

Offered price is: 37,900.00 € VAT excluded

Also, the Committee noted that the bid by the bidder „Ewe comp“ d.o.o. Beograd is financially acceptable bid.

According to the aforementioned, Committee noted that the bid by the bidder „Ewe comp“ d.o.o. Beograd, Cara Dušana 212, 11080 Belgrade, Zemun - is substantially responsive – adequate and financially acceptable – acceptable bid.

- **LOT 3:** no bids submitted
- **LOT 4:** bid by the bidder „Soko Inženjering“ d.o.o. Beograd, Bulevar Arsenija Černojevića 125, 11070 New Belgrade was submitted.

Committee conducted the evaluation procedure and noted as follows:

- Bidder information sheet is not submitted;
- Letter of Bid is submitted, signed and stamped, however it does not contain the elements foreseen by the form Letter of Bid in the bidding document;
- Price schedule and Technical Specification form is submitted in paper unsigned and unstamped by the bidder, it is not submitted in the form from the bidding document, the description of the offered goods is not in accordance with the requests from the technical specification;
- Instrument of financial security for Bid Security is not submitted;
- The CD with the electronic copy of the bid is not submitted;
- Model of contract on the procurement of goods is not submitted;
- Bidder did not submit the Statement under full criminal and material liability in which the Bidder states that he obeyed the rules under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that he is not under the prohibition of performance of activities during the bid submission;
- Other forms requested by the bidding document are not submitted.

Offered price is: 4,758.00 € VAT excluded.

According to the aforementioned, Committee noted that the bid by the bidder „Soko Inženjering“ d.o.o. Beograd, Bulevar Arsenija Černojevića 125, 11070 New Belgrade - is substantially not responsive – inadequate and financially acceptable – acceptable bid.

III. CONTRACT AWARD CRITERION

The criterion for evaluation of the bids is the **“lowest offered bid price”**.

IV. SUGGESTION OF THE COMMITTEE

Upon completed evaluation of the bids, the Committee suggested to deliver a Decision on cancellation for the public procurement of electrical devices for scientific and research organizations, number IOP/07-2015/G, in part which relates to Lot 1 and 3, considering that in the procurement procedure no bids were submitted, as well as to Lot 4 for which a substantially not responsive – inadequate and financially acceptable – acceptable bid was submitted.

LEGAL REMEDY:

Hereby we state that against this decision, the bidder can file a complaint to the Purchaser within 10 days from the day of publishing the Decision on the website of the Purchaser

  DIRECTOR
100%
Dr Goran Kvirgić 