

Based on the article 7. Paragraph 1. Clause 2) sub-clause (1) of the Law on public procurement („Official Gazette of the Republic of Serbia, No. 124/2012, 14/2015 and 68/2015), article 81. of the Rulebook on public procurement process number 8015 dated 29.12.2015. article 16. paragraph 1. clause 2) Decision on the establishment of a limited liability company for managing of the project Research and Development in Public Sector number: 02-5424/2010 dated 22.07.2010 (Official gazette of RS, No. 51/2010, 72/2013, 24/2014 and 65/2014), and the opinion of the Committee for solving the Requests by the suppliers for the correction of delivery deadlines during the realization of contract within the Public Sector Research and Development project (hereinafter: Committee) number 46/2017 dated 09.02.2017. acting Director of the Purchaser „JUP Istraživanje i razvoj“ d.o.o. Beograd delivers

## DECISION ON CONTRACT AMENDMENT

number 12563 dated 14.10.2016.

**1. Deadline for the delivery of goods and services is changed** according to the contract on delivery of goods and services, concluded with the company **Analysis d.o.o. Beograd**, Gandijeva 76a, 11070 New Belgrade, Republic of Serbia, company identification number 17152491, TIN 100429024 (hereinafter: Supplier), filed at the Purchaser under number 12563 dated 14.10.2016. filed at the Supplier under number 2085 dated 18.10.2016. within the public procurement number IOP/09-2015/NCE/2 (hereinafter: Basic contract), so that the final delivery deadline for goods and services is **31.03.2017.**

**2.** Based on this Decision on contract amendment, Annex I of the Basic contract shall be created.

**3.** This Decision should be submitted to the other contract party within three days from the day of its delivery.

## R A T I O N A L E

Data on the Purchaser: „JUP Istraživanje i razvoj“ d.o.o. Beograd, with headquarters in Belgrade, Nemanjina street 22-26, company identification number: 20668890, TIN: 106729004.

Data on the procurement: procurement of goods, procurement number: IOP/09-2015/NCE/2 - Procurement of new capital equipment for the needs of scientific and research organizations, name from the procurement general vocabulary - various equipment, procurement mark: 39290000-1.

Upon the conducted procurement procedure number IOP/09-2015/NCE/2 - Procurement of new capital equipment for the needs of scientific and research organizations, for lot 9 – High resolution GC/MS a contract is concluded with company Analysis d.o.o. Beograd (hereinafter: Supplier).

On 26.01.2016. the Supplier sent a Request for the delivery deadline extension (filed under number 675 dated 02.02.2017.), for Lot no.9 according to the Procurement contract number 12563 dated 14.10.2016. (hereinafter: Contract), so that the original delivery deadline of 90 days, which expired on 31.01.2017. is prolonged until 31.03.2017.

Bidding document, Section VII - Schedule of Requirements, foresees that the delivery period starts from the day of advance payment. Since the advance was paid on 02.11.2016., and the delivery period, foreseen in the contract, is 90 days, the Supplier was obliged to deliver the goods no later than 31.01.2017.

According to the statement of the Supplier, the reasons for the extension of the delivery deadline are unexpectedly long delivery periods of certain goods.

Namely, as is stated in the request, until 18.01.2017 the Supplier delivered the goods of value of 95% of the total contracted value, which he proved by the submitted evidence. Instrument High resolution GC/MS, which represents the essential part of this contract on the procurement of goods, together with a part of other goods, was delivered to the end user on 20.12.2016. On 18.01.2017. a part of the goods was delivered to the end user, including standards and chemicals, which proves that the Supplier delivered the goods of value of 95% of the total contracted value, within the contracted delivery deadline.

The remaining part of the goods, i.e. 3.26% of the contracted value, the Supplier is not able to deliver within the contracted deadline, due to that part including the specific standards/chemicals and columns which are produced by a small number of manufacturers, which demand the longer delivery period. As evidence that he took all actions in a timely manner in order to complete the contracted obligations on time, the Supplier submitted all the bids from his suppliers, from which, among other things, one can see the delivery deadlines.

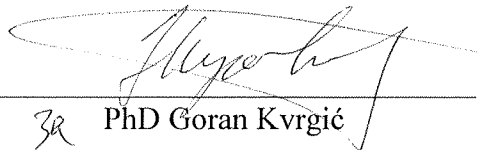
Provision 34.1. of General Conditions of Contract foresees that if at any time during performance of the Contract, the Supplier or its subcontractors should encounter conditions impeding timely delivery of the Goods or completion of Related Services pursuant to GCC Clause 13, the Supplier shall promptly notify the Purchaser in writing of the delay, its likely duration, and its cause. The same provision foresees that the Purchaser can extend the Supplier's time for performance, in which case the extension shall be ratified by the parties by amendment of the Contract

Considering that the Supplier, within the contracted deadline, delivered the instrument High resolution GC/MS, which represents the essential part of this contract on the procurement of goods, as well as that by the end of the contracted deadline he delivered goods in the value of 95% of the total value of goods, and that the goods which are not delivered within the deadline, whose value is 3,26% of the total contracted value, represent specific standards/chemicals and columns, for which a longer delivery period is necessary, the Committee is of opinion that the reasons for the delay in the delivery of the goods are not the fault of the Supplier, so that it is justified to have the delivery deadline of these contracts, which expired on 31.01.2017., extended until **31.03.2017.**, having in mind that the Supplier fulfilled his contracted obligations to a larger extent in the foreseen deadline.

Having in mind the aforementioned, it has been decided as in the enacting clause.

**Legal remedy:** It is not allowed to submit the complaint against this decision.

ACTING DIRECTOR



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PhD Goran Kvirgić

authorization no. 14953

dated 30.12.2016,