

Pursuant to the Law on Ratification of the Financial Contract (Public Sector Research And Development) concluded between the Republic of Serbia and the European Investment Bank ("Official Gazette of RS", No 5/10) hereinafter: Financial Contract, Annex 2 of the Financial Contract concluded on 3<sup>rd</sup> May 2017., Law on Ratification of the Contract on Amendments and Addenda to the Financial Contracts 23.761, 24.745, 25.002, 25.198, 25.497, 25.610, 25.872, 81.657 and 82.640, concluded between the Republic of Serbia and the European Investment Bank (Annex 3 of the Financial Contract), on 1<sup>st</sup> November 2017., Annex 4 of the Financial Contract concluded on 26<sup>th</sup> April 2018., article 7. paragraph 1. clause 2) sub-clause (1) of the Public Procurement Law („Official gazette of RS", no. 124/12, 14/15 and 68/15), clause 3.4.1 of the Guide to Procurement of the European Investment Bank, Contract on financing and managing the activities of the Subproject of construction and equipping of the facility Centres of Excellence, University in Kragujevac – hereinafter: Contract on financing and managing, concluded on 22.05.2013. (filed under number: at the Ministry of Education, Science and Technological Development (hereinafter: Ministry) 401-00-400/2013-14 dated 22.05.2013., at the City of Kragujevac under number 400-775/13-II dated 21.05.2013., at the University in Kragujevac under number 5315 dated 20.05.2013., at the Public Sector Projects Implementation Unit Ltd. Belgrade (hereinafter: PIU) under number 1369 dated 22.05.2013.), Annex I of the Contract on financing and managing concluded on 13.09.2018. (filed at the Ministry under number 401-00-400/2013-14/1 dated 13.09.2018. at the City of Kragujevac under number 400-1095/12-II dated 03.09.2018. at the University in Kragujevac under number I-01-839 dated 13.09.2018., at the PIU under number 4808 dated 07.09.2018.), article 16. paragraph 1. clause 2) Decision on establishing the limited liability company for public sector projects implementation ("Official Gazette RS", number 51/10, 72/13, 24/14, 65/14, 110/16 and 26/17), article 53. of the Rulebook on closer regulation of the public procurement procedure, in accordance with the Technical offers evaluation report number 951/1 dated 18.02.2021., Non-objection of the competent authority European Investment bank number 948 dated 18.02.2021., Decision on Qualification number 962/1 dated 18.02.2021., Final evaluation report number 3239/1 dated 15.06.2021. and the Non-objection of the competent authority European Investment bank number 3238 dated 15.06.2021., as well as in accordance with the Guide to procurement of the European Investment bank, Acting Director of the Public Sector Projects Implementation Unit Ltd. Belgrade delivers the

### DECISION ON CONTRACT AWARD

**for the procurement of works - Extension and completion of works on the construction of the facility Centres of Excellence, University in Kragujevac, procurement number RID-W/IOP1-2020**

1. In the international open procedure for procurement of works number: **RID-W/IOP1-2020**, initiated by the Decision on initiation of the international open procedure for the procurement of works number 719 dated 14.02.2020., the subject of which is: **Extension and completion of works on the construction of the facility Centres of Excellence, University in Kragujevac**, upon the conducted procedure of the public opening, overview and

evaluation of the technical part of tenders, as well as the procedure of opening and evaluation of the financial part of tenders, **the contract is awarded to:**

**- Group of tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, tender filed at the Employer under no. 7191 dated 01.12.2020.;**

2. This Decision shall be published on the Public Procurement Portal (<http://portal.ujn.gov.rs>) and the website of the Employer within 3 days from the day of its delivery.

## **R A T I O N A L E**

By the Decision number 719 dated 14.02.2020., the Employer, Public Sector Projects Implementation Unit Ltd. Belgrade, Nemanjina 22-26, 11000 Belgrade, initiated the international open procedure for the procurement of works, the subject of which is: **Extension and completion of works on the construction of the facility Centres of Excellence, University in Kragujevac**, number **RID-W/IOP1-2020**.

International open procedure for the procurement of works, the subject of which is: **Extension and completion of works on the construction of the facility Centres of Excellence, University in Kragujevac**, number **RID-W/IOP1-2020**, is conducted in accordance with the article 7. paragraph 1. clause 2) sub clause (1) Law on Public Procurement (Official Gazette RS, no. 124/2012, 14/2015 and 68/2015) and clause 3.4 of the Guide to procurement of the European Investment Bank, in accordance with the Law on ratification of the Financial contract (Public Sector Research and Development) concluded between the Republic of Serbia and the European Investment Bank (Official Gazette RS, no. 5/10) and the Decision on initiation of the international open procedure for the procurement of works number 719 dated 14.02.2020.

**The estimated value of the procurement is 7.477.101,92 EUR VAT excluded.**

Letter of invitation for tender submission was published in the Official Journal of the European Union, on the Public procurement portal and the website of the Employer, on 13.10.2020., with the deadline for tender submission until 11:00 am, on 23.11.2020. On 17.11.2020. the tender submission deadline was extended until 01.12.2020.

Letter of invitation for tender submission foresees that the tenders are to be submitted in accordance with the **“two envelopes”** procedure, where both technical (administrative) offer and financial offer are to be submitted together, but in separate envelopes. Technical (administrative) offers are to be opened first and evaluated in respect of acceptability. Upon the evaluation of the technical (administrative) acceptability of all submitted tenders, the Employer shall deliver Decision on qualification and shall send an invitation to the Tenderers

whose technical (administrative) offers have been evaluated as acceptable and the opening procedure of their financial offers shall be conducted.

During the tender submission period, four Clarifications and two Corrigenda of the Tender Document were published on the Public Procurement Portal and the website of the Employer.

Technical offers opening session was conducted in the premises of the Employer, at the address Veljka Dugoševića 54, 11000 Belgrade, on 01.12.2020. starting at 12:00 pm, by:

- Predrag Knežević, Committee President
- Tatjana Vojvodić, Committee Secretary

Tenders of the following tenderers were submitted in a timely manner until 11:00 am on 01.12.2020:

Ord. No.	Tender filed at the Employer under number	Name and code of the Tenderer	Date and time of Tender receipt
1.	7190	“Energoprojekt Visokogradnja” a.d. Beograd Bulevar Mihajla Pupina 12, 11070 Beograd	01.12.2020. at 9:40
2.	7191	Group of tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar Oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad	01.12.2020. at 9:48
3.	7192	„SMB Gradnja“ d.o.o. Subotica, Čantavirski put bb, Subotica, „MPP Jedinstvo“ a.d. Sevojno, Prvomajska bb, Sevojno and „Credo“ d.o.o. Vranje, Pariske komune 4/6, Vranje	01.12.2020. at 9:54
4.	7199	Group of tenderers: „KESZ Epito ZRt“ & “KESZ Epito ZRt“ ogranak Beograd and „S.R.M.A.“ d.o.o. Zemun	01.12.2020. at 10:45
5.	7200	Group of tenderers: „Strabag“ AG Austria and „Strabag“ d.o.o. Beograd, Milutina Milankovića 3b, Beograd	01.12.2020. at 10:50

None of the received tenders has been withdrawn by the Tenderers. There have not been any amendments and addenda to the received Tenders.

There have been no untimely tenders.

Committee created the Minutes on technical offers opening number: 7205 dated 01.12.2020., which was handed to the tenderers who submitted the tenders.

Voting committee members conducted the overview and evaluation procedure of the administrative and technical part of the tenders in the period from 01.12.2020. to 30.12.2020. in the premises of the Employer, at the address Veljka Dugoševića 54, 11000 Belgrade.

During the evaluation of the administrative and technical part of tenders, in the aforementioned period, the following was determined:

**Tender by the Tenderer: „Energoprojekt Visokogradnja“ a.d. Beograd, filed at the Employer under number 7190 dated 01.12.2020., contains the following deficiencies:**

During the overview of the Tender, it has been noted that the Tenderer submitted the filled and signed Form 3.4.4 Data about Sub-contracting Envisaged, which states that the Tenderer intends to entrust the part of the works from the Contract to the following subcontractors: Atos montaža d.o.o, Sunce Marinković from Kragujevac, Rinol Beograd, Enterio design Beograd, Procon Beograd, Messer Tehnogas ad Beograd. Further during the overview of the Tender, it has been noted that the Tenderer did not submit, for any of the abovementioned subcontractors, the evidence on fulfilment of the mandatory and additional conditions for which it was foreseen, by the Tender Document, that they must be fulfilled also by the subcontractors.

Tender Documents, Volume I, Section II, Instructions to tenderers, 2.3 Qualification data, Additional conditions for participation in tender procedure, clause 1. Financial capacity under b), requires the tenderer to fulfil the condition that the Current ratio (current assets/ short – term liabilities) for 2019. has to be greater than 1.5 (>1.5).

Based on the submitted Form 3.5.2 - General Experience Record, as well as based on the insight in the submitted balance sheet of the Tenderer for 2019. the Committee determined that the current ratio of the Tenderer in 2019. is not higher than 0.97, by which the Tenderer did not fulfil the foreseen additional condition of Financial capacity.

Tender Documents, Volume I, Section II, Instructions to tenderers, 2.3 Qualification data, Additional conditions for participation in tender procedure, clause 3. Personnel capabilities under b) requires for the tenderer to fulfil the condition of having employees, in the month preceding the month of the publication of the Letter of invitation, with the engineer licences, as the key personnel for the purposes of realization of this contract. The mentioned provisions, among other things, foresee that the Contractor Representative, from the list of the key personnel, must have the work experience of minimum of 10 years as Responsible Contractor as well as the experience in realization of minimum of 2 contracts according to the FIDIC conditions (“Conditions of Contract for PLANT and DESIGN-BUILD for electrical and mechanical works and for building and engineering works designed by the contractor, including on site installation, with calculation of tender and contract” – yellow book; “Conditions of Contract for CONSTRUCTION – for building and engineering works

designed by the employer” – red book; and “Conditions of Contract for CONSTRUCTION, MDB harmonized edition for building and engineering works designed by the employer, June 2010” – pink book), and that all other employed engineers from the list of key personnel must have minimum of 5 years of work experience at the position of Responsible Contractor, in accordance with the foreseen conditions. Related to the mentioned condition of Personnel capabilities, the same provision of the Tender Document foresees that the resident Tenderers (companies established in the country of the Employer) are to submit the following evidence on the fulfilment of the conditions:

- Qualification Forms 3.5.5 and 3.5.5A
- Certificate/Excerpt from the Central Registry of compulsory social security with summarized overview of all insured persons, for the month preceding the month of publication of the Letter of invitation and copies of licenses.
- For Contractor representative – it is necessary to submit the evidence that he has been hired on the construction of the facilities according to the relevant FIDIC conditions of contract, in the form of Certificate by Employer.

Based on the submitted Forms 3.5.5 and 3.5.5A, submitted Excerpt from the Central Registry of compulsory social security, issued on the day 14.09.2020., copies of licences, the Committee determined, for the below-mentioned persons from the list of key technical personnel, the following:

- The Contractor representative, Civil engineer at the position 1) of the key personnel (licences 410 or 411 or 412), Miladin Milović with licence 410, issued on 23.01.2018., does not have 10 years of work experience at the position of Responsible contractor, which has been determined by the insight into the Form 3.5.5, which states that he has two years of work experience at the position of Responsible contractor, as well as based on the date of issuing the licence. Also, for the Contractor representative, the evidence is not submitted, that he has been hired on the construction of facilities according to the relevant FIDIC conditions of contract, in the form of Certificate by Employer.
- Engineer at the position 5. Electrical engineer (week currents), Vladan Lukić, in the month preceding the month of publication of the Letter of invitation, was not employed by the Tenderer, which has been determined by the insight in the Excerpt from the Central Registry of compulsory social security issued on the day 14.09.2020.
- Health and safety officer listed at the position 8. of key personnel, Zorica Čubrić, in the month preceding the month of publication of the Letter of invitation, was not employed by the Tenderer, which has been determined by the insight in the Excerpt from the Central Registry of compulsory social security issued on the day 14.09.2020

Furthermore, Tender Documents, Volume I, Section II, Instructions to tenderers, 2.3 Qualification data, Additional conditions for participation in tender procedure, clause 2. Business capacity, under a) foresees that the Tenderer must have experience in execution of works, closely described in the mentioned provision. Moreover, the same provision foresees that the Tenderer, as evidence on fulfilment of the mentioned condition submits Forms 3.5.3, 3.5.3.A and 3.5.4 with all addenda. Form 3.5.3.A foresees that the Tenderer for each referent experience in execution of works shall submit the contracts, valid Building permit and Investor certificates, confirming the data from the mentioned form. During the overview of

the Tender, the Committee noted that the Tenderer, in the submitted Form 3.5.3 as referent experience in execution of works, listed the works on the following facilities:

- Construction of facility Forte Bank in Astana, Kazakhstan, 35120m<sup>2</sup>, period of construction 2015-2016, however he did not submit, for the mentioned facility, a filled Form 3.5.3A, valid Building permit and the Contract on execution of works;
- Construction of facility Airport cargo centre in Accra, Ghana, 21300 m<sup>2</sup>, period of construction 2014-2016., however he did not submit, for the mentioned facility, a filled Form 3.5.3A, valid Building permit and the Contract on execution of works;
- Construction of facility Business centre Navigator 2, Belgrade, Serbia, 49880 m<sup>2</sup>, period of construction 2018-2020, however he did not submit, for the mentioned facility, Investor certificate on executed works;

Tender Documents, Volume I, Section II, Instructions to tenderers, Qualification data, Additional conditions for participation in tender procedure, Business capacity under b) it is necessary for the Tenderer to hold the following or equivalent valid certificates in the field of construction:

- ISO 9001 - Quality management system;
- ISO 14001- Environment protection management system;
- OHSAS 18001- Health and safety at work management system;
- ISO 50001 – Energy management system.

as well as the certificate ISO 27001 – Information security and data protection or equivalent.

By insight into the Tender, the Committee determined that the Tenderer did not submit the evidence on holding the certificates or equivalents to ISO 9001 and ISO 50001 in the field of construction, as well as the evidence on holding the certificate or equivalent to ISO 27001.

Based on everything abovementioned, the Committee notes that the Technical (administrative) offer of the **Tenderer „Energoprojekt Visokogradnja“ a.d. Beograd**, filed at the Employer under number 7190 dated 01.12.2020., is not in accordance with the requests foreseen in the Tender Document, and as such **it is technically (administratively) unacceptable tender.**

**Tender by the Tenderer – group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, filed at the Employer under number 7191 dated 01.12.2020.**

Upon the overview of the Technical (administrative) offer, the Committee determined that the Tender has no deficiencies, and that it is fully compliant with the Tender Document, and the Committee notes that the **Tender is technically (administratively) acceptable.**

**Tender by the Tenderer – group of Tenderers: „SMB Gradnja“ d.o.o. Subotica, Čantavirski put bb, Subotica, „MPP Jedinstvo“ a.d. Sevojno, Prvomajska bb, Sevojno**

and „Credo“ d.o.o. Vranje, Pariske komune 4/6, Vranje, filed at the Employer under number 7192, dated 01.12.2020. contains the following deficiencies:

Tender Documents, Volume I, Section II, Instructions to tenderers, 2.3 Qualification data, Additional conditions for participation in tender procedure, clause 1, Financial capacity under b), requires the tenderer to fulfil the condition that the Current ratio (current assets/ short – term liabilities) for 2019. has to be greater than 1.5 ( $>1.5$ ). In case of submitting the Tender by a Consortium/Joint Venture, the leading member has to fulfil the mentioned condition.

Based on the submitted Form 3.5.2 General Experience Record, as well as based on the insight in the submitted Balance sheet of the Tenderer for 2019. the Committee determined that the current ratio of the leading member of the group of Tenderers in 2019. is not higher than 1.17, by which the leading member of the group of Tenderers did not fulfil the foreseen condition of Financial capacity.

Tender Documents, Volume I, Section II, Instructions to tenderers, 2.3 Qualification data, Additional conditions for participation in tender procedure, clause 3. Personnel capabilities under a) Total number of workers, requires for the Tenderer to fulfil the condition of having employed, in the month preceding the month of the Letter of invitation publication, at least 300 persons, of which at least 220 persons are required to be construction and technical personnel, as well as in the case of Consortium/Joint Venture, the Leading Partner must meet at least 60% of this qualifying criterion. The same provision foresees that as evidence on fulfilment of the mentioned condition, resident Tenderers shall submit the Form 3.5.5 B and Certificate/Excerpt from the Central Registry of compulsory social security with the summary overview of all insured persons, for the month proceeding the month of the publication of the Letter of invitation.

In relation to the mentioned, by an insight into the Tender, the Committee determined that the Tenderer, for the leading member of the group of tenderers „SMB gradnja“ doo Subotica submitted the Excerpt from the Central Registry of compulsory social security with the summary overview of all insured persons on the day 31.10.2020. Since the Letter of invitation was published on 13.10.2020., the Tenderer did not act in accordance with the request foreseen in the Tender Document.

Furthermore, based on the submitted Form 3.5.5 B and Excerpt from the Central Registry of compulsory social security with the summary overview of all insured persons on the day 31.10.2020., the Committee determined that the leading member of the group of Tenderers „SMB gradnja“ doo Subotica, has 69 persons employed, which is not in accordance with the foreseen additional condition of personnel capability that the tenderer, in the month preceding the month of Letter of invitation publication, has employed at least 300 persons, out of which 220 persons must be construction- technical personnel, as well as that the leading member of the group of Tenderers shall fulfil 60% of this qualification criterion.

Moreover, clause 3. Personnel capability, under b) foresees that the Tenderer, in the month preceding the month of the publication of the Letter of invitation, has employees with the engineer licences, listed in the provision, as the key personnel for the purposes of realization

of this contract, which is the total of eight members of key personnel, out of which one should be listed at the position of Contractor representative. The same provision foresees that in case of Consortium/Joint Venture, the leading member of the Consortium/Joint Venture must fulfil the minimum of 60% of this qualification criterion. It is foreseen that as evidence of fulfilment of the mentioned condition, Tenderers submit, among other documents, the Form 3.5.5 and Form 3.5.5A, as well as Certificate/Excerpt from the Central Registry of compulsory social security with the summary overview of all insured persons, for the month preceding the month of Letter of invitation publication, as well as copies of licenses.

By an insight in the Form 3.5.5 submitted by the Tenderer, as well as in the Excerpt from the Central Registry of compulsory social security with the summary overview of all insured persons on the day 31.10.2020., the Committee determined that, out of eight persons listed as key personnel for the realization of the contract, only three are employed at the leading member of the group of tenderers „SMB gradnja“ d.o.o. Subotica, those are: Ivica Janković, Goran Savić and Jasna Stanković. In accordance with the aforementioned, the Tenderer did not fulfil additional condition of personnel capability that in the month preceding the month of Letter of invitation publication, the leading member of the group of tenderers has employed no less than 60% of engineers listed at the positions of key personnel for the realization of the contract.

Tender Documents, Volume I, Section II, Instructions to tenderers, 2.2 Tender data, paragraph 10.1 Tender Content, under B. foresees that the Technical offer contains, among other documents, Consortium/Joint Venture Agreement according to Form 3.4.5 and Power of Attorney authorizing the signatory of the Tender, if the Tender is submitted by the group of Tenderers. The mentioned Form 3.4.5, clause f. foresees that the Consortium/Joint Venture Agreement shall contain the data on the type of works that will be performed by each of the members with a percentage of participation in the performance of works, with the obligation of the leading member to perform at least 50% of works that are the subject of this procurement.

Through an insight in the Consortium/Joint Venture Agreement, concluded between the leading member and the other members of the group of Tenderers, filed at the leading member of the group under no. 082/20 dated 16.11.2020., the Committee determined that article 4, paragraph 4 of the Agreement foresees that upon the signing of the main contract, i.e. contract with the Employer, regarding this procurement, the leading member of the group of Tenderers shall conclude the contract with the members of the group of tenderers in which he shall define the percentage of participation in the works, of each of the members of the group of tenderers, which they shall execute based on the main contract. Considering the aforementioned, the Tenderer did not act according to the mentioned provisions of the Tender Document.

**The Committee notes that the technical (administrative) offer by the Tenderer – group of Tenderers: „SMB Gradnja“ d.o.o. Subotica, Čantavirski put bb, Subotica, „MPP Jedinstvo“ a.d. Sevojno, Prvomajska bb, Sevojno and „Credo“ d.o.o. Vranje, Pariske komune 4/6, Vranje, filed at the Employer under number 7192, dated 01.12.2020., is not**



**in accordance with the requests foreseen in the Tender Document, and as such it is technically (administratively) unacceptable tender.**

**Tender by the Tenderer – group of Tenderers: „Strabag“ AG Austria and „Strabag“ d.o.o. Beograd, filed at the Employer under number 7200, dated 01.12.2020.**

During the evaluation of the Tenders, the Committee agreed that, in accordance with the clause 22. Instruction to tenderers, Clarification of tenders, it is necessary to send to the Tenderer a request for clarification regarding the following matter:

Namely, Tender Documents, Volume I, Section 2, Instructions to tenderers, 2.3 Qualification data, Additional conditions for participation in tender procedure, clause 3. Personnel capabilities under b) requires for the tenderer to fulfil the condition of having employees, in the month preceding the month of the publication of the Letter of invitation, with the engineer licences, as the key personnel for the purposes of realization of this contract. The mentioned provisions, among other things, foresee that the Contractor Representative from the list of the key personnel must have the work experience of minimum of 10 years as Responsible Contractor as well as the experience in realization of minimum of 2 contracts according to the FIDIC conditions (“Conditions of Contract for PLANT and DESIGN-BUILD for electrical and mechanical works and for building and engineering works designed by the contractor, including on site installation, with calculation of tender and contract” – yellow book; “Conditions of Contract for CONSTRUCTION – for building and engineering works designed by the employer” – red book; and “Conditions of Contract for CONSTRUCTION, MDB harmonized edition for building and engineering works designed by the employer, June 2010” – pink book). Related to the mentioned condition of Personnel capabilities, the same provision of the Tender Document foresees that the Tenderers, among other documents, are to submit the following evidence on the fulfilment of the conditions:

- filled Forms 3.5.5 and 3.5.5A
- for Contractor representative – it is necessary to submit the evidence that he has been hired on the construction of the facilities according to the relevant FIDIC conditions of contract, in the form of Certificate by Employer.

Through the insight in the submitted evidence: filled Forms 3.5.5 and 3.5.5A, as well as Certificate by Employer PUC „Putevi Srbije“ dated 26.10.2020. and Final acceptance and taking over certificate issued by the PUC „Beogradski vodovod i kanalizacija“ dated 22.12.2018., submitted as evidence on engagement of the Contractor Representative Igor Đurđević, on the relevant construction of the facility, the Committee was not able to undoubtedly determine that the Contractor Representative fulfils the condition of engagement on the facilities according to relevant FIDIC conditions of contract.

Due to the mentioned reason, on 24.12.2020., the Clarification request was sent to the Tenderer, no. 7853 dated 24.12.2020., in which it was requested from him to, in the defined deadline, submit the clarification based on which it can undoubtedly be determined whether the Contractor Representative Igor Đurđević fulfils the foreseen condition of personnel capabilities.

On 28.12.2020., the Tenderer submitted the clarification in the form of Certificate by Employer PUC „Putevi Srbije“ dated 25.12.2020. and the Certificate issued by the Employer PUC „Beogradski vodovod i kanalizacija“ on 28.12.2020., based on which it was clarified that the Contractor Representative Igor Đurđević, has relevant work experience on the construction of the facilities according to the FIDIC conditions of contract. The Committee notes that the submitted clarification is acceptable.

**Upon the overview of the Technical (administrative) offer, the Committee determined that the Tender of the Tenderer – group of Tenderers „Strabag“ AG Austria and „Strabag“ d.o.o. Beograd, filed at the Employer under number 7200, dated 01.12.2020., has no deficiencies, is fully compliant with the Tender Document, and as such it is technically (administratively) acceptable tender.**

**Tender by the Tenderer – group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „SRMA“ d.o.o. Zemun, filed at the Employer under number 7199, dated 01.12.2020.**

Upon the overview of the technical (administrative) offer, the Committee noted that the Tender has no deficiencies, is fully compliant with the Tender Document, **and as such it is technically (administratively) acceptable tender.**

In accordance with the Tender Document, Volume I, Section 2, Instructions to tenderers, clause 24. Qualification, The Employer shall determine whether the Tenderer meets the qualification criteria and based on the submitted Tender whether he proved to be capable of satisfactory performance of the agreement. Evaluation of the Tenders will be based on a review of the documents which the Tenderer has submitted in his Tender, and which proved the Tenderer's abilities. Also, an evaluation of the ability of subcontractors proposed by the Tenderer in its Tender, will be carried out. Employer shall evaluate and compare the tenders for which he determined are in accordance with the clause 23. Examination of tenders, i.e. the Tender should:

- a) be complete;
- b) contain properly signed documents;
- c) be accompanied with the requested Tender Security;
- d) be in accordance with the requirements from the Tender Document.

### **Committee conclusion**

Upon the conducted evaluation of the technical (administrative) acceptability of all submitted Tenders, the Committee noted that the Tenders by the Tenderers:

- **„Energoprojekt Visokogradnja“ a.d. Beograd, filed at the Employer under number 7190 dated 01.12.2020. and**
- **Group of Tenderers: „SMB Gradnja“ d.o.o. Subotica, Čantavirski put bb, Subotica, „MPP Jedinstvo“ a.d. Sevojno, Prvomajska bb, Sevojno and „Credo“**

**d.o.o. Vranje, Pariske komune 4/6, Vranje, filed at the Employer under number 7192, dated 01.12.2020.**

are not in accordance with the requests from the Tender Document, **and as such have been evaluated as unacceptable tenders.**

Upon the conducted evaluation of the technical (administrative) acceptability of all submitted Tenders, the Committee noted that the Tenders by the Tenderers:

- **Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, filed at the Employer under number 7191 dated 01.12.2020.**
- **Group of Tenderers: „Strabag“ AG Austria and „Strabag“ d.o.o. Beograd, filed at the Employer under number 7200, dated 01.12.2020. and**
- **Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „SRMA“ d.o.o. Zemun, filed at the Employer under number 7199, dated 01.12.2020.**

**are in accordance with the requests from the Tender Document, and as such they have been evaluated as acceptable.**

Pursuant to everything abovementioned, the Committee suggested to the Employer to, in the procedure of procurement of **Extension and completion of works on the construction of the facility Centres of Excellence, University in Kragujevac**, procurement number **RID-W/IOP1-2020**, in accordance with the clause 24.4 of the Tender Document, deliver the Decision on qualification of tenderers and, upon the expiration of the standstill period of 10 days from the publishing the Decision on qualification, provided that no Complaints have been submitted, or upon the Decision on submitted complaint, send an Invitation for financial offers opening session to the following Tenderers:

- **Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, filed at the Employer under number 7191 dated 01.12.2020.**
- **Group of Tenderers: „Strabag“ AG Austria and „Strabag“ d.o.o. Beograd, filed at the Employer under number 7200, dated 01.12.2020. and**
- **Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „SRMA“ d.o.o. Zemun, filed at the Employer under number 7199, dated 01.12.2020.**

Upon the Decision on qualification number 962 dated 18.02.2021. entering into force, in accordance with the provisions of the Tender Document, Volume I, clause 24.4, paragraph 4,

on 02.03.2021., the Invitation for financial offers opening was sent to the Tenderers whose technical (administrative) offers were evaluated as acceptable.

On the website of the Public Sector Projects Implementation Unit Ltd. Belgrade, on 02.03.2021., Information on the public opening of the financial offers was published.

Financial tenders opening session was conducted in the premises of the Public Sector Projects Implementation Unit Ltd. Belgrade, at the address Veljka Dugoševića 54, 11000 Belgrade, on 04.03.2021. starting at 10:00 am.

On the conducted financial offers opening, Minutes on financial offers opening number 1230 dated 04.03.2021. was created, the authentic copy of which was handed to the authorized representatives of the tenderers.

Financial offers opening session was conducted by the following Committee members:

Name and surname	Committee position
Predrag Knežević	President
Tatjana Vojvodić	Secretary

During the financial offers opening procedure, the following offered prices of the qualified Tenderers were noted:

Ord. no.	Name and code of the Tenderer	Offered price in EUR VAT excluded
1.	Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad	10.518.552,56
2.	Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „S.R.M.A.“ d.o.o. Zemun	10.619.357,55
3.	Group of Tenderers: „Strabag“ AG Austrija and „Strabag“ d.o.o. Beograd, Milutina Milankovića 3b, Belgrade	10.787.718,50

Upon the conducted financial offers opening, the Committee conducted the evaluation of the financial offers.

On 10.03.2021. the Committee sent to the Tenderers a letter regarding the extension of the tender validity period by 60 days, with which all of the Tenderers agreed and submitted the Tender Securities with the new deadline, in accordance with the Tender Document that the Bank Security must be valid 35 (thirty-five) days longer than the tender validity period.

On 17.05.2021. the Committee sent, once again, to the Tenderers a letter regarding the extension of the tender validity period by additional 60 days, with which all of the Tenderers agreed and submitted the Tender Securities with the new deadline, in accordance with the Tender Document that the Bank Security must be valid 35 (thirty-five) days longer than the tender validity period.

Regarding the overview of the documents comprising the financial part of the Tender of the qualified Tenderers, the Committee noted that the offered prices of the qualified Tenderers are over the estimated value of the procurement.

Pursuant to the abovementioned, the Committee President for the procurement of Extension and completion of works on the construction of the facility Centres of Excellence, University in Kragujevac - RID-W/IOP1-2020, through an internal letter no. 175 dated 12.03.2021., informed the Director of the Employer on the status of the received Tenders in this procurement, i.e. that the offered prices of the qualified Tenderers are over the amount of the estimated value of the procurement.

Through a letter no. 193 dated 18.03.2021., the Director of the Employer, requested from the Procurement Department of PIU, an interpretation of the article 107. paragraph 4. of the Law on Public Procurement (Official Gazette RS, no. 124/2012, 14/2015 and 68/2015) (hereinafter: Law) with the opinion on the possibility of application of the mentioned provision.

Based on the mentioned request, the Director of the Procurement Department of the Employer, through a letter no. 199 dated 22.03.2021., submitted to the Director of the PIU the requested interpretation of the article 107. paragraph 4. of the Law on Public Procurement (Official Gazette RS, no. 124/2012, 14/2015 and 68/2015), with the opinion on the possibility of application of the mentioned provision.

Upon the receipt of the mentioned interpretation, the Employer, with the goal of analysis and determining of the current market estimated value of the facility Centres of Excellence, University in Kragujevac, conducted the procurement procedure according to the purchase order no. N/4-2021/U, based on which a purchase order number N33/2021 dated 07.05.2021., was issued to the supplier of the services of Institute of Transportation CIP ltd. as Consultant. Based on the issued Purchase order, the Consultant, on 12.05.2021., submitted the estimated value of the works for the facility Centres of Excellence, University in Kragujevac, which has been determined based on the analysis of the market unit prices according to the previously created Bill of Quantities as part of the Design for execution of the construction design of the facility Centres of Excellence, University in Kragujevac.

It has been determined, upon the submitted estimate, that the current market value (price) of the facility Centres of Excellence, University in Kragujevac is 10.884.630,38 EUR VAT excluded, which is 3.407.528,46 EUR over the estimated value of the procurement i.e. 362.629,62 EUR above the lowest offered price in the procurement procedure.

Having in mind that article 3. clause 28) of the Law on Public Procurement defines the comparable market price as the price on the relevant market, taking into consideration the subject of the public procurement, market development, conditions from the Tender Document such as manner of payment, amounts, delivery deadline, contract validity deadline, means of security, warranty period etc., it can reasonably be concluded that the comparable market value of the mentioned works is even higher than the market value determined and submitted by the Consultant in the estimate of works.

In accordance with the Tender Document, Volume I, Section 2 – Instructions to Tenderers, clause 27. Evaluation and comparison of tenders, sub clause 27.4 Correction of the arithmetic errors, defines that the Procurement Committee shall correct the possible arithmetic errors as follows:

- (a) Where there is a discrepancy between the amounts in figures and in words, the amount in words will govern; and
- (b) Where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall govern and the total price shall be corrected.

During the Evaluation of the tenders, Committee members, upon the check for arithmetic errors, unanimously evaluated that, in accordance with the aforementioned provision of the Tender Document, it is necessary to send a written request to the Tenderer: Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad for the correction of arithmetic errors.

On 23.03.2021. the Committee sent to the Tenderer a Request no. 1594 for the consent to the correction of the arithmetic errors, with the deadline for receiving a reply being 25.03.2021.

On 23.03.2021. the Tenderer submitted his consent to the correction of the arithmetic errors, in this procurement, filed at the Employer under number 1608 (all the abovementioned correspondence is an integral part of this report and is attached thereto).

During the Evaluation of the tenders, Committee members, upon the check for arithmetic errors, unanimously evaluated that, in accordance with the aforementioned provision of the Tender Document, it is necessary to send a written request to the Tenderer: Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „S.R.M.A.“ d.o.o. Zemun.

On 23.03.2021. the Committee sent to the Tenderer a Request no. 1596 for the consent to the correction of the arithmetic errors, with the deadline for receiving a reply being 25.03.2021.

On 24.03.2021. the Tenderer submitted his consent to the correction of the arithmetic errors, in this procurement, filed at the Employer under number 1643 (all the abovementioned correspondence is an integral part of this report and is attached thereto).

During the Evaluation of the tenders, Committee members, upon the check for arithmetic errors, unanimously evaluated that, in accordance with the aforementioned provision of the Tender Document, it is necessary to send a written request to the Tenderer: Group of Tenderers: „Strabag“ AG Austrija and „Strabag“ d.o.o. Beograd, Milutina Milankovića 3b, Belgrade.

On 23.03.2021. the Committee sent to the Tenderer a Request no. 1595 for the consent to the correction of the arithmetic errors, with the deadline for receiving a reply being 25.03.2021.

On 23.03.2021. the Tenderer submitted his consent to the correction of the arithmetic errors, in this procurement, filed at the Employer under number 1607 (all the abovementioned correspondence is an integral part of this report and is attached thereto).

Pursuant to everything abovementioned, the Committee notes that the financial offers of the qualified Tenderers, upon obtaining the consent to the correction of the arithmetic errors are the following:

<b>Ord. no.</b>	<b>Name and code of Tenderer</b>	<b>Offered price in EUR VAT excluded</b>
1.	Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad	<b>10.522.000,76</b>
2.	Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „S.R.M.A.“ d.o.o. Zemun	<b>10.653.831,64</b>
3.	Group of Tenderers: „Strabag“ AG Austrija and „Strabag“ d.o.o. Beograd, Milutina Milankovića 3b, Belgrade	<b>10.790.236,14</b>

In accordance with the Tender Document, Volume I, Section 2 – Instructions to Tenderers, clause 29. Award criteria, sub clause 29.1. defines that the Employer will award the Contract to the Tenderer whose Tender has been determined to be substantially responsive to the Tender Documents and with the lowest offered price, provided that such Tenderer has been determined to be qualified in accordance with qualification criteria.

Upon the conducted evaluation of the financial offers of the qualified Tenderers, the Committee noted that the Tenders of the Tenderers:

- Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, filed at the Employer under number 7191 dated 01.12.2020.;
- Group of Tenderers: „Strabag“ AG Austrija and „Strabag“ d.o.o. Beograd, filed at the Employer under number 7200, dated 01.12.2020. and
- Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd i „SRMA“ d.o.o. Zemun, filed at the Employer under number 7199, dated 01.12.2020.

are in accordance with all the requests from the Tender Document, as well as that the offered prices by the mentioned Tenderers are higher than the estimated value of the procurement, but they are not higher than the comparable market price, which was shown by the analysis of the market unit prices according to the previously created Bill of Quantities, conducted during the evaluation procedure of the financial part of the tenders.

Through the application of the mentioned criterion, the ranking of the Tenders has been conducted:

Ord. no.	Name and code of Tenderer	Offered price in EUR VAT excluded
1.	Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad	10.522.000,76
2.	Group of Tenderers: „KESZ Epito ZRt“ & „KESZ Epito ZRt“ ogranak Beograd and „S.R.M.A.“ d.o.o. Zemun	10.653.831,64
3.	Group of Tenderers: „Strabag“ AG Austrija and „Strabag“ d.o.o. Beograd, Milutina Milankovića 3b, Belgrade	10.790.236,14

In accordance with the ranking results, the Procurement Committee, as the most favourable Tender evaluated the Tender by the Tenderer:

**Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, filed under number 7191 dated 01.12.2020. with the offered price of 10.522.000,76 EUR VAT excluded.**



Pursuant to the abovementioned, the Committee suggested to the Employer to, in accordance with the Tender Document and article 107. paragraph 4. of the Law, and taking into consideration that the Employer has the funds for the realization of the mentioned procurement, deliver the Decision on contract award and to conclude the contract with the Tenderer, Group of Tenderers: „Inobačka“ d.o.o. Novi Sad, Bulevar oslobođenja 30a, Novi Sad, GP „Graditelj NS“ d.o.o. Novi Sad, Rumenački put 2, Novi Sad and „Institut za bezbednost i preventivni inženjering“ d.o.o. Novi Sad, Vojvode Šupljikca 48, Novi Sad, filed under number 7191 dated 01.12.2020. evaluated as acceptable, with the offered price of 10.522.000,76 EUR VAT excluded.

#### Legal remedy:

Against this Decision, the Tenderers can submit a Request for the protection of rights within 10 (ten) days from the day of publication of the Decision at the Public Procurement Portal (<http://portal.ujn.gov.rs>) and internet website of the Employer, in accordance with the procedure described in clauses 30.3 and 30.4 Instructions to Tenderers (volume I, Section 2) of the Tender Document.

Acting Director  
  
Dušan Kovačević

