

Based on the Financial Agreement concluded between the Republic of Serbia and the European Investment bank FI no 25.610, („Official Gazette – International contracts“ number 8-10,12-15 and 11/17) Annex I of the Financial Agreement signed on 27th March 2015., Annex II of the Financial Agreement signed on 6th March 2017., Annex III of the Financial Agreement signed on 1st November 2017., Annex IV of the Financial Agreement signed on 31st January 2019., Annex V of the Financial Agreement signed on 24<sup>th</sup> February 2021., article 11. paragraph 2. and article 146. Law on public procurement („Official Gazette“ no. 91/2019), article 5. paragraph 1. clause 4) Contract on management of the project School Modernisation Programme in the Republic of Serbia, financed by the European Investment bank (concluded between Ministry of Education, Science and Technological Development and the Public Sector Projects Implementation Unit Ltd. Belgrade, filed at the Ministry under the number 401-00-374/2020-17 dated 19.11.2020., and at the Public Sector Projects Implementation Unit Ltd. Belgrade filed under number 6915 on 19.11.2020.), article 16. paragraph 1. clause 2) Decision on establishing the limited liability company for public sector projects implementation („Official Gazette“, no. 51/10, 72/13, 24/14, 65/14, 110/2016 and 26/2017), article 53. of the Rulebook on closer regulation of the public procurement procedure, and in accordance with the rules of the European Investment bank described in the EIB's Guide to procurements, Evaluation report number: 5884 dated 16.11.2021., as well as Non-objection letter of the competent authority of the European Investment bank number 5883 dated 16.11.2021. for and on the behalf of Ministry of Education, Science and Technological Development, Acting Director of the Public Sector Projects Implementation Unit Ltd. Belgrade delivers the:

### DECISION ON CONTRACT AWARD

1. In the international open procedure for the procurement of goods, number: **N/D/03/20**, the subject of which is: Procurement of computer hardware with the implemented software support for the needs of Unified Education Information System (UEIS), within the School Modernisation Programme – Component 2, Contract is being awarded to the Group of Bidders:
  - **Smart technology solution doo Beograd**, Terazije 43, Belgrade (**leading member**), **King ICT doo Beograd**, Viline Vode bb, Belgrade, **KIM-TEC servis doo Beograd**, Viline Vode bb, Belgrade, **Milenium sistemi doo Beograd**, Ruska 1, Belgrade and **Magnetic System doo Beograd**, Devdelijska 15, Belgrade (**members of the group of Bidders**), **Bid filed at the Purchaser under number 4991 dated 15.09.2021** at the total offered price of **2.249.820,00 EUR VAT excluded**.
2. This Decision shall be published on the website of the Employer within 3 days from the day of its delivery.

## **R a t i o n a l e**

**Purchaser:** Ministry of Education, Science and Technological Development, Nemanjina 22-26, 11000 Belgrade.

Procurement is being conducted by the Public Sector Project Implementation Unit Ltd. Belgrade for and on the behalf of the Ministry of Education, Science and Technological Development, in accordance with the Contract on management of the project School Modernisation Programme in the Republic of Serbia.

**Procurement subject:** Procurement of computer hardware with the implemented software support for the needs of Unified Education Information System (UEIS), within the School Modernisation Programme – Component 2

**Type of procedure:** International open procedure for the procurement of goods, initiated by the Decision on initiation of the procedure number: 7782 dated 22.12.2020.

**Estimated value of the procurement: 2,250,000.00 EUR VAT excluded**

Procurement is not divided into lots.

Public invitation was published on the website of the Official journal of the European Union and the website of the Purchaser, on 05.07.2021. with bid submission until 16.08.2021. at 11:00am. On 02.08.2021. Notice on change of the deadline for submission of bids no. 4279 was published, which extended the bid submission deadline until 16.09.2021. until 11:00 am, and defined that the Bid opening shall take place on the same day at 11:30 am.

During the bid submission period, three clarifications and one corrigendum of the Tender Document were published.

On 26.07.2021. the Purchaser delivered the Corrigendum of the Tender Document, referring to documents Price Schedule and Distribution of computers by schools and school countries and the amounts of the types of the computers requested, i.e. amounts for the Type 1 and Type 2 were interchanged due to an error. The Corrigendum then corrected the interchanged amounts stating the following:” In excel file Price Schedule for TYPE 1 the amount is changed and now states 3300 pieces, TYPE 2 now states 1230 pieces.

In excel file Distribution of computers by schools and school countries for TYPE 1 the amount is changed and now states 3300 pieces, TYPE 2 now states 1230 pieces.”

Also on 26.07.2021. the Purchaser delivered Clarification no.1 of the Tender Document, which included the clarification regarding the abovementioned issue with the interchanged amounts of the types of the computers, as well as the clarification regarding the evidence for business

capacity. To the question whether as evidence, the contracts i.e. invoices issued to the Purchaser to which the equipment is delivered also in 2021., i.e. until the date for bid submission, shall also be acceptable, the Purchaser responded affirmatively. Namely that all computer equipment delivery contracts (i.e. invoices issued towards the Purchaser to which the equipment was delivered) which are successfully realized from 2018. until the date for bid submission shall be acceptable to the Purchaser.

On 03.09.2021. Purchaser delivered Clarification no. 2 of the Tender Document, in which the potential Bidder requested Letter of Eligibility, issued by the Microsoft to the Ministry of Education, Science and Technological Development, regarding Windows 10 Pro licences. The Letter of eligibility was sent to all the potential Bidders via e-mail.

On 09.09.2021. Purchaser delivered Clarification no. 3 of the Tender Document, in which a potential Bidder stated that the request of the Purchaser, that the monitors and computers offered must be of the same producer, highly limits Bidders and he requested the Purchaser to allow the Bidders to offer monitors and computers from different producers, given that, due to technical specification, problem of incompatibility of monitor and computer cannot happen in this procurement if different companies produce monitors and computers. The Purchaser stated that he remains at his request that the monitors and computers offered must be of the same producer, as the most economically acceptable solution.

Also, a potential Bidder posed a question of the number of software licenses requested, to which the Purchaser responded that each of the offered computers must be supplied with the software described in the technical specification for software.

Furthermore, a potential Bidder demanded the Purchaser to change the number, placement and type of the USB ports for computers of Type 1, to which the Purchaser responded that he remains at his requests, since the usage of the computers shall be minimum of 5 years and since the technological development is fast, he wishes to follow the trends in terms of development of the USB connections.

Another request, from a potential Bidder, was to change the technical specification in such a manner to allow lower percentages of power supply efficacies, than the requested 89%, for computers of Type 1. Purchaser responded that he remains at his request since it is justified, and since there are manufacturers on the market who also offer even higher energy efficiency of the devices, than the one requested.

Another potential Bidder requested the Purchaser to allow the computer case volume, for Type 2 computers, which has up to 10% of the volume difference from the demanded 7.5 litres. The Purchaser stated that he shall accept the offers with computer case volume 7.5 litres +/- 10%.

Finally, a potential Bidder requested, for Type 2 computers, for the Purchaser to, instead of the requested 1 port for microphone and 1 port for headphones and 1 additional combo (microphone + headphones) port, request only microphone and headphones combo port. The Purchaser responded that he remains at his request, since the users must be given the opportunity to adjust the existing peripherals and use them without buying adapters and additional cables.

Bid opening procedure was conducted in the premises of the Purchaser, Public Sector Projects Implementation Unit Ltd. Belgrade, Veljka Dugoševića 54, 11000 Belgrade, on 16.09.2021. starting at 11:30 am, by the following persons:

Name and last name	Committee position
Predrag Knežević	President and Committee member
Olivera Vujović	Committee secretary

Bids by the following Bidders were submitted in a timely manner i.e. until 16.09.2021. at 11:00 am, to the address of the Purchaser: Veljka Dugoševića 54, 11000 Belgrade, in the following order:

Ord. No.	Number under which the Bid is filed at the Purchaser	Name or code of the Bidder	Date and time of Bid receipt
1.	4991	Group of Bidders: Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15	15.09.2021. at 15:04
2.	4992	Bel Computers doo Beograd, Žarkovačka 2D, 11000 Belgrade	15.09.2021. at 15:05

Untimely bids: None.

Committee created Minutes of bid opening number: 5002 dated 16.09.2021., which was handed to the present Bidder's authorized representative, while it was sent via e-mail to the Bidder whose representative was not present at the Bid opening session.

None of the members of the Procurement Committee has a conflict of interest with any of the Bidders, i.e. with the Group of Bidders: Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15, as well as with the Bidder Bel Computers doo Beograd, Žarkovačka 2D, 11000 Belgrade.

Voting committee members conducted the overview and evaluation procedure in the period from 16.09.2021. to 22.09.2021. in the premises of the Purchaser, at the address Veljka Dugoševića 54, 11000 Belgrade.

During the evaluation procedure of the bids, in the abovementioned period, the following was determined:

1) For the Bid by the Group of Bidders: **Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15**, filed at the Purchaser under number 4991 dated 15.09.2021., the following has been noted:

Offered price is: 2,249,820.00 EUR VAT excluded

Considering that the estimated value of the procurement is: 2,250,000.00 EUR VAT excluded, the Committee noted that the value of the Bid by the group of bidders - **Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15**, filed at the Purchaser under number 4991 dated 15.09.2021, is lower than the estimated value of the procurement.

Bid is complete, documents comprising the content of the Bid are filled and signed. The Committee noted that the Bid is in accordance with the requests from the Bidding Document and that the Bidder fulfils the conditions for participation in the procurement procedure.

Committee conducted the check of the calculation correctness of the Bid and noted that there are no calculation errors.

Pursuant to the everything abovementioned, the Committee noted that the Bid by the Group of Bidders - **Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15**, filed at the Purchaser under number 4991 dated 15.09.2021., is **substantially responsive and acceptable**.

2) For the Bid by the Bidder - **Bel Computers doo Beograd, Žarkovačka 2D, 11000 Belgrade**, filed at the Purchaser under number 4922 dated 15.09.2021., the following has been noted:

Offered price is: 2,298,750.00 EUR VAT excluded

Considering that the estimated value of the procurement is: 2,250,000.00 EUR VAT excluded, Committee notes that the value of the Bid by the Bidder - **Bel Computers doo Beograd, Žarkovačka 2D, 11000 Belgrade**, filed at the Purchaser under number 4922 dated 15.09.2021., is higher than the estimated value of the procurement.

Committee noted that the Bid is not in accordance with the requests from the Bidding Document and that the Bidder does not fulfil the conditions for participation in the procurement procedure, due to the following **deficiencies**:

I) Bidding Document, Part A – Bidding procedures, Section I - Instructions to Bidders, Part A. General, clause 19. Documents Establishing the Qualifications of the Bidder, sub-clause 19.1 a) defines that the documentary evidence of the Bidder's qualifications to perform the contract, if its bid is accepted, that he shall establish to the Purchaser's satisfaction, if required in the BDS, a Bidder that does not manufacture or produce the Goods it offers to supply, shall submit the Manufacturer's Authorization using the form included in Section IV, Bidding Forms to demonstrate that it has been duly authorized by the manufacturer or producer of the Goods to supply these Goods in the Purchaser's Country.

Pursuant to the mentioned provision, Section II, Bidding Data Sheet (BDS), clause ITB 19.1 (a) requires the Manufacturer's Authorisation to be submitted.

During the evaluation of the Bid the Committee noted that the Bidder did not submit the above mentioned authorization.

II) Bidding Document, Part A – Bidding procedures, Section I - Instructions to Bidders, Part A. General, clause 21. Bid Security 21.1 defines that The Bidder shall furnish as part of its bid, a Bid Security or a Bid-Securing Declaration, if required, as specified in the BDS.

Pursuant to the mentioned provision, Section II, Bidding Data Sheet, clause ITB 21.1 and 21.2 inter alia determine that Bid shall include a Bid Security included in Section IV Bidding Forms, that it is obligatory and shall be unconditional, irrevocable and on first call payable bank guarantee in original issued by the renowned Bank, in the following amounts and currency: 68,000.00 EUR.

During the evaluation of the Bid the Committee noted that the Bidder did not submit the Bid Security.

III) Bidding Document, Part A – Bidding procedures, Section III. Evaluation and Qualification Criteria, 2. Qualification Requirements, under Additional criteria for qualification of Bidders – additional conditions, clause b) Financial capacity, sub clause (c) Business Capability, defines that Bidder must prove that he successfully completed supply contracts of IT equipment in the last three years (2018, 2019 and 2020 - until the date for the submission of bids) with Total value no less than 3,500,000.00 EUR out of which one contract with value no less than 300,000.00 EUR.

As evidence of fulfilment of this condition, the Bidder should submit the copies of Contracts (or signed invoices sent to Purchaser to whom the goods are delivered) and Investor certificates (please refer to Form – Investor certificate).

During the evaluation of the Bid the Committee noted that the Bidder did not submit copies of Contracts nor Investor certificates.

IV) Bidding Document, Part A – Bidding procedures, Section III. Evaluation and Qualification Criteria, 2. Qualification Requirements, under Additional criteria for qualification of Bidders – additional conditions, clause (d) Personnel Capability provides that the Bidder, in the month preceding the month of publication of the Public Invitation, has employed at least: 30 persons.

As evidence of fulfilment of this condition, resident Bidders should submit the Certificate or excerpt from the Central registry of compulsory social security, i.e. non-resident Bidders should submit the certificate or excerpt from the competent institution of the state of the Bidder, for the month preceding the month of publication of the Public Invitation.

During the evaluation of the Bid the Committee noted that the Bidder did not submit required evidence.

V) Bidding Document, Part A – Bidding procedures, Section III. Evaluation and Qualification Criteria, 2. Qualification Requirements, under Additional criteria for qualification of Bidders – additional conditions, clause (f) Certifications, standards and licences, determine that the Bidder shall hold the following professional certificates:

- a) valid certificate for quality management system ISO 9001 or equivalent;
- b) valid certificate for environmental protection management system ISO 14001:2015 or equivalent;
- c) valid certificate for service management system ISO 20000-1 or equivalent;
- d) valid certificate for information security management system ISO 27001 or equivalent.

As evidence of fulfilment of this condition, the Bidder should submit the copies of the requested certificates or equivalents. Submitted copies of certificates must be valid and issued before the deadline for submission of bids.

During the evaluation of the Bid the Committee noted that the Bidder did not submit the copies of requested certificates or equivalents.

VI) Bidding Document, Part A – Bidding procedures, Section III. Evaluation and Qualification Criteria, 2. Qualification Requirements, under Additional criteria for qualification of Bidders – additional conditions, clause (g) Certificate – Manufacturer's Authorisation (MAF) for the Bidder defines that the Bidder must be authorised by the manufacturer or the subsidiary of the manufacturer for the territory of the Republic of Serbia to offer and sell the goods which are the subject of the procurement.

As evidence of fulfilment of this condition, the Bidder should submit the Certificate from the manufacturer or the subsidiary of the manufacturer for the territory of the Republic of Serbia that the Bidder is authorized for selling the equipment which are the subject of the procurement. Certificate must be titled to the Purchaser, with the stated number of the public procurement and signed by the authorized person of the manufacturer.

During the evaluation of the Bid the Committee noted that the Bidder did not submit requested certificates of authorisation.

VII) Bidding Document, Part A – Bidding procedures, Section III. Evaluation and Qualification Criteria, 2. Qualification Requirements, under Additional criteria for qualification of Bidders – additional conditions, clause (h) Online check of the warranty period for offered device, by serial number, at manufacturer's official web page, defines that The Bidder must ensure an online check of the warranty period for offered device, by serial number, at manufacturer's official web page.

As evidence of fulfilment of this condition, the Bidder should submit the Certificate by the manufacturer or the subsidiary of the manufacturer for the territory of the Republic of Serbia which contains a link of the manufacturer's web page where is possible to make an online check of warranty, by the serial number of device. Certificate must also contain name of the Bidder and name of this procurement.

During the evaluation of the Bid the Committee noted that the Bidder did not submit the requested certificate.

VIII) Bidding Document, Part A – Bidding procedures, Section III. Evaluation and Qualification Criteria, 2. Qualification Requirements, under Additional criteria for qualification of Bidders – additional conditions, clause (i) Electronic system for registration of malfunction of devices (Ticketing system) provides that the Bidder must have a system for registration of customers' requests/complaints at his disposal, as well as a system of direct communication with operator (online help), placed on own portal with the following functionalities:

- Cataloguing of requests from submission to completion, with notification when ticket is closed;
- Generating various types of tickets, with different statuses and history (ticket opened, diagnostics in progress, spare part ordered, spare part replaced, repair finished, ticket closed);
- Possibility to overview all tickets (opened/closed) of Purchaser in real time;
- Possibility to overview a time of response/receipt of e-mail on the occasion of opening or changing the status of ticket.

As evidence of fulfilment of this condition the Bidder should submit the following:

- Printed screenshot of the entry screen for access to the ticketing system
- Internet address with provisional (testing) username and password provided for Purchaser in order to be assured that the ticketing system is functioning and is owned by the Bidder.
- Statement of the Bidder that he uses (has at his disposal) an electronic system for registration of malfunctioning (ticketing system).

During the evaluation of the Bid the Committee noted that the Bidder did not submit any of the requested evidence.

Committee conducted the check of the calculation correctness of the Bid and noted that there are no calculation errors.

Pursuant to everything abovementioned, the Committee noted that the Bid by the Bidder: **Bel Computers doo Beograd, Žarkovačka 2D, 11000 Belgrade**, filed at the Purchaser under number 4922 dated 15.09.2021., is **substantially non-responsive and unacceptable**.

**The Bid evaluation criterion is "lowest price of the compliant and technically responsive tender".**



The Bids will then be ranked from the lowest to the highest offered price. The Bid with the lowest offered price is the most favourable one.

In case of two or more bids with the equal lowest offered price, the advantage shall be given to the Bidder has higher average annual revenue for the last 3 (three) years (2017, 2018, 2019).

Pursuant to everything abovementioned, the Committee noted that the Bid by the following Bidder **is substantially responsive and acceptable** and with the lowest offered price:

- Group of Bidders: Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15, number 4991 dated 15.09.2021, with the value of 2,249,820.00 EUR VAT excluded.

### Conclusion:

Taking into consideration everything mentioned, the Committee suggested to the Purchaser to deliver the **Decision on contract award and to conclude the contract** with the following Bidder:

- Group of Bidders: Smart technology solution doo, Terazije 43, 11000 Belgrade, King ICT doo za poslovno informatičke usluge, Viline Vode bb, Privredno društvo KIM-TEC servis doo Beograd, Viline Vode bb, Milenium sistemi doo Beograd, Ruska 1 and Magnetic System doo Beograd, Đevdelijska 15, filed at the Purchaser under number 4991 dated 15.09.2021, in the value of 2,249,820.00 EUR VAT excluded.

Pursuant to everything aforementioned, and based on the suggestion provided by the Procurement Committee in the Evaluation report number 5884 dated 16.11.2021. as well as Non-objection letter of the competent authority of the European Investment bank number 5883 dated 16.11.2021., it has been decided as in the enacting clause.

### Legal remedy:

Against this Decision, the Bidders can submit a Request for the protection of rights within 10 (ten) days from the day of publication of the Decision at the internet website of the Employer, in accordance with the procedure described in clauses 41.2 and 41.3 Instructions to Bidders (volume I, Section 2) of the Tender Document.



Acting Director

Dušan Kovačević

