



QF-H-006

Republic of Serbia
REPUBLIC HYDROMETEOROLOGICAL SERVICE OF SERBIA
Number: 404-30/250-5
Kneza Visislava Str. 66
Belgrade

TENDER DOCUMENTATION

for public procurement of services in open procedure:

**MAINTENANCE OF WISKI7 HYDROLOGICAL INFORMATION
SYSTEM PRODUCED BY KISTERS AG COMPANY FROM GERMANY**

Public procurement number: 14/20

Public Procurement Commission

1. _____
2. _____
3. _____

Belgrade, May 2019



Pursuant to Article 32 and 61 of the Law on Public Procurement (Official Gazette of RS, No. 124/2012, 14/2015 and 68/2015, hereinafter: the Law), Article 2 of the Rulebook on Mandatory Elements of Tender Documentation in Public Procurement Procedures and the Manner of Proving Eligibility (Official Gazette of RS, No. 86/2015 and No. 41/2019), Decision on Initiating Public Procurement Procedure No. 404-30/20-1 dated 27 May 2020 and Decision on the Establishment of Public Procurement Commission No. 404-30/20-2 dated 27 May 2020, the following was prepared:

TENDER DOCUMENTATION

for public procurement of services in open procedure No. 14/20

MAINTENANCE OF WISKI7 HYDROLOGICAL INFORMATION SYSTEM PRODUCED BY KISTERS AG COMPANY FROM GERMANY

Tender documentation contains:

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Total number of pages of tender documentation: 27



I GENERAL DATA ON PUBLIC PROCUREMENT

1. Information on Procuring Entity

Name of the Procuring Entity: Republic of Serbia
Republic Hydrometeorological Service of Serbia
Kneza Visislava Str. 66, 11030 Belgrade
Tax identification number: 102217008,
Registration number: 07003706,
Web page: www.hidmet.gov.rs

2. Type of public procurement procedure

This public procurement is a procurement conducted in an open procedure in accordance with the Law and bylaws governing public procurements.

3. Subject of the public procurement

The subject of the public procurement is service – maintenance of the WISKI7 hydrological information system (Water Information System KISTERS), produced by the KISTERS AG company from Germany.

Code from the general public procurement glossary: 72267100 – maintenance of information technology software.

4. Objective of the procedure

The public procurement procedure is carried out in order to conclude a public procurement contract.

5. Time and place of bid opening

A public bid opening procedure will take place on 3 July 2020 at 12:30pm, at the small conference room of the Republic Hydrometeorological Service of Serbia, Kneza Visislava Str. 66, 11030 Belgrade.

6. Deadline for making a decision on awarding the contract

The Procuring Entity shall make a decision on awarding the contract no later than 25 days from the day of the public opening of bids.

7. Contact person

Contact person: Ms Branislava Ilic, telephone: +381 11 30 50 863.
E-mail: nabavka@hidmet.gov.rs



II DATA ON SUBJECT OF PUBLIC PROCUREMENT

1. Description of the procurement subject, name and code from the general public procurement glossary

Description of the procurement subject: The subject of the public procurement No. 14/20 is service – maintenance of the WISKI7 hydrological information system (Water Information System Kisters), produced by the KISTERS AG company from Germany.

Code from the general public procurement glossary: 72267100 – maintenance of information technology software.



III TECHNICAL SPECIFICATION

The subject of the public procurement is the service related to the maintenance of the WISKI7 hydrological information system produced by the KISTERS AG company from Germany.

The software maintenance shall include the following:

- Service of receiving software error messages during normal working hours of the Provider by fax or email;
- Service of providing advice on the phone and providing support with the analysis, identification, diagnosis, avoidance and elimination of software problems during normal working hours of the Provider;
- Service of providing advice on the phone during installation, running of fixes/patches, software revision, and software updates implementation;
- Delivery of software updates available at Provider. Updating implies an improvement of system performances between 2 consecutive versions;
- In case it is established that a software error cannot be diagnosed and eliminated by providing technical support on the phone but only on site, Provider shall provide support to the Procuring Entity by sending qualified personnel to the software installation site after agreeing on the date with the Procuring Entity.

A bid for software maintenance should include the following:

1. WISKI standard user package, 3 licenses encompassing the following modules:
 - BIBER
 - SKED
 - Standard Statistics
 - Advanced Statistics
 - Administration of user accounts
2. WISKI TSM (Time Series Manager) Server, 1 license
3. KiDSM Server, 1 license

It is necessary for the bidder to be authorized by software manufacturer for the subject services.



IV ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN PUBLIC PROCUREMENT PROCEDURE FROM ARTICLES 75 OF THE LAW AND INSTRUCTIONS FOR PROVING ELIGIBILITY

REQUIREMENTS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE FROM ARTICLES 75 OF THE LAW

- 1.1.** The right to participate in the public procurement procedure shall have a bidder complying with the **compulsory requirements** for participation in the procedure of public procurement defined in Article 75 of the Law as follows:
- 1) It is registered with the competent body, or entered in the appropriate register (*Article 75 paragraph 1 item 1 of the Law*);
 - 2) It and its legal representative have not been convicted for any criminal offenses as members of an organized crime group; it has not been convicted for crimes against the economy, crimes against the environment, the crime of giving or receiving bribe, the crime of fraud (*Article 75 paragraph 1 item 2 of the Law*);
 - 3) It has paid due taxes and other forms of public charges in accordance with the regulations of the Republic of Serbia or of a foreign country if the bidder's registered seat is in the territory of that country (*Article 75 paragraph 1 item 4 of the Law*);
 - 4) When preparing a bid, the bidder is obliged to explicitly state that it has respected the obligations deriving from the applicable regulations on safety at work, employment and working conditions and environmental protection, and to guarantee that it has not been prohibited from performing its activity by any measure in force in the period of the bid submission (*Article 75 paragraph 2 of the Law*)
- 1.2.** If a bidder submits the bid with a subcontractor, according to Article 80 of the Law, the subcontractor has to fulfill the compulsory requirements from Article 75 paragraph 1 items 1 to 4 of the Law;
- 1.3.** If a bid is submitted by a group of bidders, each bidder from the group of bidders has to fulfill the compulsory requirements from Article 75 paragraph 1 items 1 to 4 of the Law, and the additional requirements they have to fulfill together. The requirement from Article 75 paragraph 1 item 5 of the Law has to be fulfilled by the bidder from the group of bidders who is tasked with performing the part of the procurement which requires the fulfillment of that condition.



1. INSTRUCTION ON HOW TO PROVE COMPLIANCE WITH THE REQUIREMENTS

1) The requirement from Article 75 paragraph 1 item 1 of the Law

The evidence: Certificate from the register of the Business Registers Agency, i.e. Certificate from the register of a competent Commercial Court;

2) The requirement from Article 75 paragraph 1 item 2 of the Law

The evidence: Legal entities:

1) Certificate from the criminal record, i.e. certificate from the basic court for the area in which the seat of a domestic legal entity is located, i.e. the representative office or branch of a foreign legal entity, confirming that the legal entity has not been convicted for crimes against the economy, crimes against the environment, the crime of giving or receiving bribe, the crime of fraud;

2) Certificate from the criminal record of the Special Department for Criminal Acts of Organized Crime of the High court in Belgrade, confirming that the legal entity has not been convicted for a criminal act or organized crime;

3) Certificate from the criminal record, i.e. certificate from the competent police directorate of the Ministry of Interior confirming that the legal representative of the bidder has not been convicted for crimes against the economy, crimes against the environment, the crime of giving or receiving bribe, the crime of fraud and a criminal act of organized crime (a request can be submitted according to the place of birth or the place of residence of the legal representative). If a bidder has several legal representatives, it has to submit the evidence for each of them.

Entrepreneurs and natural persons:

1) Certificate from the criminal record, i.e. certificate from the competent police directorate of the Ministry of Interior confirming that the entrepreneur or natural person has not been convicted for any criminal acts as a member of an organized criminal group or for crimes against the economy, crimes against the environment, the crime of giving or receiving bribe, the crime of fraud (a request can be submitted according to the place of birth or the place of residence).

The evidence shall not be older than 2 months than the date of the bid opening.

3) The requirement from Article 75 paragraph 1 item 4 of the Law

The evidence: Certificate from the Tax Administration of the Ministry of Finance that the bidder has paid due taxes and contributions and the certificate from the competent local authority that the bidder has paid its obligations arising from the original local public revenues or a certificate from the Privatization Agency that the bidder is in the process of privatization.

The evidence shall not be older than 2 months than the date of the bid opening.

4) The requirement from Article 75 paragraph 2 of the Law

The evidence: The bidder shall complete, sign and certify with a seal the Form of statement on conformity with Article 75 paragraph 2 of the Law (*Form no. 5*).

If a bid is submitted by a group of bidders, the bidder has to submit the above-mentioned evidence on the fulfilment of the requirements from Article 75 paragraph 1 items 1 to 4 of the Law for each member of the group. The additional requirements the group of bidders shall fulfil together.



If a bidder submits the bid with a subcontractor, the bidder shall submit the evidence that the subcontractor fulfils the conditions from Article 75 paragraph 1 items 1 to 4 of the Law.

The above-mentioned evidence on the fulfilment of the requirements, a bidder can submit in the form of uncertified copies, and the Procuring Entity can, before making a decision on awarding the contract, request from the bidder whose offer was evaluated as the best one based on the public procurement report, to provide for review the original or certified copy of all or some evidence.

If the bidder in the appropriate term that cannot be shorter than five days does not provide for review the original or certified copy of the required evidence, the Procuring Entity shall refuse its bid as unacceptable.

The bidders registered in the registers of the Business Registers Agency do not have to provide the evidence from Article 75 paragraph 1 item 1 – Certificate from the registers of the Business Registers Agency, which is publicly available on the website of the Business Registers Agency.

The Procuring Entity shall not reject a bid as unacceptable if it does not contain the evidence required by the tender documentation, if the bidder in his bid stated the website on which the required data are publicly available.

If the evidence on the fulfilment of the requirements is an electronic document, the bidder shall submit a written copy of the electronic document, in accordance with the law regulating the electronic document, unless the bidder is submitting an electronic bid, in which case the evidence shall be submitted in the original electronic form.

If the country in which the bidder is seated does not issue the required evidence, the bidder can, instead of the evidence, submit its written statement, made under criminal and material liability and certified by a court or administrative body, a public notary or other competent body of such country.

If the bidder is seated in a different country, the Procuring Entity can check if the documents used by the bidder to prove the fulfilment of the requirements were issued by the competent body of such country.

The bidder must promptly inform in writing the Procuring Entity about any change regarding the fulfilment of the requirements from the public procurement procedure, which occurred before making the decision, i.e. concluding the contract, i.e. during the term of the contract on the public procurement, and to document such change in the stipulated manner.

V INSTRUCTIONS TO BIDDERS ON HOW TO PREPARE THE BID

Instruction to bidders on how to prepare the bid contains information on the requirements of the Procuring Entity regarding the bid content, as well as the conditions under which the public procurement procedure shall be carried out.

In order to take part in the public procurement procedure the bidder must meet all the requirements prescribed by the Law and prepare and submit the entire bid in accordance with the tender documentation and call for tender.

1. INFORMATION ON THE LANGUAGE IN WHICH THE BID MUST BE MADE

Bidders shall prepare their bids in a written form in either the Serbian or English language. The Procuring Entity may during the review and evaluation of bids, request from the bidder to provide the translation into the Serbian language, which shall be relevant for the evaluation of the bids.



2. THE MANNER IN WHICH THE BID MUST BE MADE

A bidder shall submit its bid directly or by mail in a closed envelope or a box, closed in the way that when opening the bids it can be determined with certainty that the container is being opened for the first time. On the back of the envelope or the box, the name and address of the bidder should be specified. In case a bid is submitted by a group of bidders, it is necessary to note that on the envelope and specify the names and addresses of all participants in a joint bid. The bids shall be submitted to the address: Republic Hydrometeorological Service of Serbia, Kneza Visislava Str. 66, 11030 Belgrade, marked: **“Bid for the public procurement of services in an open procedure – maintenance of WISKI7, hydrological information system produced by KISTERS AG company from Germany, Procurement Number 14/20 – DO NOT OPEN”**. An offer shall be considered timely if received by the Procuring Entity before the noon of 3 July 2020. A public bid opening shall take place on the same day at 12:30 PM at the small conference room of the Republic Hydrometeorological Service of Serbia.

A bid must include all the required items. If the bid of a bidder does not include all the required items, the bid shall not be taken into further consideration.

After receiving a bid, on the envelope or the box containing the bid, the Procuring Entity shall note the time of reception and register the number and date of the bid according to the order of arrival. If the bid is submitted in person, the Procuring Entity shall give the bidder a certificate of receipt of the offer. In the certificate of receipt the procuring entity will specify the hour of reception of the bid. The bids received by the Procuring Entity after the deadline for the submission of bids, i.e. the bids received after the day and hour until which the bids could be submitted, shall be considered untimely.

If bidders are submitting a joint bid, a group of bidders can choose that the forms from the tender documentation be signed and certified by seal either by all the bidders from the group or by one bidder delegated by the group.

A bid must contain:

- Bid form (*Form No.1, Chapter VI of the tender documentation*), completed, signed and certified by seal;
- Evidence on the fulfillment of the compulsory and additional requirements from Article 75 of the Law, indicated in the Instructions for proving eligibility (*Chapter IV of the tender documentation*);
- Model of the contract – bidders shall complete the model of the contract in accordance with the bid, and sign and certify the model with seal, confirming their agreement with the proposed model of the contract (*Chapter VII of the tender documentation*). The model of the contract shall be signed and certified by an authorized representative of the bidder if the bid is submitted independently or with the subcontractor, or by an authorized representative of the authorized member of the group of the bidders, i.e. an authorized representative of the main contractor, if the bid is submitted by a group of bidders in accordance with the agreement from Article 81 paragraph 4 of the Law, with each page of the model of the contract marked by initials of the bidder and its subcontractor, or, in case of a joint bid, of all participants in such bid;
- The form of the price structure (*Form No. 2, Chapter VIII of the tender documentation*), completed, signed and certified by seal;
- The form of the statement on bid preparation costs (*Form No. 3, Chapter IX of the tender documentation*), completed, signed and certified by seal;
- The form of the statement on an independent bid (*Form No. 4, Chapter X of the tender documentation*), completed, signed and certified by seal;



- The form of the statement on conformity with Article 75 paragraph 2 of the Law (*Form No. 5, Chapter XI of the tender documentation*), completed, signed and certified by seal.

- Annex 1: The agreement by which the bidders from the group commit to each other and to the Procuring Entity to execute the public procurement – if the bid is submitted by a group of bidders.

A bidder shall fill in legibly the forms required by the tender documentation, i.e. the data that must be an integral part of the forms, and an authorized representative of a bidder shall sign and certify those forms with a seal.

It is preferable that all documents in the bid be bound by a ribbon and sealed so that no individual pages or annexes could later be inserted, removed or replaced without visible damage to the pages or to the seal.

A bidder shall be allowed to make only one bid. A bidder who made an independent bid cannot at the same time participate in a joint bid or as a subcontractor, nor can the same person participate in more than one joint bid.

NOTE: In accordance with the Rulebook on Amendments to the Rulebook on mandatory elements of tender documentation in public procurement procedures and the manner of proving fulfillment of conditions (Official Gazette of RS No. 41/2019), the use of seals is not mandatory.

3. BID WITH ALTERNATIVES

Submitting a bid with alternatives is not allowed.

4. THE MANNER OF MODIFYING, AMENDING AND REVOKING OF THE BID

Before the deadline for the submission of bids, a bidder may modify, amend or revoke its bid in a manner defined for bid submission. A bidder must clearly indicate the part of bid it changes, i.e. the documents it submits subsequently.

Any modification, amendment or revocation of a bid shall be delivered to the address: Republic Hydrometeorological Service of Serbia, Kneza Visislava Str. 66, Belgrade, with the indication:

“MODIFICATION OF BID FOR PUBLIC PROCUREMENT OF SERVICES – MAINTENANCE OF WISKI7, HYDROLOGICAL INFORMATION SYSTEM, PP No. 14/20 – DO NOT OPEN” or

“AMENDMENT OF BID FOR PUBLIC PROCUREMENT OF SERVICES – MAINTENANCE OF WISKI7, HYDROLOGICAL INFORMATION SYSTEM, PP No. 14/20 – DO NOT OPEN” or

“REVOCATION OF BID FOR PUBLIC PROCUREMENT OF SERVICES – MAINTENANCE OF WISKI7, HYDROLOGICAL INFORMATION SYSTEM, PP No. 14/20 – DO NOT OPEN” or

“AMENDMENT AND MODIFICATION OF BID FOR PUBLIC PROCUREMENT OF SERVICES – MAINTENANCE OF WISKI7, HYDROLOGICAL INFORMATION SYSTEM, PP No. 14/20 – DO NOT OPEN”

On the back of the envelope or box the name and address of the bidder should be written. In case of a joint bid by a group of bidders, it must be indicated on the envelope that the bid is submitted by a group of bidders, along with the names and addresses of all participants in the joint bid.

After the deadline for the submission of bids, bidders shall not be allowed to withdraw or change their bids.



5. PARTICIPATION IN A JOINT BID, OR AS A SUBCONTRACTOR

A bidder is allowed to submit only one bid.

A bidder who made an independent bid shall not be allowed to participate at the same time in a joint bid or as a subcontractor, nor shall the same person be allowed to participate in more than one joint bid.

In the bid (Bid form), a bidder shall indicate the manner of submitting its bid, i.e. whether it is an independent or joint bid, or a bid with a subcontractor.

6. BID WITH A SUBCONTRACTOR

If a bidder is submitting a bid with a subcontractor it must:

- indicate in the Bid form (Form No. VI of the tender documentation) general information on the subcontractor, the percent of the total value of the procurement which would be delegated to the subcontractor (that percent is not allowed to exceed 50% of the total value of the procurement), and the part of procurement subject that would be performed by the subcontractor;
- submit for the subcontractor the evidence on the compliance with the compulsory requirements from Article 75 paragraph 1 items 1 to 4 of the Law, in line with Chapter IV of the tender documentation.

Should the contract on public procurement be made between the Procuring Entity and a bidder who submitted a bid with a subcontractor, the subcontractor shall be indicated in the contract on public procurement.

The bidder shall be fully responsible to the Procuring Entity for the performance of the contractual obligations related to the procurement, regardless of the number of subcontractors.

Upon the Procuring Entity's request, the bidder shall be obliged to provide the Procuring Entity access to the subcontractor, in order for it to ascertain the fulfillment of the defined requirements.

7. A JOINT BID

A bid can be made by a group of bidders. If a bid is submitted by a group of bidders, the Bid form (Form VI of the tender documentation) shall contain general information on each participant in the group of bidders.

For each participant in a group of bidders it is necessary to submit the evidence on the fulfillment of the compulsory requirements from Article 75 paragraph 1 items 1 to 4 of the Law in line with Chapter IV of the tender documentation.

In case of a joint bid, the forms from the tender documentation shall be signed and certified by seal in line with item 2 of Chapter V – INSTRUCTIONS TO BIDDERS ON HOW TO PREPARE A BID of the tender documentation.

Each bidder from a group of bidders shall have unlimited joint and several liability towards the Procuring Entity.

A group of bidders is obliged to deliver within its bid an agreement by which the bidders from the group commit to each other and to the Procuring Entity to perform the public procurement. The agreement must contain information on:

- 1) the member of the group who will be the main contractor, i.e. who will submit the bid and who will represent the group of bidders before the Procuring Entity;
- 2) the bidder who will sign the contract on behalf of the group of bidders;



- 3) the bidder who will provide the collateral on behalf of the group of bidders;
- 4) the bidder who will issue the invoice;
- 5) the account to which the payment will be made;
- 6) obligations of each bidder from the group of bidders related to the execution of the contract.

A cooperative may submit a bid independently, on its own behalf and on behalf of its members, or a joint bid on behalf of its members.

If a cooperative submits a bid on its own behalf, the cooperative and its members shall be responsible, in accordance with the law, for the obligations related to the public procurement procedure and the contract on public procurement.

If a cooperative submits a joint bid on behalf of its members, the members of the cooperative shall bear unlimited joint and several liability for the obligations related to the public procurement procedure and the contract on public procurement.

8. REQUIREMENTS REGARDING EXECUTION DEADLINE, THE MANNER, PLACE, DEADLINE AND CONDITIONS OF PAYMENT, VALIDITY PERIOD OF THE BID, WARRANTY PERIOD AND RECEIPT OF SERVICES

8.1. Requirements regarding the manner and conditions of payment and execution of the subject service

Manner of the execution: according to the request of the Procuring Entity defined in the subject of the procurement.

Execution deadline: permanently during the validity of the contract.

Validity period: 12 months.

Payment conditions and manner: Payment shall be made on quarterly basis by the Procuring Entity after the execution of the services subject to the procurement.

8.2. Requirements regarding the quality of the services subject to the procurement

The bidder – provider is obliged to perform the services subject to the procurement in a high quality manner and in accordance with the standards prescribed by the manufacturer of the software.

8.3. Requirements regarding validity period of the bid

The bid validity period is not allowed to be shorter than 60 days from the day of bid opening. In case of expiry of the bid validity period, the Procuring Entity shall request in writing that the bidder extend the bid validity period.

The bidder that accepts the request for the extension of the bid validity period shall not be allowed to change its bid.

9. PRICE, PRICE STRUCTURE, CURRENCY AND THE MANNER IN WHICH THE PRICE MUST BE INDICATED AND EXPRESSED

The price shall be expressed in dinars, with and without VAT, including all costs the bidder shall have in the implementation of the public procurement. However, the evaluation of the bid shall be based on the price without VAT.

A foreign bidder may express the price in euros. Such bids shall be converted into dinars at the mean exchange rate of the National Bank of Serbia on the day of the bid opening. For the evaluation of bids, the price expressed in dinars shall be relevant.



If an unusually low price is indicated in a bid, the Procuring Entity shall act in accordance with Article 92 of the Law.

If the offered price includes the import duties and other charges, the bidder shall express that part of the price separately in dinars.

10. INFORMATION ON THE TYPE, CONTENT, MANNER OF SUBMISSION, AMOUNT AND DEADLINES OF THE GUARANTEE FOR THE EXECUTION OF BIDDER'S OBLIGATIONS

The Procuring Entity does not have any requirements.

11. THE MANNER OF INDICATING CONFIDENTIAL DATA

The Procuring Entity shall keep as confidential all data about the bidders contained in the bid, which a bidder has indicated as confidential in the bid in accordance with the Law; it shall refuse to disclose any information that would entail a breach of the confidentiality of the data received in the bid; it shall hold as trade secrets the names of interested persons, bidders and applicants, as well as the information on the submitted bids or the applications, until the opening of bids or applications.

The evidence on the fulfilment of compulsory requirements, the price and other data contained in a bid and relevant for the application of criteria elements and for bid ranking shall not be considered confidential.

The Procuring Entity shall keep as confidential the data from the bid contained in the documents indicated as confidential, i.e. marked with the indication "CONFIDENTIAL" in their upper right corner and signed by an authorized representative of the bidder below that indication.

In case that only certain data contained in a document submitted with the bid is regarded as confidential, the confidential data must be marked in red colour, with clear indication "CONFIDENTIAL" next to it and with the signature of an authorized representative of the bidder below that indication.

The Procuring Entity shall not be responsible for the confidentiality of the data not marked in the above mentioned manner.

12. ADDITIONAL INFORMATION OR EXPLANATIONS ON BID PREPARATION

Any interested person may request, in written form, additional information or explanations from the Procuring Entity on bid preparation, not later than 5 (five) days before the deadline for the submission of bids.

Within 3 (three) days after the receipt of a request for additional information or explanations related to the tender documentation, the Procuring Entity shall send to the interested party a written answer by mail and, at the same time, publish that information on the Public Procurement Portal and on its web page.

Any interested party should send its request for additional information or explanations related to bid preparation with the indication "**Request for additional explanations related to tender documentation for the public procurement of service – maintenance of WISKI7, hydrological information system, produced by KISTERS AG company from Germany, PP No. 14/20 – DO NOT OPEN**" – in one of the following ways:

- by mail to the address of the Procuring Entity: Republic Hydrometeorological Service of Serbia, Kneza Visislava Str. 66, 11030 Belgrade;
- by e-mail: nabavka@hidmet.gov.rs.



Requesting additional information or explanations regarding bid preparation via telephone is not allowed.

13. MODIFICATIONS AND AMENDMENTS OF TENDER DOCUMENTATION

If the Procuring Entity modifies or amends the tender documentation within 8 days before the deadline for the submission of bids, the deadline for the submission of the bids shall be extended and a notice on the extension of the deadline for the bid submission shall be published.

14. ADDITIONAL EXPLANATIONS FROM THE BIDDER AFTER OPENING OF THE BIDS AND CONTROL OF THE BIDDER OR ITS SUBCONTRACTOR

After the opening of bids, during expert evaluation of bids, the Procuring Entity is allowed to request from the bidder, in writing, additional explanations that would help him review, evaluate and compare bids, and it can also perform inspection (have insight) at the bidder or its subcontractor (Article 93 of the Law).

If the Procuring Entity considers that there is a need for additional explanations, or that it is necessary to perform inspection (insight) at the bidder or its subcontractor, the Procuring Entity shall give an appropriate amount of time to the bidder to respond to the request of the Procuring Entity or to enable the Procuring Entity to perform inspection (have insight) at the bidder or its subcontractor.

The Procuring Entity is allowed to correct, with the bidder's consent, calculation errors observed during the consideration of bids after the procedure of bid opening.

In case there is a difference between the unit and total price, the unit price shall be relevant.

Should the bidder refuse to accept the correction of calculation errors, the Procuring Entity shall reject its bid as unacceptable.

15. NEGATIVE REFERENCES – FULFILLMENT OF OBLIGATIONS FROM PREVIOUSLY CONCLUDED CONTRACTS

The Procuring Entity shall reject a bid if it possesses evidence that, in the course of the three years that precede the public procurement procedure, the bidder:

- 1) acted against a ban under Articles 23 and 25 of the Public Procurement Law;
- 2) violated anti-competitive practices in the marketplace;
- 3) submitted untruthful information in its bid, or if it rejected signing a public procurement contract once the contract had been awarded to him, without just reasons;
- 4) failed to submit evidence and security instruments to which it had bound itself in its bid.

The Procuring Entity shall reject a bid if it possesses evidence which proves that the bidder did not fulfil its obligations contracted for previous public procurements which refer to the same subject matter as this public procurement, within the last three years. The following shall be considered as evidence:

- 1) a final court judgment or final decision of another competent authority;
- 2) document on executed guarantee for the fulfilment of obligations in a public procurement or contractual obligations;
- 3) document on collected contractual penalty;
- 4) complaints of consumers or users, if not resolved within the stipulated period;
- 5) report of a supervisory authority on the works that were not executed in accordance with a project or contract;



- 6) statement on termination of a contract due to failure to fulfil essential elements of the contract in the manner and under the conditions provided by the law governing contractual relations;
- 7) evidence of the involvement in the execution of a public procurement contract of entities not indicated in a bid as subcontractors or members of a group of bidders.

The Procuring Entity shall reject any bidder listed under the negative reference list as unacceptable if the subject matter of this public procurement is the same as that of the procurement for which the bidder was given a negative reference.

If the subject matter of this public procurement is not the same as the subject matter for which the bidder was given a negative reference, the Procuring Entity shall request from the bidder to submit additional security for contract performance – a properly signed and registered blank promissory note, without guarantors, in favour of the Procuring Entity, with authority to complete the instrument in the amount of 10% of the offered price with VAT, with clauses “without protest” and “payable at sight” as additional contract performance guarantee, along with a specimen of signatures.

16. TYPE OF CRITERIA FOR CONTRACT AWARD, ELEMENTS OF CRITERIA FOR CONTRACT AWARD AND METHODOLOGY FOR AWARDED POINTS FOR EACH ELEMENT OF THE CRITERIA

The selection of the most favourable bid shall be based on the “**the lowest offered price**” criterion. If two or more bids have the same offered price, the advantage shall be given to the one offering better terms of payment.

17. COMPLIANCE WITH THE OBLIGATIONS ARISING FROM THE APPLICABLE REGULATIONS

Within its bid, the bidder shall submit the statement given under criminal and material liability that he respected all the obligations arising from the applicable regulations on safety at work, employment and working conditions, environmental protection, and he shall guaranty that he is the holder of intellectual property rights.

18. USE OF PATENTS AND LIABILITY FOR BREACH OF PROTECTED INTELLECTUAL PROPERTY RIGHTS OF THIRD PARTIES

The fee for the use of patents and the liability for breach of protected intellectual property rights of third parties shall be borne by the bidder.

19. REASONS FOR REJECTING A BID

The Procuring Entity shall reject a bid if it is untimely, unacceptable and inadequate, in accordance with Article 3 items 31, 32 and 33 of the Law on Public Procurement.

Furthermore, the Procuring Entity shall reject a bid if:

- 1) the bidder fails to prove that he meets all compulsory requirements for participation in the procurement procedure;
- 2) the offered bid validity period is shorter than the prescribed one;
- 3) the bid contains other deficiencies due to which it is not possible to determine the actual contents of the bid, or to compare it with other bids.

20. REQUEST FOR THE PROTECTION OF RIGHTS

A request for the protection of rights may be submitted by any bidder or interested party that has an interest in the award of contract or framework agreement in this public procurement procedure and has suffered or could suffer damage due to the conduct of the Procuring Entity contrary to the provisions of the Law. Requests for the protection of rights shall be submitted



to the Procuring Entity, with copy to the Republic Commission. Requests for the protection of rights shall be submitted directly, by e-mail: nabavka@hidmet.gov.rs or by registered mail with return receipt to the address Kneza Visislava Str. 66, 11030 Belgrade, with indication “REQUEST FOR THE PROTECTION OF RIGHTS IN THE PUBLIC PROCUREMENT PROCEDURE No. (*insert the number and name of the public procurement*)”. A request for the protection of rights can be submitted during the entire public procurement procedure, against any act of the Procuring Entity, unless otherwise provided by the Law. The Procuring Entity shall inform all participants in the public procurement procedure on any submitted request for the protection of rights and publish a related announcement on the Public Procurement Portal no later than 2 days after the reception of the request. If the request for the protection of rights challenges the type of procedure, contents of the call for bids, or the tender documentation, the request shall be considered timely if received by the Procuring Entity no later than 7 days before the deadline for the submission of bids, regardless of the manner of delivery. In case of such submission of the request for the protection of rights the deadline for the submission of bids shall be delayed. After making the decision on awarding the contract from Article 108 of the Law, or the decision on suspension of the public procurement procedure from Article 109 of the Law, the deadline for the submission of requests for the protection of rights shall be 10 days from the day of receipt of the decision. The acts of the Procuring Entity undertaken during the public procurement procedure cannot be challenged by the request for the protection of rights if the claimant knew or could have known the reasons for the submission of the request before the deadline for the submission of bids, and the claimant failed to submit the request before that deadline.

If, during the same public procurement procedure, the request for the protection of rights was submitted again by the same claimant, the acts of the Procuring Entity for which the claimant knew or could have known when submitting the former request, cannot be challenged by the latter request for the protection of rights. A claimant shall pay a tax in favour of the budget of the Republic of Serbia in the amount of 120,000.00 dinars to the current account no.: 840-30678845-06, payment code: 253, ref. number (*insert the number or mark of the public procurement*), purpose of payment: Republic administrative fee; *insert the name of the Procuring Entity and the number or mark of the public procurement*, beneficiary: Budget of the Republic of Serbia.

The procedure for the protection of bidders' rights is regulated by the provisions from Articles 138 – 167 of the Law on Public Procurement (“Official Gazette of RS” Nos. 124/2012, 14/2015 and 68/2015).

21. DEADLINE FOR CONCLUDING THE CONTRACT

The contract on public procurement shall be concluded with the bidder to whom the contract was awarded, within 8 (eight) days after the deadline for the submission of requests for the protection of rights from Article 149 of the Law.

In case only one bid was submitted, the Procuring Entity can conclude the contract before the deadline for the submission of requests for the protection of rights, according to Article 112 paragraph 2 item 5 of the Law.

22. MODIFICATIONS DURING THE VALIDITY OF THE CONTRACT

After concluding the contract, the Procuring Entity can extend the scope of the subject of the public procurement, with the provision that the value of the contract shall increase no more than 5% of the total value of the initially concluded contract, while the total amount of the increase must not exceed the amount from Article 39 paragraph 1 of the Law (“Official Gazette of RS” Nos. 124/2012, 14/2015 and 68/2015).



VI BID FORM

Bid no. _____ from _____ for public procurement of services in an open procedure – maintenance of WISKI7, hydrological information system, produced by the KISTERS AG company from Germany, procurement number 14/20.

1) GENERAL DATA ON THE BIDDER:

Bidder's name:	
Bidder's address:	
Bidder's registration number:	
Bidder's tax identification number (PIB):	
Contact person:	
Bidder's e-mail address (e-mail):	
Telephone number:	
Fax number:	
Account number or the name of bank:	
Representative authorised to sign the contract:	

2) BID IS SUBMITTED:

A) INDEPENDENTLY
B) WITH SUBCONTRACTOR
C) AS JOINT BID

Note: circle the manner of bid submission and enter information on subcontractor, if the bid is submitted with a subcontractor, or information on all participants in a joint bid, if the bid is submitted by a group of bidders



3) DATA ON PARTICIPANTS IN JOINT BID:

1)	Name of the participant in joint bid:	
	Address:	
	Registration number:	
	Tax ID number:	
	Contact person:	
2)	Name of the participant in joint bid:	
	Address:	
	Registration number:	
	Tax ID number:	
	Contact person:	
3)	Name of the participant in joint bid:	
	Address:	
	Registration number:	
	Tax ID number:	
	Contact person:	

Note: To be filled in only by bidders submitting a joint bid. If the number of participants in the joint bid is larger than the number of available slots in the form, the form should be copied so that all participants in a joint bid could be indicated.



4) DATA ON SUBCONTRACTORS:

1) Subcontractor's name:	
Address:	
Registration number:	
Tax ID:	
Contact person:	
Percentage of the total value of the procurement to be entrusted to this subcontractor:	
Part of the procurement subject to be executed by this subcontractor:	
2) Subcontractor's name:	
Address:	
Registration number:	
Tax ID number:	
Contact number:	
Percentage of the total value of the procurement to be entrusted to this subcontractor:	
Part of the procurement subject to be executed by this subcontractor:	

***Note:** To be filled in only by bidders submitting a bid with subcontractors. If the number of subcontractors is larger than 2, the form should be copied so that all subcontractors could be indicated.*



BIDDER: _____

SUBJECT: PROCUREMENT NUMBER 14/20 - MAINTENANCE OF THE WISKI7 HYDROLOGICAL INFORMATION SYSTEM PRODUCED BY THE KISTERS AG COMPANY FROM GERMANY

PRICE (rsd/eur without VAT)	
Total bid value without VAT for the period of 12 months	_____
PRICE (rsd/eur with VAT)	
Total bid value with VAT for the period of 12 months	_____
EXECUTION OF THE SUBJECT MATTER OF THE PROCUREMENT	
In accordance with the manufacturer's standards and regulations	
DEADLINE AND TERMS OF PAYMENT	
Payment shall be made on a quarterly basis, within 30 days of receipt of invoices for the executed subject matter of the procurement.	
DURATION OF BID VALIDITY	
Duration of bid validity (cannot be shorter than 60 days)	_____ days from the day of bid opening

Percentage of the total value of the procurement to be entrusted to subcontractors _____%
(fill in the percent if the bid is submitted with subcontractors)

Part of the procurement subject to be executed by subcontractors _____
(fill in if the bid is submitted with subcontractors)

Date

P.oS.

Bidder

Note:

The bidder shall fill in, certify with seal and sign the bid form, thus confirming the correctness of the information given in the bid form. If bidders submit a joint bid, a group of bidders can chose that the bid form be signed and certified with seal by all bidders from the group of bidders, or a group of bidders can designate (in written form in the bid) one bidder from the group who will fill in the bid form, sign it and certify it with seal.



VII MODEL OF THE CONTRACT

SERVICE CONTRACT FOR MAINTENANCE OF THE WISKI7, HYDROLOGICAL INFORMATION SYSTEM, PRODUCED BY THE KISTERS AG COMPANY FROM GERMANY

Concluded between:

Procuring Entity, the Republic Hydrometeorological Service of Serbia, with its seat in Belgrade, Kneza Visislava Str. 66, TIN: 102217008, Registration number: 07003706;
Phone number: +381 11 30 50 923, represented by director (*to be filled in by the Procuring Entity*)
(hereinafter: **Procuring Entity**)

and

.....
With its seat in, street, TIN:.....
Registration number:,
Account number: Name of the bank:.....,
Phone:..... Telefax:
Represented by (hereinafter: **Service Provider**),

Basis for the conclusion of the contract: Public procurement number: 14/20
Number and date of the contract award decision: (*to be filled in by the Procuring Entity*)
Bid of the selected bidder number: (*to be filled in by the Procuring Entity*)

Article 1

This contract defines the rights and obligations of the Service Provider and the Procuring Entity, for the executed public procurement in an open procedure No. 14/20 for the provision of the service of maintenance of WISKI7 (Water Information System Kisters), hydrological information system, produced by the KISTERS AG company from Germany, in the manner and under the terms of this contract.

Article 2

The subject matter of this contract is maintenance of WISKI7 (Water Information System Kisters), hydrological information system, produced by the KISTERS AG company from Germany, which includes the following:

- Service of receiving software error messages during normal working hours of the Service Provider by fax or email;
- Service of providing advice on the phone and providing support with the analysis, identification, diagnosis, avoidance or elimination of software problems during normal working hours of the Service Provider;
- Service of providing advice on the phone during installation, running of fixes/patches, software revision, and software updates implementation;
- Delivery of software updates available at the Service Provider. Updating implies an improvement of system performances between 2 consecutive versions;
- In case it is established that a software error cannot be diagnosed and eliminated by providing technical support on the phone but only on site, the Service Provider shall provide support to the Procuring Entity by sending qualified personnel to the software installation site after agreeing on the date with the Procuring Entity.

Software maintenance shall include the following:

1. WISKI Standard user package, 3 licences encompassing the following modules:
 - BIBER
 - SKED
 - Standard Statistics
 - Advanced Statistics
 - Administration of user accounts



2. WISKI TSM (Time Series Manager) Server, 1 license
3. KiDSM Server, 1 license.

Article 3

The Procuring Entity shall pay to the Service Provider for the executed contractual services on a quarterly basis in the amount of _____ rsd/eur without VAT, and for the period of 12 months in the total amount of _____ rsd/eur without VAT, i.e. in the total amount of _____ rsd/eur with VAT (in words: _____).

The Procuring Entity shall make the payment within 30 days of the receipt of the invoice, on the bank account of the Service Provider No. _____ at the bank _____.

The calculation of the contractual payment amount expressed in foreign currency – euros, shall be performed in accordance with the selling exchange rate of foreign currency – euro of the National Bank of Serbia valid on the day of payment.

Article 4

The Service Provider shall start carrying out the services from Article 2 of this contract on the date of signing the contract.

Article 5

The Procuring Entity shall perform the contractual services in a high quality manner, in accordance with the prescribed standards and the submitted bid number (*to be filled in by the Procuring Entity*).

Article 6

The Procuring Entity shall comply with the instructions of the Service Provider for the use of the contractual services.

Article 7

Any disputes regarding this contract shall be settled amicably by the Parties. Otherwise, the Commercial Court in Belgrade shall have jurisdiction.

Article 8

Receivables from the concluded contract may not be assigned to other legal entities or individuals, nor may a right of pledge be established on them, which means they may not be used in any other way as a security interest against third parties.

Article 9

This contract shall be valid for the period of 12 months.

The modifications and amendments of this contract shall be valid only if expressed in writing and agreed upon by both parties.

If there is an objective need for such action, the parties shall extend the scope of the subject matter of this contract, for no more than 5% of the total contractual value, which would be specified by the Parties in Annex to this contract.

Article 10

This contract may be terminated by the will of the parties with a notice period of 30 days.

This contract shall be cancelled in writing, with the cancellation running from the first day of the month following the cancellation date.

Article 11

This contract is made in 6 (six) identical copies, three of which shall be retained by each of the parties for its own needs.

For the Service Provider

For the Procuring Entity



VIII FORM OF PRICE STRUCTURE WITH INSTRUCTIONS ON ITS COMPLETION

SUBJECT: PROCUREMENT NUMBER 14/20 - MAINTENANCE OF THE WISKI7 HYDROLOGICAL INFORMATION SYSTEM PRODUCED BY THE KISTERS AG COMPANY FROM GERMANY

Description	Basic price	Administrative cost	Other costs	Total price, VAT excluded	Total price, VAT included
1	2	3	4	5	6
Subject matter of the public procurement					

Instructions for filling in the form of price structure:

The bidder shall fill in the form of price structure in the following manner:

- Column 2: Bidder shall fill in the basic price for the service which is the subject matter of the public procurement for the whole period of 12 months, without administrative and other costs, VAT excluded;
- Column 3: Bidder shall fill in only administrative costs it incurred during participation in the procedure (administrative fees, costs for the preparation of bid and other documentation);
- Column 4: Bidder shall fill in other costs necessary for the bid preparation and execution of the service which is the subject matter of the public procurement (*for instance, customs charges, bank fees, transportation costs, etc.*) For such costs, the bidder shall submit, along with the bid, a separate sheet of paper containing those costs, with a clear indication of the type of costs;
- Column 5: Bidder shall fill in the total price of the service which is the subject matter of this public procurement, including all dependent and independent costs, VAT excluded;
- Column 6: Bidder shall fill in the total price of the complete service which is the subject matter of this public procurement, including all dependent and independent costs, VAT included.

Date:

P.o.S.

Bidder:



IX FORM OF STATEMENT ON BID PREPARATION COSTS

In conformity with Article 88 paragraph 1 of the Law, the bidder _____
[fill in the name of the bidder], hereby submits the total amount and structure of costs related to bid preparation for the public procurement in an open procedure no. 14/20 – Maintenance of WISKI7, hydrological information system, produced by the KISTERS AG company from Germany, as stated in the chart:

TYPE OF COST	AMOUNT OF COST IN RSD/EUR
TOTAL AMOUNT OF BID PREPARATION COSTS	

Bid preparation and submission costs shall be borne exclusively by the bidder, and the bidder cannot request from the Procuring Entity to refund its expenses.

If the public procurement procedure has been cancelled for reasons relating to the Procuring Entity, the Procuring Entity shall refund to the bidder the expenses of making a sample or a model if they have been made in conformity with the technical specifications of the Procuring Entity, as well as the expenses relating to the acquirement of security instruments, but only if the bidder has requested the refund of such expenses in its bid.

Note: submitting this form is not mandatory

Date:

P.oS.

Bidder's Signature



X FORM OF STATEMENT ON INDEPENDENT BID

Pursuant to Article 26 of the Law, _____,
(the name of the bidder)
is making the following:

STATEMENT ON INDEPENDENT BID

I hereby declare under full substantive and criminal liability, that I have submitted a bid in the procedure of a public procurement of services No. 14/19 – maintenance of WISKI7, hydrological information system, produced by the KISTERS AG company from Germany, independently, without agreement with other bidders or interested parties.

Date:

Bidder's signature:

P.o.S.

Note: in case of reasonable doubt in the accuracy of the statement on independent bid, the Procuring Entity shall immediately inform the relevant competition protection body. The body competent for the protection of competition may ban the bidder or interested party from bidding in the public procurement procedure if it establishes that the bidder or the interested party has violated competition rules in the public procurement procedure in accordance with the law governing competition protection. The ban from participating in a public procurement procedure may last for up to two years. Violation of competition constitutes a negative reference, in accordance with Article 82 paragraph 1 item 2 of the Law.

If the bid is submitted by a group of bidders, the Statement must be signed by authorized representatives of each bidder in the group of bidders and certified by seal.



**XI FORM OF STATEMENT ON CONFORMITY WITH ARTICLE 75,
PARAGRAPH 2 OF THE LAW**

With reference to Article 75 paragraph 2 of the Law on Public Procurement, as the representative of the bidder, I am hereby making the following

STATEMENT

Bidder *[fill in the name of the bidder]* in the open procedure for a public procurement of services No. 14/20 – maintenance of the WISKI7 hydrological information system, produced by the KISTERS AG company from Germany, has complied with all the requirements arising from the applicable regulations on safety at work, employment and working conditions and environmental protection, and has not been prohibited from performing its activity by any measure in force in the period of the bid submission.

Date:

Bidder:

P.o.S.

Note: If the bid is submitted by a group of bidders, the Statement must be signed by an authorized representative of each bidder in the group of bidders and verified by seal.



XIV ANNEX 1

(ONLY IN CASE OF JOINT BIDDING)

The agreement by which the bidders from the group commit to each other and to the Procuring Entity to execute the public procurement.

If a bid is submitted as a joint bid by a group of bidders, it is necessary to submit an agreement in which all members of the group of bidders commit to each other and to the Procuring Entity to perform their obligations stemming from the concluded public procurement contract. The agreement must contain the information on all members of the group of bidders (*name, address, tax ID number, registration number, name and surname of the authorized representative etc.*), and be signed and certified by authorized representatives of all members of the group of bidders.