



Republic of Serbia
REPUBLIC HYDROMETEOROLOGICAL SERVICE OF SERBIA
Kneza Visislava Str. 66, 11030 Belgrade
www.hidmet.gov.rs
Ref. No.: 404-122/18-5

T E N D E R D O C U M E N T S

**for public procurement of goods in a low-value public procurement
procedure**

**UPGRADE AND SUPPORT OF THE CLIDATA METEOROLOGICAL
INFORMATION SYSTEM PRODUCED BY ATACO spol. s r.o. FROM
THE CZECH REPUBLIC**

Public procurement no. 34/18

Public Procurement Committee

1. _____
2. _____
3. _____

August 2018



Pursuant to Articles 39 and 61 of the Law on Public Procurement ("Official Gazette of RS", Nos. 124/2012, 14/2015 and 68/2015, hereinafter: the Law), Article 6 of the Rulebook on Mandatory Elements of Tender Documents in Public Procurement Procedures and on Manner of Proving Eligibility ("Official Gazette of RS", No. 86/2015), Decision on Initiating Public Procurement Procedure No. 34/18, Ref. No. 404-122/1-1 of 17 August 2018, and Decision on Establishing Public Procurement Committee No. 404-122/18-2 of 17 August 2018, it was prepared as follows:

TENDER DOCUMENTS

**for a low-value public procurement of goods – UPGRADE AND SUPPORT OF THE
CLIDATA METEOROLOGICAL INFORMATION SYSTEM PRODUCED BY ATACO
spol. s r.o. FROM THE CZECH REPUBLIC
Low-value public procurement no. 34/18**

Tender documents contain:

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Total number of pages of tender documents: 28



I GENERAL DATA ON THE PUBLIC PROCUREMENT

1. Information on the Procuring Entity

Procuring Entity: Republic Hydrometeorological Service of Serbia

Address: Kneza Visislava Str. 66, 11030 Belgrade

Web page: www.hidmet.gov.rs

2. Type of the public procurement procedure

This public procurement is conducted through a low-value public procurement procedure, in accordance with the Law and bylaws governing public procurement.

3. Public procurement subject

The subject of the public procurement No. 34/18 are the following goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic.

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

4. Contact

Contact person: Ms Branislava Ilic

Phone: +381 11 30 50 863

E-mail address: nabavka@hidmet.gov.rs



II DATA ON THE SUBJECT OF THE PUBLIC PROCUREMENT

1. Subject of the public procurement

The subject of the public procurement No. 34/18 are the following goods – upgrade and support of the CLIDATA (Climatological Database Application) meteorological information system produced by ATACO spol. s r.o. from the Czech Republic.

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



III TECHNICAL SPECIFICATION

The subject of the public procurement is the upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic.

The software upgrade implies the following:

- upgrade of the licences to the latest – current software version available at the moment of the public procurement initiation;
- procurement of the Oracle Application Development Framework licences for 10 designated users, for the needs of the CLIDATA software;
- installation and setup on the system of the Procuring Entity, data migration and basic training.

The software support implies the following:

- service of software error notices reception during the regular working hours of the Provider by fax or email;
- service of delivering advice on the phone and providing support related to the analysis, identification, diagnosis, avoidance and elimination of software problems during the regular working hours of the Provider;
- service of providing advice on the phone during the installation, running of patches, software revision and software updates implementation;
- delivery of software updates available at the Provider. Updating implies improving system performance between 2 consecutive software versions;
- in case it is established while providing technical support on the phone that a software error can be diagnosed or eliminated only on site, the 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.

NOTE: The Procuring Entity shall retain its right not to continue, under objective circumstances that it cannot control, with the procurement of the Oracle software-related part of the procurement subject.



IV REQUIREMENTS FOR PARTICIPATION IN A PUBLIC PROCUREMENT PROCEDURE FROM ARTICLES 75 AND 76 OF THE LAW AND INSTRUCTIONS FOR PROVING ELIGIBILITY

1. REQUIREMENTS FOR PARTICIPATION IN A PUBLIC PROCUREMENT PROCEDURE FROM ARTICLE 75 OF THE LAW

1.1. The right to participate in this public procurement shall have the bidder complying with the following **compulsory requirements** for participation in the public procurement procedure set out in Article 75 of the Law:

- 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 act as members of an organized crime group, it has not been convicted for commercial criminal offence, criminal offence against the environment, criminal offence of giving or receiving bribe, criminal offence 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 a foreign country if its registered address is in the territory of that country (*Article 75 paragraph 1 item 4) of the Law*);
- 4) When preparing its bid, a bidder is obliged to explicitly state that it fulfilled the obligations deriving from the applicable regulations on safety at work, employment and working conditions and environmental protection, as well as that it has not been prohibited from performing its activity by any measure in force at the time of bid submission (*Article 75 paragraph 2 of the Law*).

1.2. The bidder participating in this public procurement procedure has to fulfil the following **additional requirements** for participation in a public procurement procedure set out in Article 76 paragraph 2 of the Law:

1.2.1) Required business capacity:

- The bidder has to be authorized by the producer of the software concerned to perform the required services.

1.3. If a bidder submits a bid with a subcontractor, according to Article 80 of the Law, the subcontractor has to fulfil the compulsory requirements from Article 75 paragraph 1 items 1) through 4) of the Law.

1.4. If a bid is submitted by a group of bidders, each bidder from the group of bidders has to fulfil the compulsory requirements from Article 75 paragraph 1 items 1) through 4) of the Law, whereas additional requirements have to be fulfilled jointly.



2. INSTRUCTIONS ON HOW TO PROVE ELIGIBILITY

The bidder shall prove its eligibility for participation in this public procurement procedure, in accordance with Article 77 paragraph 4 of the Law, by submitting a Statement (*the Form of the Bidder's Statement is provided in Chapter V section 3*) declaring under full substantive and criminal liability that it fulfils the requirements for participation in public procurement procedure from Article 75 of the Law, set out in these tender documents.

The Statement must be signed and stamped by the authorised representative of the bidder. If the Statement is signed by a person not entered in the register as an authorized representative, it is necessary to submit the authorization for signing along with the bid.

If a bid is submitted by a group of bidders, the Statement has to be signed and stamped by an authorized representative of each bidder from the group of bidders.

If a bidder submits a bid with a subcontractor, the subcontractor has to submit a Subcontractor's Statement (*the Form of the Subcontractor's Statement is provided in Chapter V section 3*), signed and stamped by the authorized representative of the subcontractor.

Before making a decision on awarding the contract, the Procuring Entity may demand from the bidder whose offer was evaluated as the best one to provide for inspection the original or certified copy of all or some eligibility evidence.

If the bidder fails to provide for inspection the original or certified copy of the requested evidence within an appropriate deadline that cannot be shorter than five days, the Procuring Entity shall reject its bid as unacceptable.

A bidder is not obliged to provide for inspection evidence that is publicly available at websites of competent bodies.

The bidder must promptly inform the Procuring Entity, in writing, about any change regarding the fulfilment of the requirements from the public procurement procedure, should such change occur before making a decision on awarding the contract, before contract conclusion or during the term of the contract on the public procurement, and to provide the accompanying documents on such change in the stipulated manner.



3. FORM OF THE STATEMENT ON THE FULFILMENT OF REQUIREMENTS SET OUT IN ARTICLES 75 AND 76 OF THE LAW

BIDDER'S STATEMENT ON THE FULFILMENT OF REQUIREMENTS SET OUT IN ARTICLES 75 AND 76 OF THE LAW IN A LOW-VALUE PUBLIC PROCUREMENT PROCEDURE

In line with Article 77 paragraph 4 of the Law, as the bidder's representative, under full substantive and criminal liability, I hereby make the following

STATEMENT

The bidder _____ [*insert the name of the bidder*] in the procedure of low-value public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, no. 34/18, fulfils all requirements from Article 75 of the Law, that is, the requirements set out in the tender documents for this public procurement, which are as follows:

- 1) The bidder is registered with the competent body, or entered in the appropriate register;
- 2) The bidder and its legal representative have not been convicted for any criminal act as members of an organized crime group, it has not been convicted for commercial criminal offence, criminal offence against the environment, criminal offence of giving or receiving bribe, criminal offence of fraud;
- 3) The bidder 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 address is in the territory of that country*);
- 4) The bidder has fulfilled the obligations deriving from the applicable regulations on safety at work, employment and working conditions and environmental protection; the bidder has not been prohibited from performing its activity by any measure in force at the time of bid submission;
- 5) The bidder has fulfilled all additional requirements related to the necessary business capacity.

Place: _____

Date: _____

STAMP

Bidder: _____

Note: If the bid is being submitted by a group of bidders, the Statement has to be signed and stamped by an authorized representative of each bidder from the group of bidders.



**SUBCONTRACTOR'S STATEMENT
ON THE FULFILMENT OF REQUIREMENTS SET OUT IN ARTICLE 75 OF THE
LAW IN A LOW-VALUE PUBLIC PROCUREMENT PROCEDURE**

In line with Article 77 paragraph 4 of the Law, as the subcontractor's representative, under full substantive and criminal liability, I hereby make the following

S T A T E M E N T

The subcontractor _____ *[insert the name of the subcontractor]* in the procedure of low-value public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, No. 34/18, fulfils all requirements from Article 75 of the Law, that is, the requirements set out in the tender documents for this public procurement, which are as follows:

- 1) The subcontractor is registered with the competent body, or entered in the appropriate register;
- 2) The subcontractor and its legal representative have not been convicted for any criminal act as members of an organized crime group, it has not been convicted for commercial criminal offence, criminal offence against the environment, criminal offence of giving or receiving bribe, criminal offence of fraud;
- 3) The subcontractor 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 subcontractor's registered address is in the territory of that country)*.

Place: _____

Date: _____

STAMP

Subcontractor: _____

Note: If a bidder is submitting a bid with a subcontractor, the Statement has to be signed and stamped by the authorized representative of the subcontractor.



V INSTRUCTION TO BIDDERS ON HOW TO PREPARE A BID

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

- The bid of the bidder that is seated in the Republic of Serbia has to be compiled in the Serbian language, as well as all other submitted documents related to the bid. The bidder that is seated in some other country may submit its bid in the Serbian or English language. The Procuring Entity shall retain its right to request from the bidder, during the evaluation of bids, to provide the translation of documents into the Serbian language, in which case the Serbian translation shall be regarded as relevant for the evaluation.

2. THE MANNER IN WHICH A BID MUST BE MADE

- A bidder shall submit its bid in person or by mail in an envelope or a box, closed in the way that when opening the bid it can be ascertained with certainty that the container is being opened for the first time.
- On the back of the envelope or on the box the name and the address of the bidder should be specified.
- Should the bid be submitted by a group of bidders, it should be noted on the envelope that the bid is being submitted by a group of bidders, including the names and addresses of all participants in the joint bid.
- The bids should be submitted to the following address: Republic Hydrometeorological Service of Serbia, Kneza Visaslava Str. 66, 11030 Belgrade, marked: **“Bid for the public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, low-value public procurement No. 34/18 – DO NOT OPEN”**. A bid shall be considered timely if received by the Procuring Entity prior to the noon of 11 September 2018, and the public bid opening shall be performed at 12:30 on the same day at the small conference room of the Republic Hydrometeorological Service of Serbia, Kneza Visaslava Str. 66, Belgrade.
- When receiving a bid, the Procuring Entity shall note down on the envelope or the box containing the bid the time of receipt and register the ordinal number and date of the bid according to the order of reception. If a bid is submitted in person, the Procuring Entity shall issue a certificate of receipt to the bidder. In the certificate of receipt the Procuring Entity shall indicate the date and the hour of bid reception.
- A bid received by the Procuring Entity after the deadline for the submission of bids, i.e. a bid received after the day and the hour until which the bids could be submitted, shall be considered untimely.

A bid must contain:

- Completed, signed and stamped FORM OF STATEMENT ON THE FULFILMENT OF REQUIREMENTS SET OUT IN ARTICLE 75 OF THE LAW (Form No. 1)
- Completed, signed and stamped CONTRACTOR'S STATEMENT ON THE FULFILMENT OF REQUIREMENTS SET OUT IN ARTICLE 75 OF THE LAW IN



A LOW-VALUE PUBLIC PROCUREMENT PROCEDURE (Form No. 2, to be submitted only if a bid includes a subcontractor)

- Completed, signed and stamped BID FORM (Form No. 3)
- Completed, signed and stamped MODEL CONTRACT (*Note: the contract pages shall be filled in by the bidder submitting an independent bid or a bid with a subcontractor or the member of the group of bidders that shall be the leading contractor or the bidder that shall sign the contract on behalf of the group of bidders*)
- Completed, signed and stamped FORM OF PRICE STRUCTURE (Form No. 4)
- Completed, signed and stamped FORM OF BID PREPARATION COSTS (Form No. 5, this Form is not mandatory)
- Completed, signed and stamped FORM OF THE STATEMENT ON INDEPENDENT BID (Form No. 6)
- Completed, signed and stamped FORM OF THE STATEMENT ON THE FULFILMENT OF REQUIREMENTS FROM ARTICLE 75 PARAGRAPH 2 OF THE LAW (Form No. 7).

3. BIDS WITH ALTERNATIVES

Bids with alternatives are not allowed.

4. THE MANNER OF AMENDING, SUPPLEMENTING AND CANCELLING A BID

Within the deadline for the submission of bids, a bidder may amend, supplement or cancel its bid in a manner specified for the bid submission.

A bidder must clearly indicate the part of bid it shall change or the documents it shall submit subsequently.

The amendment, supplementation or cancellation of a bid should be delivered to the following address: Republic Hydrometeorological Service of Serbia, Kneza Visislava Str. 66, 11030 Belgrade, with the indication:

“Amendment of the bid for the public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, low-value public procurement No. 34/18 – DO NOT OPEN” or

“Supplementation of the bid for the public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, low-value public procurement No. 34/18 – DO NOT OPEN” or

“Cancellation of the bid for the public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, low-value public procurement No. 34/18 – DO NOT OPEN” or

“Amendment and supplementation of the bid for the public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, low-value public procurement No. 34/18 – DO NOT OPEN”.

The name and the address of the bidder should be written on the back of the envelope or on the box. In case of a joint bid by a group of bidders, it must be indicated on the envelope that the bid is being 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, a bidder cannot cancel or amend its bid.



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

A bidder may submit only one bid.

The bidder that has submitted an independent bid may not participate at the same time in a joint bid, or act as subcontractor, nor can the same person participate in several joint bids.

The bidder shall indicate in the Bid Form (Chapter VI) the manner of bid submission, that is whether it is submitting an independent bid, a joint bid or a bid with a subcontractor.

6. BID WITH A SUBCONTRACTOR

Should a bidder submit a bid with a subcontractor, it shall indicate in the Bid Form (Chapter VI) that the bid is being submitted with a subcontractor and specify the percentage of the total value of the procurement which is to be entrusted to the subcontractor, which cannot exceed 50%, as well as the part of the procurement subject to be executed by the subcontractor. In the Bid Form the bidder shall also specify the name and address of the seat of the subcontractor, if some part of the procurement is to be implemented by the subcontractor.

In case a public procurement contract is to be concluded between the Procuring Entity and a bidder that submitted a bid with a subcontractor, the subcontractor shall be specified in the public procurement contract.

For each subcontractor the bidder shall submit evidence on the fulfilment of requirements listed in Chapter IV of the Tender Documents, in line with the instructions on proving eligibility (Form of Statement from Chapter IV section 3). The bidder shall assume full liability towards the Procuring Entity for carrying out the public procurement obligations, that is, the contractual obligations, regardless of the number of subcontractors.

At Procuring Entity's request, the bidder shall enable the Procuring Entity to access the subcontractor, for the purpose of ascertaining if the required conditions have been fulfilled.

7. JOINT BID

A bid may be submitted by a group of bidders.

If a bid is being submitted by a group of bidders, an integral part of their joint bid shall be an agreement whereby the bidders from the group shall assume responsibility to each other and to the Procuring Entity to execute the public procurement, and such agreement shall contain information stipulated in Article 81 paragraph 4 items 1 through 6 of the Law, more specifically, information on:

- leading member of the group, or the member that shall submit the bid and represent the group of bidders before the Procuring Entity;
- bidder that shall sign the contract on behalf of the group of bidders;
- bidder who shall provide the collateral on behalf of the group of bidders;
- bidder who shall issue the invoice;
- account for the execution of payment;
- liabilities of each bidder from the group of bidders concerning contract implementation.

A group of bidders shall submit all evidence on the fulfilment of requirements listed in Chapter IV of the Tender Documents, in line with the instructions on proving eligibility (Form of Statement from Chapter IV section 3). The bidders forming a group of bidders shall bear unlimited joint and several liability towards the Procuring Entity.

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



Where a cooperative is submitting a bid in its own name, both the cooperative and its members shall be liable for the obligations stemming from the public procurement procedure and the public procurement contract, in accordance with the Law.

Where a cooperative is submitting a joint bid on behalf of its members, the members of the cooperative shall have unlimited joint and several liability for the obligations stemming from the public procurement procedure and the public procurement contract.

8. MANNER AND CONDITIONS OF PAYMENT, MANNER OF DELIVERY AND IMPLEMENTATION, QUALITY AND BID VALIDITY DEADLINE

8.1. Requirements regarding the manner and conditions of payment and implementation of the subject services

Manner of implementation: according to the requirements of the Procuring Entity specified in the subject of the public procurement.

Implementation deadline:

- software upgrade: 30. 11. 2018;
- software maintenance: permanently during the contract period.

Contract duration: 12 months.

Conditions and manner of payment: The Procuring Entity shall make the payment after the completion of the work, within 30 days of the receipt of the invoice for the delivered goods or for the executed services.

8.2. Requirements regarding the quality of the subject goods and services

The bidder – contractor shall deliver the subject goods and perform the subject services in accordance with the Procuring Entity's requirements and the standards prescribed by the manufacturer of the software concerned.

8.3. Requirements regarding the bid validity period

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

Should a bidder accept a request for the extension of the bid validity period, the bidder shall not be able to change its bid.

9. CURRENCY AND THE MANNER IN WHICH THE PRICE MUST BE INDICATED AND EXPRESSED IN A BID

The price shall be expressed in dinars, with and without VAT, including all costs the bidder has incurred in the implementation of the public procurement, but the evaluation of the bid shall be based upon the price without VAT.

A foreign bidder may express the price in euros. Such prices shall be converted into dinars on the day of bid opening according to the mean exchange rate of the National Bank of Serbia (NBS) and, once converted, shall be used in the bid assessment process.

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 element separately in dinars.



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

The Procuring Entity has no requirements.

11. PROTECTION OF CONFIDENTIALITY OF DATA THE PROCURING ENTITY MADE AVAILABLE TO BIDDERS AND THEIR SUBCONTRACTORS

This public procurement does not contain any confidential information that the Procuring Entity made available to bidders.

12. ADDITIONAL INFORMATION OR EXPLANATIONS ON BID PREPARATION

Any interested person may request, in written form, additional information or explanations from the Procuring Entity concerning bid preparation, no later than 5 days before the expiry of the bid submission deadline.

Within 3 (three) days after the reception of a request for additional information or explanations related to tender documents, the Procuring Entity shall publish its response on the Public Procurement Portal and on its webpage.

The request for additional information or explanations shall be sent to the Procuring Entity by mail to the following address: Republic Hydrometeorological Service of Serbia, Kneza Viseslava Str. 66, 11030 Belgrade, or by e-mail: nabavka@hidmet.gov.rs, with the following note: **“Request for additional information or explanations related to tender documents for the low-value public procurement No. 34/18 - upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic.”**

If the Procuring Entity amends or supplements the tender documents within 8 days before the bid submission deadline, it shall extend the bid submission deadline and publish a notice on the extension of the bid submission deadline.

After the expiry of the bid submission deadline, the Procuring Entity shall not amend or supplement tender documents.

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

Correspondence during the public procurement procedure shall be conducted only in the manner specified by Article 20 of the Law.

13. REQUESTING ADDITIONAL EXPLANATIONS FROM BIDDERS AFTER BID OPENING AND PERFORMING CONTROL OF BIDDERS OR THEIR SUBCONTRACTORS

After the opening of bids, during the expert evaluation of bids, the Procuring Entity may request, in writing, from a bidder to provide additional explanations, which would be useful in the course of the review, evaluation and comparison of bids, and it may also perform control (have insight) at a bidder or its subcontractor (Article 93 of the Law).

Should the Procuring Entity decide there is a need for additional explanations or for performing control (insight) at the bidder or its subcontractor, it shall provide an appropriate deadline for the bidder to respond to the Procuring Entity's request or to enable the Procuring Entity to perform control (insight) at the bidder or its subcontractor.

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

In case of difference between the unit price and the total price, the unit price shall be relevant.



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

14. ADDITIONAL GUARANTEES FOR THE FULFILLMENT OF CONTRACTUAL OBLIGATIONS FOR BIDDERS WHO ARE ON THE NEGATIVE REFERENCE LIST

The Procuring Entity has no requirements concerning this issue.

15. TYPE OF CRITERIA FOR AWARDING THE CONTRACT, CRITERION ELEMENTS BASED ON WHICH THE CONTRACT SHALL BE AWARDED AND METHODOLOGY FOR ASSIGNING WEIGHTING FACTORS TO EACH CRITERION ELEMENT

The selection of the most advantageous bid shall be performed by applying the “**lowest price offered**” criterion.

16. CRITERION ELEMENTS BASED ON WHICH THE PROCURING ENTITY SHALL AWARD THE CONTRACT IF THERE ARE TWO OR MORE BIDS WITH THE SAME NUMBER OF WEIGHING POINTS OR THE SAME OFFERED PRICE

If two or more bids have the same total price offered, when making a decision advantage shall be given to the bid of the bidder that offered a shorter delivery time.

17. COMPLIANCE WITH OBLIGATIONS ARISING FROM APPLICABLE REGULATIONS

Within its bid, the bidder shall submit a statement given under criminal and material liability, stating that it met all obligations arising from the applicable regulations on safety at work, employment and working conditions, environmental protection, and that it guarantees that it is the holder of intellectual property rights (**Form of this statement is given in Chapter IV Section 3**).

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

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

19. MANNER AND DEADLINE TO APPLY FOR THE PROTECTION OF BIDDERS' RIGHTS

A request for the protection of rights may be submitted by the bidder or any party with an interest in the award of the contract or the framework agreement related to this public procurement procedure, that has suffered or could suffer damage due to the actions of the Procuring Entity which are contrary to the provisions of the Law. A request for the protection of rights shall be submitted to the Procuring Entity, with a copy to the Republic Commission. A request for the protection of rights shall be delivered directly, by e-mail to: nabavka@hidmet.gov.rs, or by registered mail with return receipt to the following address: Kneza Visislava Str. 66, 11030 Belgrade, marked with: “REQUEST FOR THE PROTECTION OF RIGHTS IN THE LOW-VALUE PUBLIC PROCUREMENT No. *(insert the number and title of the public procurement)*”. A request for the protection of rights may be submitted in the entire course of the 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 the submitted request for the protection of rights by publishing a notice on the submitted request on the Public Procurement Portal, no later than 2 days after the receipt of the request. If a request for the protection of rights challenges the type of procedure, contents of the call for bids or the tender documents, the request shall be considered timely if received by the Procuring Entity no later than 3 days before the expiry of the bid submission deadline, regardless of the manner of delivery. In case of such submission of requests for the protection of rights, the bid submission deadline shall be delayed. After the decision to award the contract, set out in Article 108 of the Law, or decision to suspend the public procurement procedure, set out in Article 109 of the Law, the deadline for the submission of a request for the protection of rights shall be 5 days from the day of the receipt of the decision. A request for the protection of rights cannot challenge the acts of the Procuring Entity undertaken in the public procurement procedure if the claimant was or could have been aware of the reasons for the submission of the request before the expiry of the bid submission deadline, but had not submitted the request prior to the expiration of that deadline.

If a request for the protection of rights is submitted again by the same claimant within the same public procurement procedure, such request cannot challenge the acts of the Procuring Entity of which the claimant knew or could have known when submitting the previous request. A claimant shall pay a fee to the account of the Budget of the Republic of Serbia in the amount of 60,000.00 dinars, to the current account no.: 840-30678845-06, payment code: 253, ref. no.: *(insert the number or mark of the public procurement)*, purpose of payment: Law on Consumer Protection; *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 of bidders' rights protection shall be governed by the provisions of Art. 138-167 of the Law on Public Procurement ("Official Gazette of RS" Nos. 124/2012, 14/2015 and 68/2015).

20. DEADLINE FOR CONCLUDING THE CONTRACT

The contract on public procurement shall be concluded with the bidder to whom the contract has been awarded within 8 days after the deadline for the submission of a request for the protection of rights from Article 149 of the Law.

If only one bid has been submitted, the Procuring Entity may conclude the contract before the expiry of the deadline for the submission of a request for the protection of rights, in line with Article 112 Paragraph 2 Item 5) of the Law.

21. AMENDMENTS DURING THE CONTRACT PERIOD

After the conclusion of the contract, the Procuring Entity may increase the scope of the public procurement subject, provided that the contract value does not increase for more than 5% of the total value of the originally concluded contract, and that the total contract increase value does not exceed the value defined in Article 39 Paragraph 1 of the Law on Public Procurement ("Official Gazette of RS" Nos. 124/2012, 14/2015 and 68/2015).



VI BID FORM

Bid No. _____ dated _____ for the public procurement of goods – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, low-value public procurement No. 34/18.

1) GENERAL DATA ON THE BIDDER

<i>Bidder's name:</i>	
<i>Bidder's address:</i>	
<i>Bidder's registration number:</i>	
<i>Bidder's tax identification number (PIB):</i>	
<i>Contact person:</i>	
<i>Bidder's email address (e-mail):</i>	
<i>Telephone number:</i>	
<i>Fax number:</i>	
<i>Bidder's account number and name of the bank:</i>	
<i>Person authorized to sign the contract:</i>	

2) THE BID IS BEING SUBMITTED:

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

Note: Circle the manner in which the bid is being submitted and enter data on subcontractors, if the bid is being made with subcontractors, or the information on all participants in the joint bid, if the bid is being submitted by a group of bidders.



3) DATA ON SUBCONTRACTORS:

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

Note:

The "Data on Subcontractors" table is to be filled in only by the bidders submitting a bid with subcontractors, and if there are more subcontractors than available slots in the table, the above form should be copied in as many copies as necessary to fill in and deliver information on each subcontractor.



4) DATA ON PARTICIPANTS IN A JOINT BID:

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



BIDDER: _____

SUBJECT: PUBLIC PROCUREMENT NO. 34/18 – UPGRADE AND SUPPORT OF THE CLIDATA METEOROLOGICAL INFORMATION SYSTEM PRODUCED BY ATACO spol. s r.o. FROM THE CZECH REPUBLIC.

DESCRIPTION	Price (dinars without VAT)
1. CLIDATA upgrade	_____;
2. Price of the implementation, migration, and CLIDATA user training services	_____;
3. Price of the procurement of Oracle licences (10 users) and technical support and maintenance services	_____;
<hr/>	
TOTAL:	_____

Date	STAMP	Bidder
_____		_____



BIDDER: _____

SUBJECT: PUBLIC PROCUREMENT NO. 34/18 – UPGRADE AND SUPPORT OF THE CLIDATA METEOROLOGICAL INFORMATION SYSTEM PRODUCED BY ATACO spol. s r.o. FROM THE CZECH REPUBLIC.

PRICE (dinars/euros without VAT)	
Total value of the bid without VAT, for the period of 12 months	_____
PRICE (dinars/euros with VAT)	
Total value of the bid with VAT, for the period of 12 months	_____
IMPLEMENTATION OF THE SUBJECT SERVICES	
In line with the requirements of the Procuring Entity and the manufacturer's standards and regulations	
DEADLINE AND MANNER OF PAYMENT	
Payment shall be made within 30 days from the day of receipt of an invoice for the delivery of the goods concerned and for the implementation of the service concerned.	
BID VALIDITY DURATION	
Bid validity duration (cannot be shorter than 60 days)	_____ days from the day of bid opening

Percentage of the total value of the public procurement to be entrusted to a subcontractor _____ %
(fill in the percentage if the bid is being submitted with a subcontractor)

Part of the public procurement subject to be executed by a subcontractor _____
(to be filled in if the bid is being submitted with a subcontractor)

Date

STAMP

Bidder

Note: *The bidder shall fill in, certify with a stamp and sign the bid form, thus confirming the correctness of the information provided in the bid form. In case of a joint bid, a group of bidders may choose the bid form to be signed and certified with a stamp by all bidders from the group or the group may designate one bidder from the group (in written form, in the bid) to fill in the bid form, sign it and certify it with a stamp.*



VII MODEL OF THE CONTRACT

ON THE UPGRADE AND SUPPORT OF THE CLIDATA (CLIMATOLOGICAL DATABASE APPLICATION) METEOROLOGICAL INFORMATION SYSTEM PRODUCED BY ATACO SPOL. S R.O. FROM THE CZECH REPUBLIC

Concluded between:

Procuring Entity – Republic Hydrometeorological Service of Serbia, seated in Belgrade, Kneza Visislava Street 66, TIN: 102217008, registration number: 07003706; Phone number: +381 11 30 50 923; represented by its Director (*to be filled in by the Procuring Entity*) (hereinafter: **Procuring Entity**)

and

.....,
seated in, street,
TIN:, Registration number:,
Account number:, Bank:,
Phone number:, Fax number:,
Represented by, (hereinafter: **Provider**).

Basis of the Contract: low-value public procurement No. 34/18
Number and date of the Contract Award Decision: (*to be filled in by the Procuring Entity*)
Number of the selected bid: (*to be filled in by the Procuring Entity*)

Note: The Contract pages shall be filled in by the bidder submitting a bid independently or by the bidder submitting a bid with a subcontractor or by the member of a group that will be the leading contractor or the bidder that shall sign the Contract on behalf of the group of bidders.

SUBJECT: UPGRADE AND SUPPORT OF THE CLIDATA (CLIMATOLOGICAL DATABASE APPLICATION) METEOROLOGICAL INFORMATION SYSTEM PRODUCED BY ATACO SPOL. S R.O. FROM THE CZECH REPUBLIC:

1. The software upgrade shall include the following:
 - upgrade of the CLIDATA software licences to the latest – current software version available at the moment of the public procurement initiation;
 - procurement of the Oracle Application Development Framework licences for 10 designated users, for the needs of the CLIDATA software;
 - installation and setup on the Procuring Entity's system, data migration and basic training.
2. The software support shall include the following:
 - service of software error notices reception during the regular working hours of the Provider by fax or email;
 - service of delivering advice on the phone and providing support related to the analysis, identification, diagnosis, avoidance and elimination of software problems during the regular working hours of the Provider;
 - service of providing advice on the phone during the installation, running of patches, software revision and software updates implementation;



- delivery of software updates available at the Provider. Updating implies improving system performance between 2 consecutive software versions;
- in case it is established while providing technical support on the phone that a software error can be diagnosed or eliminated only on site, the 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.

NOTE: The Procuring Entity shall retain its right not to continue, under objective circumstances that it cannot control, with the procurement of the Oracle software-related section of the procurement subject.

The Contracting Parties hereby agree:

- that the Procuring Entity has conducted, in line with the Law on Public Procurement (“Official Gazette of RS” Nos. 124/2012, 14/2015 and 68/2015) a procedure for the low-value public procurement of goods – upgrade and support of the CLIDATA (Climatological Database Application) meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, No. 34/18, based on a call published (*to be filled in by the Procuring Entity*) on the Public Procurement Portal and on the Procuring Entity’s website;
- that the Procuring Entity has submitted a bid (joint bid/bid with a subcontractor) No. (*to be filled in by the Procuring Entity*), which is in full compliance with the requirements set out in the tender documents, and which is annexed to this Contract and forms its integral part;
- that the Procuring Entity has awarded, by virtue of the Decision on Awarding the Contract No. (*to be filled in by the Procuring Entity*), the Contract for the public procurement of goods;
- that the Procuring Entity shall conclude this Contract based on Article 113 of the Law on Public Procurement;
- that the Provider shall partially entrust the execution of the contractual obligations stemming from this Contract to the following subcontractor: ____ from _____ street _____ number _____, registration number _____, TIN _____ (*to be filled in only for bids with subcontractors*);
- that the Provider shall execute the contractual obligations stemming from this Contract together with the following member of the group of bidders: _____ from _____ street _____ number _____, registration number _____, TIN _____ (*to be filled in only in case of a joint bid*).

Article 1

The Provider shall deliver the goods concerned no later than ____ days from the day of the signing of the Contract.

The Provider shall deliver the goods that are the subject of this Contract in full compliance with the Provider’s bid No. (*to be filled in by the Procuring Entity*), which is an integral part of this Contract.

The Provider shall deliver the goods concerned to the following address: Kneza Visislava Str. 66, Belgrade – storage of the Procuring Entity.

Article 2

The Procuring Entity shall pay to the Provider for the delivered goods and executed services that are the subject of this Contract a total amount of _____ dinars/euros without VAT, the (in letters: _____).



The Procuring Entity shall make the payment within 30 days of the receipt of the invoice to the Provider's bank account No. _____ at the following bank:
_____.

The calculation of the agreed payment amount expressed in foreign currency – euros shall be made in the equivalent conversion value for foreign currency – euro of the National Bank of Serbia valid on the day of payment.

Article 3

The Provider shall start carrying out the services set out in Article 2 of this Contract on the date of signing of the Contract.

Article 4

The Provider shall perform the services which are the subject of this Contract in a quality manner, in accordance with the prescribed standards and the submitted bid No. *(to be filled in by the Procuring Entity)*.

Article 5

The Procuring Entity shall follow the instructions of the Provider related to the use of the relevant goods and accompanying services.

Article 6

Any disputes regarding the issues pertaining to this Contract shall be settled amicably by the Parties. Otherwise, the dispute shall be brought before the competent courts.

Article 7

This contract shall be concluded for a period of 12 months.

Amendments to this contract shall be valid only if made in writing and if agreed upon by both Contracting Parties.

Contracting Parties shall increase the scope of the subject of this agreement, should there be an objective need for that, for a maximum of 5% of the total value of the Contract, on which they shall conclude an Annex to this Contract.

Article 8

This Contract may be terminated by the will of the Contracting Parties with a notice period of 30 days.

The Contract shall be cancelled in writing, and the cancellation shall start to have effect from the first month following the cancellation.

Article 9

This Contract is made in 6 (six) identical copies, out of which each Party shall retain three copies for their own perusal.

For the Provider

For the Procuring Entity



VIII FORM OF PRICE STRUCTURE WITH INSTRUCTIONS ON HOW TO FILL IT IN

SUBJECT: LOW-VALUE PUBLIC PROCUREMENT NO. 34/18 – UPGRADE AND SUPPORT OF THE CLIDATA METEOROLOGICAL INFORMATION SYSTEM PRODUCED BY ATACO spol. s r.o. FROM THE CZECH REPUBLIC

Description	Basic price	Administrative costs	Other costs	Total price, VAT excluded	Total price, VAT included
1	2	3	4	5	6
All the goods concerned and all accompanying services					

Instructions on how to fill in the form of price structure:

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

- Column 2: The bidder shall enter the basic price for all the goods concerned and all accompanying services for the entire 12-month period, without administrative and other costs, VAT excluded;
- Column 3: The bidder shall only enter administrative costs incurred in the public procurement procedure (administrative fees, costs related to the preparation of bid and other documents);
- Column 4: The bidder shall enter other costs necessary for bid preparation and contract implementation (*such as customs fees, bank fees, transportation costs, etc.*). If there are such costs, the bidder shall submit, together with its bid, the information on those costs on a separate sheet of paper with a clear indication on the type of costs;
- Column 5: The bidder shall enter the total price for all the goods concerned and all accompanying services, including all dependent and independent costs, VAT excluded;
- Column 6: The bidder shall enter the total price for all the goods concerned and all accompanying services, including all dependent and independent costs, VAT included.

NOTE: If a bidder has no costs related to any of the items above, it shall enter “0” or cross out the corresponding slot.

Date:

STAMP

Bidder



IX FORM OF BID PREPARATION COSTS

In conformity with Article 88 paragraph 1 of the Law, the bidder _____
(state the name of the bidder), hereby submits the total amount and structure of costs related to bid preparation, for the low-value public procurement No. 34/18 – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, as presented in the following table:

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

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

If the public procurement procedure has been cancelled for the reasons related to the Procuring Entity, it shall refund to the bidder the costs of making a sample or a model, provided that the sample or the model has been made in conformity with the technical specifications of the Procuring Entity, as well as the costs of acquiring the collateral, provided that the bidder requested the refund of such expenses in its bid.

Note: Submitting this form is not mandatory

Date:

STAMP

Bidder's signature



X FORM OF STATEMENT ON INDEPENDENT BID

Pursuant to Article 26 of the Law, _____
(Bidder's name)
is hereby making the following:

STATEMENT ON AN INDEPENDENT BID

I hereby declare under full substantive and criminal liability that in the low-value public procurement procedure of goods No. 34/18 – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, I have submitted a bid independently, without agreement with other bidders or stakeholders.

Date:

STAMP

Bidder's signature

Note: In case of reasonable doubt concerning the accuracy of the statement on independent bid, the Procuring Entity shall immediately inform the relevant competition protection authority. The competent competition protection authority may ban the bidder or the stakeholder from bidding in the public procurement procedure if it establishes that the bidder or the stakeholder 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. A violation of competition constitutes a negative reference, in accordance with Article 82 paragraph 1, item 2 of the Law.

If a bid is submitted by a group of bidders, the Statement must be signed by an authorized person of each bidder in the group of bidders and verified by stamp.



**XI FORM OF STATEMENT ON THE FULFILMENT OF
REQUIREMENTS FROM ARTICLE 75 PARAGRAPH 2 OF THE
LAW**

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

S T A T E M E N T

The bidder (*fill in the name of the bidder*) in the procedure of low-value public procurement of goods No. 34/18 – upgrade and support of the CLIDATA meteorological information system produced by ATACO spol. s r.o. from the Czech Republic, has complied with all the obligations arising from current regulations on safety at work, employment and working conditions, environmental protection, and has not been prohibited from performing its activity by any measure in force at the time of the bid submission.

Date:

STAMP

Bidder's signature
