

„Supported by a grant from Norway through the Norwegian Financial Mechanism 2014-2021, in the frame of the Programme „Business Development and Innovation Croatia”.

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TENDER ANNOUNCEMENT

OFFICIAL DOCUMENTATION ON PROCUREMENT

Subject of procurement: Construction works

Type of procurement process: Open procurement process

Applicable rules of procurement: HR-INNOVATION Procurement Guidelines

1. General data:

Informations on Contracting Authority

KAMEN d.d., Trg Slobode 2, Pazin, Republic of Croatia

OIB 05937912798, MBS 040120966

Phone number: + 385 (0)52/624-242

Fax number: + 385 (0)52/624-441

website: www.kamen.hr

e-mail: info@kamen.hr

Departments and persons for informations:

Department: Legal department

Person: Edi Belac

E-mail address: edi.belac@kamen.hr

Phone number: +385 (0)98 978 9388

Communication between the Contracting authority and tenderers and sharing data shall be based primary on the e-mail communication services. Depending on the circumstances they can also communicate by regular post service or personal delivery with confirmation of receipt.

Each communication between the Contracting authority and tenderers shall be exclusively in english language (only offers with their attachments may be submitted either in english or croatian language; documents that are made in language other than english or croatian must be translated on english or croatian language using official translation by the person who is authorized for such translation).

Contracting authority is entitled to request from the tenderers to deliver the original document or verified copy by post delivery or personal delivery with confirmation of receipt if Contracting authority wants to make an additional control.

Contracting authority is authorized to request from tenderers to supplement the documents they have submitted or to explain submitted documents.

During the deadline for submission of the offers participating tenderers may request explanations considering the content of documentation of procurement.

Contracting authority is obligated to answer on requests for additional clearance and informations relating the documentation of procurement and the answers shall be published on the website www.kamen.hr

Contracting authority shall publish without delay the answer on any request submitted in timely manner and request itself without stating who was the requester, but at the latest on the day before the expiration date for offer submission.

Request shall be considered to be submitted in timely manner if the request has been submitted at the latest on the third day before the expiration date for offer submission.

In case of a need for changing the Tender Announcement (e.g. if the economic entity requires additional information, clarifications or changes related to conditions from the Tender Announcement, before the deadline for submission of tenders has expired), it has to be transparently published so that all economic entities are informed about the change at the same time. Publication shall be done on the website of Contracting Authority. If the change is substantial (technical specifications are changed, additional documentation is required from tenders etc.), the deadline for submission of offers shall be extended appropriately.

2. Evidential number of procurement: 45/24.

3. Conflict of interests:

Conflict of interests between Contracting authority and tied entity involves situations in which representatives of Contracting authority, involved in carrying out procurement procedures, or those that can influence on the outcome of procurement procedure result, have, direct or indirect, financial, economic, or any other personal interest that can be considered damaging for it's impartiality or independence within the procedure, namely:

- a) if representative of the Contracting authority performs management activities in the tied entity or
- b) if representative of Contracting authority owns business shares, stocks, other rights that ensure representative's participation in management/equity of that tied entity with more than 0,5 %.
- c) if it involves relatives in blood in straight line, or side line up to a fourth instance, relatives by in law, up to a second instance, spouse or extra-marital partner, even if the marriage has ended, adopters and adoptees of Contracting Authority representative, when representative is CEO, member of management or supervisory board;

Representative of Contracting authority is considered to be:

CEO or other persons on management position, member of management and supervisory

board of Contracting Authority, member of Procurement Committee (if established), other persons involved in the implementation or persons that may have influence on decision making of Contracting Authority in the procurement procedure, as well as persons involved with procurement services (consultants, etc.) who act on behalf of Contracting Authority.

Tied entity means entity as defined by general tax rules. It also involves natural persons that are blood relatives in the straight line, and side line up to a fourth instance, relatives by in law up to a second instance, spouse or extramarital partner, even if the marriage has ended, as well as adopters and adoptees of representatives of Contracting Authority (CEO, member of Management or Supervisory Board of the Contracting Authority).

Exceptionally, conflict of interest does not exist if the above mentioned representative of Contracting Authority gained business shares, stocks or other rights based on which it participates in Management and/or Equity of Tied Entity by more than 0,5 % obtained at least two years before being appointed, that is, assuming the above mentioned positions.

In case of existence of conflict of interests contract of procurement would be legally invalid. This principle implies that all entities that are in conflict of interest with Contracting Authority shall be excluded from the procurement procedure, which also includes contract awarding and issuing of purchase orders, except when due to technical reasons or reasons that include exclusive rights of tied entity on the subject of procurement, such entity is the only entity being in the position to deliver goods or services or carry out works that are subject of the procurement.

Contracting authority is not allowed to conclude contract on procurement because of existence of conflict of interests with the legal entities as follows:

- a) ISTRA-MARMI d.o.o., Lakota 2, Pazin, Republic of Croatia, OIB 32087009809
- b) MORAVAMERMER a.d., Savski venac, Beograd - u stečajju (in bankruptcy), Republic of Serbia, MB: 07016638,
- c) Technology audit partners d.o.o., Jurja Dobrile 9, Pazin, Republic of Croatia, OIB 56788189835

4. Type of procurement process: Open procurement process

5. Estimated value of procurement:

Estimated value of the subject of procurement is 55.000,00 (EUR), excluding added value tax.

6. Type of contract:

Contract of procurement of works.

7. Rules on deadlines counting principles

The counting of deadline starts the very next day, after ending the day on which the Tender Announcement has been published, and expires by ending the last day of the deadline. National

holidays, Saturdays and Sundays have no influence on the beginning and course of the deadline. The term “working day” means all days except for the national holidays, Saturdays and Sundays. If the deadline falls on the national holiday, on Saturday or Sunday, the deadline expires with ending of the first next working day.

8. Trade customs shall not apply.

9. Informations on subject of procurement: Construction works

a) Description:

Construction works that consist of:

- Excavation for new splitting line
- Renovation and leveling of existing stone base layer
- Canals and pipes for electrical installations
- Foundations for fixing new parts of the production line

CPV CODES:

- CPV 45112000-5 Excavation works and land works
- CPV 45262310-7 Reinforced concrete works
- CPV 45231112-3 Installation pipes system

Detail description of subject of procurement is in the Cost schedule that is integral part of this Tender Announcement (hereinafter: TAN).

b) Subject of the procurement is not divided into groups due to the fact that all elements of construction works shall be performed intertwined and is not possible to manage such works by dividing them on different procurement procedures and then operate such works with different number of entities.

c) The quantity of subject of procurement is determined in the form of m^1 , m^2 and m^3 meters that are prescribed in the Cost schedule with essential technical specifications. The quantity of subject of procurement is approximately determined because Contracting Authority is not able to precisely predict quantities of work. Thus, the nature of this procurement necessary seek for conclusion of construction works contract in which quantities are approximately determined while the exact quantities shall be determined at completion of complete works in temporary and/or final construction works situation documents. The quantity of subject of procurement is determined in the Cost schedule approximately, but the final quantity shall be determined based on actual performed work verified in construction book and applying unit prices from Cost schedule (contract of performance of works with unit prices).

Participating tenderers must offer all parts of subject of procurement. Offer that consist only of some parts of subject of procurement shall not be valid.

d) Technical specification of the subject:

Technical specifications and quality of the subject are prescribed in the Cost schedule that must be satisfied.

Offered works must satisfy all specifications prescribed in Cost schedule.

10. Cost schedule:

Cost schedule is independent document, published as integral part of TAN, in the format of Excel document. (Attachment No 1.)

Participating tenderers are obligated to deliver the Cost schedule in the PDF format as integral part of the formal offer.

Cost schedule must be fulfilled with quantity of the works (already approximately determined and fulfilled by Contracting Authority), price per unit, total price of part of the works considering the sum of quantity of that unit, total approximate sum price of complete works without added value tax.

The official text of the Cost schedule with all specifications is unchangeable. If official offer does not comply with the prescribed specifications from the Cost schedule or if the price in the offer is higher than the estimated value of procurement, such offer shall be considered as legally non valid for Contracting authority and shall be rejected.

11. Place of performance of procurement:

Contracting Authority's Quarry Kanfanar, Municipality Kanfanar, Republic of Croatia.

12. LEGAL BASIS FOR EXCLUSION OF TENDERERS FROM PROCUREMENT PROCESS:

A) LEGAL BASIS FOR EXCLUSION:

Contracting authority is obligated to exclude from procurement process participating tenderers:

1) that are having registered seat in the Republic of Croatia or if the person that is a member of board of management or supervisory board or has the authority to represent, decision making or supervisory of the tenderer, and that is a citizen of Republic of Croatia, and is convicted with final verdict for :

a) participating in criminal organization based on:

article 328. (criminal association) and article 329. (execution of criminal act as a member of criminal association) of Criminal Act of Republic of Croatia

article 333. (associating for committing criminal acts) of Criminal Act of Republic of Croatia (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

b) corruption based on:

article 252. (receiving the bribe in economic business), article 253. (giving the bribe in economic business), article 254. (misuse in public procurement), article 291. (misuse of authority and power), article 292. (unlawful favoritism), article 293. (accepting of the bribe), article 294. (giving the bribe), article 295. (trade with influence), article 296. (giving the bribe for trading with influence) of Criminal Act of Republic of Croatia
article 294.a (accepting the bribe in economic business), article 294.b. (giving the bribe in economic business), article 337. (misuse of authority and power), article 338. (misuse of state authority position), article 343. (unlawful mediation), article 347. (accepting the bribe), article 348. (giving the bribe) of Criminal Act of Republic of Croatia (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

c) fraud based on:

article 236. (fraud), article 247. (fraud in economic bussines), article 256. (tax or custom evasion), article 258. (subventional fraud) of Criminal Act of Republic of Croatia
article 224. (fraud), article 293. (fraud in economic business), article 286. (tax and other formal givings fraud) of Criminal Act of Republic of Croatia (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

d) terrorism or criminal acts linked with terroristic activities based on:

article 97. (terrorism), article 99. (public encouragement on terrorism), article 100. (recruiting for terrorism), article 101. (training for terrorism), article 102.(terroristic association) of Criminal Act of Republic of Croatia
article 169. (terrorism), article 169.a (public encouragement on terrorism), article 169.b (recruiting and training for terrorism) of Criminal Act of Republic of Croatia (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

e) money laundering or financing of terrorism based on:

article 98. (financing of terrorism), article 265. (money laundering) of Criminal Act of Republic of Croatia
article 279. (money laundering) of Criminal Act of Republic of Croatia (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

f) kids labor or other forms of human trading based on:

article 106. (human trading) of Criminal Act of Republic of Croatia
article 175. (human trading and slavery) of Criminal Act of Republic of Croatia (People's Newspapers of Republic of Croatia No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, 143/12)

2) that does not have registered seat in Republic of Croatia or person that is a member of board of managment, supervisory board or has the authority to represent, decision making or supervisory of the tenderer and that is not a citizen of Republic of Croatia and is convicted with final verdict for criminal acts from article 12. A) paragraph 1. subparagraph a) to f)

of TAN, and for adequate criminal acts that, according to national acts of state of registered seat of participating tenderer, or the state of person's citizenship, include reasons for exclusion from article 57. paragraph 1. subparagraph a) to f) of Directive 2014/24/EU.

Contracting authority is obligated to exclude participating tenderer from the procurement process if he determines the existence of reason for exclusion from article 12. A) paragraph 1) or 2).

Contracting authority must accept as a proof that the legal basis for exclusion from procurement process as prescribed in article 12. A) paragraph 1) and 2) does not exist:

- excerpt from criminal records or any other relevant register or if prior document may not be issued, equivalent document from authorized judicial or administrative government authority in the state of registered seat of participating tenderer or the state of person's citizenship and in the state of Contracting Authority's registered seat, by which is clearly proven the non-existence of reason from article 12. A) (date of issue of such document can not be older more than 6 (six) months than the day of official start of procurement procedure)

In case in the state of registered seat of participating tenderer or in the state of person's citizenship or in the state of Contracting Authority's registered seat such documents from previous paragraph can not be issued or they do not contemplate all relevant circumstances, such documents may be substituted by statement with the verification of signature of provider issued by judicial or administrative authority, public notary, or commercial body in the state of registered seat of participating tenderer or in the state of person's citizenship or in the state of Contracting Authority's registered seat. (Attachments No. 3 and No. 4., date of issue of such document can not be older than the day of official start of procurement procedure).

(Title statement may be issued by a legal representative of legal entity in the name of that particular legal entity, his name personally and in the name of all the members of Board of management, Supervisory Board, or persons who have the authorization to represent the entity, decision making or supervisory of that legal entity.)

3) Contracting authority is obligated to exclude participating tenderer from procurement process if he determines that tenderer has not fulfilled it's obligations to pay mature tax, pension and health insurance obligations:

- in Republic of Croatia if the tenderer has registered seat there, or
- in Republic of Croatia or in the state of registered seat of tenderer if tenderer does not have registered seat in Republic of Croatia;

Contracting authority must accept as proof that the reasons for exclusion from 12. A. 3) do not exist:

- confirmation of tax administrative body or other authorised body in Republic of Croatia and in the state of registered seat of participating tenderer by which is clearly

proven that such reasons do not exist; (date of issue of such document can not be older more than 6 (six) months than the day of official start of procurement procedure)

In case in the state of Republic of Croatia and/or in the state of registered seat of participating tenderer such documents from previous paragraph can not be issued or they do not contemplate all relevant circumstances, such documents may be substituted by the statement with the verification of signature of provider issued by judicial or administrative authority, public notary, or commercial body in the state of registered seat of participating tenderer or in the state of person's citizenship or in the state of Contracting Authority's registered seat (Attachment No. 5 and No. 6., date of issue of such document can not be older than the day of official start of procurement procedure).

(Title statement may be issued by a legal representative of legal entity in the name of that particular legal entity)

4) Contracting authority is obligated to exclude from procurement process participating tenderer if he determines that the tenderer is in a bankruptcy, incapable for payments, overdue, in liquidation, in situation that his assets is being managed by court or bankruptcy manager, in a process of settlement with creditors, is suspended his business, is in any other similar situation that arises from similar process according to national regulation.

Contracting authority must accept as proof that the reasons for exclusion from 12. A 4) do not exist:

- excerpt from court's register or confirmation of commercial court or other competent body in the state of registered seat of participating tenderer by which is clearly proven that such reasons do not exist; (that it is not in a bankruptcy, incapable for payments, overdue, in liquidation, in situation that his assets is being managed by court or bankruptcy manager, is not in a process of settlement with creditors, is not suspended his business, is not in any other similar situation that arises from similar process according to national regulation; (date of issue of such document can not be older more than 6 (six) months than the day of official start of procurement procedure)

In case in the state of registered seat of participating tenderer such documents from previous paragraph can not be issued or they do not contemplate all relevant circumstances, such documents may be substituted by statement with the verification of signature of provider issued by judicial or administrative authority, public notary, or commercial body in the state of registered seat of participating tenderer or in the state of person's citizenship or in the state of Contracting Authority's registered seat. (Attachment No. 7, date of issue of such document can not be older than the day of official start of procurement procedure).

(Title statement may be issued by a legal representative of legal entity in the name of that particular legal entity)

13. CONDITIONS OF ABILITY

13.1. In this particular process as one condition of ability of particular participating tenderer

it has been determined:

a) Ability to perform professional activity

Participating tenderers are obligated to prove they fulfill all conditions of ability as prescribed in 13.1.

If any of prescribed criteria is not fulfilled such offer of particular tenderer shall not be accepted.

13.1. a) Ability to perform professional activity

Participating tenderers are obligated to prove their ability to perform professional activity with the proof of registration of the tenderer in court's, craft's, professional's or other appropriate register in the state of its business establishment.

Contracting authority will accept as a proof of registration from previous paragraph:

- excerpt from court's, craft's, professional's or other appropriate register in the state of its business establishment - registered seat (date of issue of such document can not be older more than 6 (six) months than the day of official start of procurement procedure)

14. PAYMENT METHOD

Contracting authority is obligated to pay the price as follows:

- a) 50% (fiftypercent) of price including added value tax (where such applies) in 8 (eight) days after contract signature
- b) remaining amount shall be paid based on particular temporary and/or final situation in 30 (days) from Contracting authority's verification date of particular situation
- c) received advance amount from subparagraph a) shall be proportionately deducted from the amount that must be paid based on particular temporary and/or final situation

Tenderer is obligated to make temporary situations for executed works in particular month, and until the 5th day of each month to issue a temporary situation of performed works in previous month.

Such temporary situation must be verified by a signature of Contracting authority.

Temporary situation must consist of a specifications on works performed in particular month.

Tenderer shall issue final situation in 7 (seven) days after successful official handover of performed works. Final situation must consist of a specifications on complete works performed and must also be verified by a signature of Contracting authority.

Contracting authority is not obligated to verify any situation if there is a dispute on performed works.

The price shall be paid by bank transfer to the Tenderer's bank account.

15. DEADLINES

Tenderer is obligated to start with construction works in 8 (eight) days from contract signature and finish them in next 30 (thirty) days.

16. CONTRACT PENALTY

In case of a tenderer's delay to finish construction works within contracted deadlines according to article 15. of TAN and article 6. of contract, tenderer shall be obligated to pay to the Contracting authority a contractual penalty for each day of delay in the amount of 2 ‰ (two per mille) plus added value tax (where such applies) of the price with added value tax (where such applies) from article 3. of contract.

Contracting authority is entitled to make a one-sided compensation of a claim for contractual penalty payment with a tenderer's claim for payment of contract price.

Contracting authority is obligated to issue an invoice to the tenderer for contractual penalty claim.

17. INFORMATION ABOUT FORMAL OFFER

Formal offer must contain statement of the tenderer by which he states that he will execute construction works according to the conditions and requests written in TAN and documents that constitute an integral part of TAN (attachments of TAN).

Offer must be made in PDF format.

Offer must be written either in English either in Croatian language and in Latin letter.

The price of the offer must be written in numbers and in Euro currency (EUR). The price must be shown as a total price without added value tax, then the amount of added value tax and total sum of the price with added value tax. If the participating tenderer is not in the system of added value tax or subject of procurement is exempt from added value tax tenderer submits an offer in which writes total price without added value tax, amount of added value tax writes as zero, and total sum of price offer with added value tax writes the same amount as written in the total price without added value tax.

Price written in the offer represents total approximate price. Approximate price has been determined based on the unit prices and quantities of works determined in the Cost schedule, while the final total price shall be determined based on actual performed works verified in construction book and applying unit prices from Cost schedule.

Unit prices are unchangeable during the execution of the contract.

Offer must be made in compliance with the terms and conditions of TAN and tenderers are not allowed to change or supplement the text of TAN.

Offer must be delivered by the electronical communications service.

Offer must be delivered to the e-mail address: edi.belac@kamen.hr

Contracting authority is entitled, by its own discretionary assessment, to request from participating tenderer whom's offer was selected as best offer, to deliver all or some documents of the offer in original or verified copy by post delivery or personal delivery with confirmation of receipt.

It shall be considered that the formal offer has been delivered to the above written e-mail address when such offer has been received on the receiving server of Contracting authority.

17.A) Offer must contain:

1. formal offer with the data about Contracting authority (name, address, identification number/OIB) and participating tenderer (names, addresses, identification number/OIB for tenderers from Croatia, phone and fax contacts, e-mail address, contact person, bank account number, SWIFT number (for tenderers registered outside of Republic of Croatia), information is the tenderer included in the system of added value tax, indication of the price, subject of procurement, offer expiry date,
2. fulfilled Cost schedule (Attachment No.1)
3. signed formal Contract proposal (Attachment No. 2),
4. proofs of non-existing of reasons for exclusion from process of procurement and proofs on fulfillment of conditions of ability from TAN
5. other prescribed documents and proofs on fulfilling terms and conditions from TAN

Within the deadline for offer submission (further: deadline) tenderers are allowed to change the offer or to drop out from the offer. If the tenderer changes his offer within the deadline it shall be considered that the offer has been submitted in the moment of submission of the latest version of the offer. After the deadline for submission of the offer, the offer cannot be changed. Offer obligates the participating tenderer within expiry date of the offer that must be clearly written on the offer. On the formal request of the Contracting authority, participating tenderers may extend the expiry date of the offer.

Participating tenderers will be obligated by the offer submitted electronically within the deadline regardless if such offer is signed or not.

It is not allowed for participating tenderers to submit different variations of the offer.

17.B) Offer expiry date must be at least 90 (ninety) days longer than expiry date for submission of the offer.

If during the procurement process expires the offer of the tenderer that has submitted the offer with the lowest price, Contracting authority will request from participating tenderer to extend the offer expiry date in the appropriate deadline not shorter than 5 (five) days.

All documentation on public procurement shall be uploaded on the website www.kamen.hr and potential tenderers are allowed, in agreement with the Contracting authority to visit the place of performance.

17.C) CRITERIA FOR SELECTION OF THE TENDER/OFFER

The main awarding criterion for selection of the tender/offer is the lowest price.

Tender/Offer with the lowest price that complies all terms and conditions from TAN shall be selected as best tender/offer.

18. DATE, TIME AND PLACE OF PUBLIC OFFERS OPENING PROCEDURE

Tender Announcement is published on the website of Contracting authority, www.kamen.hr, and a brief summary with link to Tender Announcement is published at website of Norway Grants - Innovation Norway, <https://www.innovasjon Norge.no/Croatiainnovation>.

Formal deadline for offer submission expires on February 6th 2024 at the end of that day. Official opening of the offers shall be performed in the headquarters of Contracting authority, in Pazin, Trg Slobode 2, Republic of Croatia, conference room at 3rd floor, on the day February 7th 2024 at 12:00 hours.

Offers shall be opened in the presence of Commission for procurement of Contracting authority and present authorized representatives of participating tenderers. Other persons are also allowed to be present at the opening.

Commission for procurement represents a Contracting authority's official body that includes Development Manager, Technical Manager and Head of procurement department. Title Commission is authorized to perform offers opening procedure, examination and evaluation of submitted offers and proposes to General Manager of Contracting Authority selection of the best offer and/or rejection of particular offers.

Written record on offers opening shall be given to authorized representatives of tenderers present at the opening procedure.

At the end of the opening procedure authorized representatives of the tenderers will be entitled to sign the record and declare whether they have some objections on procurement proceeding.

19. DECISION ON SELECTION OF THE BEST TENDERER

After formal offers opening Commission proceeds with the examination and evaluation of submitted offers and draws up a record on it.

Such procedure is secret until a decision on selection of the best tenderer is made.

During the procedure on examination and evaluation of submitted offers Commission examines:

- a) non-presence of legal basis for exclusion of participating tenderer,
- b) fulfillment of prescribed conditions of ability of the tenderer,
- c) fulfillment of prescribed requirements and conditions linked with the subject of the procurement and technical specifications and fulfillment of other criteria, requirements and conditions from TAN,
- d) calculation correctness of submitted offer;

If the information or documentation that the economic entity was supposed to submit are incomplete, erroneous or appear to be so, or if some documents are missing, Commission may, respecting the principles of equal treatment and transparency request from economic entity to complement, clarify or submit the missing information or documentation within the appropriate period, which may not be shorter than 5 (five) days.

Contracting authority is obligated to reject the offer that is not in compliance with TAN, or is delivered after expiration of the deadline for offer submission or it is an offer from the tenderer that has not accepted correction of calculation mistake in the offer (if the offer contains calculation mistake, Commission is obligated to request of the tenderer to accept the

correction of calculation mistake written in the offer and for such request leave to the tenderer deadline for decision of at least 5 (five) days of receiving such request).

Contracting Authority will reject any offer which price exceeds planned (estimated) financial means that is which price exceeds estimated value of procurement.

To select the Tenderer, one valid tender/offer is sufficient.

After the procedure of examination and evaluation of the offers, Commission for procurement ranks valid offers according to criteria for selection of the offer.

Based on the examination and evaluation procedure and criteria for selection of the offer, Contracting authority selects as best the offer of the tenderer that has submitted the offer with the lowest price (if such offer complies with all terms and conditions from TAN).

Decision shall be considered to be delivered to all participating tenderers at the expiration of the day that follows the day of public announcement of decision on the website of Contracting authority, that is www.kamen.hr.

20. RIGHT TO APPEAL

Participating tenderers are entitled to have an insight into the procurement documentation for 3 (three) days after notification on decision on selection of the best tenderer.

In case unsuccessful tenderers believe their tender has been unjustifiably rejected, or inappropriately rated, they may submit an appeal.

Appeal may be submitted to a Fund Operator electronically (using the following email address: cro.innovation@innovationnorway.no), within 5 (five) days from the day of tenderers being notified on decision of selection of best tenderer. Appeal must be written in English, appropriately argued and supported by evidence, as appropriate. At the same time, copy of appeal must be sent to the Contracting authority, who must send the entire package of procurement documents to Fund Operator immediately, and may provide its counter-arguments to Fund Operator within 5 (five) days from receipt of copy of appeal.

Based on the analysis of procurement documentation, and arguments of both parties, Fund Operator makes the decision within 10 (ten) days from which the appeal has been submitted.

The Fund Operator's decision on the appeal is final.

In case no appeal has been received within 5 (five) days from the date of notifying the tenderers on the results of public procurement procedure, Contracting authority shall conclude contract of procurement with selected tenderer.

21. CONCLUSION OF THE CONTRACT

When the participating tenderers sign the formal Contract proposal as integral part of the

formal offer (Attachement No. 2), they accept all requests and conditions from TAN and Contract proposal. Formal Contract proposal must be signed by authorized person.

Contract must be concluded in compliance with the conditions prescribed by TAN and selected offer.

All the rights and obligations of parties of contract of procurement are regulated in that contract and in this TAN.

Notice:

- All documents that are official attachment of TAN for the purpose of downloading and fullfilling are published in appropriate electronical format on the website www.kamen.hr

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