

DENT GRUPA d.o.o.
Ferenščica I. 61,
10000 Zagreb
Hrvatska

THE PROCUREMENT PROCESS FOR ENTITIES WHO ARE NOT SUBJECT TO THE PUBLIC
PROCUREMENT ACT

INVITATION TO BID SUBMISSION

(Procurement procedure with compulsory publication)

**PROCUREMENT SUBJECT: Services for the development and introduction of the custom made ICT
business solution**

PROCUREMENT REFERENCE NUMBER: 01/2020

Project information

Project title: "Optimization of business operations of the company DENT GRUPA d.o.o. by applying modern ICT solutions"

Call title: "Improving the competitiveness and efficiency of SMEs through information and communication technologies (ICT) - 2"

Call reference: KK.03.2.1.19 - version 1

Zagreb, June 2020

1. GENERAL INFORMATION

1.1. Information on the Contracting Authority:

Contracting Authority: DENT GRUPA d.o.o.

Headquarters: Ferenščica I. 61, 10000 Zagreb

VAT no.: 75346143945

Responsible person: Irena Jurković Milković, Member of the Board

Phone number: +385 1 911 8904

Internet address: www.x-dent.hr

E-mail address: dentgrupa@gmail.com

1.2. Contact person information:

Name and surname: Ines Nenadić, M.Econ

Telephone number: + 385 98 969 2375

Email address: nabava.dentgrupa@gmail.com

Communication and any other exchange of information between the Contracting Authority and economic entities shall be made in written form. Economic entities' written requests for clarification shall be submitted to the following email address: nabava.dentgrupa@gmail.com.

1.3. Procurement reference number:

01/2020

1.4. Address / source where additional information / Invitation is available

Address / source is <https://struktturnifondovi.hr/> i <https://x-dent.hr/>

1.5. List of economic entities with which the Contracting Authority may be in a conflict of interest

In terms of point 1, sub-item 1.2. of the appendix 3. "Procurement procedures for persons that are not liable to Public Procurement Act", Dent grupa d.o.o. may not enter into procurement contracts with the following economic entities:

- X-DENT zdravstvena dejavnost d.o.o., Ulica oktobrske revolucije 11, 6310 Izola, Slovenija, VAT br.: SI 46465944;
- X-DENT d.o.o., Andrije Hebranga 26, 10000 Zagreb, Croatia, VAT ID: 02078126184;
- DOT DENT d.o.o., Cesta Dalmatinskih Brigada 30 b, 51211 Matulji, Croatia, OIB: 97439359204;
- LIBERTAS ELIT-STUDIO DENTISTICO D.O.O., Ferenščica 1, 10000 Zagreb, VAT ID: 41515209665;
- X - EL D. O. O., Ivana Milčetića 16, 51000 Rijeka, Croatia, OIB: 50663970273;
- SIGA, obrt za intelektualne i poslovne usluge, Trtni 104a, Mladenići, 51216 Viškovo, Croatia, VAT ID: 81023672881;
- KVARNER ADVENTURES, obrt za turizam i rekreaciju, Mladenići, Trtni 104 a, 51216 Viškovo, Croatia, VAT ID: 81023672881;
- UDRUGA RI ROCK, Delta 5, 51000 Rijeka, Croatia, VAT ID: 41377018776;
- SIGA d.o.o., Šetalište Ivana Gorana Kovačića 18, 51000 Rijeka, Croatia, VAT ID: 15757503160;
- NB međunarodne marketinške usluge, Ede Jardasa 33, 51 000 Rijeka, Croatia, VAT ID: 68617248843.

1.6. Start of the procurement procedure

The procurement procedure begins on the day of the publication of Procurement notice on the website www.strukturnifondovi.hr and on the website of the Contracting Authority <https://x-dent.hr/>.

Date of publication is 30.06.2020.

1.7. Type of procurement procedure

A procurement procedure with compulsory publication (open procedure).

This procurement process is conducted according to Annex 3. "Procurement procedures for persons that are not liable to Public Procurement Act", version 5.0., (hereinafter referred to as Annex 3).

1.8. The estimated value of procurement

The estimated value of the procurement is **360.000,00 (VAT excluded)**.

1.9. Clarifications and modifications of invitation to bid submission

Economic operators may request additional information, clarifications and changes related to the invitation to bid submission until the deadline for the submission of bids. The Contracting Authority will respond to timely submitted requests for additional information, clarifications and changes, and it will publish them on the same websites on which the invitation to bid submission is published, without revealing the identity and mentioning details of the economic entity (the applicant).

The request shall be considered as timely if received not later than the 4th (fourth) day before the day on which the deadline for submission of bids expires. If the request is submitted in the given period, the Contracting Authority shall publish the latest additional information or clarifications regarding the invitation to bid submission not later than the 2nd (second) day before the day on which the deadline for submission of bids expires.

If for any reason, the request for additional information was not published at the latest on the 2nd (second) day before the deadline for submission of bids, the Contracting Authority shall extend the deadline for the submission of bids. The extension of the deadline must be proportionate to the importance of the clarification and shall not be less than 2 (two) days. If the request for additional information is not submitted in the given period or if the importance of the clarification is negligible in relation to the preparation of valid bids, the Contracting Authority is not obliged to extend the deadline for the submission of bids.

The Contracting Authority can change the invitation to bid submission before the deadline for the submission of bids and it is obliged to publish the changes on the same websites on which the basic information about the notice of invitation and invitation to bid submission are published. If the changes to the invitation to bid submission are significant, the Contracting Authority shall extend the deadline for the submission of bids. The extension of the deadline must be proportionate to the importance of the changes.

1.10. Source of funding

The present project is co-financed by EU funds (ERDF), Operational programme competitiveness and cohesion 2014. – 2020. to the amount of 54%. The Contracting Authority's own resources finance the remaining 46% of the amount.

2. INFORMATION ABOUT THE PROCUREMENT SUBJECT

2.1. Description and designation of the procurement subject

Procurement subject are services for the development and introduction of custom made ICT business solution (hereafter “software”) for online ordering, review and exchange of key information, automated storage, sending and analysis of patient x-rays.

Contracting Authority has a network of partners /end users, mostly dental practices, that need online access to dental x-rays and other diagnostic services.

The new *software* will significantly optimize the current business processes, integration of business functions, contribute to more efficient workflows, improve the interaction between the Contracting Authority and its clients and associates. Dental practices and their patients will be provided with a holistic review, accurate processing and availability of images and data, which will speed up the process and quality of treatment.

The service includes:

- a) development, installation, programming, testing and configuration of ICT solutions and coordination;
- b) training of the Contracting Authority employees.

CPV label of the procurement:

- 72212517-6 Services software development for information technology;
- 72230000-6 Services software development according to customer orders;
- 72421000-7 Services custom application development for the Internet or Intranet.

2.2. Project assignment

The detailed description of the procurement subject is described in Annex 3. of this invitation to bid submission. The requirements defined in the project assignment are minimum requirements, which the provided service must meet.

The Bidder shall sign and certify the Annex 10. Statement of compliance with required minimal technical characteristics defined in Annex 3. of this invitation to bid submission.

2.3. Bill of Quantity and procurement quantities

The Bill of Quantity is enclosed in Annex 2. and as such is an integral part of this invitation to bid submission. The Bidder shall submit a completed Bill of Quantity with unit and total prices. The quantities for procurement defined in the Bill of Quantities are accurate.

2.4. Place of the execution of the services

Place of the service’s implementation is the Contractor’s headquarters, and if necessary the Contracting Authority’s headquarters.

The place for the delivery of the required reports is the e-mail address of the Contracting Authority.

2.5. Deadline of the implementation of the services

The deadline for the execution of the service begins from the date when the agreement comes into force on the date of signature of the last contracting party and should be within 5 (five) months from the date of the signed Contract.

3. REASONS FOR THE MANDATORY EXCLUSION OF AN ECONOMIC OPERATOR FROM THE PROCUREMENT PROCEDURE

An economic operator will be excluded from the proceedings if:

- an economic operator or persons authorized as its legal representatives, as well as persons who are members of the administrative, management or supervisory body or have the authority to represent, make decisions or supervise the economic operator, are legally convicted for participation in a criminal organization, corruption, fraud, terrorism, financing of terrorism, money laundering, child labour or other forms of people trafficking in the country where the economic operator is established or the country of which the legal representative are citizens;
- it has been legally convicted of a crime or an offence in connection with the performance of professional activities, or for inappropriate action under the law of the country of its establishment;
- it has not fulfilled all of its obligations related to the payment of its due tax liabilities and liabilities for social and health insurance unless the payment of these obligations is not allowed by a special act or is approved a deferred payment;
- it has falsely presented or provided false information which is stated as a condition for exclusion or qualification standards;
- it is bankrupt, insolvent or is in the process of liquidation, if its assets are being managed by a bankruptcy trustee or a court, if it has entered into an arrangement with creditors, has suspended its business activities, or is in a similar procedure under the national regulations of the country in which the legal entity was established;
- in the last two years from the beginning of this procurement process committed a serious professional negligence which the Contracting Authority may prove in any way.

The Bidder will prove the absence of reasons for exclusion from Chapter 3 of this invitation to bid submission by signing the statement, which needs to be delivered in the bid (Annex 4. of this invitation to bid submission). The statement must be filled and signed individually by each person (s) authorized to represent the economic operator legally, as well as by persons who are members of the administrative, management or supervisory body or have the authority to represent, make decisions or supervise the economic operator.

Before the decision about selection, the Contracting Authority may, at any time during the procurement procedure, request from Bidder to submit one or more documents (confirmation, copy etc.) issued by the official authorities of the country of origin of the bidder, that prove that the Bidder is not in the situations referred to in Chapter 3. If the Bidder does not submit all the required originals or certified copies of documents and / or does not prove the requested conditions specified by the Contracting Authority within five (5) days, the Contracting Authority shall exclude such Bidder or reject their bid and carry out a re-ranking of the bids received. The Bidder is allowed to submit evidence as an original or as a certified or uncertified copy. An uncertified copy is considered as printed electronic documents that are not authenticated. In the case of submission of any evidence in a foreign language, the same document must be submitted with a unofficial translation in Croatian or English enclosed.

In the case of a consortium, the circumstances leading to the exclusion shall be determined for all members of the consortium individually therefore the required statement needs to be submitted **by each member of a consortium.**

In the case of subcontractors, the circumstances leading to the exclusion shall be determined for all subcontractors individually therefore **the required statement needs to be submitted by each subcontractor**. If some of the reasons for exclusion exist with subcontractors, the Contracting Authority can, in the evaluation phase, request from the Bidder to replace such subcontractors.

4. CONDITIONS AND PROOF OF A BIDDER'S QUALIFICATIONS:

4.1. Legal and business capacity

Each Bidder must have legal and business capacity.

As proof of the fulfilment of this condition, a Bidder shall submit the following documents:

- **A filled in and signed statement of compliance with the terms of legal and business capability (Annex 5.)**

Before the decision about the selection, the Contracting Authority may, at any time during the procurement procedure, require a Bidder to submit additional documents, including: proof of registration, trade registration or another appropriate register of the country of its establishment. Listing in such a register shall be proven by the appropriate certificate, and if it is not issued in the country of the Bidder, the Bidder may submit a statement signed by a person authorized to represent the Bidder. A copy or statement must not be older than 3 (three) months from the date of commencement of this procurement procedure.

In case of a consortium, the Contracting Authority may request all members of the consortium to individually prove their legal and business capacity.

4.2. Technical and professional capacity

4.2.1. Experience of the economic operator in execution of services

The Bidder must prove that in the year in which this public procurement procedure has started and during the three years preceding that year (2019., 2018. and 2017.), it has duly executed services of the same or similar subject in a contracted amount that is equal (cumulative) to or greater than the estimated value of this procurement without value added tax (VAT).

In order to prove previous experience, the Bidder must submit a full list of services (Annex 6.). The list is proof of neatly rendered services therefore the Bidder should specify those service services which are duly completed and which are considered to meet the defined minimums mentioned above.

If the Bidder provides the requested information in a currency different from the one requested by this invitation to bid submission, the Contracting Authority will calculate a currency conversion using the rate from the Croatian National Bank in force on the date of publication of this invitation to bid submission. In the event that the currency which is subject to conversion is not quoted on the Croatian foreign currency exchange market, the Contracting Authority will use the exchange rate from the list of calculated foreign currency exchange currencies which are not quoted on the Croatian foreign exchange market by the Croatian National Bank, which were in force in June 2020.

In the case of a community of bidders, the Contracting Authority may require all members of the community to individually demonstrate experience in the performance of the contract.

In order to prove the fulfillment of the stated criterion, the economic entity may also rely on the ability of other entities, regardless of the legal nature of their mutual relations. The contracting authority may verify that other

entities on whose capacity the economic operator relies meet the relevant criteria for the selection of the economic operator and whether there are grounds for their exclusion.

4.2.2. Professional and educational qualifications

Bidder (or consortium) must prove that it will have at its disposal a team of minimum five (5) experts who possess the following required professional qualifications and experience:

- a) Expert 1: Senior analyst;
- b) Expert 2: Senior software architect;
- c) Expert 3: Senior Java developer;
- d) Expert 4: Senior Java developer;
- e) Expert 5: System administrator of DevOp profile.

Professionals under points a) to e) must meet the following minimum requirement related to the level of education:

- Completed min. 3 level of education according to the International Standard Classification of Education (UNESCO BPE-98 / WS / 1, November 1997) (ISCED 97 International Standard Classification of Education), ie secondary education (SSS);

In order to prove professional experience, for each expert from point a) to e) the Bidder must submit:

- a) a copy of the diploma or equivalent document. Evidence must be submitted in Croatian or English. In case of submission of any of the evidence in another foreign language (except English), the same document must be submitted with the attached unofficial translation into Croatian or English;
- b) Statement of Professional Capacities (Annex 7. of this invitation to bid submission). In the case of relying on the technical ability of other entities, the Bidder must submit the Statement of the Transfer of Resources (Annex 7a. of this invitation to bid submission).

To prove compliance with the above criteria, the economic operator can rely on the ability of other entities, regardless of the legal nature of their mutual relations. In this case, the economic operator must prove to the Contracting Authority that it will have at its disposal the resources necessary for the implementation of the contract, such as the acceptance of obligations from other entities that these resources will be made available to the economic operator. In case of reliance on the technical capabilities of other economic entities, the bidder fills in and submits a completed Statement of the transfer of resources (Annex 7a. Of this Invitation).

5. INFORMATION ABOUT THE BID

5.1. Content of the bid

In preparing bids, the Bidder must comply with the requirements and conditions of this invitation to bid submission. The Bidder must not alter or supplement the text of the invitation to bid submission in a way that it changes the originals. All costs of bid preparation are to be borne by the Bidder.

The bid must contain the following:

- Filled in and signed Bid Form (Annex 1);
- Filled in and signed Bill of Quantity (Annex 2.);
- Filled in and signed Statement about the absence of reasons for mandatory exclusion (for the Bidder, and if applicable for subcontractors and members of the consortium) (Annex 4.). The statement must be filled and signed individually by each person (s) authorized to represent the economic operator legally, as well as by persons who are members of the administrative, management or supervisory body or have the authority to represent, make decisions or supervise the economic operator;
- Filled in and signed Statement of compliance with the legal and business skills (Annex 5);
- Filled in and signed list of services (Annex 6.);
- Filled in and signed Statement of professional capacities (Annex 7.) and / or Statement of the transfer of resources (Annex 7a);
- Copy of diplomas or equivalent documents for each expert;
- CV form for each expert separately (Annex 8.);
- Filled in and signed Statement on compliance with required minimal technical characteristics (Annex 10.);
- if applicable, filled in and signed data about consortium entities (Appendix 1. in Annex 1);
- if applicable, filled in and signed data about subcontractors (Appendix 2. in Annex 1.).

The Contracting Authority will refuse a bid if it does not meet the conditions and requirements related to the subject matter of this invitation to bid submission.

5.2. Changes and / or amendments to the bids and withdrawal of bids

The Bidder can, until the due date for the submission of bids, submit modifications and/or amendments to their bid and also withdraw their bid. Modifications and/or amendments to the bid shall be submitted in the same way as the main bid with a mandatory indication that it is a modification and/or amendment to the bid. The Bidder may withdraw the bid with a written statement until the deadline for submissions expires. The written statement shall be submitted in the same way as the main bid with a mandatory indication that it is bid withdrawal.

If the Bidder expresses discount through a modification or an amendment, the submitted modifications or amendments to the bid must contain a new Bill of Quantity in which the discounts are stated.

5.3. Submission of the bids

The bid has to be submitted in the Croatian or English language, written in Latin script.

In the case of submission of the bid in Croatian language, certain parts of the bid (solely individual words or syntagms) may be in a foreign language, and only for terms for which there is no or any appropriate or included professional term in the Croatian language, which is used in the professional language and as such is self-explanatory in a foreign language.

The bid must be submitted to the following e-mail address: **nabava.dentgrupa@gmail.com** with the e-mail subject containing an indication of the procurement number assigned by the Contracting Authority.

The bid must be submitted by the deadline for submission of bids. Upon receipt of the e-mail, the Contracting Authority will send an e-mail confirmation of the bids' receipt.

5.4. The deadline for submission of bids

The bid has to be received by the Contracting Authority in the way described in Chapter 5.3 of this invitation to bid submission, no later than 16.07.2020. until 4pm Central European Time. Bids received after the deadline

for the submission of bids will not be subject to evaluation. The deadline for submission of bids shall not be less than 15 calendar days from the date of the invitation to bid submission.

5.5. Bid validity period

The expiry date of a bid needs to be at least 90 days after the deadline for the submission of bids.

The bid binds the Bidder until the expiry of its validity, and at the request of the Contracting Authority, the Bidder may extend its validity.

5.6. Bid options

In this procurement procedure, bid options are not permitted.

5.7. The currency of the bid

The bid price must be expressed in Croatian kuna (HRK) or euros (EUR).

5.8. Unusually low prices

If the bid presents an unusually low price which then casts doubt on the ability to provide the services, the Contracting Authority may refuse such a bid. When assessing if the prices are unusually low, the Contracting Authority takes into account the comparative experiential and market value, and all the circumstances under which the contract will be executed. If the bid price is more than 40% lower than the average price of other valid bids, the Contracting Authority will require the Bidder's explanation.

Before refusing such a bid, the Contracting Authority shall request the Bidder in writing to explain the data about the constituent elements of the bid which are considered relevant for the implementation of the contract, and such data may be related to:

- the economical way of providing services;
- the exceptionally favourable conditions available to the Bidder for the provision of services;
- compliance with the provisions relating to taxes, environmental protection, job protection and working conditions;
- the possibility that the Bidder has obtained support from the state.

The Contracting Authority must check the details of the constituent elements of a Bidder's explanations, taking into account all the evidence. The Contracting Authority needs to check whether the price is economically explicable and logical, and it can check whether the price of essential items has contained all the costs (staff, service etc.), also whether the price for more commercially valuable items or better quality items are usually higher than commercially less valuable items or lower quality items. If the Contracting Authority decides that the Bidder's explanation is not acceptable, it shall refuse such a bid.

5.9. Language and alphabet

The bid and all documents submitted with the bid must be written in **English or Croatian languages and the Latin alphabet**. Bids written in other foreign languages will not be considered. In case of the delivery of bids in English, if there are doubts about certain parts of the bid, the Contracting Authority may require the Bidder to submit an official translation in the Croatian language.

5.10. Methodology for determining the bid price

The Bidder is obliged to state:

- the total bid price in the Bid Form and Bill of Quantity (without VAT, the amount of VAT and the total price including VAT);
- the bid price in Croatian Kuna (HRK) or Euros (EUR);

- the bid price expressed numerically to a maximum of two decimal places.

The bid price excluding VAT should account for all costs and discounts required for the execution of services. The Bidder will cover all costs arising above the declared prices.

In the event that the bid price without VAT stated in the Bill of Quantity does not match the bid price without VAT stated in the Bid Form, the one stated in the Bill of Quantity will be relevant.

It is assumed that the Bidder studied the regulations in force in the Republic of Croatia relating to its operations, in particular, those relating to its obligation to pay tax, taxes and other duties, and that on this basis will not request changes to the agreed price.

If the price is expressed in Euros, for the purpose of comparing bids, the middle exchange rate of the CNB the day of publication of the invitation to bid submission.

If the Bidder is not registered in the VAT system, is a entity outside the Republic of Croatia, or the procurement subject is not subject to VAT, in the place provided for the entry of the bid price with the VAT (Bid Form and Bill of Quantity), the Bidder must enter the same amount without value added tax, with the entry for VAT to be left empty.

The price of the bid is fixed during the term of the procurement contract.

6. AWARD CRITERIA

The criteria for bid selection is the best price-quality ratio (most economically advantageous bid). The most economically advantageous bid shall be deemed as the bid that reached the highest number of points per criterion. The maximum total number of points which the Bidder can achieve is 100.

In case two bids achieve the same points, the bid received first is considered economically advantageous.

The selection criteria and their relative importance are shown in the table below:

CRITERION	RELATIVE IMPORTANCE	MAXIMUM NUMBER OF POINTS
The bid price without VAT (financial criteria) (C)	50%	50
The number of months of professional experience of the experts proposed for the implementation of the contract (non-financial criteria) (I)	50%	50
MAXIMUM SCORE (T = C + I)	100%	100

Formula: $T = C + I$

where:

T = total number of points

C = number of points that the bid received for the price bid

I = number of points that the bid received for the experience of professionals who will be engaged in the implementation of the services

The maximum number of points that each bid can achieve is 100 as the sum of all points in both criteria. Points are rounded up to two decimal places.

a) Price

The maximum number of points that a bid can achieve under this criterion is 50 points.

The Bidder who submits a bid with the lowest price gets the maximum points. Depending on the lowest-priced bid, other bids will receive a lower number of points, according to the formula:

FORMULA:

$$C = \frac{C_1}{C_t} \times 50$$

where:

C – is the number of points that the bid received for the price bid

C₁ – is the lowest price (excluding VAT) bid in this invitation

C_t – is the price bid (excluding VAT) which is subject to assessment.

a) The number of years of the professional experience of the experts

The second criterion is determined by the number of months of the professional experience of the experts proposed for the implementation of the contract. The maximum number of points that a Bidder can achieve under this criterion is 50 points.

Points according to the following criteria:

Name of expert	Required professional experience of experts	Number of months prof. experience	Points according to criterion	The maximum possible number of points
Expert 1: Senior analyst	Working experience in the field of designing EHR (Electronic health record) and RIS (Radiology Information System) systems	0 - 60 months (including 60th month)	0	10
		61 - 120 months (including 120th month)	5	
		121 months and more	10	
Expert 2: senior software architect	Working experience in the field of: 1) designing EHR (Electronic health record and RIS (Radiology Information System) systems and 2.) agile approach to design and project management.	0 - 60 months (including 60th month)	0	10
		61 - 120 months (including 120th month)	5	
		121 months and more	10	
Expert 3: Senior Java developer	Working experience in designing and developing Java applications in healthcare projects.	0 - 60 months (including 60th month)	0	10
		61 - 120 months	5	

		(including 120th month)		
		121 months and more	10	
Expert 4: Senior Java developer	Working experience in designing and developing Java applications in healthcare projects.	0 - 60 months (including 60th month)	0	10
		61 - 120 months (including 120th month)	5	
		121 months and more	10	
Expert 5: System administrator of DevOp profile	Working experience with PostgreSQL database	0 - 60 months (including 60th month)	0	10
		61 - 120 months (including 120th month)	5	
		121 months and more	10	

For the purpose of proving professional experience, the bidder must submit for each expert a detailed completed CV form of the expert (Annex 8.) with clear statements and descriptions of professional experience. The CV form is filled in for each expert individually.

In connection with the calculation of the number of years and months of professional experience of experts, the Client will take into account the years of professional experience that undoubtedly arise from the statements in the curriculum vitae of experts (month / year - month / year).

The total number of points for each bid will be calculated as the sum of the points awarded for each of the criteria (a) PRICE + (b) NUMBER OF YEARS OF THE PROFESSIONAL EXPERIENCE OF THE EXPERT, and the same cannot be higher than 100 points.

After completion of the scoring of valid bids, the Contracting Authority shall rank the bids according to the number of points, and will choose the bid with the highest number of points as the sum of points of both the criteria.

7. OTHER PROVISIONS

7.1. The provisions relating to a consortium

Several economic entities can join and submit a joint bid, regardless of the way in which their relationship is arranged.

A bid submitted by a consortium must contain information about each member of the consortium. Data about all members of the consortium are to be stated in Appendix 1 under Annex 1. with indicating the number 1 entity which will be called “the Bidder” and will be authorized to communicate with the Contracting Authority.

The terms of qualifications for members of a consortium must be proven in accordance with Chapter 4. of this invitation to bid submission.

The bid must indicate which part of a procurement contract (subject, quantity, value and percentage of work) will be executed by each individual member of the consortium. Payment is carried out to each member of the consortium for the portion of works performed or as a lump sum if this is agreed with the consortium. The Bidder who independently submitted a bid cannot simultaneously participate in a group bid.

7.2. Provisions relating to subcontractors

If the bidder intended to subcontract part of the procurement contract to one or more subcontractors, he is obliged to fill in Appendix 2. within the framework of Annex 1. of this Bidding Document for the subcontractor. The bidder in the bid must provide information on the part of the procurement contract (subject, quantity, value and percentage) that they intended to subcontract.

If the bidder does not provide information on the subcontractor, it is considered that the entire subject of the procurement will be performed independently.

The participation of the subcontractor in the implementation of part of the procurement contract does not affect the responsibility of the selected bidder for the execution of the entire procurement contract.

For the services to be supplied by the subcontractor, the contracting authority may pay the subcontractor directly for that part of the procurement contract which he has executed and delivered.

The selected Contractor must attach to its invoice or milestone, invoices or milestones of its previously confirmed subcontractors.

7.3. Type of asset and Guarantee conditions

7.3.1. Guarantee for the seriousness of the offer

Not applicable

7.3.2. Guarantee for proper fulfilment of the contract in case of breach of contractual obligations

The selected Bidder shall within 15 (fifteen) days from signing of the contract submit a performance guarantee for the fulfilment of the contract to the amount of 10% (ten percent) of the contracted value without value added tax (VAT) with a validity term the same as the validity of the procurement contract with a grace period of 30 days.

The performance guarantee for the fulfilment of the contract represents insurance for the Contracting Authority in the case breach of contractual obligations by the Contractor.

The performance guarantee for the fulfilment of the contract may be submitted in the following forms:

- in the form of "unconditional" and "irrevocable" bank guarantee payable by the bank on the first call, "without protest";
- in the form of a cash deposit.

The cash deposit must be paid in HRK or EUR in favour of the Contracting Authority, Account no.: HR7923400091510779530, model: HR00, reference number: 01-2020-Bidders' VAT ID, SWIFT: PBZGHR2X

In case that the Contractor submits the performance guarantee as a cash deposit, the Contractor is obliged to submit proof of payment (e.g. a copy of the bank receipt) not later than fifteen (15) days after the conclusion of the contract.

In the case of a consortium, a performance guarantee for the fulfilment of the contract submitted as a bank guarantee:

- should be addressed to all members of the consortium, not just to one member, and it must state the consortium or

- each member of the consortium shall submit a guarantee for their part of the works cumulatively to the total amount bid.

In the event that the consortium submits a guarantee for the proper performance of the contract in the form of a cash deposit, one member of the consortium can make a deposit for all, or each member of the consortium can make a deposit for their part of the works cumulatively to the total amount bid.

The Contracting Authority is obliged to return the guarantee for the fulfilment of the contract to the Contractor within 30 days of issuing the record of the executed services while storing a copy of the guarantee.

7.4. Deadline, method and conditions of payment

Payment will be made when the Bidder submits the invoice to the Contracting Authority, based on the concluded procurement contract, no later than 30 (thirty) days of receipt of the invoice.

Payment for the services rendered will be made on the business account of the selected Bidder.

Payment will be made according to the following situations:

- 25% of the contracted amount in advance based on the signed contract;
- 50% of the contracted amount upon submission of the source code;
- the remaining 25% of the contracted amount after the final testing and mutual signing of the Minutes on services rendered.

7.5. Overview and Evaluation

After the deadline for submission, the bids are opened, reviewed and evaluated in relation to the conditions of the invitation to bid submission. In the process of examination and evaluation, the Contracting Authority will check:

- The formal compliance of the bid with the terms of this Invitation
- Whether there are reasons for the exclusion of the bids and if the bids meet the requirements of the qualification and criteria for legal and business capacity and professional ability,
- The fulfilment of conditions related to the subject of the procurement and technical specifications, and meet other requirements, conditions and criteria stated in this invitation to bid submission,
- The evaluation of the bid based on the previously stated criteria for selection (best price-quality ratio).

The review and evaluation of bids are made by an outside company subcontracted for the preparation and implementation of the procurement procedures - SIGA, obrt za intelektualne i poslovne usluge, Trtni 104a, 51216 Viškovo, Croatia.

7.6. Deadline for the decision about the selection / cancellation

The Contracting Authority will make a decision about the selection or decision about cancellation upon the completion of the review and assessment of the bids, and inform all Bidders without delay in writing by sending an e-mail notification to the email address specified in the Bid Form.

The Contracting Authority shall cancel the procurement procedure if:

- no bid has been received,
- the received bids are not valid.

The Contracting Authority may cancel the procurement procedure if:

- the price of the most favourable bid is greater than the available funds,

- during the proceeding the invitation to bid submission was flawed and as such will not result in an efficient contract,
- new significant circumstances occurred related to the project for which the procurement is carried out.

7.7. Conclusion of the contract

A Service Procurement contract will be concluded with the selected bidder not later than 30 (thirty) days from the day of execution of the selection decision. The decision about the Bidder selection becomes executable on the day of its publication in the media - Internet sites. The proposal of the contract is in Annex 9. of this invitation to bid submission. It is considered that the Bidder submitting the bid accepts all the conditions of the contract proposal.

After the enforceability of the decision about the selection of the Bidder, the Contracting Authority will send the contract proposal to the selected Bidder for signing. The Bidder is obliged to sign the contract proposal within 15 (fifteen) days of the receipt of the contract and return it to the Contracting Authority. If within 15 (fifteen) days after receipt of the contract proposals, the Bidder fails to deliver the signed contract or not justify its failure to do so (where justified reason is considered only non-compliance of contractual clauses with the terms of this invitation to bid submission), the Contracting Authority shall consider that the selected Bidder has withdrawn their bid.

The essential elements of the contract include: the procurement subject, the place and time of delivery, the immutability of the agreed price, the details of subcontractors (if applicable), the method and terms of payment, performance guarantee for the fulfilment of the contract, contractual penalty.

If the selected Bidder does not perform the service according to the contracted delivery terms, the Contracting Authority will calculate a contractual penalty for the delay to the amount of 5‰ (five per mille) of the contracted value (excluding VAT) for each day of the delay up to 10% (ten percent) of the total contract value (excluding VAT). Payment of the penalty shall not affect the obligation to perform the contract of the selected economic operator.

The Contracting Authority will control whether the execution of the procurement contract is being implemented in accordance with the terms of this invitation to bid submission and the selected bid.

The provisions of Croatian law about the regulating of civil obligations will apply to the fulfilment of the procurement contract.

The Bidder is required to begin the execution of the contract immediately after the signing of the contract by priority and needs of the Contracting Authority.

7.8. Possibility to change the contract

Modification of the contract is possible only in the event of circumstances that the Contracting Authority or the selected Bidder could not have foreseen when concluding the contract and only in relation to the technical specifications of the procurement subject. Amendments to the contract accordingly may include only minor changes to the technical specifications of the procurement subject, in order to coordinate them with the new circumstances.

The duration of the contract cannot be extended except in cases of force majeure, while the contracted price as well as the overall nature of the contract itself cannot be changed. Amendments to the contract are possible

only by presentation of the reasons for the need for amendment and with the express written consent of the Contracting Authority.

Prilozi:

1. Annex 1. Bid Form
2. Annex 2. Bill of Quantity
3. Annex 3. Project assignment
4. Annex 4. Statement about the absence of reasons for mandatory exclusion
5. Annex 5. Statement of compliance with the terms of legal and business capability
6. Annex 6. List of executed services
7. Annex 7. Statement of professional capacities
8. Annex 7a. Statement on the transfer of resources
9. Annex 8. CV forms for experts
10. Annex 9. Contract proposal
11. Annex 10. Statement on compliance with required minimal technical characteristics