



*JP "Srbijagas" Novi Sad,  
12 Narodnog fronta St.*

## **BIDDING DOCUMENTATION**

<b>Subject:</b>	<b>Platts and Thomson Reuters data base services</b>
<b>Public procurement number:</b>	<b>U-153/2019-VP</b>
<b>Type of procedure:</b>	<b>Negotiated procedure without publishing the invitation for submission of bids</b>

**Bid submission deadline: November 4<sup>th</sup> , 2019 until 12:00 CET**

**Time of the bid opening procedure: November 4<sup>th</sup> , until 12:15 CET**

**October 2019.**

Pursuant to Article 36, Paragraph 1 Item 2) and Article 61 of the Public Procurement Law („Of. Gazette of the Republic of Serbia” no. 124/2012, 14/2015 and 68/2015 - hereinafter: *The Law*), Article 5 of the Rule book on mandatory elements of the bidding documentation in public procurement procedures and manner of providing proof of eligibility („Of. Gazette of RS” no. 86/2015 and 41/19), Opinion of the Public Procurement Office, no: 404-02-3086/19 dated July 10th, 2019, Decision on initiation of the public procurement procedure, no: 01-01/3568 dated September 16th, 2019 and Resolution on Formation of the Public Procurement Committee, no: 01-01/3568/1 dated September 16<sup>th</sup>,2019, we have prepared the following:

**BIDDING DOCUMENTATION**  
**in negotiated procedure without publishing the invitation for submission**  
**of bids for public procurement of services -**  
**Platts and Thomson Reuters online data base**  
**PP no. U-153/2019-VP**

The Bidding documentation includes:

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## ***I GENERAL PUBLIC PROCUREMENT INFORMATION***

### **1. Information on the Ordering Party**

Ordering Party: Public company „Srbijagas“ Novi Sad  
Address: 21000 Novi Sad, 12 Narodnog fronta St.  
Web page: [www.srbijagas.com](http://www.srbijagas.com)

### **2. Type of public procurement procedure and application reasoning**

The public procurement in subject is conducted in the negotiated procedure without publishing the invitation for submission of bids in accordance with Article 36, Paragraph 1, Item 2) of the Law and bylaws that regulate public procurements, and according to the previously received opinion of the Public Procurement Office number 404-02-3086/19 dated July 10<sup>th</sup> 2019. The procurement in subject has been divided into two lots.

Basis for application of the negotiated procedure without publishing the invitation for submission of bids are reasons connected to exclusive rights protection, since the procurement is allowed to be conducted only by the exclusive bidder.

The subject of the public procurement no. U-153/2019-VP the services of access to data bases provided by companies Platts and Thomson Reuters. Taking into consideration that data on reference prices of crude oil and petroleum products used by the Ordering Party are provided only by the company Platts through the platform developed by the company Thomson Reuters, the Ordering Party has initiated a negotiated procedure without publishing the public invitation in accordance with Article 36, Paragraph 1, Item 2) of the Law.

### **3. Purpose of the procedure**

The public procurement procedure is conducted for the purpose of conclusion of public procurement contract for the period of 12 months.

### **4. Contact (person or department)**

Contact person: Vladimir Perovic

E-mail address: [vladimir.perovic@srbijagas.com](mailto:vladimir.perovic@srbijagas.com)

Working hours: on working days of the Ordering Party (Monday-Friday) from 07:30 until 15:30 CET.

## ***II INFORMATION ON THE SUBJECT OF THE PUBLIC PROCUREMENT***

### **1. Subject of the public procurement**

Subject of the public procurement no. U-153/2019-VP is procurement of services of access to data bases i.e. online access to data and information on reference prices of crude oil and petroleum products from the company Platts from the USA and online access to data and information on prices of energy and energy products and ancillary services from the company Thomson Reuters from the USA. The access for both online services will be made through the common platform developed by the company Thomson Reuters. Subject of the public procurement is specified in Item 2 of this Paragraph and in service description of Paragraph 3 of the Bidding documentation.

#### **Name and designation from the general procurement glossary:**

Name from the general procurement glossary: Data base services

Designation from the general procurement glossary: 72320000

### **2. Lots**

The subject of the public procurement is divided into two lots. Namely:

#### **Lot 1:**

Procurement of online access to data and information on reference prices of crude oil and petroleum products for 3 users (Platts Market Data Petroleum Package) including access to historical data.

Name from the general procurement glossary: Data base services

Designation from the general procurement glossary: 72320000

#### **Lot 2:**

Procurement of online access to data and information on the prices of energy and energy products and ancillary services for 3 users (Thomson Reuters EIKON for commodities monitor).

Name from the general procurement glossary: Data base services

Designation from the general procurement glossary: 72320000

### ***III TYPE, DESCRIPTION OF SERVICES, DEADLINE AND PLACE OF EXECUTION OF SERVICES, POSSIBLE ADDITIONAL SERVICE AND ETC.***

#### **Lot 1**

Procurement of online access to data and information on reference prices of crude oil and petroleum products for 3 users (Platts Market Data Petroleum Package) including access to historical data.

#### **Lot 2**

Procurement of online access to data and information on the prices of energy and energy products and ancillary services for 3 users (Thomson Reuters EIKON for commodities monitor).

#### **Description of services**

**Lot 1** includes access to daily data on reference prices of oil and petroleum products at different world markets (Mediterranean, Northwest Europe, Middle East, North America, etc.)

**Lot 2** among access to data on prices of different types of energy and energy products also includes:

- Estimations of oil price fluctuations in the following three years (Reuters Poll);
- Level of refining margins;
- Statistical data of energy institutions: OPEC, EIA, API, IEA as well as Euroilstock report on energy products reserves in Europe;
- The prices of biofuel at the world market (Reuters benchmarking), prices of components for production of biofuel at the market, manufacturer's margins, fees for biofuel, etc.

In addition to mentioned data, the Reuters commodity also gives an insight into trade (prices), as well as statistical data related to electricity, coal and precious metals, and Reuters Energy News that gives daily information on the most important events and news from energy sector, and also other daily political developments.

#### **Common requirements for both lots:**

##### **1. Deadline and place of execution of service**

The services will be executed on a daily basis, in continuity, from the day of contract signing by both Parties until the expiration of the contracted term.

The place of execution of the service are the premises of the Ordering Party in Novi Sad, at the address 12 Narodnog fronta St.

##### **2. The period of service execution**

Services will be used from the day of contract conclusion for the period of 12 months.

#### ***IV CONDITIONS FOR PARTICIPATING IN THE PUBLIC PROCUREMENT PROCEDURE FROM ART. 75. OF THE LAW AND INSTRUCTIONS ON PROVING ELIGIBILITY***

##### ***1. CONDITIONS FOR PARTICIPATING IN THE PUBLIC PROCUREMENT PROCEDURE FROM ART. 75. OF THE LAW***

The right to participate in the public procurement procedure has a Bidder, which fulfills **mandatory conditions** for participation in public procurement procedure stipulated in art. 75. of the Law. Namely:

- 1) The Bidder is registered with the competent authority, i.e. inscribed in the appropriate register (*Article 75, Paragraph 1, Item 1) of the Law*);
- 2) The Bidder and his legal representative have not been convicted of a felony as a member of the organized criminal group, have not been convicted of a felony against commercial entities, a felony against environment, a felony of receiving or giving bribe, and of a fraud (*Article 75, Paragraph 1, Item 2) of the Law*);
- 3) The Bidder settled up all due taxes, contributions and other public duties in accordance with regulations of the Republic of Serbia or of the foreign country when having its seat at the territory of that country (*Article 75, Paragraph 1, Item 4) of the Law*);
- 4) A Bidder is obliged to explicitly specify that it has complied with all obligations arising from regulations in effect on safety at work, employment and working conditions, environment protection and not to have court or administrative measure prohibiting activities, being in effect at the time of submission of the bid (*Article 75, Paragraph 2 of the Law*).

##### ***2. INSTRUCTIONS ON PROVING ELIGIBILITY ACCORDING TO CONDITIONS FROM ART. 75. OF THE LAW***

The fulfillment of **mandatory conditions** for participating in public procurement procedure in subject, the Bidder proves by submitting the following evidence:

- 1) Condition from Article 75, Paragraph 1, Item 1) of the Law - **Evidence:** Excerpt from the register or Business Register Agency, i.e. excerpt from the register of the competent Commercial Court
- 2) Condition from Article 75, Paragraph 1, Item 2) of the Law - **Evidence:** Legal entities: 1) Excerpt from penal records, i.e. certificate from the Basic and Higher Court, at the territory of which the domestic legal entity has its seat, i.e. seat of representative office or branch of the foreign legal entity, by which it is confirmed that the legal entity has not been convicted for felonies against commercial companies, felonies against environment, felonies of receiving or giving bribe, felonies of fraud (*Note: If, according to its authorizations, the Basic Court issues certificates for felonies from the Higher Court's competence as well, then it is not required to submit a separate certificate from the Higher Court*); 2) Excerpt from penal records of Special department for organized crime of the Higher Court in Belgrade, by which it

is confirmed that the legal entity has not been convicted for an organized crime felony; 3) Excerpt from penal records, i.e. certificate from competent police administration of Ministry of Internal Affairs, by which it is confirmed that the bidder's legal representative has not been convicted for felonies against commercial companies, felonies against environment, felonies of receiving and giving bribe, felonies of fraud and any of the organized crime felonies (*a request could be submitted according to a place of birth or according to a place of legal representative's residence*). If a Bidder has several legal representatives he must submit the evidence for each of them.

**The evidence cannot be older than two months before bid opening procedure.**

- 3) Condition from Article 75, Paragraph 1, Item 3) of the Law - **Evidence:** Certificate of Tax Administration of the Ministry of Finance that it has settled up all due taxes and contributions and certificate of the competent administration of the local self-government that it has settled up all obligations in terms of primary public revenues **or** certificate of the Privatization Agency that a Bidder is in the process of privatization.

**The evidence cannot be older than two months before opening of bids;**

- 4) Condition from Article 75, Paragraph 2 of the Law - **Evidence:** Signed Form of statement (Paragraph VI – Form no.5). The statement must be signed by the authorized bidder's representative and possibly sealed.

A Bidder may submit the listed evidence on eligibility in the form of uncertified copies, and prior to the decision on awarding the contract, the Ordering Party may request from the Bidder to provide originals or certified copies of any or all evidences on eligibility for review.

If within a given and an appropriate deadline, which may not be less than 5 (five) days, the Bidder fails to provide the originals or certified copies of the requested evidences for review, the Ordering Party will reject its Bid as unacceptable.

Bidders are not obliged to submit evidences for review being publicly available on the websites of competent authorities.

At submitting a Bid or application, Bidders entered into the Bidders registry are not obliged to prove the fulfillment of mandatory conditions from Article 75, Paragraph 1, Items 1), 2) and 4) of the Law if the Bidder specifies the website on which the information required by the conditions is publicly available, and the other requested evidence must be submitted in the Bid.

If the evidence on eligibility is an electronic document, the Bidder shall submit a copy of the electronic document in written form, in accordance with the Law governing the electronic document, unless the Bidder is submitting an electronic Bid, in which case the evidence is submitted in its original electronic form.

**If the country in which the Bidder has its head office, does not issue the requested evidences, the Bidder may submit a written statement, instead of evidences, given under criminal and substantive liability, certified before the court or administrative authority, notary public or other competent body of that country.**

If the Bidder has its head office in a different country, the Ordering Party may check whether the documents proving the Bidder's eligibility were issued by the competent authority of that country.

The Bidder shall promptly notify the Ordering Party, in writing, of any change in relation to fulfillment of conditions from the public procurement procedure, provided it occurs before the decision, i.e. before the contract conclusion, or during the term of the contract and document it in a stipulated manner.

## ***V TYPE OF CRITERION FOR CONTRACT AWARD AND CONTRACT ELEMENTS TO BE NEGOTIATED AND MANNER OF NEGOTIATION***

### **5.1. Criterion for contract award**

The selection of the most favourable bid for both lots shall be made by applying the criterion „**The lowest offered price**“.

### **5.2. Elements to be negotiated**

The following contract elements will be negotiated: total bid price for the period of 12 months from the day of contract conclusion and deadline for payment.

### **5.3. Manner of negotiation:**

The negotiation procedure shall start immediately after bid opening directly with an authorized representative of the Bidder who submitted the bid. The negotiation procedure will be performed for each lot and separately on each element from the contract stated in the previous point 5.2.

Prior to commencement of the negotiation procedure the Bidder's representative must hand in to the Committee a special written authorization for negotiation (for being allowed to take any actions in the negotiation procedure of the public procurement in subject for and on behalf of the Bidder), sealed and signed by the Bidder's legal representative.

Negotiation procedure will have 1 (one) round in which a Bidder participating in the negotiation procedure must declare and give its final price, as well as the final deadline for payment.

If the authorized representative of the bidder is not present at the negotiation procedure, his final price shall be considered to be the one stated in the submitted bid.

Furthermore, in such case, the final deadline for payment shall be considered to be the one stated in the submitted bid.

During the negotiation procedure a price higher than the price provided in the bid may not be offered. The Ordering Party is obliged to provide that in the negotiation procedure a contracted price is not higher than the comparable market price and to check the quality of the procurement subject with due care.

In accordance with article 36, Paragraph 9 of the Law the Ordering Party is obliged to take minutes on the negotiation procedure, who will, after signing and stamping, hand over to the present representative of the bidder or send it to the address of the bidder, if he / she does not attend the negotiation procedure.



## ***VI FORMS BEING THE INTEGRAL PART OF THE BID***

- 1. Bid form (Form no. 1)**
- 2. Bid price structure form with instructions for filling out (Form no. 2)**
- 3. Bid preparation expenses form (Form no.3)**
- 4. Statement on independent bid form (Form no.4)**
- 5. Statement of compliance with Obligations from Art. 75 P.2 of the Law (Form no.5)**

**BID FORM**  
**for public procurement no. U-153/2019-VP for lot 1.**

Bid no. \_\_\_\_\_ dated \_\_\_\_\_ for procurement of online access to data and information on reference prices of crude oil and petroleum products for 3 users (Platts Market Data Petroleum Package including access to historical data).

***1)GENERAL DATA ON BIDDER***

Bidder's name:	
Bidder's address:	
Bidder's registry number :	
Tax Identification Number (TIN):	
Name of the contact person:	
Bidder's e-mail address:	
Telephone:	
Fax:	
Web pages containing publicly available information requested under conditions for participation in the public procurement procedure	
Bidder's account number and bank name:	
Person authorized for signing of the contract	
I submit the bid independently	

**2) DESCRIPTION OF THE SUBJECT OF THE PROCUREMENT** – Service of access to data related to reference price of crude oil and petroleum products on a specific day for 3 users (Platts Market Data Petroleum Package including access to historical data).

Total price excluding VAT for the period of 12 months (state the amount)	_____ USD
Total price including VAT for the period of 12 months (state the amount). VAT rate amounts to 20%	_____ USD
Deadline and manner of payment (condition: not shorter than 15 and not longer than 45 days from the date of issue of the invoice)	Deadline for payment is ____ days from the date of the invoice
Bid validity period (at least 30 days)	Bid validity period is _____ days from the day of bid opening
Deadline and place of service execution (circle the option)	In accordance with conditions from the Bidding Documentation  YES/NO

Date

Signature of Bidder's authorized person

1

**Notes:**

*A Bidder must fill out, sign and possibly seal the Bid form, by which it certifies that the information stated in the Bid is true.*

**BID FORM**  
**for public procurement no. U-153/2019-VP for lot 2.**

Bid no. \_\_\_\_\_ dated \_\_\_\_\_ for procurement of online access to data and information on the prices of energy and energy products and ancillary services for 3 users (Thomson Reuters EIKON for commodities monitor)

***1) GENERAL DATA ON BIDDER***

Bidder's name:	
Bidder's address:	
Bidder's registry number:	
Tax Identification Number (TIN):	
Name of the contact person:	
Bidder's e-mail address:	
Telephone:	
Fax:	
Web pages containing publicly available information requested under conditions for participation in the public procurement procedure	
Bidder's account number and bank name:	
Person authorized for signing of the contract	
I submit the bid independently	

**2) DESCRIPTION OF THE SUBJECT OF THE PROCUREMENT** – Procurement of online access to data and information on the prices of energy and energy products and ancillary services for 3 users (Thomson Reuters EIKON for commodities monitor)

Total price excluding VAT for the period of 12 months (state the amount)	_____ EUR
Total price including VAT for the period of 12 months (state the amount) VAT rate amounts to 20%	_____ EUR
Deadline and manner of payment (condition: not shorter than 15 and not longer than 45 days from the date of issue of the invoice)	Deadline for payment is ____ days from the date of the invoice
Bid validity period (at least 30 days)	Bid validity period is _____ days from the day of bid opening
Deadline and place of service execution (circle the option)	In accordance with conditions from the Bidding Documentation  YES/NO

Date

Signature of Bidder's authorized person

**Notes:**

*A Bidder must fill out, sign and possibly seal the Bid form, by which it certifies that the information stated in the Bid is true.*

**BID PRICE STRUCTURE FORM WITH INSTRUCTIONS FOR FILLING IT OUT****Lot 1**

Procurement of online access to data and information on reference prices of crude oil and petroleum products for 3 users (Platts Market Data Petroleum Package including of access to historical data).

The price is to be expressed in American dollars (USD).

No.	Subject of public procurment	Online access to data and information on reference prices of crude oil and petroleum products for 3 users (Platts Market Data Petroleum Package) for the period of 12 months
1.	Unit (monthly) price excluding VAT	
2.	Contracted period	12 months
3.	VAT rate	20%
4.	Unit (monthly) price including VAT	
5.	Total price excluding VAT for the period of 12 months	
6.	Total price including VAT for the period of 12 months	

**Instructions for filling out the price structure form:**

- In row 1 enter the unit (monthly) price excluding VAT for the subject of the public procurement in USD;
- In row 2 is entered contracted period of 12 months
- In row 3 is entered the amount of VAT rate in percentage;
- In row 4 enter unit monthly price including VAT for the subject of the public procurement in USD;
- In row 5 enter the total price of the subject of procurement excluding VAT for the period of 12 months in USD;
- In row 6 enter total price including VAT for the period of 12 months in USD.

For the calculation into dinars the total price expressed excluding VAT should be taken, according to the instruction from the Bidding Documentation.

Date:

Signature of Bidder's  
authorized person

**BID PRICE STRUCTURE FORM WITH INSTRUCTIONS FOR FILLING IT OUT****Lot 2**

**Procurement** of online access to data and information on the prices of energy and energy products and ancillary services for 3 users (Thomson Reuters EIKON for commodities monitor)

The price is to be expressed in Euros (EUR).

No.	Subject of public procurement	Procurement of online access to data and information on reference prices of energy and energy products and ancillary services for 3 users (Thomas Reuters EIKON for commodities monitor) for the period of 12 months
1.	Unit (monthly) price excluding VAT	
2.	Contracted period	12 months
3.	VAT rate	20%
4.	Unit (monthly) price including VAT	
5.	Total price excluding VAT for the period of 12 months	
6.	Total price including VAT for the period of 12 months	

**Instructions for filling out the price structure form:**

- In row 1 enter the unit (monthly) price excluding VAT for the subject of the public procurement in EUR;
- In row 2 is entered contracted period of 12 months;
- In row 3 is entered the amount of VAT rate in percentage;
- In row 4 enter unit monthly price including VAT for the subject of the public procurement in EUR;
- In row 5 enter the total price of the subject of procurement excluding VAT for the period of 12 months in EUR;
- In row 6 enter total price including VAT for the period of 12 months in EUR.

For the calculation into dinars the total price expressed excluding VAT should be taken, according to the instruction from the Bidding Documentation.

Date:

Signature of Bidder's  
authorized person

**BID PREPARATION EXPENSES FORM**

Pursuant to Article 88, Paragraph 1 of the Law, Bidder \_\_\_\_\_ [fill out the name of the Bidder], gives the total amount and breakdown of expenses for bid preparation, as it follows in the table:

<b><i>TYPE OF EXPENSES</i></b>	<b><i>AMOUNT OF EXPENSE</i></b>
<b><i>TOTAL AMOUNT OF BID PREPARATION EXPENSES</i></b>	

Expenses for preparation and submission of Bid shall be borne exclusively by a Bidder and a Bidder cannot ask for refund of expenses from the Ordering Party.

If a public procurement procedure is suspended for reasons on the part of the Ordering Party, the Ordering Party is obliged to reimburse the expenses of obtaining the collaterals, provided that a Bidder requested for a refund of such expenses in its Bid.

**Note:** submission of this form is not mandatory.

Date:

Signature of Bidder's  
authorized person

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**STATEMENT ON INDEPENDENT BID FORM**

Pursuant to article 26 of the Law, \_\_\_\_\_,  
(Bidder's name)

gives:

**STATEMENT**

**ON INDEPENDENT BID**

Under full substantive and criminal liability I hereby confirm that in a procedure of public procurement of service - **Platts and Thomson Reuters data base service**, no. U-153/2019-VP for lot \_\_ I have submitted a Bid independently, without agreements with other Bidders or interested persons.

Date:

Signature of Bidder's  
authorized person

\_\_\_\_\_  
\_\_\_\_\_  
***Note:** In case of a reasonable doubt as to the truthfulness of the statement on independent Bid, the Ordering Party shall immediately notify the organization responsible for protection of competition. The organization responsible for protection of competition may impose to the Bidder or interested party the measure of prohibition to participate in the public procurement procedure if it determines that the Bidder, i.e. interested party violated competition in the public procurement procedure in terms of the law governing the protection of competition. A measure of prohibition to participate in public procurement procedure can last up to two years. Violation of competition represents a negative reference in terms of Article 82, Paragraph 1 Item 2 of the Law.*

Form no. 5

**FORM: STATEMENT ON COMPLIANCE WITH OBLIGATIONS FROM ART. 75 P.  
2 OF THE LAW**

With reference to Article 75 Paragraph 2 of the Public Procurement Law of Republic of Serbia, as a representative of the Bidder I give the following

**STATEMENT ON COMPLIANCE WITH REGULATIONS**

Bidder \_\_\_\_\_ *[fill out the name of the Bidder]* in a procedure of public procurement of service - **Platts and Thomson Reuters data base services**, no. U-153/2019-VP, for lot \_\_\_\_ has complied with the obligations arising from regulations in effect on safety at work, employment and working conditions, environment protection, and it has no court or administrative measure prohibiting activities, being in effect at the time of submission of the bid.

Date

Signature of Bidder's authorized person

\_\_\_\_\_

Seal

\_\_\_\_\_

## ***VII INSTRUCTIONS TO BIDDERS ON BID PREPARATION***

**Instructions are uniform and apply to the both lots.**

### ***1. INFORMATION ON LANGUAGE IN WHICH THE BID MUST BE PREPARED***

The Bidding Documentation is prepared in Serbian and in English language. A Bidder is to submit the bid in Serbian language or English language. The Ordering Party allows for a bid in full (forms, statements, documentation) to be submitted in English language.

In case of a dispute the version of the Bidding Documentation and Bid, Serbian language shall the prevailing version.

### ***2. MANNER IN WHICH THE BID MUST BE PREPARED***

For preparation of the Bid, the Bidder fills out the requested information on the forms being the integral part of the bidding documentation. for the Lot that Bidder is bidding.

In manner of requests for Lot that is bid, The Bid must include:

- Evidence on eligibility according to mandatory conditions from Article 75 of the Public Procurement Law pursuant to Instructions on proving eligibility
- Bid form (to be filled out, signed by the Bidder)
- Offered Price Structure Form with instructions on how to fill it out (to be filled out, signed and possibly sealed by the Bidder)
- Statement on Independent Bid (to be filled out, signed by the Bidder)
- Bid Preparation Expenses Form (if there are any)
- Form of Statement on compliance with obligations from Article 75, Paragraph 2 of the Law (to be filled out, signed by the Bidder)
- Contract Model (a Bidder is to submit in the bid **its own Contract Model**, which must be in accordance with the bid)

### ***3. MANNER IN WHICH THE BID MUST BE SUBMITTED***

The Bidder shall submit the Bid in person or by mail in a closed envelope or box, closed so as to guarantee that it is being opened for the first time during Bid opening.

On the back side of the envelope or box specify the name and the address of the Bidder.

The bid shall be delivered to the following address:

JP „Srbijagas“ Novi Sad,  
21 000 Novi Sad, Narodnog fronta 12,  
VII sprat, krilo E, kancelarija 11  
Republika Srbija

with inscription:

**„Ponuda za javnu nabavku – Usluge baze podataka Platts and Thomson Reuters za  
partiju br. \_\_,  
JN br. U-153/2019-VP – NE OTVARATI”.**

**(„Bid for public procurement – Platts and Thomson Reuters data base services for  
Lot no. \_\_,  
PP no. U-153/2019-VP – DO NOT OPEN”)**

The Bid shall be considered timely if received by the Ordering Party until **November 4<sup>th</sup> , 2019 no later than 12:00 CET.**

Bid opening shall be held in the premises of the Ordering Party at the address 12 Narodnog fronta St. on the same day at 12:15 CET.

After receiving a particular Bid, the Ordering Party shall mark on the envelope, i.e. box containing the Bid, the time of receipt, number and date of the Bid according to the order of arrival. If the Bid is submitted in person, the Ordering Party shall provide the Bidder with a confirmation of the Bid receipt upon the Bidder's request. In the receipt confirmation the Ordering Party shall state the date and hour of Bid receipt.

The Bid that was not received by the Ordering Party within the deadline set for Bid submission, that is, the Bid that was received after the date and time set for Bid submission, shall be considered as untimely.

#### ***4. BID WITH ALTERATIONS***

Bid submission with alterations is not permitted.

#### ***5. MANNER OF AMENDING, CHANGING AND WITHDRAWAL OF BID***

Within a given deadline for Bid submission the Bidder may change, amend or withdraw the Bid in a manner prescribed for Bid submission.

The Bidder is obliged to clearly state the portion of the Bid that is changed or which documents are additionally submitted.

Change, amendment or withdrawal should be delivered to the address: JP „Srbijagas“ Novi Sad, Narodnog fronta 12, VII sprat, krilo E, kancelarija 11, Republic of Serbia (JP „Srbijagas“ Novi Sad, 12 Narodnog fronta St., VII floor, Wing E, office no. 11) with the following inscription:

**„Izmena ponude za javnu nabavku Usluge pristupa bazama podataka Platts i Thomson Reuters, za partiju br. \_\_ JN br. U-153/2019-VP – NE OTVARATI”**

**(„Change of Bid for public procurement of Service of access to Platts and Thomson Reuters data bases for lot no. \_\_, public procurement no. U-153/2019-VP – DO NOT OPEN”) or**

**„Dopuna ponude za javnu nabavku Usluge pristupa bazama podataka Platts i Thomson Reuters, za partiju br. \_\_ JN br. U-153/2019-VP – NE OTVARATI”**

**(„Amendment of Bid for public procurement of Service of access to Platts and Thomson Reuters data bases for lot no. \_\_, public procurement no. U-153/2019-VP – DO NOT OPEN”) or**

**„Opoziv ponude za javnu nabavku Usluge pristupa bazama podataka Platts i Thomson Reuters, za partiju br. \_\_ JN br. U-153/2019-VP – NE OTVARATI”**

**(„Withdrawal of Bid for public procurement of Service of access to Platts and Thomson Reuters data bases for lot no. \_\_, public procurement no. U-153/2019-VP – DO NOT OPEN”) or**

**„Izmena i dopuna ponude za javnu nabavku Usluge pristupa bazama podataka Platts i Thomson Reuters, za partiju br. \_\_ JN br. U-153/2019-VP – NE OTVARATI”**

(„Change and amendment of Bid for public procurement of Service of access to Platts and Thomson Reuters data bases for lot no. \_\_\_\_, public procurement no. U-153/2019-VP – DO NOT OPEN”).

The name and address of the Bidder should be indicated on the back side of the envelope or box.

Upon expiration of the Bid submission deadline, the Bidder cannot withdraw or change the Bid.

## **6. PARTICIPATION IN A JOINT BID OR AS A SUBCONTRACTOR**

The Bidder is allowed to submit only one Bid.

A Bidder submitting a bid independently cannot participate in a joint bid or as a subcontractor at the same time, nor can the same person participate in several joint bids.

## **7. DEADLINE, METHOD AND CONDITIONS OF PAYMENT, DEADLINE AND PLACE OF EXECUTION OF THE SERVICE, AND OTHER CIRCUMSTANCES THAT HAVE AN IMPACT ON ELIGIBILITY OF A BID**

Stated requests refer to both lots.

### **7.1. Requests related to method, deadline and conditions of payment.**

Deadline for payment must not be less than 15 nor longer than 45 days from the date of invoice for the service in subject.

The payment deadline agreed during the negotiation procedure shall be considered as a final element of the contract.

The payment will be executed by payment to the current account of a Bidder stated in the contract and/or invoice.

Requesting advance payment by a Bidder is not permitted.

### **7.2. Deadline and place of service execution**

The services shall be executed on a daily basis, in continuity, from the day of contract signing by the both Parties until the expiration of the contracted terms.

Place of service execution are the premises of the Ordering Party in Novi Sad, at the address Narodnog fronta 12.

### **7.3. Requirements for bid validity period**

Bid validity period cannot be shorter than 30 days from the day of bid opening.

In case of expiration of bid validity period, the Ordering Party shall ask in writing for the extension of bid validity period from a Bidder.

If a Bidder accepts a request for extension of bid validity period he cannot change its the bid.

## **8. CURRENCY AND MANNER OF SPECIFYING AND EXPRESSING THE BID PRICE**

Prices in the bid (both unit and total) must be fixed, with all included bidder's expenses a bidder has in the execution of the public procurement in subject, except for the value added tax (hereinafter: VAT).

For **Lot 1** the price is to be expressed and paid in USD.

For **Lot 2** the price is to be expressed and paid in EUR.

During a review of bids for both lots, the Ordering party shall use appropriate mean exchange rate of the National Bank of Serbia on the day of commencement of the bid opening for calculation into dinars.

If the Bid gives an unusually low price, the Ordering Party shall act in accordance with Article 92 of the Law.

The price agreed during the negotiation procedure shall be determined as a final element of the contract.

## **9. PROTECTION OF DATA CONFIDENTIALITY PROVIDED BY THE ORDERING PARTY TO THE BIDDERS, INCLUDING THEIR SUBCONTRACTORS**

The Ordering Party shall keep confidential all information contained in a bid which the bidder marked as „Trade Secret“ indicating the acts by which such information was identified as confidential.

## **10. ADDITIONAL INFORMATION OR CLARIFICATIONS WITH REGARDS TO BID PREPARATION**

An interested person can request from the Ordering Party, in writing by mail to the Ordering Party's address or to the e-mail address *e-mail vladimir.perovic@srbijagas.com*, during working hours of the Ordering Party (Monday-Friday from 07:30 to 15:30 CET), for additional information or clarifications related to Bid preparation, 5 (five) days prior to expiration of the bid submission deadline at the latest, and it can also indicate to the Ordering Party possible deficiencies and irregularities that he has identified in the Bidding Documentation.

Within 3 (three) days from the day of receipt of the request for additional information or clarifications of the Bidding Documentation, the Ordering Party shall publish the reply on Public Procurement Portal and on its website.

Additional information and clarifications are to be sent with a note „Request for additional information or clarifications of the Bidding Documentation **PP no. U-153/2019-VP**”.

If the Ordering Party changes or amends the Bidding Documentation in 8 (eight) days or less prior to expiration of the deadline for submission of bids, he is obliged to extend the deadline for submission of bids and publish a notification on extension of the deadline for submission of bids.

After expiration of the deadline for submission of Bids the Ordering Party cannot change nor supplement Bidding Documentation.

Requesting additional information or clarifications related to Bid preparation by telephone is not allowed.

The communication in the public procurement procedure shall be made exclusively in a manner stipulated in Article 20 of the Law and:

- by e-mail or mail, as well as by the procuring entity's publication on the Public Procurement Portal and on its website;
- if the procurement document was submitted by the contracting authority or the tenderer by e-mail, the party that made the delivery shall require the other party to confirm the receipt of that document in the same way, which the other party is obliged to do so when necessary as proof that delivery has been made

## **11. ADDITIONAL CLARIFICATIONS FROM THE BIDDER AFTER BID OPENING AND CONTROL AT BIDDER'S PREMISES**

After bid opening and during expert assessment of Bids the Ordering Party can request in writing from the Bidder additional clarifications which would help during review and valuation of the bid.

If the Ordering Party estimates that it needs additional clarifications, the Ordering Party shall leave a suitable deadline for the Bidder to act according to Ordering Party's invitation.

With an agreement from the Bidder the Ordering Party can correct calculation mistakes found during consideration of the Bid after the Bid opening procedure.

In case of a difference between unit and total price, unit price will be the prevailing one.

If the Bidder does not agree with correction of calculation mistakes, the Ordering Party shall reject its Bid as unacceptable.

## **12. PATENT USAGE AND RESPONSIBILITY FOR VIOLATION OF PROTECTED THIRD PARTY INTELLECTUAL PROPERTY RIGHTS**

Patent royalties, as well as responsibility for violation of protected third party intellectual property rights, shall be born by a Bidder.

## **13. MANNER AND DEADLINE FOR SUBMISSION OF REQUESTS FOR BIDDERS' RIGHTS PROTECTION WITH DETAILED INSTRUCTIONS ON COMPLETE REQUEST CONTENTS**

Request for protection of rights may be submitted by a Bidder, i.e. every interested person who has an interest in contract award in specific public procurement procedure and who sustained or could sustain damage caused by actions of the Ordering Party contrary to provisions of the Public Procurement Law.

Request for protection of rights is to be submitted to the Ordering Party, and at the same time its copy is to be filed to the Republic Commission for the Protection of Rights in Public Procurement Procedures of RS (in further text: Republic Commission). The request for protection of rights is to be submitted directly to the Ordering Party, by e-mail to [vladimir.perovic@srbijagas.com](mailto:vladimir.perovic@srbijagas.com), or by registered mail with redelivery note to the address of the Ordering Party during working hours of the Ordering Party (Monday to Friday from 07:30 to 15:30).

The request for protection of rights may be submitted during the entire public procurement procedure, against every action of the Ordering Party, unless otherwise determined by the Law. The Ordering Party will publish a notification about submitted request on the Public procurement portal and its web page, within 2 (two) days from the day of receipt of the request at the latest.



If a request for protection of rights disputes a type of procedure, the contents of the Bidding Documentation, the request shall be considered as timely if it is received by the Ordering Party 7 (seven) days prior to the expiration of the deadline for submission of Bids at the latest, regardless of the manner of delivery, and if, according to Article 63, Paragraph 2 of the Law the claimant of the request indicated to the Ordering Party possible deficiencies and irregularities and the Ordering Party did not remove them. A request for protection of rights, which questions actions taken by the Ordering Party prior to expiration of the deadline for submission of bids, and after expiration of the deadline from Article 149, Paragraph 3 of the Law, shall be considered as timely if submitted until expiration of the deadline for submission of bids at the latest.

The provisions of the preceding paragraph shall not apply if the applicant or a related person did not participate in the procedure of this public procurement

The request for protection of rights does not hold further activities of the Ordering Party in the public procurement procedure in accordance with provisions of Article 150 of the Law.

After a decision on contract award or a decision on suspension of public procurement procedure is made, the deadline for submission of request for protection of rights is 10 (ten) days from the day of publishing of the decision on the Public Procurement Portal.

The request for protection of rights cannot dispute actions of the Ordering Party taken during public procurement procedure if a claimant of the request was aware or could have been aware of the reasons for its submission prior to expiration of the deadline for submission of requests from Paragraph 3 and 4 of Article 149 of the Law, and the claimant of the request did not submit it prior to expiration of that deadline.

If in the same public procurement procedure a request for protection of rights was submitted again by the same claimant, that request cannot dispute actions of the Ordering Party for which the claimant of the request knew or could have known during submission of the previous request.

The request for the protection of rights must contain:

- 1) name and address of claimant and contact person;
- 2) name and address of contracting authority;
- 3) information on public procurement that is the subject of the request, or on decision of the contracting authority;
- 4) violations of legislation regulating public procurement procedure;
- 5) facts and evidence substantiating the violations;
- 6) proof of paid tax referred to in Article 156 of this Law;
- 7) claimant's signature.

Valid proof of the executed tax payment – as per the Instructions on the payment of tax for submitting request for the protection of rights (issued by the Republic Commission posted on its webpage) – in accordance with Article 151, paragraph 1, item 6) of the Law shall be:

**1) Proof of paid fee from Article 156 of Law which contains the following elements:**

- (1) is issued by the bank and has the stamp of the bank;
- (2) presents evidence that the fee is paid, meaning the confirmation must contain the information that the payment order, i.e. wire transfer order has been completed as well as date on which it has been completed.\* Republic Commission can inspect relevant statements of evidence account submitted by MoF – Treasury, and thus additionally check whether or not the wire transfer has been completed.



- (3) the amount of the fee to be paid, as prescribed by Article 156 of the Law–RSD 60,000.00;
- (4) the budget account no. 840-30678845-06;
- (5) payment code: 153 or 253;
- (6) reference no.: information on number or other mark of public procurement for which request for protection of rights is submitted;
- (7) the purpose of the payment: request for protection of rights fee; National Bank of Serbia; PPPP  
PP U-153/2019-VP;
- (8) recipient: budget of Republic of Serbia;
- (9) name of the claimant submitting the request for protection of rights to which payment refers;
- (10) contains signature of the authorized person from the bank; **OR**

2) The first copy of **the payment order** verified by signature of the authorized person and stamp of the bank or post office, containing all other elements of proof of completed payment of the fee as stated under Point 1; **OR**

3) **Confirmation issued by Republic of Serbia, Ministry of Finance, Treasury**, verified by signature of the authorized person and stamp containing all the elements of proof of completed payment of the fee as stated under Point 1, except those stated under (1) and (10) for claimants that have open account within consolidated Treasury account, managed by Treasury (beneficiaries of budget, beneficiaries of the assets of organizations for compulsory social security and beneficiaries of other public assets); **OR**

4) **Confirmation issued by National Bank of Serbia**, containing all the elements of proof of completed payment of the fee as stated under Point 1, for claimants (banks and other subjects) that have an account with National Bank of Serbia in accordance with the Law and other regulations.

The procedure of Bidders' rights protection is regulated by the provisions from Articles 148 – 166 of the Law.

## 14. USE OF SEALS

The use of stamps or seals is not necessary when preparing this Bid.