

## GOVERNOR

Public Procurement No: 159/2018

Financial Plan Item: 344281

Pursuant to Article 109, paragraph 1 of the Law on Public Procurement (RS Official Gazette, Nos 124/12, 14/2015 and 68/2015, hereinafter: LPP), Article 45 of the Rulebook on Procurements in the National Bank of Serbia (G. No 1545 of 13 March 2014, G. No 5808 of 4 August 2014, G. No 7575 of 12 October 2015, G. No 9906 of 30 December 2016 and G. No 8246 of 29 September 2017) and Article 18 of the Law on the National Bank of Serbia (RS Official Gazette, Nos 72/2003, 55/2004, 85/2005 – other law, 44/2010, 76/2012, 106/2012, 14/2015, 40/2015 – CC decision and 44/2018), I hereby adopt the following

### **DECISION ON CANCELLING THE PROCEDURE PP 159/2018**

The procedure for the public procurement of goods – Kugler line upgrade, PP 159/2018, is hereby CANCELLED, since the requirements for contract awarding, set out in Article 107, paragraph 3 of the LPP have not been met, i.e. no acceptable bids were received.

### **EXPLANATORY MEMORANDUM**

The public procurement of goods – Kugler line upgrade, PP 159/2018, was launched pursuant to the Decision to Initiate the Public Procurement Procedure G. No 4561 of 6 June 2018, G. No 11080 of 31 December 2018 and G. No 307 of 11 January 2019 (hereinafter: Decision).

Estimated value of the public procurement defined in the Decision is RSD 62,000,000.00 exclusive of VAT.

On 13 December 2018, the Committee established by the Decision G. No 4562 of 15 June 2018 and G. No 10667 of 17 December 2018 (hereinafter: Committee), published the invitation to bid and the Tender Documents on the Public Procurement Portal and the website of the National Bank of Serbia, [www.nbs.rs](http://www.nbs.rs) link Tenders, and the invitation was also published on the Portal of official gazettes of the Republic of Serbia and regulations databases.

The deadline for bid submission specified in the invitation and Tender Documents was 14 January 2019 at 10:30. At the request of the interested person and with a view to providing competition in the procedure in question, the Decision on Extension of the Deadline, G No 10667 of 17 December 2018 was issued and the deadline for bid submission was extended until 31 January 2019 until 10.00 o'clock.

Within the deadline, i.e. 31 January 2019 by 10 o'clock, a bid was received by the BW Papersystems Stuttgart GmbH, Schlosserstr. 15, 72622 Nurtigen, Germany, registration number: HRB 749219, TIN: DE 294947358, whose bid was registered under the number 33 of 24 January 2019 at 12:40, with the total offered price EUR 516,000.00 exclusive of VAT (which amounts to RSD 61,112,305.20 VAT excluded when calculated in dinars under the appropriate middle exchange rate of the NBS on the day of bid opening (1 EUR = 118.4347 RSD)).

Further examination of the bid established that offered goods entirely fulfil the requirements from the technical specification, i.e. that the bid is appropriate.

Having looked at the delivered documents it was established that the bidder did not submit evidence of fulfilment of all conditions from Article 75 and 76 of the LPP.

The bidder did not submit evidence of fulfilment of mandatory requirement for participation in the public procurement procedure – that neither the bidder nor its legal representative have been convicted of any criminal act as members of an organised crime group, nor convicted of a commercial criminal offence, criminal offence against the environment, criminal offence of receiving or offering bribe, or a criminal offence of fraud. Namely, the bidder submitted its written statement saying that its legal representative has not been convicted of any of the said criminal acts, but the statement does not entail the provision saying that it was made assuming full financial and criminal liability, nor has it been certified by the competent body of the country of the head office of the bidder and no evidence has been submitted for the legal person. Additionally, the bidder did not submit evidence of fulfilment of the condition regarding business capacity – i.e. of the fact that the bidder is authorised for sale and maintenance of the offered goods.

Article 3, paragraph 1, item 32) of the LPP defines the appropriate bid as a bid which is timely and which fully meets all the requirements in the Technical Specification.

Article 3, paragraph 1, item 33) of the LPP defines the acceptable bid as a bid which is timely, not rejected by the contracting authority due to essential deficiencies, which is appropriate, which does not restrict or condition either the rights of the contracting authority or the obligations of the bidder, and which does not exceed the amount of the estimated value of the public procurement.

Article 106, paragraph 1, item 1) of the LPP stipulates that the contracting authority shall reject the bid if the bidder fails to prove the fulfilment of mandatory requirements for participation and item 2) if the bidder fails to prove the fulfilment of additional requirements.

Article 107, paragraph 1 of the LPP stipulates that following the examination and evaluation of bids, the contracting authority shall reject all unacceptable bids in the public procurement process.

In view of the above, and under Article 107 of the LPP, the bid of the bidder BW Papersystems Stuttgart GmbH, Schlosserstr. 15, 72622 Nurtigen, Germany, was rejected as unacceptable.

Article 107, paragraph 3 of the LPP prescribes that following the expert assessment of bids and based on the Report of the Committee, the contracting authority makes the decision to award the contract, if it has received at least one acceptable bid.

Article 109, paragraph 1 of the LPP prescribes that the contracting authority makes the decision to cancel the public procurement procedure based on the Report on the expert assessment of bids, if the conditions for contract award have not been met.

Based on the examination and expert assessment of the bid conducted in accordance with the LPP and the Tender Documents, in its Report on the Expert Assessment of Bids (PP 159/2018), registered under No XVII/1-37/17/19 of 2 February 2019, the Committee proposed that the procedure for the public procurement of goods – Kugler line upgrade, PP 159/2018, be concluded by adopting a decision to cancel the public procurement procedure pursuant to Article 109, paragraph 1 of the LPP, because no acceptable bid was received, thus the requirements for contract awarding set out in Article 107, paragraph 3 of the LPP were not met.

In view of the above, the decision was made as stated in the main part of this Decision.

Legal remedy:

Against this decision the bidder may submit a request for the protection of rights to the contracting authority within 10 days of the day it is published on the Public Procurement Portal.

GOVERNOR

Dr Jorgovanka Tabaković

Delivered to:

- Institute for Manufacturing Banknotes and Coins – Topčider,
- Controlling Centre,
- Committee.