



**NATIONAL BANK OF SERBIA
GOVERNOR**

Public Procurement No: 289/2018
Procurement Plan Financial Item: 643232

Pursuant to Article 108 of the Law on Public Procurements (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 dated 13 March 2014, G No 5808 dated 4 August 2014, G No 7575 dated 12 October 2015, G No 9906 dated 30 December 2016 and G No 8246 dated 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 – oth. law, 44/2010, 76/2012, 106/2012 and 14/2015 – the decision of the CC and 44/2018), I hereby make the following

**DECISION
ON CONTRACT AWARD PP 289/2018**

1. In the procedure of the public procurement of services: Payment system software maintenance, PP 289/2018, conducted as negotiated procedure without public Invitation to Bid, pursuant to Article 36, paragraph 1, item 2) of the LPP, the contract is awarded to the bidder CMA Small Systems AB, Hälsingegatan 40, S-113 43 Stockholm, Sweden.
2. Public procurement contract value: EUR 150,880.00 for 13-month period (RSD 17,824,902.84, excluding VAT, calculated using the official middle exchange rate of the National Bank of Serbia valid on the bid opening date: 21 February 2018, EUR 1 = RSD 118.1396).

EXPLANATORY MEMORANDUM

The public procurement of services: Payment system software maintenance, PP 289/2018 was initiated by the Decisions on Initiating the Public Procurement Procedure (G No. 10958 of 27 December 2018 and G No. 226 of 8 January 2019 – hereinafter: the Decision) and conducted as negotiated procedure without public Invitation to Bid.

The reason for the implementation of the negotiated procedure in this particular case is the fact that the company CMA Small Systems AB is the owner of the source code and of the intellectual property over that particular software necessary for the operation of the payment systems, so there is no possibility that any other, third person could execute maintenance, alterations and/or upgrade of the software without previously obtained consent from the firm CMA Small Systems AB.

With this in mind, the Public Procurements Office gave their consent to implementing the negotiated procedure (document No 404-02-5479/17 of 28 December 2018).

The total estimated value of the public procurement stipulated by the Decision is RSD 18,350,000.00 excluding VAT, for 13-month period.

On 12 February 2019, the Notice on initiating the negotiated procedure without public Invitation to Bid and the Tender Documents were posted on the Public Procurement Portal and the website of the National Bank of Serbia, and the Invitation to Bid was sent together with the Tender Documents to the only bidder CMA Small Systems AB, Hälsingegatan 40, S-113 43 Stockholm, Sweden that same day. The deadline for bid submission was 21 February 2019.

In due time, i.e. by 21 February 2019 by 12:00 the bid submitted by the bidder CMA Small Systems AB, Hälsingegatan 40, S-113 43 Stockholm, Sweden (ID No. 556237-9247, tax ID No. SE 556237924701), was received in the National Bank of Serbia and registered as No. 55 on 18 February 2019 at 15:30.

After the bid opening procedure, held on 21 February 2019, it was determined that the bid submitted by the bidder CMA Small Systems AB, Hälsingegatan 40, S-113 43 Stockholm, Sweden and registered in the National Bank of Serbia as document No. 55 on 18 February 2019, met all the requirements stipulated by the LPP and the Tender Documents. Therefore, on 1 March 2019 the bidder was sent the Invitation to Negotiate (document No. XVII-88/7/19 dated 1 March 2019), inviting it to participate in the negotiation procedure to be held on 5 March 2019. As the Invitation to Negotiated stated, the negotiation subject was the Model Contract and all its elements. The bidder was told that – if it failed to respond to the Invitation to Negotiate or failed to send the written standpoint on the matters within the stated term, it would be concluded that it remained at the Model Contract and all its elements quoted in the bid submitted for the procurement procedure PP 289/2018.

In addition, as it was planned that the migration of RTS/x and BCS/x software packages to the new platform would be executed during 2019 as the integral part of system maintenance, the bidder was requested to state that in the Contract. Thus it was proposed that at the end of item 6.7 of the Model Contract a sentence would be added reading as follows: “The described migration shall be executed within the maintenance price and shall not be charged separately”.

The bidder replied on 4 March 2019 by e-mail, sending a written standpoint on the negotiation subject (the document No. XVII-7/13/19 of 4 March 2019), stating that it would adhere to the prices and terms offered in the already submitted bid No. 55 dated 18 February 2019. The bidder agreed to the suggestion that the item 6.7 of the Model Contract be supplemented by submitting the new Model Contract. In addition, in order to express the payment in the Bid Template in the same manner as in the Model Contract, the bidder was sent another Invitation on 6 March 2019 (the document No. XVII-88/8/19 of 5 March 2019) to complete the Amended Bid Template, which the bidder did (the document No. XVII/1-7/14/19 of 7 March 2019).

Article 3, paragraph 1, item 33) of the LPP stipulates that “*acceptable bid* shall mean bid which is timely, one that contracting authority did not reject due to essential deficiencies, which is adequate, one that does not restrict or condition either the rights of contracting authority or the obligations of bidder, and which does not exceed the amount of estimated value of concrete public procurement”.

Article 107, paragraph 3 of the LPP stipulates that after having performed expert evaluation of bids, contracting authority makes decision on awarding the contract, if it has received at least one acceptable bid.

Based on the analysis and evaluation of the bid, conducted in conformity with the LPP and the Tender Documents, the Committee formed by the Decision G No. 10960 of 27 December 2018 suggested in its Report on Professional Evaluation of Bids (document No XVII/1-7/15/19 of 7 March 2019) that the public procurement procedure be ended by making a Decision on Contract Award to the bidder CMA Small Systems AB, Hälsingegatan 40, S-113 43 Stockholm, Sweden.

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

Legal remedy:

Against this decision the bidder may submit the request for the protection of rights to the contracting authority within 10 days from posting this Decision on the Public Procurements Portal.

GOVERNOR

Jorgovanka Tabaković, PhD

Sent to:

- Information and Communications Technology Department;
- Committee.