

ANNEX 7.2 – PROCUREMENT DOCUMENTATION FOR PRIVATE PARTNERS

PROCUREMENT DOCUMENTATION FOR PRIVATE PARTNERS

Number and name of procurement: **03, Fish food**

1. GENERAL INFORMATION - TYPE OF PROCUREMENT PROCEDURE AND TYPE OF CONTRACT:

Open procurement procedure with the intention of concluding a contract for the procurement of goods

2. SUBJECT OF PROCUREMENT AND TECHNICAL SPECIFICATIONS

2.1. Subject of procurement

The subject of procurement is fish food for sea bream and sea bass according to the experimental formula for the needs of the AdriAquaNet project.

The price of the offer must include the cost of packaging and transport to the place of delivery.

Upon delivery of the subject of procurement, the handover record is signed.

2.2. Technical specifications

The requirements defined by the technical specifications represent the minimum technical characteristics that the offered subject of procurement must meet and they must not be changed by the Bidder. To be valid, the bid must meet all the items required by the technical specification.

For all manufacturers, product types, standards or norms, if specified in the technical specifications, apply "or equivalent".

The offered subject of procurement must contain the following formulation (main ingredients):

% flour produced from poultry meat 67% prot: max. 20%

% of flour produced from the insect *Hermetia illucens* min. 7%

% unpeeled soy flour: max. 20%

% high quality fishmeal: min. 8%

% fish oil: min. 10%

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Of the other ingredients, the food must contain rapeseed flour, rapeseed oil, wheat and the necessary supplements of amino acids, minerals and vitamins necessary for the nutritional needs of a particular species of fish.

The characteristics of the food are:

- food granulation: 6 mm
- total proteins min. 42%
- total fat maximum 27%

2.3. Description and designation of procurement items groups:

The subject of procurement is fish food for sea bream and sea bass according to the experimental formula for the needs of the AdriAquaNet project.

The subject of procurement is not divided into groups.

A bidder may submit only one bid. The bid should offer all items in the manner defined in the cost estimate. A bidder who submits or participates in several bids, as an independent bidder or a member of the community of bidders, will be rejected all his bids, as well as bids in which he is a member of the community of bidders.

2.4. Quantity of procurement items

The quantity of the subject of procurement is defined in the cost estimate document. The quantity is correct.-
Annex 4. Procurement documentation.

2.5. Place of delivery:

CPT (Incoterms 2010) , ORADA ADRIATIC d.o.o., nursery Veli Bok, Cres

2.6. Delivery deadline:

The selected bidder undertakes to successively deliver the item at the request of the Contracting Authority in the period from June 2020 to November 2020.

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2.7. Stages of procurement (contract) execution

Not applicable.

3. EXCLUSION GROUNDS

3.1 Mandatory Exclusion Grounds

The Concession Grantor must exclude an Economic Operator from the participation in the concession award procedure when they have established:

1. that the Economic Operator established in the Republic of Croatia, or a member of the administrative, management or supervisory body, or a person with authority to represent, to make decisions or to supervise the Economic Operator who is a Croatian citizen has been convicted by a final judgment for one of the following reasons:

(a) participation in a criminal organisation, as defined in:

- Art 328 (criminal organisation) and Art 329 (committing a crime as a member of the criminal organization) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 125/11, 144/12, 56/15 and 61/15);
- Art 333 (conspiracy to commit a criminal offence) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12)

(b) corruption, as defined in:

- Art 252 (receiving a bribe in economic transactions), Art 253 (offering a bribe in economic transactions), Art 254 (abuse in a public procurement procedure), Art 291 (abuse of position and authority), Art 292 (unlawful favourable treatment), art 293 (receiving a bribe), art 294 (offering a bribe), Art 295 (trading in influence) and Art 296 (offering a bribe for trading in influence) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 125/11, 144/12, 56/15 and 61/15);
- Art 294a (receiving a bribe in economic transactions), Art 294b (offering a bribe in economic

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transactions), Art 337 (abuse of position and authority), Art 338 (abuse in performing governmental duties), Art 343 (Illegal Intercession), Art 347 (receiving a bribe), Art 348 (offering a bribe) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12);

(c) fraud, as defined in:

- Art 236 (fraud), Art 247 (fraud in economic transactions), Art 256 (evasion of taxes and customs) and Art 258 (subsidy fraud) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 125/11, 144/12, 56/15 and 61/15);

- Art 224 (Fraud), Art 293 (fraud in economic transactions) and art 286 (evasion of taxes and other costs) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12);

(d) terrorism or offences linked to terrorist activities, as defined in:

- Art 97 (terrorism), Art 99 (public incitement to terrorism), Art 100 (recruitment for terrorism), Art 101 (training for terrorism) and Art 102 (terrorist association) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 125/11, 144/12, 56/15 and 61/15);

- Art 169 (terrorism), Art 169.a (public incitement to terrorism) and Art 169.b (recruitment and training for terrorism) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12);

(e) money laundering or terrorist financing, as defined in:

- Art 98 (terrorist financing) and Art 265 (money laundering) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 125/11, 144/12, 56/15 and 61/15);

- Art 279 (money laundering) of the Criminal Code (Official Gazette of the Republic of Croatia nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12);

(f) child labour and other forms of human trafficking as defined in

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- Art 106 (human trafficking) of Criminal Code (Official Gazette of the Republic of Croatia nos. 125/11, 144/12, 56/15 and 61/15);

- Art 175 (human trafficking and slavery) of Criminal Code Official Gazette of the Republic of Croatia nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12); or

2. when the Economic Operator who is not established in the Republic of Croatia, or when a member of the administrative, management or supervisory body, or a person with authority to represent, to make decisions or to supervise the Economic Operator and who is not Croatian citizen has been the subject of a conviction by final judgment for any of the reasons listed in the above paragraph 1, points a) to f) and the Economic Operator must be excluded when there is a final judgment for a criminal act pursuant to regulation of the country of establishment or citizenship;

3. when the Economic Operator is in a liquidation process or where its business activities are suspended;

4. when the Economic Operator is in breach of its obligations relating to the payment of taxes or social security contributions in the Republic of Croatia or in the country in which it is established (unless the payment was excluded or delayed in accordance with specific regulations).

The Economic Operator with regard to whom the existence of any of the above-listed exclusion grounds have been established shall be excluded from concession award procedures for five years, as of the day of passing of the final judgment, unless such final judgment provides otherwise.

In case of a Consortium, every member of the group needs to satisfy the requirements listed in this section individually.

The provisions of this section also apply to sub-concessionaires and subcontractors.

3.2 Additional Exclusion Grounds

The Concession Grantor shall exclude from participation in a concession award any Economic Operator if one of the

following conditions is fulfilled:

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- 1) where the Concession Grantor can demonstrate by any appropriate means a violation of applicable obligations in the fields of environmental, social and labour law, collective agreements, especially violation of obligation to pay agreed wages, or by the international environmental, social and labour law provisions listed in Annex IV of the CA;
- 2) where the Economic Operator is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under national laws and regulations;
- 3) where the Concession Grantor can demonstrate by appropriate means that the Economic Operator is guilty of grave professional misconduct, which renders its integrity questionable;
- 4) where the Concession Grantor has sufficiently plausible indications to conclude that the Economic Operator has entered into agreements with other Economic Operators aimed at distorting competition;
- 5) where the Economic Operator has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions.

The Economic Operator with regard to whom the existence of any of the above-listed exclusion grounds have been established shall be excluded from concession award procedures for three years, as of the day of passing of the final judgment, unless such final judgment provides otherwise.

In case of a Consortium, every member of the group needs to satisfy the requirements listed in this section individually.

The provisions of this section also apply to sub-concessionaires and subcontractors.

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4. CRITERIA FOR SELECTION OF ECONOMIC ENTITY (CONDITIONS OF ABILITY)

Economic operators shall prove their ability to pursue a professional activity by the following evidence which are submitted in the offer in the order in which they are listed.

4.1. Ability to perform professional activity

Each bidder must be legally and commercially capable.

As proof of fulfillment of this condition, the tenderer shall submit a statement of the person authorized to represent the tenderer referred to in item 4.4. of this procurement documentation - Annex 3.

The Contracting Authority may at any time during the procurement procedure, require the tenderer to submit an excerpt from the court, trade, professional or other appropriate register of the tenderer's country of residence, not older than three months from the date of the procurement procedure. In the case of a community of tenderers, the contracting authority may require all members of the community to prove their legal and business capacity individually.

5 TENDER AND METHOD OF TENDER DELIVERY

5.1 Content of the offer:

- **Completed tender form (Annex 1. Procurement documentation)**
- **Statement on the absence of grounds for exemption (Annex 2 of the Procurement Documentation the tenderer's statements must show that there are existing possibilities for exclusion from point 3 of the Procurement Documentation)**
- **Evidence as a condition of professional ability - Annex 3 ..**
- **Completed Cost Sheet (Annex 4 of Procurement Documentation)**

5.2 The bid price is expressed in HRK. The bid price is unchanged during the term of the procurement contract. The price of the offer without value added tax must include all costs and discounts, packaging and transport to the place of delivery. The goods must be delivered in accordance with the terms of delivery according to Incoterms® 2010 of the International Chamber of Commerce. The bidder is obliged to offer in the Bill of Quantities, ie enter the unit price for each item and the total price without value added tax (VAT).

The bidder is obliged to enter in the bid list the same stated total price without value added tax

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(VAT) from the cost list, then the amount of value added tax (VAT) and the total price with value added tax (VAT), rounded to two decimal places.

- 5.3 The offer is made in a way that makes it whole. If due to the scope or other objective circumstances the bid cannot be made in such a way as to form a whole, then it is made in two or more parts, and the bidder must state in the bid content how many parts the bid consists of. Corrections in the bid must be made in such a way that the corrected text remains visible (legible) or provable. Corrections must be confirmed by the bidder's signature, stating the date.
- 5.4 When preparing the bid, the bidder must comply with the requirements and conditions from the Procurement Documentation and may not change and supplement the text of the Procurement Documentation. All costs of bid preparation shall be borne by the bidders. Bidders shall not be entitled to any reimbursement of bid preparation costs.
- 5.5 The Contracting Authority reserves the right, before signing the Contract, to request from the most favorable bidder the delivery of originals or certified copies of all documents (certificates, documents, excerpts, authorizations, etc.) that were submitted in an uncertified copy, issued by the competent authorities.

6 METHOD OF TENDER DELIVERY

6.1 The bidder shall submit the bid in a sealed envelope, which shall indicate:

- On the front:

Contract authority: Orada Adriatic d.o.o.
Address: Kukuljanovo 341, 51227 Kukuljanovo
Number and name of procurement: 03, Fish food
„DO NOT OPEN“

- On the back:

< Name and address of the Tenderer >

The sealed envelope shall be delivered by the bidder directly or by registered mail to the address of the contracting authority.

The bidder independently determines the method of bid submission and bears the risk of possible loss or untimely bid submission. The bid must be received by the deadline for opening bids. If the envelope is not

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marked in accordance with the requirements of this Procurement Documentation, the Client does not assume any responsibility in case of loss or premature opening of the bid.

6.2 Bids and documentation attached to the bids shall not be returned to the bidders.

6.3 Alternative offers are not allowed.

7 AMENDMENT AND / OR WITHDRAWAL OF THE BID

7.1 The bidder may submit an amendment to the bid until the deadline for submission of bids. Amendments and / or amendments to the bid shall be submitted in the same manner as the basic bid with the obligatory indication that it is an amendment and / or supplement to the bid. In this case, the bids are opened in the reverse order of receipt, and the time of receipt is considered the delivery of the latest version of the bid change.

7.2 The bidder may withdraw from the submitted bid by a written statement until the deadline for submission of bids. The written statement is submitted in the same way as the bid with the obligatory indication that it is a withdrawal from the bid. In that case, the unopened bid shall not be returned to the bidder.

8 DATE, TIME AND PLACE OF BID DELIVERY

The bid, with all parts, must be received by the client no later than **June 11, 2019. year until 10:00 AM**, at the address of the client.

9 ADDITIONAL INFORMATION, EXPLANATIONS AND AMENDMENTS TO THE PROCUREMENT DOCUMENTATION

- a) During the deadline for submission of tenders, economic operators may request additional information, explanations or changes related to the Procurement Documentation, and the contracting authority shall make the response available without disclosing the identity of the economic operator.
- b) Provided that the request is submitted on time, the contracting authority is obliged to make available a response, additional information and explanations, without delay, and no later

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than the fourth (4) day before the day on which the deadline for submission of tenders expires. and basic documentation, without providing information on the applicant.

- c) The request is timely if it is delivered to the contracting authority no later than the sixth (6) day before the day on which the deadline for submission of tenders expires.
- d) The Contracting Authority shall extend the deadline for submission of tenders in the following cases:

- if additional information, explanations or changes related to the Procurement Documentation, although requested in due time by the economic operator, are not made available no later than the fourth (4) before the deadline for submission of tenders, if the Procurement Documentation **has been significantly amended.**

- e) e) in such cases, the client shall extend the deadline for submission of additional information, explanations or changes in proportion to the importance, **by at least five (5) days.**
- f) If the Contracting Authority changes the documentation during the deadline for submission of tenders, it shall ensure the availability of changes to all interested economic entities in the same places (media) where the basic Invitation to Tender and Procurement Documentation was published. , explanations or changes were not requested in a timely manner or if their importance is negligible for the preparation and submission of customized tenders

10 TENDER SELECTION CRITERIA

The criterion for selecting the offer is the lowest price.

11 LANGUAGE AND LETTER OF THE OFFER

The bid must be made in Croatian or English (according to the annexes to this Procurement Documentation) and in Latin script. The bidder may submit supporting documents such as catalogs and brochures in a foreign language, if applicable. If necessary, the Client may request from the bidder a translation into Croatian certified by a certified court interpreter for the Croatian language.

12 TENDER VALIDITY PERIOD

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The bid must be valid for at least 30 days from the deadline for submission of bids.

13 TENDER OVERVIEW AND EVALUATION

13.1 After the deadline for submission of bids, the Evaluation Committee reviews and evaluates the content of the submitted bids in relation to the conditions from the Procurement Documentation.

13.2 In the procedure of review and evaluation of bids, the Contracting Authority performs:

- checking whether the bids comply with the requirements of the Procurement Documentation (assessment of formal compliance, assessment of the existence of grounds for exclusion and fulfillment of eligibility conditions, assessment of technical and material compliance)
- ranking of bids in accordance with previously published selection criteria (economically most favorable bid)

14 AMENDMENT, CLARIFICATION AND COMPLETION OF THE TENDER

If the information or documentation to be provided by the economic operator is incomplete or incorrect or appears to be such, or if certain documents are missing, the contracting authority may, respecting the principles of equal treatment and transparency, require the economic operators concerned to supplement, clarify, complete or provide necessary information. documentation within a reasonable time, not less than 5 calendar days.

Submission, supplementation, clarification or completion in relation to the documents requested for the purpose of assessing the existence of grounds for exclusion and fulfillment of the conditions of eligibility shall not be considered a modification of the tender.

The Contracting Authority may also request clarifications regarding the documents requested in the part related to the offered subject of procurement, whereby the clarification may not result in a change of the tender (neither the subject of procurement nor the selection criteria).

15 DECISION ON SELECTION OR ANNULMENT

15.1 The Contracting Authority makes a decision on the selection of the best bid which will at least

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contain the name and address of the selected bidder, the total value of the selected bid (with and without VAT), and the date of adoption and signature of the person authorized to represent.

15.2 The Contracting Authority may cancel the procurement procedure if:

- no bids were received;
- has not received any acceptable bids (including those with a price exceeding the estimated value of the procurement);
- During the procedure, it is determined that the Procurement Documentation is deficient and as such does not enable effectively
- concluding a contract (for example, the wrong quantities of the subject of procurement are stated in the documentation);
- Significant new circumstances have arisen related to the project for which the procurement is being carried out.

15.3 In case of cancellation, the client makes a decision on cancellation.

15.4 The Contracting Authority shall notify the tenderers of the final selection by submitting the Decision on the selection of the best tender or the Decision on cancellation in a manner that can be proven: by fax and / or post and / or electronically or a combination of these means. Also, the Contracting Authority will publish the Selection Decision on the pages where this Invitation and the Procurement Documentation were published.

15.5 The contracting authority will submit separately:

- Selected bidder: notification of the selection of his bid
- To each unsuccessful bidder: a notice of the reasons for the exclusion or rejection of his bid, or a notice of the reasons why his bid was not selected (eg the relative advantages of the selected bid over his bid).

16 OTHER PROVISIONS

16.1 Subcontracting:

If the tenderer intends to subcontract part of the procurement contract to one or more subcontractors, he

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shall state the following information in the tender:

- name or company, registered office, OIB, (or national identification number according to the country of residence of the economic operator, if applicable), IBAN / subcontractor account number
- the subject matter, quantity, value of the subcontract and the percentage of the procurement contract to be subcontracted.

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

16.2 Community of Economic Entities

Several economic operators may join forces and submit a joint offer, regardless of the regulation of their mutual relationship. The responsibility of bidders from the community of economic operators is joint and several.

The bid of the community of economic entities must contain information on each member of the community of economic entities, as specified in the bid list, with the obligatory indication of the member of the community of bidders number 1 who will be called "Bidder" and will be authorized to communicate with the contracting authority.

Proficiency requirements for community members shall be demonstrated in accordance with point 4 of this Procurement Documentation. The joint bid must specify which part of the procurement contract (object, quantity, value and percentage) will be performed by each member of the community. The contracting authority shall pay directly to each member of the community of tenderers of economic operators for that part of the procurement contract which he has executed, unless the community determines otherwise.

16.3 Deadline, method and conditions of payment:

100% in advance

16.4 Warranties

No guarantees are required.

17 LEGAL REMEDY

Any bidder may file an appeal.

The bidder submits a complaint if he considers that his bid should have been selected as the best, but this is prevented due to the contracting authority's actions contrary to the provisions of this Procurement

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Documentation due to which he was unjustifiably excluded from the procurement procedure. offer. In the appeal, the applicant must state all the facts on which he bases his claims and propose evidence to establish those facts.

The complaint shall be submitted in writing within 10 days from the day of receipt of the information referred to in item 15 of this documentation to the address of the Client.

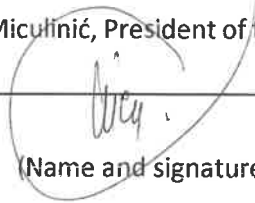
Filing an appeal does not stop the conclusion of the procurement contract.

Kukuljanovo, 12.05./2020.

Authorized person of the Contract Authority:

Marko Miculinić, President of the Board





(Name and signature)