



TENDER DOCUMENTATION

Contracting authority:

UNIVERSITY OF LJUBLJANA

Subject of public contract:

**Lease of the Turnitin software with
technical support**

Type of public procurement procedure:

**Open procedure in accordance with Article
40 of the Public Procurement Act (Official
Gazette of the Republic of Slovenia , Nos.
91/15, 14/18, 121/21, 10/22, 74/22 –
Constitutional Court decision, 100/22 –
ZNUZSZS, 28/23 and 88/23 – ZOPNN-F)**

Public contract reference number:

401-39/2024



I. INVITATION TO SUBMIT A TENDER

The **University of Ljubljana, Kongresni trg 12, 1000 Ljubljana**, which is the contracting authority, hereby publishes a notice of the awarding of a public contract by open procedure in accordance with Article 40 of the Public Procurement Act (Official Gazette of the Republic of Slovenia, Nos. 92/15, 14/18, 121/21, 10/22, 74/22 – Constitutional Court decision, 100/22 – ZNUZSZS, 28/23 and 88/23 – ZOPNN-F, hereinafter: the ZJN-3) for the goods “**Lease of the Turnitin software with technical support**”.

The contracting authority invites all interested tenderers to submit their tenders in accordance with the requirements set out in these documents.

— The deadline for the receipt of tenderers' questions is **9 am on 20 November 2024 via the Public Procurement Portal**.

The deadline for the receipt of tenders is **9 am on 2 December 2024 via the e-JN system**.

The public opening of tenders will take place via the e-JN system at **11 am on 2 December 2024**.

Head of the contracting authority
Professor Gregor Majdič, Rector

BY AUTHORITY OF:
prof. mag. Matjaž Drevenšek
vice-rector



II. INSTRUCTIONS TO TENDERERS ON COMPILING A TENDER

1. REFERENCE NUMBER AND SUBJECT OF THE PUBLIC CONTRACT

1.1. Reference number: 401-39/2024

1.2. Subject: Lease of the Turnitin software with technical support

1.3. Technical specifications: The contracting authority determines the requirements that the tenderer is required to meet in its tender in the form of technical characteristics; these are defined in detail in Annex 1 (Technical specifications). Based on the technical characteristics, the contracting authority will determine whether the tender meets the relevant technical requirements.

In this tender documentation and in the individual items of the pro forma invoice, the contracting authority listed the reference software. Tenderers shall indicate the name of the software on the pro forma form only if they do not offer the software referred to, but instead an equivalent software in terms of quality, technical characteristics and description. The contracting authority reserves the right to verify the quality of the offered products before making a selection in the tender verification procedure, by requesting that the tenderer submits samples of the offered products to test them and make sure that the product offered does not deviate from the tender requirements in terms of its quality, characteristics and usefulness. If the tenderer fails to submit a sample within the time limit set by the contracting authority in the invitation, or the contracting authority finds that the product is not equivalent to the tendered product, the contracting authority will reject the tender.

Supporting document: Completed Pro Forma Invoice (Form 1/OBR-1) and completed Tender form (Form 2/OBR-2). The contracting authority reserves the right to check the goods tendered online.

2. METHOD OF AWARDING THE PUBLIC CONTRACT

An open procedure shall be conducted for the awarding of this contract, in accordance with Article 40 of the ZJN-3.

Variant tenders are not permitted.

The public contract shall not be divided into lots.

Period of project implementation: 48 months, estimated: 1 January 2025 – 31 December 2029

The legal basis for the public contract is provided by:

- the Public Procurement Act (Official Gazette of the Republic of Slovenia , Nos. 91/15, 14/18, 121/21, 10/22, 74/22 – Constitutional Court decision, 100/22 – ZNUZSZS, 28/23 and 88/23 – ZOPNN-F, hereinafter: the ZJN-3);
- the Legal Protection in Public Procurement Procedures Act (Official Gazette of the Republic of Slovenia , Nos. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17 and 72/19, hereinafter: the ZPVPJN);
- the Obligations Code (Official Gazette of the Republic of Slovenia , Nos. 97/07 – official consolidated version, 64/16 – Constitutional Court decision and 20/18 – OROZ631, hereinafter: the OZ);

- the Companies Act (Official Gazette of the Republic of Slovenia , 65/09 – official consolidated version, 33/11, 91/11, 32/12, 57/12, 44/13 – Constitutional Court decision, 82/13, 55/15, 15/17, 22/19 – ZPosS, 158/20 – ZIntPK-C, 18/21, 18/23 – ZDU-1O and 75/23, hereinafter: the ZGD-1);
- the Integrity and Prevention of Corruption Act (Official Gazette of the Republic of Slovenia , Nos. 69/11 – official consolidated version, 158/20, 3/22 – ZDeb and 16/23 – ZZPri, hereinafter: the ZIntPK);
- the Implementation of the Budget of the Republic of Slovenia for 2024 and 2025 Act (Official Gazette of the Republic of Slovenia , Nos. 123/23 and 12/24, hereinafter: the ZIPRS2425);
- the Rules on the Procedures for Implementing the Budget of the Republic of Slovenia (Official Gazette of the Republic of Slovenia , Nos. 50/07, 61/08, 99/09 – ZIPRS1011, 3/13, 81/16, 11/22, 96/22, 105/22 – ZZNŠPP, 149/22 and 106/23);
- the Public Finance Act (Official Gazette of the Republic of Slovenia , Nos. 11/11 – official consolidated version, 14/13 – corr., 101/13, 55/15 – ZFisP, 96/15 – ZIPRS1617, 13/18, 195/20 – Constitutional Court decision, 18/23 – ZDU-1O and 76/23);
- Other relevant regulations and standards concerning the subject-matter and performance of the public contract.

3. DETERMINING THE CAPACITY TO PARTICIPATE IN THE PUBLIC PROCUREMENT PROCEDURE AND SUPPORTING DOCUMENTS (EVIDENCE)

The tenderer shall satisfy all of the conditions specified in this point. The type of evidence by which the tenderer demonstrates that it meets a required condition shall be stated after each specific condition. The same shall also apply to any other entity in cases where the tenderer makes use of the capacity of other economic operators. In such cases, the other economic operators shall also meet the selection criteria and demonstrate the absence of grounds for exclusion in accordance with the second paragraph of Article 81 of the ZJN-3.

In accordance with Article 79 of the ZJN-3, the tenderer shall submit the European Single Procurement Document (ESPD), which includes the economic operator's self-declaration, as evidence of the fulfilment of conditions. The contracting authority may call upon tenderers at any time during the procedure to submit all or some of the supporting documents with respect to the statements provided in the ESPD. The contracting authority reserves the right to call upon a tenderer to supplement or clarify any certificates or documents submitted.

Before the public contract is awarded, the contracting authority may require the tenderer to whom it has elected to award the public contract to submit the latest supporting documents (certificates, declarations) as evidence of the absence of grounds for exclusion and of fulfilment of the selection criteria.

The statements in the ESPD and/or the supporting documents submitted by the tenderer shall be valid at the time the tender is submitted. If a tenderer is unable to obtain and submit the required documents because a Member State or a third country does not issue the documents and certificates referred to in the third paragraph of Article 77 of the ZJN-3, or if they do not cover all the cases (or all elements of the provisions) referred to in the first and second paragraphs, point b) of the fourth paragraph and point f) of the sixth paragraph of Article 75 of the ZJN-3, these documents or certificates may be replaced by a sworn statement or, if this is not provided for in the Member State or third country, by a statement from the relevant person given before a competent judicial or administrative authority, notary-public or professional or trade organisation in that person's home country or in the country in which the economic operator is established, or if this not provided for, a self-declaration by the economic operator.

3.1. Exclusion grounds

3.1.1 *Grounds relating to criminal convictions*

No final judgment containing elements of the criminal offences set out in the first paragraph of Article 75 of the ZJN-3 has been imposed, or imposed for a comparable criminal offence by a foreign court, on the economic operator, or on a person who is a member of a management, executive or supervisory body of that economic operator, or who has powers of representation, decision-making or control therein.

Where the economic operator is in the position referred to in the above paragraph, it may submit to the contracting authority, in accordance with the ninth paragraph of Article 75 of the ZJN-3 and no later than by the deadline for the submission of tenders, evidence that it has taken sufficient steps to achieve reliability despite the existence of grounds for exclusion.

Supporting document:

Completed ESPD (Part III: Exclusion grounds, Section A: Grounds relating to criminal convictions) for all economic operators in the tender. If your response in this case is YES, enter the details required by the ESPD in the corresponding fields. If you are making use of the corrective mechanism by answering the question "Have you taken steps to demonstrate your reliability?" with "YES", please state the breaches and the measures demonstrating reliability despite the existence of exclusion grounds in the field "Please describe them".

Completed ESPD (Part III: Exclusion grounds, Section D: Purely national exclusion grounds) for the exclusion ground referred to in the first paragraph of Article 75 of the ZJN-3 (violation of the fundamental rights of employees, Article 196 of the Criminal Code (KZ-1)). If your response in this case is YES and you are making use of the corrective mechanism, please provide a statement indicating the breaches and the measures that demonstrate your reliability despite the existence of grounds for exclusion, and enclose it with the ESPD.

The supporting document referred to under this point shall be submitted by the tenderer, a partner in a joint tender, a subcontractor and an operator on whose capacities the tenderer is relying in the tender.

Alternatively, a tenderer may itself enclose certificates from criminal records with its tender. Certificates enclosed in this manner may not be more than four months old from the deadline for the submission of tenders.

3.1.2 *Grounds relating to the payment of taxes or social security contributions*

The contracting authority shall also exclude an economic operator from participation in a procurement procedure if during its verification in accordance with Articles 77, 79 and 80 of the ZJN-3 it establishes that the economic operator has failed to perform its obligations in connection with the payment of mandatory levies and other monetary non-tax liabilities in accordance with the law governing financial administration that are collected by the tax authority in accordance with the regulations of the country in which it is established or with the regulations of the country of the contracting authority. An economic operator shall also be deemed not to have performed the obligations referred to in the previous sentence if it has failed to submit all its withholding tax returns for employment income for the five years preceding the deadline for submission of tenders or applications. An economic operator shall not be excluded if by the deadline for submission of applications or tenders it has settled its outstanding past-due liabilities in the amount of EUR 50 or more and has submitted all its withholding tax returns for employment income for the five years preceding the deadline for submission of tenders or applications.

Supporting document:

Completed ESPD (Part III: Exclusion grounds, Section B: Grounds relating to the payment of taxes or social security contributions, Payment of taxes, Payment of social security).

The supporting document referred to under this point shall be submitted by the tenderer, a partner in a joint tender, a subcontractor and an operator on whose capacities the tenderer is relying in the tender.

3.1.3 Early termination, damages or other comparable sanctions

In a previous public contract concluded with the tenderer, no significant or constant deficiencies in the performance of key obligations were demonstrated (as a result of which the contracting authority would have prematurely withdrawn from the previous contract or agreement, claimed damages or imposed other comparable sanctions), nor was it demonstrated that the tenderer committed grave professional misconduct (which the contracting authority would have demonstrated using appropriate evidence) that would have compromised its integrity.

Supporting document:

Completed ESPD (Part III: Exclusion grounds, Section C: Grounds relating to insolvency, conflicts of interests or professional misconduct: “Guilty of grave professional misconduct”, “Early termination, damages or other comparable sanctions”).

The supporting document referred to under this point shall be submitted by the tenderer, a partner in a joint tender, a subcontractor and an operator on whose capacities the tenderer is relying in the tender.

In accordance with the eighth paragraph of Article 75 of the ZJN-3, the contracting authority shall exclude a tenderer from the public procurement procedure at any time in the procedure if it is proven to be in one of the situations referred to under this point of the instructions to tenderers with regard to actions committed or omitted, either before or during the public procurement procedure. In accordance with the second paragraph of Article 81 of the ZJN-3, the contracting authority shall request that the economic operator whose capacities are referred to in the tender be replaced if it does not meet the conditions for participation or there are mandatory grounds for its exclusion.

3.1.4 Purely national exclusion grounds – Register of economic operators subject to ancillary penalties

On the day the deadline for the submission of tenders expires, the economic operator must not be listed in the register of economic operators on whom secondary sanctions of exclusion from procurement procedures have been imposed as arising from point a) of the fourth paragraph of Article 75 of the ZJN-3.

Supporting document:

Completed ESPD (Part III: Exclusion grounds, Section D: Purely national exclusion grounds).

The supporting document referred to under this point shall be submitted by the tenderer, a partner in a joint tender, a subcontractor and an operator on whose capacities the tenderer is relying in the tender.

3.1.5 Purely national exclusion grounds – Misdemeanours in the area of employment relationships and undeclared employment

A fine has not been imposed on the economic operator on two or more occasions in the three years prior to the deadline for the submission of tenders or applications by virtue of a final decision or multiple final decisions rendered by a competent authority of Slovenia, another Member State or a third country for a breach in connection with remuneration for work, working time, rest periods or the performance of work on the basis of civil-law contracts despite the existence of elements of an employment relationship, or in connection with undeclared work.

Where the economic operator is in the position referred to in the above paragraph, it may submit to the contracting authority, in accordance with the ninth paragraph of Article 75 of the ZJN-3 and no later than

by the deadline for the submission of tenders, evidence that it has taken sufficient steps to demonstrate its reliability despite the existence of grounds for exclusion.

Supporting document:

Completed ESPD (Part III: Exclusion grounds, Section D: Purely national exclusion grounds). If your response in this case is YES and you are making use of the corrective mechanism, please provide a statement indicating the breaches and the measures that demonstrate your reliability despite the existence of grounds for exclusion, and enclose it with the ESPD.

The supporting document referred to under this point shall be submitted by the tenderer, a partner in a joint tender, a subcontractor and an operator on whose capacities the tenderer is relying in the tender.

3.1.6 Restrictive measures

Pursuant to Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, if the verification establishes that the contractor is:

- a Russian national or natural person or legal entity, an operator or body established in Russia;
- a legal entity, operator or body in which more than 50% of the proprietary rights are directly or indirectly owned by an entity referred to in the preceding indent;
- a natural person or legal entity, an operator or body acting on behalf or at the direction of an entity referred to in the preceding two indents.

The same shall apply to a subcontractor if it represents more than 10% of the value of the contract.

Pursuant to the first paragraph of Article 1 of Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, the contracting authority will exclude from participation in the procurement procedure, at any time during the procedure, an economic operator if it is established that, prior to or during the procurement procedure, the economic operator was or is in the situation referred to in point 3.1.6 of this documentation.

Supporting document:

A **submitted ESPD** for all economic operators in the tender.

In accordance with the eighth paragraph of Article 75 of the ZJN-3, the contracting authority shall exclude a tenderer from the public procurement procedure at any time in the procedure if it is proven to be in one of the situations referred to under this point of the instructions to tenderers with regard to actions committed or omitted, either before or during the public procurement procedure. In accordance with the second paragraph of Article 81 of the ZJN-3, the contracting authority shall request that the economic operator whose capacities are referred to in the tender be replaced if it does not meet the conditions for participation or there are mandatory grounds for its exclusion.

3.2. Selection criteria (*entities shall meet the criteria in their tenders cumulatively, unless a specific criterion provides otherwise*)

3.2.1. Capacity to perform the professional activity

An economic operator shall be registered to perform the activity that is the subject of this public contract, and shall be entered in a professional or trade register maintained in the Member State in which the economic operator is established. A list of professional and trade registers in EU Member States is provided in Annex XI to Directive 2014/24/EU.

Supporting document:

Completed ESPD (Part IV: Selection criteria, Section A: Suitability: “Enrolment in a relevant professional register”).

The supporting document referred to under this point shall be submitted by the tenderer, a partner in a joint tender, a subcontractor and an operator on whose capacities the tenderer is relying in the tender.

4. TENDERER SELECTION CRITERIA

The criterion for selecting the most advantageous tenderer is the most economically advantageous tender (M), i.e. the tender with the lowest total tender value in EUR excluding VAT.

If two or more tenderers offer the same tender price, the contracting authority will select the tenderer by public draw, which will take place either in person or, if the tenderers so wish, by videoconference. Only tenderers who have submitted an admissible tender will be invited to the draw. The first tenderer to be drawn will be selected. The contracting authority will send a record of the draw to the tenderers for whom the draw is made and who are not present at the draw.

Supporting document:

Pro Forma Invoice (Form 1/OBR-1)

5. TENDER**5.1. Submission and method of submission of tenders**

Tenderers shall enter their tenders in the e-JN information system at <https://ejn.gov.si> in accordance with point 3 of the document titled “Instructions for the use of the information system to utilise the functionalities of the system for the electronic submission of e-JN tenders: TENDERERS” (hereinafter: Instructions for the use of e-JN), which is part of this tender documentation and is available at <https://ejn.gov.si>.

Prior to submitting a tender, tenderers shall register at <https://ejn.gov.si>, in accordance with the Instructions for the use of e-JN. Tenderers that are already registered in the e-JN information system should log into the application using the same address.

The tenderer’s user authorised to submit tenders in the e-JN information system shall submit the tender by clicking on the “Submit” button. Upon submission of a tender, the e-JN information system logs the user’s identity and the time the tender was submitted. By submitting a tender, the user demonstrates and declares their intention of submitting a binding tender on behalf of the tenderer (Article 18 of the Obligations Code). Upon submission of a tender, that tender is binding for the time stated in the tender, unless the tenderer’s user withdraws or amends the tender before the deadline for submission.

A tender is deemed to have been submitted on time if the contracting authority receives it via the e-JN system (<https://ejn.gov.si>) no later than by the deadline for the submission of tenders. A tender is deemed to have been submitted if it is designated as “SUBMITTED” in the e-JN information system.

A tenderer may withdraw or revise its tender up until the deadline for the submission of tenders. If the tenderer withdraws its tender from the e-JN information system, the tender shall be regarded as having not been submitted and the contracting authority will not be able to see it in the e-JN system. If a tenderer amends its tender in the e-JN information system, the last submitted tender shall be available to the contracting authority in the system.



Tenders may no longer be submitted after the deadline for submission has expired.

5.2. Basic rules for access, notifications, clarifications and changes related to the tender documents

Tenderers can obtain the tender documents on the Public Procurement Portal.

Communication with tenderers concerning questions related to the content of the public contract and to the preparation of tenders shall take place exclusively via the Public Procurement Portal. The contracting authority will consider requests for clarifications of the tender documents or any other questions related to the contract award procedure as having been made in due time if they are submitted to the public procurement portal up to the deadline for the submission of questions set out in the contract notice. The contracting authority will not respond to requests for clarifications or other questions concerning the contract submitted after that deadline.

The contracting authority reserves the right to amend the public procurement documents. If the contracting authority amends the tender documents before the tender submission deadline has expired, it shall announce this on the Public Procurement Portal. The information provided by the contracting authority to tenderers on or via the Public Procurement Portal shall be regarded as amending, supplementing or clarifying the public procurement documents if it appears from the content of the information that it amends or supplements these documents or clarifies ambiguities contained therein.

5.3. Participation

Any natural person or legal entity registered to perform the activity that is the subject of this public contract and holding all the required authorisations to perform this public contract may take part as a tenderer in this public procurement procedure.

5.3.1. Foreign tenderers

Tenderers established abroad shall be required to meet the same conditions as tenderers established in Slovenia.

5.3.2. Subcontractors

A tenderer may perform the public contract entirely on its own or in collaboration with subcontractors. If the public contract is to be performed using subcontractors, the tender (Form 2/OBR-2) must give the contact details and details of the legal representatives of every subcontractor, along with every part of the public contract to be performed by an individual subcontractor.

A tenderer shall declare in the tender that its subcontractors have completed a statement regarding fulfilment of the conditions (ESPD), and enclose any request by a subcontractor for direct payment, if that subcontractor is requesting direct payment.

If a subcontractor requires direct payment, direct payment to the subcontractor shall be considered compulsory, with the obligation binding on the contracting authority and the lead contractor. When the tenderer intends to perform the public contract with a subcontractor requiring direct payment:

- the lead contractor shall, in the contract, authorise the contracting authority to pay the subcontractor directly on the basis of an invoice approved by the lead contractor;
- the subcontractor shall provide a letter of consent, on the basis of which the contracting authority settles the subcontractor's claims against the tenderer;

- the lead contractor shall enclose with its invoice an invoice issued by the subcontractor that it has previously approved.

If direct payment to the subcontractor is not compulsory, the contracting authority shall request that the lead contractor send, within 60 days of the final invoice payment, its written declaration and a written declaration

from the subcontractor indicating that the subcontractor has received payment for the public contract services it has provided.

During the performance of the public contract, the contractor shall notify the contracting authority of any changes to information, and send that information with the accompanying evidence regarding new subcontractors that it intends to include subsequently in the implementation of the public contract within five days of any change.

5.3.3. Joint tender

Groups of economic operators may submit a joint tender. In the case of a joint tender, the contracting authority shall ask the selected group to submit a legal document concerning joint performance of the public contract. That document shall contain at least a specification of all the partners in the group; the authorisation of the lead partner in the group; the unlimited joint and several liability of all partners in the group towards the contracting authority; the area of work to be assumed and performed by each partner in the group; the share of each partner in the group (in %) and the value of works assumed by each individual partner in the group; the method of payment via the lead partner or to each partner in the group; the provisions to be applied in the event of a withdrawal of any partner from the group; the resolution of disputes among partners in the group; other possible rights and obligations among the partners in the group; and the period of validity of the legal document.

All entities that are to perform the joint tender shall be indicated in Form 2 (OBR-2). All partners shall complete an ESPD.

5.3.4. Utilisation of the capacities of other entities

With regard to the conditions relating to their economic and financial situation and their technical and professional capacity, economic operators may use, if necessary, the capacities of other operators for the public contract in question regardless of the legal relations between the economic operators and these entities.

With regard to the conditions relating to education and the professional qualifications of the service or construction provider and the company's management staff, and the conditions relating to the relevant professional experience, economic operators may use the capacities of other operators only if the latter will be providing the services or carrying out construction for which those capacities are required. In such cases, these entities shall, in accordance with the practice of the National Review Commission, be included in the tender as tenderers, as partners in a joint tender or as subcontractors.

The ESPD shall be completed by all entities whose capacities are utilised by tenderers.

5.4. Tender form and content

Tenders must be valid until 31 December 2024 and extended at the request of the contracting authority. Alternative tenders shall not be considered.

The procurement procedure shall be conducted in the Slovenian language. If during the review of tenders the contracting authority deems it necessary to translate part of the tender submitted in a foreign language

into Slovenian, it may request that the tenderer submit a court certified translation at its own expense and set an appropriate deadline submission.

Tenders shall be submitted on the forms that constitute an integral part of the public procurement documents of the contracting authority, in accordance with these instructions, or on the tenderer's own forms identical in content. The content of forms produced by the contracting authority may not be modified, except where this is explicitly permitted.

Tenderers shall guarantee, under criminal and material liability, that all information and documents submitted in their tender are true and accurate, and that the documents enclosed correspond to their originals. If they fail to do so, tenderers shall be liable to the contracting authority for any damage.

— All costs in connection with the preparation and submission of the tender shall be borne by the tenderer.

The tender documents shall comprise the following:

1. Completed Pro Forma Invoice form (Form 1/OBR-1)
2. Completed ESPD for all economic operators in the tender (all operators participating in the tender)
3. Completed Tender form (Form 2/OBR-2)
4. Completed and signed form Authorisation to obtain a criminal record certificate for natural persons, as laid down in Article 75 of the ZJN-3 (Form 2c/OBR-2c)
5. Completed and signed form Declaration of absence of grounds for exclusion (Form 2d/OBR-2d)
6. Completed and signed form Declaration of the absence of grounds for the exclusion of a natural person (Form 2e/OBR-2e)
7. By submitting a tender in the e-JN, the tenderer confirms the contents of the Sample Contract (Form 3/OBR-3)

The Declaration on the participation of natural persons and legal entities in the tenderer's ownership structure (Form 4/OBR-4) and the personal data processing contract shall only be submitted by the selected tenderer when the contract is signed.

Pro forma invoice:

The tenderer shall offer all the required items in its pro forma invoice, with due regard paid to the technical specifications set out in the tender documents.

The tenderer shall complete all items, rounded to a maximum of two decimal places, in the pro forma invoice.

If the tenderer fails to enter a price for a specific item, it shall be deemed that the item in question is not being offered and therefore that the tenderer does not meet all the contracting authority's requirements set out in the tender documents. If the tenderer enters the price of zero (0) euros, it shall be deemed to be offering that specific item free of charge.

The tenderer may not change the content of the pro forma invoice.

If the contracting authority finds clear calculation errors when reviewing and evaluating the tenders, it shall act in accordance with the seventh paragraph of Article 89 of the ZJN-3.

In the "Total tender value" section of the e-JN system, the tenderer shall enter the total tender amount, net of tax, in euros and the tax amount in euros in the field provided for this purpose. The amount including tax in EUR is calculated automatically. The tenderer shall upload a Word, Excel or PDF file to the "Pro forma invoice" section. The "Total tender value" which will be entered into the section with the same name, and the document

that will be uploaded as a pro forma invoice to the “Pro forma invoice” section, will be displayed and made available at the public opening of tenders.

ESPD:

The ESPD is an official declaration by an economic operator that there are no grounds for its exclusion and that it meets the conditions for participation. It also provides the relevant information required by the contracting authority. The ESPD also includes an official statement to the effect that the economic operator will be able to submit supporting documents upon request and without delay to prove that there are no grounds for its exclusion and that it meets the conditions for participation. By submitting the ESPD form, the tenderer shall also confirm that it fulfils all other requirements for this public procurement.

By submitting the ESPD form, it shall also be deemed that the tenderer has submitted a statement confirming that the tenderer is not associated with the holder of a public office and, to the best of its knowledge, is not associated with a family member of the holder of a public office in the manner prescribed in the first paragraph of Article 35 of the Integrity and Prevention of Corruption Act (Official Gazette of the Republic of Slovenia, Nos. 69/11 – official consolidated version, 158/20 and 3/22 – ZDeb; hereinafter: the ZintPK).

The statements in the ESPD and/or the supporting documents submitted by the economic operator must be valid.

The economic operator shall download the contracting authority's ESPD (XML file) at the following link: <https://ejn.gov.si/espd>, and enter the required data directly into it.

A completed and signed ESPD shall be enclosed with the tender for all economic operators participating in the tender in any way (tenderer, participating tenderers in the case of a joint tender, economic operators whose capacities are used by the tenderer, and subcontractors).

Tenderers that submit tenders in the e-JN system shall upload their own ESPD to the “ESPD – Tenderer” section under “Documents”, and ESPDs from other participants to the “ESPD – Other participants” section. Tenderers that submit tenders in the e-JN system shall upload an electronically signed ESPD in XML form or an unsigned ESPD in XML form, whereby in the latter case it shall be deemed, in line with the General Terms and Conditions for Use of the e-JN Information System, that a legally binding document has been submitted, with the same validity as a signed document.

The tenderer shall submit signed ESPDs for other participating tenderers under “ESPD – Other participants” in PDF format or in an electronically signed XML file.

5.5. Conclusion of the contract

After the decision regarding the selection of the most advantageous tenderer becomes final, the contracting authority shall call on the selected tenderer, no later than five days after the decision becomes final, to sign the contract. If the tenderer fails to respond to the invitation to sign the contract within five days, it shall be deemed to have withdrawn its tender.

The contract shall enter into force when it has been signed by both contracting parties.

Pursuant to the sixth paragraph of Article 14 of the Integrity and Prevention of Corruption Act (Official Gazette of the Republic of Slovenia, Nos. 69/11 – OCV2, 158/20 and 3/22 – ZDeb, and 16/23, hereinafter: the ZintPK), the selected tenderers shall, at the contracting authority's request and prior to signing the contract, submit **a declaration or information on participation of natural persons and legal entities in**



the candidate's ownership structure, including the participation of silent partners, and regarding the economic operators that, according to the provisions of the act governing companies, are deemed to be associates of the candidate. If the tenderer submits a false statement or provides false information with regard to the aforementioned facts, the contract shall be declared null and void.

5.6. Legal recourse

Legal recourse for tenderers in public procurement procedures shall be guaranteed by the provisions of the Legal Protection in Public Procurement Procedures Act (Official Gazette of the Republic of Slovenia , Nos. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17 and 72/19, hereinafter: the ZPVPJN), according to the procedure and in the manner provided by law.

A request for review that relates to the content of the notice and/or tender documentation may be lodged within ten working days of the publication of a public contract notice or notice of additional information, information on an incomplete procedure or correction, if such notice serves to amend or supplement the requirements or criteria for selection of the most advantageous tenderer, whereby the request for review may relate to the amended, supplemented or clarified content of the notice or tender documentation, or directly to a statement contained in the initial notice or tender documentation. A request for review may not be submitted after the deadline for the receipt of applications.

The applicant shall settle a fee of EUR 4,000 to the Ministry of Finance transaction account No. SI56 0110 0100 0358 802 with the Bank of Slovenia, Slovenska cesta 35, 1505 Ljubljana, Slovenia, SWIFT code: BSLJSI2X; IBAN: SI56011001000358802.

A request for a review shall be lodged via the eRevizija website.