# PUBLIC TENDER DOCUMENTATION

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| Subject of procurement: | Sequencing of the genome of the black human fish for the needs of UL, Biotechnical Faculty |
| Customer: | University of Ljubljana, Biotechnical Faculty, Jamnikarjeva ulica 101, 1000 Ljubljana<br>The Customer is performing the contract in its own name and on its own account. |
| Type of procedure: | Public procurement of small value |
| Publication of the procurement: | Public Procurement Portal |

Reference: 402-42/2024

Ljubljana, February 2025

Content:
Instructions for bidders for preparing a tender
Form in electronic format (XML file)
Estimate form
Other forms that are part of the documentation in connection with the public procurement

The contracting authority invites all interested economic operators to submit their tender for the subject public procurement in accordance with the applicable regulations and this tender documentation.

KAZALO


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INSTRUCTIONS FOR TENDERERS IN PREPARING A TENDER

1. Instructions for tenderers in preparing a tender

1.1 Subject and data on the public procurement

University of Ljubljana, Biotechnical Faculty, Jamnikarjeva ulica 101, 1000 Ljubljana (hereinafter the contracting authority), in accordance with article 47 of the Public Procurement Act (Official Gazettet RS, no. 91/15 with all amendments and supplements, hereinafter: ZJN-3) invites all interested tenderers to submit their written tenders in accordance with this documentation published on the Public Procurement Portal for the selection of contractors for public procurement.

SEQUENCING OF THE GENOME OF THE BLACK HUMAN FISH FOR THE NEEDS OF UL, BIOTECHNICAL FACULTY

The subject of the tender must meet the minimum technical requirements set out below. The tenderer must tender all services in an individual package, otherwise the tender will be considered technically inadequate and consequently inadmissible.

The Contracting Authority will select the tenderer who submits the most advantageous tender according to the selection criteria.

Variant tenders are not permissible.

Sequencing of the genome of the black human fish:

- Sequencing of long reads, de novo, PacBio
- 30x genome reads estimated at 36Gb
- to provide personal assistance on methodological issues for a period of one year after receipt of the sequences.

1.2 Method of issuing the public order

In order to award the order in question, in accordance with Articles 47 of the Public Procurement Act (Official Gazette of the RS, No. 91/15 and amendments; hereinafter referred to as ZJN-3), a low-value procurement procedure is carried out with the conclusion of a contract.

The contracting authority shall require the non-existence of all reasons for exclusion and the fulfillment of the conditions for participation, which are stated in these Instructions to Tenderers. Other requirements of the contracting authority (conditions for participation and requirements specified in other parts of the tender documentation) must be fulfilled by the tenderers as written for each package.

1.3 Deadline and method of submitting tenders

Tenderers must submit tenders on the e-JN information system at the website https://ejn.gov.si, in accordance with point 3 of the document Instructions for the use of the information system e-JN: TENDERERS (hereinafter Instructions for use of e-JN), which is part of this documentation in connection with the issue of public procurement and published on the website https://ejn.gov.si.

Before submitting a tender, the tenderer must register on the website https://ejn.gov.si, in accordance with the Instructions for use of e-JN. If a tenderer has already registered on the information system e-JN, he logs into the application at the same address.

A user of the tenderer, who is authorized to submit tenders in the e-JN information system, submits the tender by clicking on the "Submit" button. When submitting tenders, the e-JN information system records the user's id and the time of submission of the tender. By submitting a tender, the user demonstrates and declares his willingness to submit a binding tender on behalf of the tenderer (Article 18 of the Code of Obligations[1]). By submitting a tender, it is binding for the time specified in the tender, unless the user of the tenderer withdraws or changes it before the deadline for submitting tenders.

A tender is considered to have been submitted on time if the contracting authority receives it via the e-JN system https://ejn.gov.si not later than the deadline for submission specified in the Public Procurement Portal and in the eJN system. A tender that is marked »SUBMITTED« in the e-JN information system shall be considered to be a submitted tender.

A tenderer may withdraw or change his tender until the deadline for submission of tenders. If a tenderer withdraws his tender in the e-JN information system, it is considered that the tender was not submitted and neither will the contracting authority see it in the e-JN system. If the tenderer changes his tender in the e-JN information system, the last submitted tender is open to the contracting authority in this system.

After the deadline for submission of tenders, it will no longer be possible to submit a tender.

### 1.4 Time and place of opening tenders

The opening of tenders will take place automatically in the e-JN information system on the day of expiration of the deadline for submitting tenders specified on the Public Procurement Portal and in the eJN system, at the website https://ejn.gov.si.

Opening takes place in such a way that the e-JN information system automatically displays information about the tenderer, about variants, if they have been requested or allowed, at the time specified for the public opening of tenders, and provides access to the .pdf document that the tenderer uploads to the e-JN system under the "Estimate" tab. Tenderers who have submitted tenders have this information available in the e-JN information system in the section "Record of the opening of tenders".

### 1.5 Obtaining documentation in connection with orders and explanations

Documentation in connection with public procurement is available free on the Public Procurement Portal (https://www.enarocanje.si/). Communication with tenderers about questions or initiatives related to the content of public procurement and regarding the preparation of a tender shall take place exclusively through the Public Procurement Portal.

A tenderer may request additional clarifications regarding the documentation via the Public Procurement Portal no later than the deadline specified in the Public Procurement Portal. The contracting authority shall answer questions via the Public Procurement Portal no later than three days before the end of the deadline for submission of tenders by 3 p.m. The contracting authority will not answer questions that are not asked in the above manner and by the specified deadline. All received questions related to the documentation

[1] Code of obligations (Official Gazette RS, no 97/07 – official consolidated text, 64/16- decision CC and 20/18 -OROZ631)

and published answers shall be considered an integral part of the documentation related to the public procurement.

The contracting authority reserves the right to amend or supplement the tender documentation, whereby, to the extent necessary in the light of the principle of proportionality, it extends the deadline for submission of tenders. Tenderers must monitor possible clarifications, changes or additions to the tender documentation, since explanations, changes and additions are an integral part of the tender documentation. Questions and answers published on the Public Procurement Portal shall also count as part of the tender documentation.

### 1.6 Format, language and costs of a tender

Tenders shall be submitted electronically.

On all required forms, tenderers shall complete the blank fields and contents intended for data entry by tenderers. If individual empty fields and contents are not applicable for the tender, the tenderer must either leave these spaces empty or clearly indicate that they are not applicable to the tender (e.g., cross them out). The tenderer must attach properly completed forms and all other required documents in his tender.

The tenderer must submit the following completed documents in the tender:

- ESPD form (for all economic operators in the tender, preferably also in .pdf format);
- Estimate form;
- Draft Contract form;
- Subcontractor's Consent for Direct Payment form, if the tenderer submits a tender with a subcontractor and the latter requests direct payment;
- Statement/information on the participation of natural and legal persons in the tenderer's assets form, submitted for a subcontractor only if the value of his works exceeds EUR 10,000 excluding VAT;
- Declaration of absence of personal connections form;
- Declaration of non-existence of restrictive measures in view of the actions of Russia.

All documents must be duly completed and, where indicated, dated, signed by an authorized person and, if the economic operator uses a stamp, also stamped. An exception to the above applies to the draft of the Contract, which does not need to be completed, signed and stamped, and the tenderer agrees with its content by submitting the tender. If the tender documentation is not prepared in accordance with this paragraph, the contracting authority may ask the tenderer to supplement the tender, taking into account the principles of equal treatment and transparency.

Insofar as this is not specifically requested or permitted, the economic operator may not add, delete or change the content of the tender forms, but rather, if it considers that they are not appropriate, it must warn the contracting authority about this on the Public Procurement Portal before the deadline for asking questions. The tenderer may also not include documents in the tender that are in conflict with the provisions of the tender documentation.

Tenders shall be submitted in Slovenian or English. Unless otherwise specified, a foreign tenderer shall demonstrate compliance with the conditions with evidence from official records that demonstrate the required legally relevant status. In the event that the competent authorities of a foreign country do not issue such evidence the tenderer shall submit a sworn statement by witnesses or a sworn statement from

the applicant or the tenderer. The declaration must be made before a judicial or administrative authority, a notary or a competent authority of professional and economic operators in the country in which the tenderer has its registered address.

Tenderers may submit prospectuses or other technical documentation in Slovenian or English.

A tenderer who submits a tender guarantees, under criminal and material liability, that all data and documents given in the tender are true and that the attached documentation corresponds to the original. The tenderer shall otherwise be liable to the contracting authority for all damages incurred. However, during the tender verification process, the contracting authority may at any time request the tenderer to submit the original for inspection. All documents submitted by the tenderer must show the current status, except where a document for a certain period or a document of a certain age is explicitly requested. The contracting authority may request documents to prove the fulfillment of the conditions or authorization to obtain documents, if they come from official records, subsequently (after the tenders have been opened and reviewed). In this case, the contracting authority will ask the tenderer to deliver to the contracting authority within a certain period all documents to prove compliance with the conditions. If the requested tenderer does not deliver the documents, authorizations or proofs on time or if he delivers the documents, authorizations or proofs contrary to the contracting authority's requirements, the contracting authority shall reject his tender as incomplete.

The tenderer shall bear all costs related to the preparation and submission of the tender. In the case of suspension of the procedure, elimination of all tenders or withdrawal from the execution of the public contract, the contracting authority will not reimburse the tenderers for any costs incurred in the preparation of the tender. Tenderers shall be aware of this and expressly agree to this by submitting a tender.

#### 1.6.1 Form »ESPD« for economic operators

The ESPD form is an official statement by the economic operator that there are no grounds for exclusion and that it meets the conditions for participation, while providing the relevant information required by the contracting authority. The ESPD form also includes an official statement that the economic operator will be able to submit, on request and without delay, evidence proving the absence of grounds for exclusion or the fulfillment of the conditions for participation.

The information in the ESPD and/or the evidence submitted by the economic operator must be valid.

The economic operator imports the contracting authority's ESPD form (XML file) on the Public Procurement Portal/ESPD website https://ejn.gov.si/espd/ and inserts the required data in it directly.

A completed and signed ESPD must be attached to the tender for all economic operators that participate in the tender in any capacity (the tenderer, participating tenderers in the case of a joint tender, economic operators whose capacities the tenderer refers to in accordance with Article 81 of ZJN-3 (including natural persons with whom the tenderer cooperates and who are not employed by him) and subcontractors.

In the ESPD form, the economic operator must provide all the information on the basis of which the contracting authority will obtain certificates or other information in the national database, and on the relevant form give consent for the contracting authority to obtain these documents and information.

Insofar as an individual economic operator does not have to demonstrate fulfillment of a certain condition in accordance with the provisions of this tender documentation, the economic operator leaves the part of the ESPD form that refers to such a condition uncompleted.

A tenderer who submits a tender in the e-JN system uploads his ESPD in the "ESPD - tenderer" section, and uploads the ESPD of the other participants in the "ESPD – other participants" section. A tenderer who submits a tender in the e-JN system uploads an electronically signed ESPD in xml. format or unsigned ESPD in xml. form, whereby in the latter case, in accordance with the General Terms of Use of the e-JN information system, it is considered that a legally binding document has been submitted, which has the same validity as a signed document.

For other participants, the tenderer shall attach signed ESPDs in .pdf format or electronically signed xml to the "ESPD – other participants" section.

An economic operator may submit evidence of the non-existence of grounds for exclusion and evidence of fulfillment of the conditions for recognition of competence by itself. The contracting authority reserves the right to check the authenticity of the submitted documents with their issuers or signatories.

At any time during the public procurement process, the contracting authority may ask the tenderer to submit evidence (certificates, statements, certified sworn statements, extracts from records or registers, contracts, invoices, specifications of delivered supplies or services etc.) that demonstrate the non-existence of reasons for exclusion and the fulfillment of conditions for the recognition of competence. The tenderer is obliged to submit supporting documents within a reasonable period of time, which will be determined by the contracting authority in the invitation.

### 1.6.2 Form »Estimate«

The tenderer must offer all the items in the Estimate Form, taking into account the technical specifications that form part of the procurement documents.

The tenderer completes all the items in the Estimate. If the tenderer does not enter the price in an individual item, it is considered that he is not tendering for the subject of the item and thus does not meet all the requirements of the contracting authority from the documentation related to the public procurement.

If the tenderer enters a price of zero (0) EUR, it is considered that he is tendering for the item free of charge. The tenderer may not change the content of the estimate. The tendered price without VAT must include all discounts and costs (e.g., labor costs, handling costs, delivery costs, forwarding, transport, customs and any other possible costs). Tender prices per unit of measure must be rounded to two decimal places.

In unit prices, the tenderer must include all expected and anticipated costs, as well as costs that he cannot foresee at the time of submitting the tender, but which he is obliged to estimate or predict and assess the risk of their occurrence.

In the event that the contracting authority discovers obvious calculation errors during the review and evaluation of the tenders, he will act in accordance with the seventh paragraph of Article 89 of ZJN-3.

In the e-JN system, the tenderer uploads the Estimate form to the "Estimate" section in the .pdf file.

## 1.7 Validity of a tender

A tender must be valid until at least 30 April 2025. In the case of a shorter period of validity of the tender, the tender will be excluded.

In exceptional circumstances, the contracting authority can request that tenderers extend the validity period of tenders for a specific additional period.

If the public procurement process takes longer than expected and the validity of the tender needs to be extended, the tenderer may do so on its own initiative or at the request of the contracting authority.

## 1.8 Joint tender

A group of economic operators may submit a joint tender. In such a case, all economic operators participating in the joint tender must be listed on the ESPD form. Tenderers participating in a joint tender must indicate on the ESPD form what their role is in the group, whereby one tenderer must choose the role of lead partner. The contracting authority will communicate with the lead partner until the decision on the order is made.

In the case of a joint tender, there must be no reasons for exclusion from any tenderer, but the conditions for the recognition of competence may be fulfilled by the tenderers together (unless an individual condition is required to be fulfilled by all partners in the joint tender or all economic operators in the tender).

Each tenderer in the joint tender must fill out and submit the ESPD form, the Declaration of Ownership Shares and Affiliations form and the Declaration of Absence of Personal Connections form.

The forms Estimate, Tender Estimate, Declaration of Ownership Shares and Affiliations, Declarations of Absence of Personal Connections, Declaration of Technical Ability, Draft Contract shall be signed and stamped by the lead partner in the joint tender. Tenderers must, in their internal relationship, authorize the lead partner to sign or submit all the documents specified in this paragraph. Such authorization or authorizations do not have to be submitted in the tender documentation, but the lead partner must submit it/them subsequently, if requested by the contracting authority.

In the event that a group of bidders is selected for the execution of the order in question, the contracting authority will request that they submit a document on the joint execution of the order (for example, a cooperation agreement), in which the tasks, rights and obligations of individual tenderers are precisely defined, as well as the method of settlement of obligations by the contracting authority (to each tenderer individually or through a lead partner) and any authorizations for communication with the contracting authority. In any case, all tenderers shall be liable to the contracting authority in unlimited joint and several liability.

## 1.9 Tender with subcontractors

According to the provisions of ZJN-3, a subcontractor is an economic operator that is a legal or natural operator who supplies goods or performs a service or construction for the tenderer with whom the contracting authority concludes a contract according to ZJN-3, which is directly related to the subject of the public procurement.

The tenderer may register a subcontractor if it so wishes. In case of appointment, the tender must include:

- a list all subcontractors and each part of the public contract that is intended to be subcontracted on the ESPD form,
- indicate whether the subcontractor requests direct payments,
- for each of the listed subcontractors, submit the completed ESPD subcontractor form.

The deadlines for payments to the main contractor and his subcontractors, if they require direct payments, are the same. In relation to the contracting authority, the tenderer is fully responsible for the implementation of the subject of the public procurement.

If there are reasons for exclusion of an individual subcontractor or if he does not meet the conditions for participation from this tender documentation, the contracting authority will reject such a subcontractor and request his replacement (or the acceptance of part of the rejected subcontractor's order by the tenderer). The same applies to other operators whose facilities are used by the tenderer in accordance with Article 81 of ZJN-3.

Insofar as the tenderer demonstrates competence through a subcontractor, he must declare it in the tender!

### 1.10 Business confidentiality and protection of confidential data

A tenderer may designate as confidential, documents containing personal data that are not contained in any public register or otherwise publicly accessible, and business data that are designated confidential in accordance with the Business Secrets Act or the tenderer's internal acts. The contracting authority shall treat as confidential those documents in the tender documentation that are designated "CONFIDENTIAL" or "BUSINESS SECRET", or the tenderer will designate them with a trade secret decision. If only certain information in a form or document is to be kept confidential, the information must be marked "CONFIDENTIAL" or "BUSINESS SECRET" or clearly defined by a decision on business secrecy.

It is not possible to mark as confidential data or business secret data that are the subject of evaluation of tenders (technical specifications, quantity from the specification, price per unit, value of individual item and total value of the tender) or on the basis of regulations, ZJN-3 and the practice of National Audit Office commissions, are not classified as confidential or cannot represent trade secrets. If information that does not meet the conditions stated in the previous sentence is marked as confidential or as a trade secret, the contracting authority will remove the "CONFIDENTIAL" or "BUSINESS SECRET" mark itself.

Tenderers who become aware of confidential information by participating in the procedure or in the performance of contractual obligations are obliged to protect it in accordance with the regulations.

### 1.11 Data on ownership structures

In accordance with the sixth paragraph of Article 14 of the Act on Integrity and Prevention of Corruption (Official Gazette of the Republic of Slovenia, No. 69/11-UPB2; hereinafter referred to as ZIntPK), the selected tenderer is obliged, at the request of the contracting authority, to submit a statement or information about participation of natural persons and legal entities owned by the tenderer, including the participation of silent partners and about economic operators which, according to the provisions of the law governing economic operators, are considered to be affiliated companies to the tenderer. If the

tenderer submits a false statement or provides untrue information about the stated facts, this will result in the contract being void.

In the event that the selected tenderer does business with a subcontractor during the implementation of the order in question and the value of the contractual work to be performed by the subcontractor is higher than EUR 10,000.00 excluding VAT, the selected tenderer must provide the above information for the subcontractor as well.

The tenderer must submit a signed Statement/information on the participation of natural and legal persons in the tenderer's assets form in the tender documentation.

### 1.12 Modification of the scope of the procurement and concluding of the contract

The contracting authority may, based on the eighth paragraph of Article 90 of the Public Procurement Act (ZJN-3), withdraw from the execution of the public procurement or reduce the scope of work for justified reasons, such as no longer needing the subject of the public procurement, lacking the necessary funds, or if there is a justified suspicion that the agreement's content was or could have been the result of a criminal offense or that other extraordinary circumstances have arisen, which the contracting authority could not influence or predict, making the execution of the public procurement with the selected bidder impossible. In this case, the contracting authority will inform the bidders in writing of its decision and the reasons for withdrawing from the execution of the public procurement.By signing the ESPD form, the tenderer indicates its understanding and agreement to the above paragraph and confirms that it accepts the contents of the procurement documents.

By signing the ESPD form, the tenderer indicates its understanding and agreement to the above paragraph and confirms that it accepts the contents of the procurement documents.

Pursuant to Article 89 of the Public Procurement Contract Law, the contracting authority reserves the right to terminate the procedure, reject all tenders or withdraw from the performance of the public contract.

If the tenderer does not respond within ten (10) days after an invitation to sign a contract, the contracting authority can consider that he has withdrawn from the tender.

### 1.13 Legal basis

The contracting authority shall carry out the process of awarding a public contract on the basis of the applicable law and laws governing public procurement, in accordance with the applicable legislation governing the field of public finance and the area that is the subject of the public procurement.

### 1.14 Method of insight into the tender of the chosen tenderer

In accordance with paragraph 5 of Article 35 of ZJN-3, the contracting authority will provide access to the tender of the selected tenderer in such a way that it conceals information that constitutes a business secret in the tender of the selected tenderer. It must be concealed in accordance with GDPR and the tender sent in a locked format by e-mail. The contracting authority will also inform the selected tenderer about the insight.

## 1.15 Legal protection

A demand for legal protection in public procurement procedures may be filed against any conduct of the contracting authority in the public procurement procedure, unless ZJN-3 or the Act on Legal Protection in Public Procurement Procedures (Official Gazette of the Republic of Slovenia, No. 43/2011, 60/2011, 63 /2013, 90/2014, 60/2017 and 72/2019; ZPVPJN) stipulates otherwise.

A demand for revision that refers to the content of the publication and/or documentation related to the public procurement, may be submitted within ten working days from the date of publication of the notice on the public procurement or notice of additional information, information on an incomplete procedure or correction, if, with this notification, the requirements or criteria for selecting the most favorable tenderer are changed or supplemented, whereby the request for revision may refer to the changed, supplemented or explained content of the publication or tender documentation or a statement directly related to it in the original publication or tender documentation. It is not permissible to file a demand for revision after the deadline for receiving tenders, unless the deadline for receiving tenders is shorter than ten working days. In this case, the demand for revision may be submitted within ten working days from the date of publication of the notice of public procurement.

An applicant submits a demand for revision via the eRevizija portal (https://www.portalerevizija.si/). An applicant for revision related to the content of the publication, invitation to tender or tender documentation must pay a fee of EUR 2,000.00 before submitting the application. The applicant must attach a fee payment certificate to the revision demand.

The fee for the pre-revision and revision procedure must be paid by the applicant to the transaction account of the Ministry of Finance, number SI56 0110 0100 0358 802, opened at Banka Slovenije, Slovenska 35, 1505 Ljubljana, Slovenia, SWIFT CODE: BSLJSI2X; IBAN: SI56011001000358802 – tax for a public procurement revision process.

A special reference according to model 11 is used for the payment of levies. The reference consists of three items of data (P1 - P2 - P3). The first and second parts of the reference, P1 and P2, are always the same and are separated by a hyphen, with the value of P1: 16110, the value of P2: 7111290. The last, third part of the reference, P3, represents the publication number of the public procurement notice on the Public Procurement Portal order. It consists of 8 digits, whereby the first six digits are the publication number of the contract notice, and the last two digits are the year from the public procurement publication number.

Univerza v Ljubljani
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prof. dr. Marina Pintar
dean

## 2. GROUNDS FOR EXCLUSION

On submission of a tender, the contracting authority will accept an ESPD that includes an updated self-declaration, in accordance with Article 79 of ZJN-3, instead of certificates issued by public authorities or third parties. At any time during the process, the contracting authority may ask a tenderer to submit all or part of the evidence related to the information in the ESPD. The reasons for exclusion refer to each of the partners in the case of a joint tender, and also to subcontractors in the case of execution with subcontractors. The contracting authority will exclude from the public procurement process a tenderer who meets the following reasons for exclusion:

1. The contracting authority will exclude an economic operator from participating in the public procurement procedure, if the economic operator or a person who is a member of the administrative, management or supervisory body of this economic operator or who has the authority to represent it or make decisions or supervise it has been convicted by final judgement of a violation that has elements of the criminal acts as listed in Article 75 of the ZJN-3.

   Insofar as the economic operator is in the position referred to in the above paragraph, in accordance with the ninth paragraph of Article 75 of ZJN-3, it may provide the contracting authority with evidence that it has taken sufficient measures to prove its reliability despite the existence of grounds for exclusion.

   Evidence: All economic operators in the tender must fill out an ESPD form (Part III.A "Reasons related to criminal convictions" and "Part III: Reasons for exclusion, Section D: National reasons for exclusion").

   Evidence: Certificate of non-conviction for all economic operators in the tender who are not established in the Republic of Slovenia (the certificate must be no more than four months old, counted from the deadline for submission of tenders).

   Evidence: Certificate of non-conviction for any foreign natural person who is a member of the administrative, management or supervisory body of the economic operator or who has the power of representation, decision-making or control therein (the certificate must not be more than four months old, counted from the deadline for submission of tenders).

   Economic operators not established in the Republic of Slovenia must enclose a certificate of non-conviction from official records in their tender.

   Economic operators established in the Republic of Slovenia do not need to submit a certificate of good repute in their tender. The information contained in the official records will be verified by the contracting authority itself using the single information system operated by the Ministry responsible for public procurement (e-Dosje). The Contracting Authority reserves the right to request certificates of good repute from tenderers at a later stage. Such certificates must not be older than 4 months from the deadline for submission of the tender or must be obtained no later than 90 days from the deadline for submission of the tender (in the event of a subsequent request for submission by the contracting authority).

2. The contracting authority will exclude a business operator if, during the verification in accordance with Articles 77, 79 and 80 of ZJN-3, it finds that the business operator has not fulfilled mandatory tax and other monetary non-tax obligations in accordance with the law governing financial administration, which is collected by the tax authority in accordance with the regulations of the country in which it is established or the regulations of the contracting authority's country. It shall be considered that the economic operator has not fulfilled the obligations from the previous sentence

even if it has not submitted all tax deductions for income from an employment relationship for the period of the last five years by the deadline for submitting the tender.

Evidence: All economic operators in the tender fill out the ESPD form (Part III.B "Reasons related to the payment of taxes or social security contributions").

3. The contracting authority will exclude an economic operator from participating in the public procurement procedure if, on the day the tender submission deadline expires, the tenderer is excluded from public procurement procedures due to inclusion in the register of business operators with negative references.

   Evidence: All economic operators in the tender fill out the ESPD form (Part III.D "National reasons for exclusion": "National provision - record with negative references").

4. The contracting authority will exclude an economic operator from the public procurement process if, in the last three years before the deadline for submission of tenders expires, the competent authority of the Republic of Slovenia or another member state or a third country has found at least two violations in relation to remuneration for work, working hours, rest, performing work on the basis of civil law contracts despite the existence of elements of an employment relationship or in connection with illegal employment, for which he was fined for a violation by final decision or several final decisions.

   Insofar as the economic operator is in the position referred to in the above paragraph, in accordance with the ninth paragraph of Article 75 ZJN-3, it may submit evidence to the contracting authority no later than the deadline for submission of tenders that it has taken sufficient measures to prove its reliability despite the existence of reasons for exclusion.

   Evidence: All economic operators in the tender shall complete the ESPD form (Part III.D "National grounds for exclusion": "National provision offense related to remuneration for work"). If the answer in this case is YES and you are enforcing a corrective mechanism for violations and measures that you can use to prove your reliability despite the existence of the stated reason for exclusion, please indicate in, e.g., Declaration.

5. An economic operator is[2]:

   a) a Russian citizen or a natural or legal person, entity or body established in Russia;
   b) a legal person, entity or body of which more than 50 % is owned, directly or indirectly, by an entity referred to in the preceding point; or
   c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph.

   A subcontractor and an entity whose capacities are relied on by the tenderer shall be deemed to have a ground for exclusion referred to in this point of the tender documentation if the value of its works, services or supplies exceeds 10 % of the tender value (excluding VAT).

[2] The measures are defined by Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP on restrictive measures in response to actions by Russia causing destabilization of the situation in Ukraine (OJ L 111, 8 April 2022, p. 70), which is available on the website https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022D0578

Evidence: Declaration of the absence of restrictive measures on account of the activities of Russia for all economic operators in the tender (except for the subcontractor and the entity whose capacities are relied on by the tenderer, if the value of its works, services or supplies is less than 10 % of the tender value (excluding VAT)).

If the economic operator cannot obtain and produce the documents required to demonstrate the absence of any of the grounds for exclusion referred to in points 1, 2 or 4 above because the country in which the economic operator is established does not issue such documents, they may be replaced by a sworn declaration, where the country in which the tenderer is established does not provide for such a declaration, by a declaration made by a person before a competent judicial or administrative authority, a notary or a competent professional or trade body in the person's country of origin or in the country in which the economic operator is established.

3. CONDITIONS FOR PARTICIPATION

The Contracting Authority requires tenderers to fulfil the following conditions for eligibility:

1. The economic operator must be entered in one of the professional or trade registers kept in the Member State in which the economic operator is established. The list of professional or business registers in the Member States of the European Union is set out in Annex XI to Directive 2014/24/EU.

   This condition must be fulfilled by each economic operator in the tender (with the exception of natural persons who, according to the practice of the National Audit Commission, are considered as subcontractors but are not registered as sole proprietors).

   Evidence:
   - Completed ESPD form (in Part IV.A: 'Eligibility, Registration in the relevant professional register or in the commercial register'), for all economic operators in the tender contributing to the fulfilment of the condition).

   The ESPD must contain all the information necessary to enable the contracting authority to verify compliance with this condition in the official records. If such verification is not possible, the contracting authority will require the tenderer to submit, for example: a copy of the registration in one of the professional or commercial registers.

2. Economic and financial condition or capability: the tenderer has not had any blocked transaction accounts in the last six months from the date of publication of the contract notice and has no outstanding debts at the date prior to the date on which the proof is to be provided. The tenderer is not in litigation or mediation with the contracting authority.

   Evidence:
   - Completed ESPD form (in Part IV.A: 'Economic and financial situation, Other economic or financial requirements'), for all economic operators in the tender contributing to the fulfilment of the condition).

3. The tenderer has successfully (i.e. in terms of time, quantity and quality, in accordance with the contract and the applicable regulations) provided the following services in the three years preceding the publication of this procurement notice:

   a) third generation sequencing, in particular long reads for a project i.e. a genome of > 5Gb sequenced by long reads.

   This condition must be fulfilled by the supplier. A group of tenderers may fulfil the condition jointly. The tenderer (or group of tenderers) may also fulfil the condition by subcontracting. The economic operator to which the reference refers (i.e. the holder of the reference) must undertake and perform that part of the procurement which is identical to the content of the reference. The service may not be performed by an economic operator which has not contributed to the fulfilment of the reference.

   The Contracting Authority reserves the right to verify compliance with the reference condition at the stage of examination and evaluation of tenders with the reference contracting entities or with other entities having information concerning the content and performance of the reference operation. If it is established that the reference does not demonstrate the quality of the supplies, the reference shall be disregarded. Deliveries not of good quality shall be deemed to include:

delays in deliveries, irregularities and deficiencies in the performance of deliveries (i.e. justified complaints), over-invoicing, causing damage to the Customer or to third parties, etc.

Evidence:

- Completed ESPD form (in Part IV.C: 'Technical and professional capacity': 'For service contracts: performance of services of a specific type'), for all economic operators in the tender contributing to the fulfilment of the condition) and
- The form 'Certificate of reference project' completed and certified by the reference contracting authority (for all economic operators in the tender contributing to the fulfilment of the condition).

4. Technical competence

The subject of services is the sequencing of long reads of both DNA and RNA.

The Contracting Authority will award the qualification to the tenderer who demonstrates that it has Oxford Nanopore and Pacific Biosciences (PacBio) equipment.

The equipment must provide - PacBIO sequencing libraries:

- PacBio DNA HiFi library preparation Priprava PacBio DNA HiFi library
- Pacbio Revio HiFi SMRTcell sekvenciranje

The equipment must provide - Nanopore:

- whole genome sequencing

The tenderer must provide:

- library preparation for sequencing and sequencing
- flexible amount of data according to the contracting authority's requirements
- the contracting authority may quantify the sequencing yield in millions of reads or millions of sequenced bases and by estimating the average read length N50.
- purification of PCR products before sequencing at the request of the contracting authority
- the ability to sequence sequences over 1000 bp
- GC-rich DNA sequencing
- fragment analysis (capillary electrophoresis)

Evidence:

- The tenderer completes the ESPD form (Part IV. C: "Technical and professional ability": "Tools, plant or technical equipment").

## 4. CRITERIA FOR SELECTION

The evaluation criterion is the most economically advantageous offer, determined based on the lowest total offer price in EUR excluding VAT. The contracting authority will award the contract to the bidder who submits the lowest total offer price excluding VAT (except in cases described in point 1.12 "Modification of the scope of the procurement and concluding of the contract").

The total offer price for sequencing must include the cost of delivering materials from the contracting authority to the bidder, as well as the cost of delivering data from the bidder to the contracting authority (via the internet or on a data carrier, including the cost of the carrier). The bidder will send a carrier to collect the materials and handle all necessary customs and other procedures.

The contracting authority will select one bidder with whom it will sign the contract.

The offer price is specified in the form Estimate, which is attached to this form.

If the bidder offers a discount, it must be included in the final offered value. When calculating the offer value, bidders must consider all factors that affect the price calculation, such as labor costs, transport costs, overheads, possible overtime, equipment depreciation, and any other costs that impact the price calculation.

In case two or more bidders submit offers with the same lowest total price, the contracting authority will accept the offer that was submitted first.

The tenderer completes the form Estimate.