

**BF****UNIVERZA V LJUBLJANI**
Biotehniška fakulteta**PUBLIC TENDER DOCUMENTATION**

Predmet naročila: Supply, Delivery, and Installation of Equipment for Advanced Plant Phenotyping for the Needs of the University of Ljubljana, Biotechnical Faculty

Naročnik: University of Ljubljana, Biotechnical Faculty, Jamnikarjeva ulica 101, 1000 Ljubljana
The Customer is performing the contract in its own name and on its own account.

Vrsta postopka: Open procedure

Objava naročila: Public Procurement Portal, Official Journal of the European Union – portal TED

Reference: 401-5/2025

Ljubljana, March 2025

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.

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INSTRUCTIONS FOR TENDERERS IN PREPARING A TENDER

1. LEGAL BASIS

The public procurement procedure is carried out on the basis of the Public Procurement Act (Official Gazette of the RS, No 91/15, as amended and supplemented; hereinafter also referred to as "ZJN-3") and the by-laws governing public procurement, in accordance with the applicable legislation governing public finances, the subject-matter of the public procurement and other applicable regulations.

2. CONTENTS OF THE TENDER DOCUMENTATION

The tender documentation, including the technical documentation, is available free of charge to tenderers on the Public Procurement Portal (www.enarocanje.si).

Tenderers are invited to examine the tender documentation carefully and to communicate any ambiguities or disagreements with it to the contracting authority via the Public Procurement Portal before the deadline for asking questions. Otherwise, the tender documentation shall be deemed to be clear and the Tenderer shall be deemed to have accepted it.

3. SUBJECT AND DATA ON THE PUBLIC PROCUREMENT

The subject of the tender is Supply, Delivery, and Installation of Equipment for Advanced Plant Phenotyping for the Needs of the University of Ljubljana, Biotechnical Faculty.

Naročilo je razdeljeno na 2 sklopa, in sicer:

- **Lot No. 1:** Mobile phenotyping station with a laser 3D scanner and multispectral camera for morphometry and physiological assessment of plants
- **Lot No. 2:** Stand-alone phenotyping chamber with a sensor system for precise multispectral imaging and fluorometry under controlled environmental conditions.

A tenderer may submit a tender for one or both lots.

The award of the contract for each lot will be made to the tenderer who submits the most economically advantageous tender for each lot.

A more detailed specification of the subject-matter of the procurement is given in the Technical Specifications, the draft Contract and other relevant parts of the tender documentation. The tenderer must offer the whole of the subject-matter of the contract in each lot.

Variation bids are not admissible and will not be considered. Tenderers submitting a variant tender will be excluded from the procurement procedure.

The Contracting Authority shall have the means to carry out the procurement, the amount of which shall be specified in the decision to initiate the procedure. Tenders exceeding the amount of the funds provided will be rejected as inadmissible by the Contracting Authority.

4. PUBLIC PROCUREMENT PROCEDURE

The award of the contract shall be subject to an open procedure in accordance with Article 40 of the Law on Public Procurement (ZJN-3) (Official Journal of the Republic of Slovenia No 91/2015, as amended). One tenderer will be selected for each lot and will submit the most advantageous admissible tender in accordance with the criteria set.

A tenderer may submit a tender for one or more lots and must offer the whole of the subject-matter of each lot. The tenderer shall indicate in the 'Single European Procurement Document - ESPD' form which lot or lots he is tendering for. Where this is not explicitly indicated, the Contracting Authority will consider that the tenderer is tendering for the lot for which he has indicated the prices on the Tender Form. The absence of all the grounds for exclusion set out in these Tender Documents shall be required for each Lot. The other requirements of the Contracting Authority (conditions for participation and requirements set out in other parts of the Tender dossier) shall be met by tenderers as specified for each lot.

The award of the contract for each lot will be made on the basis of the conditions and criteria set out in these tender documents. The award of the contract will be made to the tenderer who submits the most economically advantageous admissible tender for each lot, except in the cases specified in point 14 of these tender documents ('Withdrawal from the award of the contract').

5. DEADLINE AND METHOD OF SUBMITTING TENDERS

Tenderers must submit tenders on the e-JN information system at 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.

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.

6. 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".

By submitting a tender, tenderers confirm that, on the basis that the information referred to in Article 88(6) of the Law on Public Procurement is available in the e-JN information system, the contracting authority has fulfilled its obligation to serve the record in accordance with the provisions of Article 88(7) of the Law on Public

Procurement and will not require any further transmission of the record of the opening of tenders in the e-JN system.

7. OBTAINING DOCUMENTATION IN CONNECTION WITH ORDERS AND EXPLANATIONS

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 six days before the end of the deadline for submission of tenders**.

The contracting authority will not answer questions that are not asked in the above manner and by the specified deadline.

The Contracting Authority reserves the right to amend or supplement the tender documentation. Amendments, supplements to the Tender dossier and answers to any questions shall form an integral part of the Tender dossier, whether or not the Contracting Authority prepares a clean copy of the Tender dossier.

Tenderers will not be personally informed of any clarifications, amendments and modifications to the tender documentation and are responsible for monitoring the Procurement Portal.

8. DETERMINATION OF COMPETENCE

8.1 Entities for which the determination of competence is to be conducted

The economic operators participating in the tender must fulfil the conditions for participation and must not be the subject of any exclusion ground. All economic operators in a tender must prove that they fulfil the conditions for participation and that there are no grounds for exclusion, unless otherwise specified in the particular point, by:

- tenderer;
- all partners in a joint tender;
- all subcontractors, irrespective of the stage of the performance of the public contract at which the tenderer involves them in the performance of the public contract;
- all entities whose capacities are used by the tenderer in accordance with Article 81 of the PPL-3 (including natural persons with whom the tenderer cooperates and who are not employed by the tenderer or by another economic operator in the tender).

When submitting a tender, the contracting authority will accept the 'Single European Procurement Document - ESPD', which constitutes the updated official self-declaration of the economic operator, as prior evidence regarding the grounds for exclusion and the conditions for participation, instead of certificates issued by public authorities or third parties, in accordance with Article 79 of the ZJN-3. The ESPD form must be submitted in the tender for all economic operators referred to in the first paragraph of this point.

The economic operator shall import the contracting entity's ESPD form (XML file) on the e-JN portal website: <https://ejn.gov.si/espdl/> and enter the required data directly into it. The tenderer submitting a tender in the e-JN system shall upload its ESPD form in the section 'ESPD - Tenderer' and the ESPD forms of the other tender participants in the tender shall be uploaded in the section 'ESPD - Other Participants'. A tenderer submitting a tender in the e-JN system shall upload an electronically signed ESPD in xml format or an unsigned ESPD in .xml format, in the latter case, in accordance with the General Terms and Conditions for the use of the e-JN information system, it shall be deemed to be a legally binding document submitted, which shall have the same validity as a signed one. Preferably, the tenderer shall also submit a signed ESPD in pdf format, which shall be uploaded in the 'Documents' section, under the 'Other Annexes' section. For other

participants, the tenderer shall attach handwritten or electronically signed ESPDs in .pdf format, or electronically signed ESPDs in .xml format, in the section 'ESPD - other participants'.

The economic operator must indicate in the ESPD form all the information on the basis of which the contracting authority will obtain certificates or other information from the national database, and must give his consent on the form to the contracting authority obtaining this evidence and information.

Accordingly, the contracting authority will itself verify in an official register or a publicly accessible database based on or including data from official registers or the single information system referred to in Article 77(9) of the Law on Public Procurement (hereinafter referred to as the eDosje application) the information on:

- a) the existence of the following grounds for exclusion:
 - Criminal record (point 8.2.1 of these tender documents);
 - Debt to the State (point 8.2.2 of these Tender Documents);
 - The secondary sanction of exclusion from procurement procedures (point 8.2.3 of these tender documents);
 - Labour law offence (point 8.2.4 of this tender dossier);
- b) fulfilment of the following conditions for participation:
 - Registration in the commercial register (point 8.3.1 of the tender dossier);
 - Unblocked transaction accounts (point 8.3.2 of these tender documents).

At the request of the Contracting Authority, the tenderer will be required to provide evidence of the absence of a particular ground for exclusion or of the fulfilment of a particular condition for participation, if the information cannot be verified in official records or in a publicly accessible database based on or including information from official records, or if the economic operator has not provided the Contracting Authority with the information necessary to verify the existence of a criminal record in the criminal records of the Republic of Slovenia.

For the purpose of verifying the grounds for exclusion and the conditions for participation, the submission of copies of the documents requested shall be sufficient, unless otherwise specified for a particular ground for exclusion or condition for participation, and the contracting authority reserves the right to consult the original documents. Unless otherwise specified for a particular document, the age of the document shall be irrelevant and it shall reflect the most recent state of the document.

If, for objective reasons, the economic operator is unable to obtain and produce the evidence requested, it shall be obliged to attach appropriate document(s) showing that the ground for exclusion or the condition for participation does not exist. An economic operator who is unable to obtain and produce the document requested because the country in which the economic operator is established or the individual has his/her permanent residence does not issue such a document shall, in place of the document requested, produce a sworn declaration or, where the country in which the economic operator is established or has his/her permanent residence does not provide for such a document, a witness statement made before a competent judicial or administrative authority, a notary public or a competent professional or trade body in the country in which the economic operator is established or the individual has his/her permanent residence; this document shall be replaced by the following: (a) a declaration made before a competent judicial or administrative authority, a notary public, or a professional or trade organisation in the country in which the economic operator is established or has his/her permanent residence.

The economic operator may also provide its own evidence of the absence of any ground for exclusion and of the fulfilment of the conditions for admission. The contracting authority reserves the right to verify the authenticity of the documents submitted with the originator or signatory of the documents.

At any time during the award procedure, the contracting authority may call on the tenderer to produce evidence (certificates, declarations, certified affidavits, extracts from records or registers, contracts, invoices, specifications of the goods supplied, etc.) to prove that there are no grounds for exclusion

and that the tenderer fulfils the conditions for participation. The tenderer will be obliged to submit the supporting documents within the time limit laid down by the contracting authority in the invitation to tender.

8.2 Grounds for exclusion

The contracting authority shall exclude a tenderer from participation in the procurement procedure if, on verification in accordance with Articles 77, 79 and 80 of the ZJN-3, it finds or is otherwise aware that any of the following grounds for exclusion exist in respect of any economic operator in its tender:

1. The economic operator or a person who is a member of the administrative, management or supervisory body of that economic operator, or who has the power of representation or decision-making or control therein, has been the subject of a judgment which has the force of res judicata and which has the elements of a criminal offence as defined in Art. 75(1) of the Law on Public Procurement (Art. 75(1) of the Law on Public Procurement).

An economic operator which is in one of the situations referred to in Article 75(1) ZJN-3 may, at the latest by the deadline for the submission of tenders in accordance with Article 75(9) ZJN-3, provide the contracting authority with evidence that it has taken sufficient measures to prove its reliability despite the existence of grounds for exclusion.

Proof (of the absence of a ground for exclusion):

- **Completed_ESPD form** (Part III.A: 'Grounds relating to criminal convictions' and Part III.D: 'National grounds for exclusion': 'Other grounds for exclusion provided for in the national law of the contracting authority's Member State') for all economic operators in the tender;
- **A certificate of good criminal record¹** for all economic operators in the tender who are not established in the Republic of Slovenia (the certificate must not be more than four months old from the closing date for the submission of tenders);
- **A certificate of good criminal record²** 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 or decision-making or control therein (the certificate must not be more than four months old, counted from the closing date for the submission of tenders); - A certificate of good criminal record 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 or decision-making or control therein.

Economic operators not established in the Republic of Slovenia must enclose a certificate of good reputation from official records in their tender.

Economic operators established in the Republic of Slovenia do not need to include a certificate of good reputation in their tender. The information held in 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 reputation 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).

^{1,2} An extract from an appropriate register, such as a criminal record or, in the absence of such a register, an equivalent document issued by a competent judicial or administrative authority in the Republic of Slovenia, another Member State or the country of origin or in which the economic operator is established, showing that there are no grounds for exclusion.

2. The economic operator fails to comply with the compulsory levies and other non-monetary obligations in accordance with the law governing the financial administration, which are collected by the tax authority in accordance with the rules of the country in which the economic operator is established or with the rules of the country of the contracting authority. The economic operator shall also be deemed not to have fulfilled the obligations referred to in the preceding sentence if it has not submitted all the withholding tax returns in respect of income from employment for the last five years up to the deadline for submission of the tender. An economic operator shall not be disqualified if, by the deadline for the submission of tenders, the economic operator has settled outstanding obligations amounting to EUR 50 or more and has submitted all withholding tax returns in respect of the employment income for the last five years up to the deadline for the submission of the tender (Article 75(2) of the Public Procurement Contract No 3). 3.2.2005 L 390/28 Article 75(2) of the Public Procurement Contract No 3).

Proof (of the absence of a ground for exclusion):

- **Izpolnjen obrazec ESPD** (Del III.B »Razlogi, povezani s plačilom davkov ali prispevkov za socialno varnost«) za vse gospodarske subjekte v ponudbi;
 - **Potrdilo, ki ga izda pristojni organ države, v kateri ima gospodarski subjekt sedež, iz katerega je razvidno, da ne obstaja razlog za izključitev iz te točke** (o.p. samo za gospodarske subjekte v ponudbi, ki nimajo sedeža v Republiki Sloveniji).
3. On the day on which the deadline for the submission of tenders expires, the economic operator shall be excluded from public procurement procedures on the grounds of its inclusion in the register of economic operators with the imposition of secondary sanctions for exclusion from public procurement procedures (point a) of the fourth paragraph of Article 75 of the Law on public procurement procedures). 3

Proof (of the absence of a ground for exclusion):

- **Completed ESPD form** (Part III.D 'National grounds for exclusion': 'Other grounds for exclusion provided for in the national law of the contracting authority's Member State') for all economic operators in the tender.
4. The economic operator has been found by a competent authority of the Republic of Slovenia or of another Member State or of a third country, within the last three years before the deadline for the submission of tenders, to have committed at least two infringements relating to remuneration for work, working time, rest periods, the performance of work on the basis of contracts governed by civil law, despite the existence of the elements of an employment relationship, or the employment of undeclared workers, for which it has been fined by one or more final decisions for an offence (point (b) of the fourth paragraph of Article 75 of the ZJN-3).

An economic operator which is in one of the situations referred to in the above paragraph may, at the latest by the deadline for the submission of tenders in accordance with Article 75(9) of the ZJN, provide the contracting authority with evidence that it has taken sufficient measures to prove its reliability despite the existence of grounds for exclusion.

Proof (of the absence of a ground for exclusion):

- **Completed ESPD form** (Part III.D 'National grounds for exclusion': 'Other grounds for exclusion provided for in the national law of the contracting authority's Member State') for all economic operators in the tender
- **A certificate issued by the competent authority of the country in which the economic operator is established stating that there are no grounds for exclusion referred to in**

³ The register of economic operators with secondary sanctions of exclusion from public procurement procedures is publicly available at <https://ejn.gov.si/sistem/negativna-lista.html>. The contracting authority will consult the register itself.

this point (o.p. only for economic operators in the tender not established in the Republic of Slovenia).

5. An economic operator is⁴:
- 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).

Proof (of the absence of a ground for exclusion):

- **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.

8.3 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.

The condition must be fulfilled for each lot. 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. 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

⁴ 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>

the proof is to be provided. The tenderer is not in litigation or mediation with the contracting authority

This condition must be met by the tenderer and all partners in a joint tender.

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).
- **Extract from the register of transaction accounts or a bank certificate or other proof that the condition for participation is met** (o.p. only for economic operators in the tender who are not established in the Republic of Slovenia).

The Contracting Authority reserves the right to verify the fulfilment of this condition of participation for economic operators established in the Republic of Slovenia in the online application Bisnode.si Dun&Bradstreet d.o.o. or ali e-Bonitete.si. Prva bonitetna agencija d.o.o. The Client reserves the right to request additionally an extract from the Register of Transaction Accounts kept by the Agency of the Republic of Slovenia for Public Legal Records and Services (AJPES) or a certificate issued by the Agency (e.g. BON form), or a certificate issued by a payment organisation (bank, etc.), which shows that the condition for participation has been fulfilled.

The fulfilment of the condition as regards any litigation or mediation proceedings with the contracting authority will be verified by the contracting authority in its own records.

3. The tenderer has successfully (i.e. in terms of time, quantity and quality, in accordance with the order or contract and the applicable regulations) delivered and installed the following within the last three years preceding the publication of this procurement notice:
 - a) at least one phenotyping device, similar to the one offered in this procurement, to at least one (1) customer, with a value of at least EUR 40.000 excluding VAT per customer (requirement applicable to Lot No. 1);
 - b) (b) at least one phenotyping device similar to the one offered in this procurement to at least one (1) customer for a value of at least EUR 70.000 excluding VAT per customer (this requirement applies to Lot No. 2).

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. The economic operator is authorised by the manufacturer or the principal to sell the equipment offered in the tender.

This condition must be fulfilled by the tenderer. A group of tenderers may fulfil the condition jointly. The tenderer (or group of tenderers) may also meet the condition by subcontracting.

The economic operator demonstrating compliance with the condition must also be the actual supplier of the services under the contract concluded pursuant to this invitation to tender. Gospodarski subjekt je s strani proizvajalca oziroma principala pooblaščen za prodajo opreme, ki jo ponuja v ponudbi.

Evidence:

- **Manufacturer's declaration or authorisation or other proof of authorisation to sell the equipment offered in the tender** for all economic operators in the tender contributing to the fulfilment of the condition.

9. CLARIFICATION, SUPPLEMENTATION AND AMENDMENT OF TENDERS

Where the information or documentation to be supplied by economic operators is or appears to be incomplete or incorrect, or where particular documents are missing, the contracting authority may (but need not) require the tenderer to supply the missing documents within an appropriate time limit, or to complete, correct or clarify the relevant information or documentation, provided that such a requirement is compatible with the principles of equal treatment and transparency.

10. CRITERIA FOR SELECTION

The award criterion shall be the most economically advantageous tender that meets all the requirements of the Contracting Authority as set out in these tender documents. The tender offering the lowest total tender price in EUR excluding VAT for each lot will be selected as the most economically advantageous tender.

The total tender price in EUR, excluding VAT, shall be as indicated in the Tender Form which the tenderer shall enclose with its tender.

In the event that the total tender price in EUR excluding VAT for a particular lot is identical in two or more tenders, the Contracting Authority will select as the most economically advantageous tender the tender submitted earlier on the e-JN portal.

11. DOCUMENTATION PROVIDED

11.1 Instructions for completing forms

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

1. »Estimate« form
2. ESPD form (for all economic operators in the tender)
3. Form »Certificate Of The Reference Project« (for all economic operators in the tender that contribute to fulfilling the reference condition)
4. »Consent Of A Subcontractor To Direct Payment« form, if the tenderer submits a tender with a subcontractor and the latter requests direct payment;
5. »Declaration Of Ownership Participation And Related Companies« form, submitted for a subcontractor only if the value of his works exceeds EUR 10,000 excluding VAT;
6. »Declaration of absence of personal connections« form;
7. »Declaration of non-existence of restrictive measures in view of the actions of Russia« form

8. »Draft Contract« form
9. Manufacturer's statement or authorization or other proof of authorization to sell the equipment offered in the offer (for all economic entities in the offer that contribute to fulfilling the condition);
10. Technical documentation of the equipment offered (e.g. catalog or prospectus material, certificates, equipment description, photographs of the equipment offered, etc.) from which it is evident the equipment offered and the fulfillment of the technical requirements of the contracting authority
11. Other evidence required in the tender documentation

All documents must be duly completed and, where indicated, dated, signed by an authorized person and, if the economic operator operates with a seal, also stamped. Instead of a handwritten signature and seal, documents may be signed with a secure electronic signature, certified by a qualified digital certificate. An exception to the above requirements applies to the draft Contract, which does not need to be completed, signed and stamped, and the tenderer agrees to its content by submitting the tender.

Unless specifically required or permitted, the economic operator may not add to, delete or change the content of the tender forms, but must, if it considers them to be inappropriate, notify the contracting authority of this on the public procurement portal before the deadline for asking questions has expired. The tenderer may also not submit documents in the tender that are contrary to the provisions of the tender documentation.

In the event that the public contract is divided into lots, tenderers should clearly indicate in the attached technical documentation to which lot of the public contract the technical documentation refers.

The tenderer who submits the tender guarantees, under criminal and material liability, that all data and documents provided in the tender documentation are true, accurate and not misleading, that they reflect the latest situation, and that the documents correspond to the originals. The contracting authority may at any time during the tender verification process request the tenderer to submit the originals of the submitted documents for inspection.

Regardless of the outcome of the public procurement procedure, bidders shall bear all costs of preparing the bid, including any other costs incurred in the procedure or in connection with the public procurement procedure. By submitting a bid, bidders agree to the method of performance of the public procurement as defined in the documentation relating to the award of the public procurement contract and in accordance with applicable regulations.

The public procurement procedure shall be conducted in the Slovenian or English language. All documents submitted by the bidder must be in the Slovenian or English language or translated into the Slovenian language by a court interpreter. The exception to the above applies to evidence or technical documentation, which may also be in English.

11.2 Form »Estimate«

The tenderer shall enter in the "Estimate" form, in addition to other data, the total bid price in EUR excluding VAT, the amount of VAT and the total bid price including VAT for the lot for which it is applying.

The subject of the bid must meet all technical and other requirements of the contracting authority specified in these tender documents. The tenderer must have sufficient technical, human resources, financial and other capacities necessary for the implementation of the public contract, so that it can implement the subject of the public contract within the deadlines, under the conditions and in the manner required in the tender documents.

The bid price must include all discounts and costs (costs of labor, consumables, required machinery and equipment, insurance, licenses, acquisition of documents and documentation, supply of equipment, freight forwarding, transport, customs, organizational, overhead, handling and all other possible costs that are directly or indirectly related to the performance of the contract).

Ponujena cena mora zajemati tudi transport opreme DDP (Incoterms 2020) na lokacijo naročnika razloženo, namestitev opreme na lokacijo naročnika, zagon in preizkus njenega funkcionalnega delovanja, predajo vse tehnične dokumentacije in navodil za uporabo, obratovanje in vzdrževanje, primopredajo opreme naročniku, integracijo z naročnikovimi sistemi, šolanje naročnikovih uporabnikov ter servis in odpravo napak v garancijski dobi.

The offered price must also include the transport of the equipment DDP (Incoterms 2020) to the client's location, unpacked, installation of the equipment at the client's location, commissioning and testing of its functional operation, delivery of all technical documentation and instructions for use, operation and maintenance, handover of the equipment to the client, integration with the client's systems, training of the client's users and service and troubleshooting during the warranty period.

The offer must be valid at least until 31 July 2025. If the public procurement procedure takes longer than expected and it is necessary to extend the validity of the offer, the offeror may do so on its own initiative or at the request of the client.

The tenderer must date and complete the Estimate form for each lot in all the places provided. The tenderer must offer all items within each lot, with unit prices rounded to a maximum of two decimal places. If the tenderer does not enter an individual price in the lot for which he is submitting a bid or uses the "/" sign or similar, it is considered that he is not offering such an item, as a result of which the contracting authority will reject his bid for this lot as inadmissible.

The tenderer uploads the completed, signed and stamped Estimate form in a .pdf file to the "Proforma invoice" section of the e-JN system.

11.3 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 in the ESPD forms. Tenderers participating in a joint tender must indicate their role in the group on the ESPD form, with one tenderer choosing the role of lead partner. The contracting authority will communicate with the lead partner until the decision on the contract is made.

In the case of a joint tender, none of the tenderers may have grounds for exclusion, and the conditions for participation may be met by the tenderers together (unless an individual condition requires that all partners in the joint tender or all economic operators in the tender meet it). Each tenderer in the joint tender must separately complete and submit the ESPD form, the Declaration Of Ownership Participation And Related Companies form, the Declaration of absence of personal connections form and Declaration of non-existence of restrictive measures in view of the actions of Russia« form.

The Estimate form, Subcontractors forms 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 documents listed in this paragraph. Such authorization or authorizations do not have to be submitted in the tender documentation, but the lead partner must submit them subsequently, if requested by the contracting authority.

In the event that a group of tenderers is selected to perform the contract in question, the contracting authority may require them to submit an act on the joint performance of the contract (for example, a cooperation agreement, a partnership agreement, etc.), which will precisely define the tasks, rights and obligations of individual tenderers, the manner in which the contracting authority will settle obligations (to each tenderer separately or through the lead partner) and any authorizations for communication with the contracting authority. In any case, all tenderers are jointly and severally liable to the contracting authority.

11.4 Tender with subcontractors

If the tenderer will subcontract the performance of the contract, all subcontractors must be indicated in the ESPD form. The tenderer may subcontract part, but not all, of the public contract. The tenderer must also submit in the tender a completed ESPD form for each subcontractor with whom it will subcontract the performance of the contract.

If the tenderer does not declare a subcontractor for all lots, the indication on the ESPD form for each subcontractor should make it clear for which lots the subcontractor is declared.

A tenderer intending to subcontract the performance of the contract is not required to submit subcontracting agreements or contracts in its tender, but will be required to submit them at a later stage if requested to do so by the contracting authority. The same applies in the case where the tenderer makes use of the capacities of another entity in accordance with Article 81 of the ZJN-3.

No grounds for exclusion may exist in respect of any of the subcontractors. The conditions for participation may be fulfilled by the tenderer or group of tenderers by means of subcontractors (insofar as a particular condition is not required to be fulfilled by all partners in a joint tender or by all economic operators in the tender). The absence of grounds for exclusion and the existence of the conditions for participation shall be proved in the case of subcontractors as in the case of other economic operators, in accordance with clause 8 of these tender documents ('Determination of competence).

If a subcontractor has grounds for exclusion or does not comply with the conditions for participation set out in these tender documents, the contracting authority shall reject the subcontractor and require its replacement. The same shall apply to other entities whose capacities are used by the tenderer in accordance with Article 81 of the ZJN-3.

All subcontractors with whom the tenderer (or group of tenderers) will cooperate in the performance of the contract must duly complete, date, sign and stamp their ESPD form, and the tenderer must submit this form in its tender. A tenderer (or group of tenderers) intending to subcontract part of the public contract must also submit in its tender a completed, signed, dated and stamped 'Subcontracting' form.

Direct payments to subcontractors are compulsory under the ZJN-3 where the subcontractor so requests. In such a case, the tenderer must enclose in the tender a completed, dated, signed and stamped form 'Declaration by the subcontractor concerning direct payments'.

Direct payments to subcontractors are compulsory under the ZJN-3 when requested by the subcontractor. In such a case, the tenderer must enclose in the tender a completed, dated and signed and stamped form "Declaration of direct payments by subcontractor".

Only if the subcontractor requests direct payment in accordance with and in the manner provided for in Article 94(2) and (3) of the ZJN-3 shall the direct payment to the subcontractor be deemed to be compulsory and binding on the contracting authority and the main contractor or supplier.

Where a tenderer intends to perform a public contract with a subcontractor requiring direct payment in accordance with this Article, it shall:

- the main contractor or supplier, as the case may be, shall authorise the contracting authority in the contract to pay the subcontractor directly on the basis of an invoice or invoice statement certified by the main contractor or supplier, as the case may be,
- the subcontractor shall provide an agreement whereby the contracting authority, instead of the tenderer, shall settle the subcontractor's claim against the tenderer,
- the main contractor shall attach to its invoice or statement the invoice or statement of the subcontractor which it has previously approved.

In cases where the subcontractor requires direct payments, which are expected to be more than EUR 10 000,00 excluding VAT, a Statement of Participation in Ownership and Associated Companies form must also be submitted for such subcontractor.

12. CONFIDENTIALITY

Economic operators who become aware of confidential information or business secrets in the course of the procurement procedure shall be obliged to protect them in accordance with the rules. Information which an economic operator is justified in designating as a business secret will be used solely for the purposes of the procurement procedure and will not be accessible to anyone outside the circle of persons involved in the procurement procedure.

An economic operator may designate as a business secret information which is not generally known or readily accessible to persons in the circles normally dealing with this type of information, which has commercial value and which is defined as a business secret in its internal rules. If the economic operator designates certain information as a business secret, the contracting authority reserves the right to require the economic operator to submit an internal instrument (decision, regulation or similar) on the protection of business secrets, which must specify which information is to be protected as a business secret and for what reason. The Contracting Authority will treat as confidential the information in the tender documentation which is clearly marked as a business secret. If only certain information in a document is confidential, this fact must also be clearly indicated. The Contracting Authority will not protect the confidentiality of information which is public under applicable law.

13. WITHDRAWAL FROM A PUBLIC PROCUREMENT AWARD

The contracting authority may suspend the procurement procedure, reject all tenders or withdraw from the performance of the procurement.

In accordance with Article 90(1) of the Law on public contracts, the contracting authority may, at any time up to the expiry of the time limit for the submission of tenders, terminate the procurement procedure. The contracting authority may, in accordance with Article 90(5) ZJN-3, reject all tenders at any stage of the procedure after the time limit for the opening of tenders has expired. The contracting authority may, in accordance with Article 90(8) of the PPLN-3, after the decision to award the contract has been taken, withdraw from the performance of the public contract until the contract has been concluded. In any of the cases referred to above, the contracting authority shall not be liable to the economic operators for the costs incurred by them in preparing and submitting the tender or for any other costs or damages.

14. CONTRACT

The draft contract to be concluded by the Contracting Authority with the successful tenderer forms part of these tender documents. The tenderer is requested to complete the draft contract with the missing information where indicated. Tenderers are not required to date, sign and stamp the draft contract at the stage of preparation and submission of the tender.

Before conclusion, the Contracting Authority will, within the framework of Article 67(3) of the Law on Public Procurement, adapt the contract in terms of its technical and substantive content, depending on whether the successful tenderer submits a joint tender, declares the participation of subcontractors, etc., and forward it to the successful tenderer for signature within the time limit laid down in Article 90(8) of the Law on Public Procurement. 3.2.2005 Article 67(3) of the Law on Public Procurement shall apply to the tenderer's tender.

The successful tenderer shall be required to sign and return the signed contract to the contracting authority within eight (8) days of receipt of the signed contract by the contracting authority. Exceptionally, in the event of unforeseeable and unavoidable objective circumstances which would make it impossible to sign the

contract within the above deadline, the Contracting Authority may, but is not obliged to, agree to a longer deadline for the conclusion of the contract.

The contract shall be concluded on the date on which it is signed by the last of the parties to the contract and shall enter into force when the successful tenderer has provided the contracting authority with a financial guarantee for the performance of the contractual obligations.

15. ANTI-CORRUPTION CLAUSE

Any undue attempt by an economic operator to influence the treatment of tenders by the Contracting Authority or the decision to award a contract will result in the rejection of its tender. During the period of the invitation to tender, the contracting authority and the tenderer shall not initiate or carry out any action which would prejudice the selection of a particular tender.

The Contracting Authority will reject the tender of a tenderer who attempts to obtain improperly confidential information which may give him an unfair advantage in the procurement procedure, or of a tenderer who submits misleading information which may have a significant influence on the procurement decision.

During the period between the selection of the tender and the entry into force of the contract (with the exception of the exercise of legal remedies), the tenderer shall not take any action which may result in the contract not entering into force or not being performed. In the event of a suspension of the procedure, neither party shall initiate or carry out any proceedings which would make it difficult to annul or reverse the decision to select the contractor or which would affect the impartiality of the National Audit Office.

16. 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.

prof. dr. Marina Pintar
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