UNIVERSITY OF LJUBLJANA
FACULTY OF MECHANICAL ENGINEERING
Aškerčeva 6, 1000 LJUBLJANA

DOCUMENTATION FOR THE TENDER

FOR GRANTING THE PUBLIC PROCUREMENT
ACCORDING TO THE LOWEST-COST PROCUREMENT PROCEDURE

Object of the public procurement:

Test rig for the electro-tribological characterization of boundary surface films and contacts in a wide range of mechanical, thermal and electrical loads

The public procurement is published on the Public Procurement Portal www.enarocanje.si, at https://ejn.gov.si
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1. INVITATION TO TENDER

The contracting authority of the UNIVERSITY OF LJUBLJANA, Faculty of Mechanical Engineering, Aškerčeva 6, 1000 Ljubljana (hereinafter: the contracting authority), published a public procurement notice (hereinafter: the public tender) on the Public Procurement Portal, the subject of which is **"Test rig for the electro-tribological characterization of boundary surface films and contacts in a wide range of mechanical, thermal and electrical loads "** according to the lovest—cost procurement procedure. The contracting authority invites all interested bidders to submit their bid to the public tender in accordance with the instructions for making the bid.

Bids must be fully prepared in accordance with the tender documentation and fulfil all conditions for participation in the public tender.

1.1. Subject of the public procurement

The subject of the public procurement contract is "**Test rig for the electro-tribological characterization of boundary surface films and contacts in a wide range of mechanical, thermal and electrical loads**« in accordance with the requirements of this tender. For a more detailed description of the subject of the procurement, see Section 3. Technical Requirements. The contracting authority will carry out the public procurement procedure according to the lovest-cost procurement procedure with the conclusion of the contract.

1.2. Details of the bidder

Any bidder or natural person registered with the competent authority and that has in the company's basic act registered the activity as defined in the public procurement contract is allowed to compete in the public tender.

For the purpose of this procedure, bidders who do not have a registered office in the Republic of Slovenia must appoint an authorized person for service in the Republic of Slovenia in accordance with the Administrative Procedure Act. In this case, the bidder shall provide a statement on the form indicating who is the agent for the service.

If the bidder does not appoint an authorized person for the service of documents, he or she will be appointed by the contracting authority. The contracting authority will serve all the written documents and decisions to this Authorized Person.

1.3. Acceptance of the tender documentation

Bidders can access the tender documents through the e-JN information system at the web address https://ejn.gov.si. Access to the tender documentation is free of charge.

1.4. Language of the bid

Due to the specifics of the public procurement, the contracting authority tries to receive as many offers as possible and to behave economically. Therefore, the bidders can submit the bid in Slovenian or in the English language. in case of ambiguity, the Slovenian version of the tender documentation will apply.

1.5. Format of the bid

The bidder shall enter all the required information in the forms that are an integral part of the tender documentation, enter the "/" sign if it does not have the information, and attach the required proof of fulfilment of the conditions, where required. The bid must be submitted on the forms that are an integral part of the tender documentation or using forms produced by the

bidder of the same content and layout as the forms in the documentation. It is essential that the forms do not deviate from the contracting authority's requirements in terms of content.

For documents submitted as part of the bid and which do not originate from the bidder, the contracting authority reserves the right to request the submission of originals or certified copies at any time during the bid-verification procedure.

The bidder must submit a bid with all forms. The bidder shall bear all the costs related to the preparation and submission of the bid.

If the contracting authority explicitly requests that a particular document be translated by a court interpreter during the review and evaluation stage of the bid, it will expressly indicate this in the invitation to the bidder. If the bidder does not follow this, the bid will be eliminated.

1.6. Submission of the bid

Tenderers must submit their tenders to the e-JN Information System at https://ejn.gov.si
Prior to submitting a tender, the bidder must be registered at https://ejn.gov.si in accordance with the Instructions for use of e-JN. If the bidder is already registered with the e-JN information system, it logs into the application at the same address.

For the submission of bids a digital certificate is required, issued by one of the qualified certifiers: SIGEN-CA (www.sigen-ca.si), POŠTA®CA (postarca.posta.si), HALCOM-CA (www.halcom.si), AC NLB (www.nlb.si).

The bid shall be deemed to be submitted in due time if it is received by the contracting authority via the e-JN https://ejn.gov.si system at the **latest on 14.04.2025 by the time 12.00.** The bid shall be deemed submitted when it is marked with the status "SENT" in the e-JN information system.

By the deadline for the submission of bids, the bidder may withdraw or modify the bid. If the bidder withdraws its bid in the e-JN information system, it is considered that the bid was not submitted and the bidder will also not see it in the e-JN system. If the bidder modifies its bid in the e-JN information system, the last submitted bid is available to the contracting authority in this system.

After the expiration of the deadline for submitting the bids, it will no longer be possible to submit them.

Bids must be fully prepared in accordance with the tender documentation and must fulfil all the conditions for participation in this public tender.

If the bidder is an independent entrepreneur and cannot obtain and submit the required documents, he or she must provide the appropriate documents from which the fulfilment of the required condition is met.

If the bidder is not established in the Republic of Slovenia and cannot submit the required documents because the country in which the bidder has its head office does not issue such documents, the bidder may submit an affidavit of witnesses or an affidavit from the bidder in lieu of the written proof. The affidavit must be made to the judicial or administrative authority, to a notary or to the competent authority of professional or economic operators in the country in which the bidder is established. Evidence must not be older than 4 months.
A foreign provider statement is attached to the "other attachments" section in the pdf file. form.

1.7. A Joint bid

A bid can also be submitted by a group of providers/bidders, i.e., a joint bid. In the event that the bidder appears with the bidders as a joint bid, it must complete the form from the bid.

The group of bidders submitting the bid must submit a **legal act** on joint engagement, which will clearly indicate the following:

- appointment of a main contractor in the execution of a public procurement,
- the authorization of the main contractor and the responsible person to sign the bid,
- the scope of the transaction (precise indication of the type and scope of services) to be performed by the individual bidder and the responsibilities,
- a statement that all bidders in the joint bid are familiar with the instructions to bidders and the tender conditions and criteria for awarding the procurement and fully agree with them,
- a statement that all bidders are acquainted with the payment terms of the tender documentation,
- the method of payment through the lead partner or directly to each partner separately
- Unlimited joint and several liability of all the bidders in a joint bid
- provisions in the case of an individual partner's exit.

1.8. Subcontracting

Subcontracting is a bid where, besides the bidder, as the main bidder, other economic operators (hereinafter: subcontractor) are present. A subcontractor is an economic entity that is a legal or natural person and for the bidder with whom the contracting authority has concluded a contract for the execution of a public procurement or a framework agreement under this Act, supplies goods or performs a service or construction that is directly related to the subject of the public procurement.

Should the bidder use subcontracting for the execution of the public procurement, the bid must indicate:

- all subcontractors and any part of the public procurement that it intends to subcontract,
- contact details and legal representatives of the proposed subcontractors,
- completed and signed form OBR-Statement of the subcontractor
- Attach the subcontractor's request for direct payment if the subcontractor so requests.

During the performance of the public procurement, the bidder must inform the contracting authority of any changes to the information referred to in the preceding paragraph and send information about new subcontractors which it intends to subsequently include in the execution of the relevant public procurement no later than 5 days after the change. In the case of the inclusion of new subcontractors, the main contractor must also provide data and documents, together with the notice.

The contracting authority shall reject each subcontractor if there are grounds for exclusion from the first, second and fourth paragraphs of Article 75 of the ZJN-3, except in the case referred to in the third paragraph of Article 75 of the ZJN-3, but may also reject any subcontractor, if there are grounds for exclusion from the sixth paragraph of Article 75 of the ZJN-3. The contracting authority may reject a proposal for the replacement of the subcontractor or the inclusion of a new subcontractor even if this could affect the smooth execution or completion of works and if the new subcontractor does not fulfil the conditions set by the contracting authority in the documentation relating to the public procurement. The contracting authority will notify the main

contractor of any possible rejection of the new subcontractor at the latest within 10 days of the receipt of the proposal.

Only if the subcontractor explicitly requests a direct payment will the contracting authority then make direct payments. If, therefore, the bidder will employ a subcontractor and the subcontractor will require direct payment, it must ensure:

- The main contractor in the contract must authorize the contracting authority to pay directly to the subcontractor on the basis of a confirmed invoice or situation by the main contractor,
- the subcontractor shall submit an agreement on the basis of which the contracting authority, instead of the bidder, settles the subcontractor's claim against the bidder,
- The main contractor shall enclose an invoice or subcontractor's situation, which it has previously confirmed to its account or situation.

All subcontractors must demonstrate that there are no grounds for exclusion and that they fulfil the conditions for participation, as required in the tender.

1.9. Reference to the capacity of third parties

Pursuant to Article 81 of the ZJN-3, the bidder may, in relation to the conditions relating to the economic and financial standing and technical and professional capacity, use the capacities of other entities, irrespective of the legal relationship between them and those entities.

1.10. Commitment of the selected bidder

By submitting the bid, the bidder undertakes that, insofar as it will be legally awarded the subject public procurement:

- to fully agree and accept the terms and conditions of the contracting authority specified in this tender documentation, and that under the above-mentioned conditions approaches the execution of the subject of the public procurement;
- to be aware of all the legally relevant legislation to be taken into account when awarding this public contract;
- to be aware of the scope of the procurement and the content of the awarding contract;
- in the event of the termination of the contract-awarding procedure, it will not require any reimbursement or compensation for damages from the contracting authority;
- to fulfil all obligations assumed in the prescribed scope, quality and deadlines, as stated in the tender documentation as a leading expert;
- to guarantee the authenticity or credibility of the information and attachments to the bid and be aware of the responsibility for untrue or misleading information.

1.11. Tender for the entire public procurement and the limitation of cooperation

The contracting authority does not allow the submission of a variant bid.

The bid containing the variant bid will be excluded from the tender procedure as incorrect.

1.12. Bid

The Tenderer has to offer a price in euros, as indicated on the Tender form.

The offered price must include all the costs, discounts, VAT, customs, rebates that would result from the purchase, the delivery of the equipment to the address of the client: insurance up to

the point of handover, assembly, installation, commissioning and induction. If the bidder gives a discount on the goods offered, the price quoted by the bidder in the bid must already be the discounted price. In the event that bids are received with the price quoted in other currencies, the value of the bid for the comparison will be converted at the exchange rate of the European Central Bank on the day of the opening of the bids. Subsequently, the contracting authority will not recognize any costs that are not included in the bid value.

Should the bid offer abnormally low prices, depending on the complexity of the contract, the contracting authority will ask the bidder for a more detailed written explanation of the price components of the bid. In the event that the bidder, which the contracting authority will call for a more detailed written explanation of the offered prices, will not respond within the set deadline, the contracting authority will reject the bid of such a bidder.

The tender must be valid for at least 60 days, starting from the date specified in the invitation to tender. In the event of a shorter period of validity, the tender shall be excluded as inadmissible.

In the case that the contracting authority chooses the bid after the expiration of its validity, the bidder whose bid has been selected must immediately inform the contracting authority (after receiving the decision) in writing that it remains with its original bid.

The price for the goods must be expressed on the **DAP** parity, Faculty of Mechanical Engineering Ljubljana, Bogišičeva 8, Ljubljana, Lab.

In accordance with the provisions of the Budget Implementation Act of the Republic of Slovenia for the years 2017 and 2018 (Official Gazette of the Republic of Slovenia, Nos. 80/16, 33/17, 59/17 and 71/17; hereinafter: ZIPRS1819), the contracting authority requires a 30-day payment period from the date of issue of the invoice.

Pursuant to Article 26 of the Law on the Provision of Payment Services for Budget Users (Official Gazette of the Republic of Slovenia, No. 77/16, hereinafter: ZOPSPU-1), the public procurement bidder must use the Public Payments Administration (PPA) with a single entry or exit point for the exchange of invoices and accompanying documents in electronic form (hereinafter: eRačun), issued and received by budget users (eRačun must be received and issued by budget users only through the PPA). Foreign bidders can issue an invoice in paper form.

The bidder in the e-JN system will load the OBR-5 form in the "Quotation" section of the .pdf file.

1.13. Anti-corruption clause

According to Article 35 of the Law on Integrity and Prevention of Corruption (Official Gazette of the Republic of Slovenia, No. 69/11 - official consolidated text, hereinafter: ZIntPK), the public sector body or organization that is subjected to guide the public procurement procedure in accordance with the regulations governing public procurement, or the awarding of concessions or other forms of public-private partnership, may not order goods, services or works, conclude public-private partnerships, or grant special or exclusive rights to entities in which an official holding a body or organization function, or his/her family member:

- Participating as a manager, a member of the management or a legal representative, or
- directly or through other legal entities, in more than 5%, participating in founder's rights, management or capital.

The prohibition referred to in the preceding paragraph shall also apply to the operation of a public-sector body or organization with a functionary or a family member as a natural person.

A contract or other form of acquisition of funds contrary to the provisions of this Article shall be void.

The successful bidder will be required to provide the contracting authority with information about:

- its founders, partners, including silent shareholders, shareholders, limited-liability partners or other owners, and information on the ownership shares of those persons;
- economic entities for which, in accordance with the provisions of the act governing companies, they are considered to be related companies.

If the bidder declares the participation of the subcontractors in the bid and the value of the works that the subcontractor will perform in this procurement exceeds EUR 10,000 excluding VAT, the said data must also be submitted for subcontractors within the specified deadline.

The selected bidder will have to forward the data from the previous paragraph to the contracting authority within eight days of the receipt of the invitation.

When awarding a public contract, the contracting authority will act in accordance with Articles 35 and 36 of the Integrity and Prevention of Corruption Act.

To this end, the bidder (co-bidder and subcontractor) signs a statement forming part of the tender documentation. By signing this declaration, it fully agrees with Articles 35 and 36 of the Integrity and Prevention of Corruption Act.

1.14. Additional explanations for the bidders

If the bidder believes that the tender documentation is not clear, or that a valid bid cannot be prepared on its basis, it should inform the contracting authority via the contracting authority portal. The contracting authority will review the tender documentation and, if the potential bidder's complaint is substantiated, the tender will also be changed or supplemented.

Requests for additional 10.04.2025 explanations or a proposal for a change to the tender must be submitted **no later than until 12.00 via the JN portal.**

The Contracting Authority will forward additional explanations regarding the tender documentation to the Public Procurement Portal (www.enarocanje.si) when publishing the public tender, provided that the request was submitted in due time in the manner indicated above.

All the contracting authority’s responses through the portal are an integral part of the tender documentation.

1.15. Opening of the bids

The opening of bids will take place automatically in the e-JN information system on 14.04.2025 **and will begin at the time 13.00** at https://ejn.gov.si.

The opening is carried out in such a way that the e-JN information system automatically displays at the time specified for the public opening of bids information about the bidder, variants, if requested or allowed, and gives access to the .pdf document that the bidder uploads to the e-JN system under the "Quotation" section. The bidders who submitted bids have this information in the e-JN information system in the "Bid Opening Minutes" section.

1.16. Publicity and confidentiality of the data

Bidders who, by participating in the procedure or performing contractual obligations, acquire confidential information or business secrets, are obliged to protect them in accordance with the regulations.

The information that the bidder in the bid and the bid documents will rightly designate as confidential or a business secret will be used only for the purposes of the procedure and will not be accessible to anyone outside the circle of persons who will be involved in the concrete public procurement procedure. This information will not be published at the opening of tenders, neither during the course of the procedure or later.

Pursuant to the second paragraph of Article 35 of the ZJN-3, the public information is the specification of the offered goods, services or works and the quantity covered by this specification, the unit price, the value of each item and the total value from the bid and all those data that influenced the classification of the bid according to other criteria.

As a business secret, the bidder may mark the documents containing the data, which are not contained in any public register or otherwise publicly available, and business data that is marked as confidential/business secret by the regulations or internal acts of the bidder. In this case, the bidder must submit a conclusion on the protection of professional secrecy in which it is defined which information the bidder considers business secrets. The contracting authority will consider as such those documents within the bid documentation, which will be defined in the conclusion on the protection of this information and will be clearly marked as a business secret (e.g., they will have in the upper right-hand corner written in capital letters "CONFIDENTIAL" or "BUSINESS SECRET"). If only certain information is to be confidential in a form or document, the confidential part must be marked, and the label "CONFIDENTIAL" or "BUSINESS SECRET" on the same line in the right-hand margin. In addition, the contracting authority warns the bidders that confidential information or business secrets do not include data that are the subject of the evaluation of bids or, under the regulations, do not fall under confidential or professional secrecy. All data on the basis of the Public Procurement Law (ZJN-3) or data that are public pursuant to another law will not be considered as a business secret, regardless of whether the bidder will mark them as such.

If, after the decision on the award of a public procurement contract, a bidder who has not been selected has requested access to other bids, the contracting authority will proceed in accordance with the fifth paragraph of Article 35 of the ZJN-3. If the contracting authority takes a complete overview of all bids, after the announcement of the decision to award a public contract, only those bidders who will submit the admissible bid will be able to inspect the awarded bids. If the contracting authority does not complete the bid review, it will provide an insight to all bidders. The contracting authority will allow the bidder that will request the inspection within three working days of the announcement of the decision to inspect the bid of the successful bidder within three working days of receipt of the request, except for those parts which, according to the provisions of the PPL-3, constitute professional secrecy or classified information in accordance with the law governing access to classified information or personal data protected in accordance with the law governing the protection of personal data. Inspections are free. For the sending of a copy, photocopy or electronic record of the requested information, the contracting authority may charge the bidder the material costs.

1.17. Review of the bids, refinement, modification and clarification of the bids

The contracting authority will award a public procurement on the basis of criteria taking into account the provisions of Articles 84, 85 and 86 of the PPA-3 after verifying that the following conditions are met:

- the bid complies with the requirements and conditions set out in the procurement notice and in the documentation relating to the submitting of the procurement and
- that the bid was submitted by the bidder, for which there are no reasons for exclusion according to Article 75 of this Act and fulfils the conditions for participation.

The contracting authority reserves the right not to award a procurement to the bidder submitting the most economically advantageous bid if, at any time prior to the issuing of the public procurement decision, it finds that that bidder has violated the obligations of environmental, labour or social law, and less than 3 years have elapsed since the date of the violation.

If the information or documentation that the bidders will have to submit will be incomplete or incorrect, or if the individual documents are missing, the contracting authority reserves the right to require that bidders submit the missing documents within the relevant deadline or supplement, correct or explain the relevant information, or documentation, provided that such a requirement is fully consistent with the principles of equal treatment and transparency. In this case, the contracting authority will require the bidder to complete, amend, modify or clarify its bid only if it cannot verify the facts themselves. The submission of the missing document or the amendment, correction or clarification of the information or documentation may relate exclusively to such elements of the bid whose existence before the expiry of the deadline set for the submission of the application or bid can be objectively verified. If the bidder does not submit the missing document or does not update, correct or explain the relevant information or documentation, the contracting authority will exclude the bidder.

If at any time during the procedure, the contracting authority will have a reasonable suspicion that an individual economic entity has submitted a false statement or a falsified or amended charter in a public procurement procedure, the contracting authority will submit a proposal for the initiation of an offense procedure to the National Review Commission for the audit of public procurement procedures from point 5 of the first paragraph or point 1 of the second paragraph of Article 112 of the ZJN-3.

1.18. Exclusion of bids, termination of the procedure, rejection of all the bids

The Contracting Authority reserves the right to terminate the procedure for awarding the public procurement at any time by the deadline for the submission of bids.

The contracting authority will decide on the award of the public procurement in question at the latest within 90 days from the deadline for the submission of bids and the decision will include:

- the reasons for rejecting the bid of each unsuccessful bidder,
- the characteristics and advantages of the selected bid.

In the award decision, the contracting authority will not publish information on the award of the procurement from the second and third paragraphs of Article 90 of the ZJN-3, if their disclosure would hinder the implementation of the law or would otherwise be contrary to the public interest, if it would harm the legitimate business interests of a particular public or private economic operator or if it could affect fair competition between economic operators.

The contracting authority reserves the right to reject all bids at all stages of the procedure after the deadline for the opening of bids. If the contracting authority rejected all bids, it will inform the bidders about the reasons for such a decision and whether it will start a new procedure.

Similarly, the contracting authority reserves the right to change the decision on its own initiative and to adopt a new decision replacing the previous one with a view to the elimination of illegality

after the preliminary determination of the merits, until the final decision on the award of the public procurement in question.

After the final decision on the award of a public contract, the Contracting Authority may, until the conclusion of the public procurement contract, withdraw from the execution of the public procurement for well-founded reasons, such that the object of the contract is no longer needed or that it does not have the funds provided or that a reasonable suspicion arises as to whether the content of the contract could be the result of a committed offense or that other extraordinary circumstances that the contracting authority was unable to influence and anticipated and which made it impossible to comply with the provisions of the PPL-3.

1.19. Decision

The Contracting Authority will award the contract to the bidder who will give the admissible bid and, according to the criteria set out in the tender, will be the most favourable. "Permissible bid" means the bid submitted by the bidder for which there are no grounds for exclusion and which qualifies for participation, its bid corresponds to the needs and requirements of the contracting authority specified in the technical specifications and the documentation relating to the award of the public procurement, has arrived in a timely manner, unauthorized collusion or corruption has not been proven with regards to it, the contracting authority did not consider it unusually low and the price does not exceed the assured funds of the contracting authority. The Contracting Authority will assess the admissibility of bids in accordance with the provisions of the ZJN-3 and the terms of this tender.

The decision to award a public procurement will become final on the date on which it will no longer be possible to seek legal protection against it.

The selected bidder will be invited to sign the contract. In the case of the required collateral, the contract will be concluded under the suspension condition until the required insurance is provided to the contracting authority and the fulfilment of any other conditions resulting from these tender documents.

If, within 8 working days of receipt of the invitation to sign the contract, the successful bidder fails to react by returning the signed version of the contract and sending it or delivering it to the address/office of the contracting authority (dispatch theory), the contracting authority may consider that the successful bidder has resigned from its bid.

The contracting authority reserves the right to change the contract at the time of its execution under the conditions laid down in Article 95 of the ZJN-3.

1.20. Conclusion of the contract

Prior to the conclusion of the contract, the successful bidder must communicate to the contracting authority within 8 days of being requested the information about:

- its founders, shareholders, including silent partners, shareholders, limited-liability partners or other owners, and information on the ownership interests of those persons,
- economic entities which, in accordance with the provisions of the law governing commercial companies, are considered to be related companies.

The selected tenderer will be invited to sign the contract after the decision on the award of the contract becomes final and will have to return the signed contract within 10 days of receiving the notice of selection of the most favorable tenderer. The Contracting Authority has the right to choose the next most favorable tenderer.

The contract will be concluded under a cancellation condition, which will be met if one of the following circumstances occurs:

- if the Contracting Authority becomes aware that the court has determined, by a final decision, the violation of the obligations of work, environmental, or social legislation by the contractor/supplier or a subcontractor, or
- if the Contracting Authority becomes aware that at least two infringements have been identified by the competent national authority at the contractor/supplier or a subcontractor at the time of performance of the contract in relation to:

o payment for work,
o working hours,
o breaks,
o on the performance of work based on civil law contracts, despite the existence of elements of an employment relationship or in connection with the employment of illegal workers and for which a fine for a minor offense has been imposed by a final decision or several final decisions,

and provided that at least six month remains from the acquaintance with the infringement to the expiration of the validity of the contract, and, if the contractor/supplier acts with the subcontractor also if, due to the established violation with the subcontractor, the contractor/supplier does not replace this subcontractor, in accordance with Article 94 of the PPA-3, and provisions of this contract within 30 days from the acquaintance with the infringement.
If the circumstances and conditions referred to in the preceding paragraph are met, the contract shall be deemed to have been dissolved on the date of conclusion of a new contract for the public procurement award for the contract in question. The Contracting Authority shall notify the contractor/supplier of the date of conclusion of a new contract.
If the Contracting Authority fails to initiate a new public procurement procedure within a 30-day period, the contract shall be deemed as dissolved on the 30th day following the notification of an infringement.

1.21. Request for a revision

A request for an audit relating to the content of the publication, an invitation to bid or a tender dossier shall be filed within 10 working days of the day of:

- publication of a public procurement notice or
- notifications of additional information, information on an incomplete process or a correction if this notice changes or complements the requirements or criteria for selecting the most favorable bidder from the tender documentation or the previously published public procurement notice.

In such a case, the applicant must, submit an application for the audit to be submitted to the tender documentation with a certificate of payment of the fee referred to in Article 71 of the ZPVPJN, in the amount of EUR 2,000.00.

The fee is credited to the transaction account, no. 01100-1000358802 - implementation of the RS budget, reference 11 16110-…….. The last eight numbers represent the publication number on the Public Procurement Portal. After the selection decision, the deadline for submitting a request for review is 5 working days from the receipt of the notice. The applicant must file a revision request with the contracting authority. The request for the audit must be explained, accompanied by a proof of the settled tax (amount: 2% of the price of the most favourable tender with VAT) in accordance with Article 71 of the ZPVPJN. The copy is forwarded to the Ministry of Public Administration.

1.22 The bid selection criterion

The most favorable tender chosen will be the one that will contain the lowest offered price in euros. It must meet all technical requirements from the tender documentation. The offered price must include all costs, discounts, rebates, VAT, customs, arising from the purchase, delivery of the equipment to the address of the contracting authority: insurance up to the point of handover, assembly, installation, commissioning and induction, rounded up to two decimal places exactly and fulfilling all the technical requirements. Tenderers enter the price into the appropriate place in the Tender form.

In the event that the contracting authority receives the most favorable complete offers containing the same total price in EUR, rounded off to two decimal places, the contracting authority will select the bid that will offer a shorter delivery period.

The payment deadline is 30 days from the date of the official receipt of the correct invoice.

Invoices are transmitted to the contracting authority exclusively in electronic form (e-invoice). The foreign bidder issues an invoice in paper form.

1.23. Delivery time

The Bidder must ensure the delivery and commissioning of the ordered goods to the address of the Contracting Authority within a period of not more than 16 weeks after the signing of the contract.

Upon acceptance, the Contractor is obliged to submit all the documentation necessary for the operation of the equipment and to ensure the installation, commissioning and training of the contracting authority. They must be trained to fully utilize the functionality of the device.

1.24 Insurance

In order to ensure the fulfillment of its obligations in the public procurement procedure, the provider will have to provide the client with a bank guarantee or surety bond for the elimination of errors during operation or warranty periods.

Within 10 working days from the signing of the handover minutes, the supplier is obliged to hand over to the customer an irrevocable and unconditional guarantee for the timely and high-quality elimination of defects within the warranty period in the amount of 5% of the total contractual value of the order according to the contract (including VAT), which is an integral part of the handover minutes. The handover is not completed if the supplier does not hand over the guarantee to the bidder.
It must be addressed to the customer's address and will be redeemed in the event that the selected provider violates the warranty conditions defined in the contract and if the delivered goods do not operate at their rated capacity continuously for more than 30 calendar days during the warranty period, according to the established minutes signed by both parties. If the supplier does not sign the minutes and the goods do not operate at nominal capacity, it is sufficient for the customer to ascertain this situation with a commission specially appointed for this purpose. The minutes of the committee are together with the guarantee for the elimination of errors during operation or during the warranty period, complete documentation for irrevocable payment of the insured sum by the supplier.
The validity period of the guarantee is still 60 days after the expiry of the guarantee period.
In the event that the selected provider does not fulfill the required condition, it is considered that he has withdrawn from the contract. The client has the right to choose the next most favorable provider.

1.25 The public tender is carried out in accordance with the following regulations

- Public Procurement Act (Official Gazette of the Republic of Slovenia, Nos. 91/15 and 14/18, hereinafter: ZJN-3);

- Law on Legal Protection in Public Procurement Procedures (Official Gazette of the Republic of Slovenia, No. 41/11, 60/11 - ZTP-D, 63/13, 90/14 - ZDU-1I and 60/17, hereinafter: ZPVPJN);

Obligatory Code (Official Gazette of the Republic of Slovenia, No. 83/01 with amendments and supplements);

Value Added Tax Act (Official Gazette of the Republic of Slovenia, No. 89/98, 30/01, 67/02, 101/03, 45/04, 84/04 and other amendments and addenda);

Law on Integrity and Prevention of Corruption (Official Gazette of the Republic of Slovenia, No. 69/11 - official consolidated text);

The Act on Safety and Health at Work (Official Gazette of the RS, No. 43/11) and

with all positive legislation regulating the subject of the public procurement (laws, regulations and orders).

1 CONDITIONS FOR THE ESTABLISHMENT OF COMPETENCE

A. CONDITIONS FOR THE ESTABLISHMENT OF BASIC CAPABILITY - REASONS FOR EXCLUSION (Article 75 ZJN-3)

1. Condition

The contracting authority will exclude from the public procurement procedure a bidder for whom it finds that the bidder or a person who is a member of the administrative, managerial or supervisory body of that bidder, or who has the power to represent or decide on it or to exercise control over him, shall be subject to **a final judgment** elements of the criminal acts referred to in the first paragraph of Article 75 of the ZJN-3.

Method of fulfilment:

The condition must be met by the bidder. In the case of a COMMON bid, the condition must be fulfilled by each of the partners. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Method of Evidence:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed "ESPD form".

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed ESPD form.

The foreign bidder shall complete the request by submitting the completed ESPD form and submitting a document issued by the country where it is established. If the bidder is unable to submit the required documents because the country in which the bidder has its head office does not issue such documents, the bidder may submit a notarized affidavit of the bidder instead of a written proof.

2. Condition

The contracting authority will exclude from the public procurement procedure a bidder for whom it finds that it **does not fulfil the mandatory duties** and other monetary non-tax liabilities in accordance with the law governing the financial management collected by the tax authority in accordance with the regulations of the country in which it is established or the regulations of the country of the contracting authority if the value of these outstanding matured liabilities at the date of the submission of the bid or application is EUR 50 or more. It is considered that the bidder does not fulfil the obligations from the previous sentence even if on the day of the submission of the bid or the application it **did not have all the tax deductions for income from the employment relationship submitted for the period of the last 5 years to the day the bid was submitted.**

Method of fulfilment:

The condition must be met by the bidder. In the case of a joint bid, the condition must be met by each partner. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Method of Evidence:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed "ESPD form".

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed ESPD form.

The foreign bidder shall complete the request by submitting the completed ESPD form and submitting a document issued by the country where it is established. If the bidder is unable to submit the required documents because the country in which the bidder has its head office does not issue such documents, the bidder may submit a notarized statement of the bidder instead of a written proof.

3. Condition

The contracting authority will exclude the bidder from the public procurement procedure:

a. if, on the day on which the time limit for the submission of bids expires, it is excluded from the award procedures due to listing in the register of economic operators with **negative references;**

b. if, in the last 3 years preceding the expiry of the time limit for the submission of bids, two final decisions were pronounced by a competent authority of the Republic of Slovenia or another Member State or a third country **for a fine in respect of an offense related to remuneration for work.**

Method of fulfilment:

The condition must be met by the bidder. In the case of a joint bid, the condition must be met by each partner. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Method of Evidence:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed “ESPD form".

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed ESPD form.

The foreign bidder shall complete the request by submitting the completed ESPD form and submitting a document issued by the country where it is established. If the bidder is unable to submit the required documents because the country in which the bidder has its head office does not issue such documents, the bidder may submit a notarized statement by the bidder instead of a written proof.

4. Condition

The contracting authority shall exclude the bidder from the public procurement procedure if the **insolvency or forced winding-up proceedings** under the law governing the insolvency and compulsory winding-up proceedings have been initiated against it or the liquidation procedure under the act governing companies, if its assets or business is managed administrator or court, or if its business activities are suspended, or if a procedure has been initiated against it in accordance with the regulations of another country or a situation has arisen with the same legal consequences.

Method of Fulfilment:

The condition must be met by the bidder. In the case of a partner bid, the condition must be fulfilled by each of the partners. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Method of Evidence:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed “ESPD form".

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed ESPD form.

The foreign bidder shall complete the request by submitting the completed ESPD form and submitting a document issued by the country where it is established. If the bidder is unable to submit the required documents because the country in which the bidder has its head office does not issue such documents, the bidder may submit a notarized statement by the bidder instead of a written proof.

5. Condition

The contracting authority will exclude the bidder from the public procurement procedure if it turns out that it is included in the register of business entities whose business with the contracting authority **is prohibited pursuant to Article 35 of the Integrity and Prevention of Corruption Act** (Official Gazette of the Republic of Slovenia, No. 69/2011 ZintPK-UPB2).

Methods of fulfilment:

The condition must be met by the bidder. In the case of a joint bid, the condition must be met by each partner. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Required proof:

A bidder established in the Republic of Slovenia and each partner in the case of a joint bid shall confirm the fulfilment of the condition with the completed "Model of the contract" form.

The subcontractor established in the Republic of Slovenia shall complete the request with the completed "Model of the contract" form.

The foreign bidder completes the request with the completed "Model of the contract" form.

6. Condition

The contracting authority will exclude from the public procurement procedure the bidder if it proves that **bidder has tried to unduly influence the decision of the contracting authority or obtain confidential information** which could give it an undue advantage in the public procurement procedure or that it has provided misleading information that could have a significant effect on the decision to exclude, select or award a public contract.

Method of fulfilment:

The condition must be met by the bidder. In the case of a partner bid, the condition must be fulfilled by each of the partners. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Required proof:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed “ESPD form".

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed ESPD form.

The foreign bidder shall complete the request by submitting the completed ESPD form.

B. CONDITIONS FOR PARTICIPATION - STATEMENT OF ACCESS TO OPERATION OF PROFESSIONAL ACTIVITY

Condition

The contracting authority will exclude from the public procurement procedure a bidder who is found **not to have been registered** in the relevant activity register and does not have a valid authorization from the competent authority to perform the activity that is the subject of the contract if the authorization is necessary for the performance of such activity under a special law.

Method of fulfilment:

The condition must be met by the bidder. In the case of a JOINT bid, the condition must be fulfilled by each of the partners. In the case of subcontracting, the condition must also be met by each of the subcontractors.

Method of Evidence:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed “ESPD form".

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed ESPD form.

The foreign bidder shall complete the request by submitting the completed ESPD form and submitting a document issued by the country where it is established. If the bidder is unable to submit the required documents because the country in which the bidder has its head office does not issue such documents, the bidder may submit a notarized statement by the bidder instead of a written proof.

C. CONDITIONS FOR DEMONSTRATION OF QUALITY

1. Condition

The bidder confirms that it is able to meet all the technical requirements of the section "3. Technical Requirements" and fulfil all obligations in accordance with this Tender Documentation, and to have the appropriate personnel who are professionally qualified and able to perform the respective Public Procurement.

Method of fulfilment:

The condition must be met by the bidder. In the case of a partner bid, the condition is fulfilled by each of the partners.

Method of Evidence:

A bidder established in the Republic of Slovenia and each partner in the event of a partnership bid, the fulfilment of the condition is confirmed by submitting the completed form"OBR10.

The subcontractor established in the Republic of Slovenia shall complete the request by submitting the completed form OBR10.

The foreign bidder shall complete the request by submitting the completed form OBR10.

E. FORM "ESPD"

The ESPD form is a formal declaration from the economic operator that there are no grounds for exclusion and that it meets the conditions for participation, while providing the relevant information requested by the contracting authority. The ESPD form shall also include an official statement that the economic operator will be able, on request and without delay, to provide evidence proving the absence of grounds for exclusion or fulfilment of the conditions for participation.

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

The economic operator imports the contracting authority's ESPD (XML file) form on the website of the Public Procurement Portal / ESPD: http://www.enarocanje.si/ ESPD/ and directly enters the required information into it.

The completed ESPD must be included in the tender for all economic operators who participate in any bid in any application (bidder, participating bidders in the case of a joint bid, economic operators whose capacity is referred to by the bidder and subcontractors, foreign bidder).

The bidder who submits the bid in the e-JN system shall place its ESPD in the "ESPD - Bidder" section in xml format, and the ESPD shall load the other participants in the "ESPD - Other Participants in pdf format. The foreign provider submits the ESPD in pdf format.

3 TECHNICAL REQUIREMENTS

3.1 Technical requirements:

Technical data about the equipment:

The testing equipment must provide the following features:			
		Included	Not included
1	The platform (housing) should be free-standing, of high rigidity, with a dedicated "fretting" testing design, it should ensure the implementation of various standardized and customized tests in accordance with international regulations (ASTM / DIN / ISO),		
2	Stroke frequency: 0.1 to 200 Hz,		
3	Stroke length: 10 µm to 2.5 mm,		
4	Stroke resolution (< 1 µm resolution),		
5	Size of normal (vertical) force up to 350 N,		
6	Size of friction force (horizontal) up to 150 N, with the possibility of upgrading to at least 250 N,		
7	The lower clamp must allow the clamping of standard SRV samples ϕ24x8 mm, with a housing for lubricant,		
8	The upper clamp must allow the clamping of ϕ10 mm balls,		
9	Ensuring sample temperature from room to 150 °C with a resolution better than 1 °C,		
10	Temperature controller with resolution better than 1 °C,		
11	Control panel for converting the signal into RMS values,		
12	Computer and control modules, PC with monitor,		
13	Data acquisition module 16-bit, up to 200kHz sampling rate,		
14	Software for complete process automation, sampling, analysis, load and motion control, programmable test procedures and temperature, with real-time display of results.		

3.2. Guarantee obligations of the Contractor

- that the equipment purchased is new, that it works faultlessly and has no real or legal errors;
- It fully meets all technical descriptions, characteristics and specifications given in the context of the tender and bidding documents, which are an integral part of this contract;
- the contracting authority will acquire all the rights related to equipment, and the contractor will perform the obligations of the contract, the tender documentation and the bid;
- For the equipment that is the subject of this contract, the Contractor provides a 1 year warranty for seamless technical operation (warranty period) and software licence. The warranty period runs from the date of signature of the takeover record. The equipment under warranty will be repaired or replaced at no charge to the contracting authority. If the goods were replaced or substantially repaired within the warranty period, the warranty period begins again and the contractor is obliged to issue a new warranty card;
- In order to ensure the fulfillment of its obligations in the public procurement procedure, the provider will have to provide the client with a bank guarantee or surety bond for the elimination of errors during operation or warranty periods.

3.3. Maintenance, fault repair, spare parts

the contractor provides service and spare parts for repairs to the subject of the public procurement at the client's for 10 (ten) years from the handover of the goods.

The Contractor shall provide a response time and repair error for the equipment in accordance with the following definition for a fault that disables work:

a. response time: two (2) working days from the fault report

b. time to eliminate: within 7 (seven) days after the report of the fault at the headquarters of the Faculty

Response time shall be considered the time when the message was delivered to the contractor by the number or e-mail referred to in this contract, provided that it was submitted by the contracting entity or end-user and contains at least the essential information necessary for the identification of the goods.

In the event of a delay in the elimination of defects, the Contractor shall promptly notify the contracting entity in writing of the circumstances and agree with the contracting entity in writing to coordinate the acceptable deadline for the correction of the error.

UNIVERSITY OF LJUBLJANA
FACULTY OF MECHANICAL ENGINEERING

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