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## **RAZPISNA DOKUMENTACIJA ZA ODDAJO JAVNEGA NAROČILA STORITEV PO ODPRTEM POSTOPKU Z OZNAKO**

**JN-58798**

### ***TENDER DOSSIER FOR THE AWARD OF A PUBLIC SERVICE CONTRACT UNDER THE OPEN PROCEDURE WITH THE FOLLOWING CODE***

**JN-58798**

#### **VSEBINA:**

Razpisno dokumentacijo sestavljajo:

1. Navodila ponudnikom za pripravo ponudbe
2. Obrazec »ESPD« v elektronski obliki (datoteka XML) – za vse gospodarske subjekte
3. Tehnične specifikacije,
4. Obrazec »Predračun«,
5. Navodila za uporabo informacijskega sistema za uporabo funkcionalnosti elektronske oddaje ponudb e-JN: PONUDNIKI na <https://ejn.gov.si/>
6. Vzorec pogodbe

#### **CONTENTS:**

*The tender documentation consists of:*

1. *Instructions to tenderers for the preparation of the tender*
2. *ESPD form in electronic format (XML file) - for all economic operators*
3. *Technical Specifications,*
4. *Form "Proposal",*
5. *Instructions for use of the information system for the use of the e-JN electronic tender submission functionality: TO BIDDERS at <https://ejn.gov.si/>*
6. *Model contract*

# **NAVODILA PONUDNIKOM ZA PRIPRAVO PONUDBE**

## ***INSTRUCTIONS TO TENDERERS FOR THE PREPARATION OF THE TENDER***

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## 1. NAROČNIK

To naročilo izvaja Republika Slovenija, Ministrstvo za finance, Zupančičeva 3, 1001 Ljubljana (v nadaljevanju: naročnik).

Naročnik vabi vse zainteresirane ponudnike, da predložijo ponudbo, skladno z zahtevami iz razpisne dokumentacije.

## 2. OZNAKA IN PREDMET JAVNEGA NAROČILA

Oznaka: JN-58798

Predmet: Izvedba svetovalnih storitev, katerih cilj je podpora pri pripravi in izvedbi celovite strategije za izboljšanje bonitetnih ocen Republike Slovenije v obdobju dveh let.

Podrobnejša specifikacija naročila je razvidna iz tehničnih specifikacij.

## 3. NAČIN ODDAJE JAVNEGA NAROČILA

Za oddajo predmetnega naročila se v skladu s 40. členom Zakona o javnem naročanju (Uradni list RS, št. 91/15 s spremembami; v nadaljevanju ZJN-3) izvede odprti postopek.

Naročnik bo na podlagi pogojev in meril, določenih v razpisni dokumentaciji, izbral ponudnika, s katerim bo sklenil pogodbo.

## 1. CLIENT

This contract is awarded by the Republic of Slovenia, Ministry of Finance, Zupančičeva 3, 1001 Ljubljana (hereinafter referred to as the 'Contracting Authority').

The Contracting Authority invites all interested tenderers to submit a tender in accordance with the requirements set out in the tender documentation.

## 2. CODE AND SUBJECT-MATTER OF THE PUBLIC PROCUREMENT

Code: JN-58798

Subject: Provision of consultancy services to support the preparation and implementation of a comprehensive strategy to improve the credit ratings of the Republic of Slovenia over a two-year period.

The detailed specifications of the contract can be found in the technical specifications.

## 3. METHOD OF AWARD

The award of the subject contract shall be carried out in accordance with Article 40 of the Public Procurement Act (Official Journal of the Republic of Slovenia, No 91/15, as amended; hereinafter referred to as ZJN-3), by means of an open procedure.

The contracting authority will select the tenderer with whom to conclude the contract on the basis of the conditions and criteria set out in the tender documentation.

#### 4. ROK IN NAČIN PREDLOŽITVE PONUDBE

Ponudnik mora ponudbo predložiti v informacijski sistem e-JN (v nadaljevanju: sistem e-JN) na spletnem naslovu <https://ejn.gov.si/>, v skladu s točko 4 dokumenta Navodila za uporabo informacijskega sistema e-JN: PONUDNIKI (v nadaljevanju: Navodila za uporabo e-JN), ki je del te razpisne dokumentacije in objavljen na spletnem naslovu <https://ejn.gov.si/>.

Ponudnik se mora pred oddajo ponudbe registrirati na spletnem naslovu <https://ejn.gov.si/>, v skladu z Navodili za uporabo e-JN. Če je ponudnik že registriran v sistem e-JN, se v aplikacijo prijavi na istem naslovu.

Uporabnik ponudnika, ki je v sistemu e-JN pooblaščen za oddajanje ponudb, ponudbo odda s klikom na gumb »Oddaj«. Sistem e-JN ob oddaji ponudb zabeleži identiteto uporabnika in čas oddaje ponudbe. Uporabnik z dejanjem oddaje ponudbe izkaže in izjavi voljo v imenu ponudnika oddati zavezujočo ponudbo (18. člen Obligacijskega zakonika<sup>1</sup>). Z oddajo ponudbe je le-ta zavezujoča za čas, naveden v ponudbi, razen če jo uporabnik ponudnika umakne ali spremeni pred potekom roka za oddajo ponudb.

A user of the tenderer who is authorised to submit tenders in the e-JN system shall submit a tender by clicking on the 'Submit' button. The e-JN system shall record the identity of the user and the time of submission of the tender when the tender is submitted. By the act of submitting a bid, the user demonstrates and declares his/her willingness to submit a binding bid on behalf of the bidder (Article 18 of the Code of Obligations<sup>2</sup>). By submitting a bid, the bid is

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<sup>1</sup> *Obligacijski zakonik* (Uradni list RS, št. 97/07 – uradno prečiščeno besedilo, 64/16 – odl. US in 20/18 – OROZ631).

<sup>2</sup> *Code of Obligations* (Official Journal of the Republic of Slovenia, No. 97/07 - Official consolidated text,

#### 4. TIME LIMIT AND METHOD OF SUBMISSION OF TENDERS

The tenderer must submit the tender in the e-JN information system (hereinafter referred to as the e-JN system) at the Internet address <https://ejn.gov.si/>, in accordance with point 4 of the document Instructions for the use of the e-JN information system: TENDERS (hereinafter referred to as the Instructions for the use of the e-JN system), which forms part of these tender documents and is published at the Internet address <https://ejn.gov.si/>.

Before submitting a tender, the tenderer must register at <https://ejn.gov.si/> in accordance with the e-JN User Guide. If the tenderer is already registered in the e-JN system, the tenderer shall log in to the application at the same address.

binding for the period indicated in the bid, unless the user withdraws or modifies the bid before the expiry of the deadline for the submission of bids.

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64/16 - Decree of the US and 20/18 - OROZ631).



Ponudba se šteje za pravočasno oddano, če jo naročnik prejme preko sistema e-JN <https://ejn.gov.si> **najkasneje do** dneva in ure, kot je določeno v Obvestilu o naročilu, objavljenem na Portalu javnih naročil (v nadaljevanju: Portal JN). Za oddano ponudbo se šteje ponudba, ki je v sistemu e-JN označena s statusom »ODDANA«.

Ponudnik lahko do roka za oddajo ponudb svojo ponudbo umakne ali spremeni. Če ponudnik v sistemu e-JN svojo ponudbo umakne, se šteje, da ponudba ni bila oddana in je naročnik v sistemu e-JN tudi ne bo videl. Če ponudnik svojo ponudbo v sistemu e-JN spremeni, je naročniku v tem sistemu odprta zadnja oddana ponudba.

Po preteku roka za predložitev ponudb ponudbe ne bo več mogoče oddati.

## 5. INFORMACIJA V ZVEZI Z ODPIRANJEM PONUDB

Odpiranje ponudb bo potekalo avtomatično v sistemu e-JN <https://ejn.gov.si> na dan in uro, kot je to določeno v Obvestilu o naročilu, objavljenem na Portalu JN.

Odpiranje poteka tako, da sistem e-JN samodejno ob uri, ki je določena za javno odpiranje ponudb, prikaže podatke o ponudniku, o variantah, če so bile zahtevane oziroma dovoljene, skupni ponudbeni vrednosti ponudbe ter omogoči dostop do dokumenta, ki ga ponudnik naloži v sistem e-JN pod razdelek »Skupna ponudbena cena«, v del »Predračun«.

A tender shall be deemed to have been submitted in time if it is received by the Contracting Authority through the e-JN system <https://ejn.gov.si> **no later than the date and time** specified in the Contract Notice published on the Public Procurement Portal (hereinafter referred to as the 'P.P.Portal'). A tender shall be deemed to have been submitted if it is marked with the status 'SUBMITTED' in the e-JN system.

The tenderer may withdraw or modify its tender up to the deadline for submission of tenders. If the tenderer withdraws its tender in the e-JN system, the tender shall be deemed not to have been submitted and shall not be visible to the Contracting Authority in the e-JN system. If the tenderer modifies his tender in the e-JN system, the last tender submitted shall be open to the contracting authority in that system.

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

## 5. INFORMATION CONCERNING THE OPENING OF TENDERS

The opening of tenders will take place automatically in the e-JN system <https://ejn.gov.si> on the date and time as specified in the Contract Notice published on the JN Portal.

The opening shall take place in such a way that the e-JN system automatically displays, at the time set for the public opening of tenders, information on the tenderer, the variants, if any, requested or allowed, the total tender value of the tender and gives access to the document uploaded by the tenderer in the e-JN system

under the section 'Total tender price', in the

section 'Estimate'.

## **6. PRAVNA PODLAGA**

Naročnik izvaja postopek oddaje javnega naročila na podlagi veljavnega zakona in podzakonskih aktov, ki urejajo javno naročanje, v skladu z veljavno zakonodajo, ki ureja področje javnih financ ter področje, ki je predmet javnega naročila.

## **7. TEMELJNA PRAVILA ZA DOSTOP, OBVESTILA IN POJASNILA V ZVEZI Z RAZPISNO DOKUMENTACIJO**

### **7.1 DOSTOP DO RAZPISNE DOKUMENTACIJE**

Razpisno dokumentacijo lahko ponudniki dobijo na portalu javnih naročil.

Dostop do razpisne dokumentacije je brezplačen.

### **7.2 OBVESTILA IN POJASNILA V ZVEZI Z RAZPISNO DOKUMENTACIJO**

Komunikacija s ponudniki o vprašanjih v zvezi z vsebino naročila in v zvezi s pripravo ponudbe poteka izključno preko portala javnih naročil.

Naročnik bo zahtevo za pojasnilo razpisne dokumentacije oziroma kakršnokoli drugo vprašanje v zvezi z naročilom štel kot pravočasno, če bo na Portalu JN zastavljeno najkasneje do dneva in ure, kot je to določeno v Obvestilu o naročilu, objavljenem na Portalu JN.

Na zahteve za pojasnila oziroma druga vprašanja v zvezi z naročilom, zastavljena po tem roku, naročnik ne bo odgovarjal.

Naročnik sme v skladu z 67. členom ZJN-3 spremeniti ali dopolniti razpisno dokumentacijo. Tovrstne spremembe in dopolnitve bo naročnik izdal v obliki dodatkov k razpisni dokumentaciji. Vsak dodatek k razpisni dokumentaciji postane

## **6. LEGAL BASIS**

The contracting authority shall carry out the procurement procedure on the basis of the applicable law and the regulatory acts governing public procurement, in accordance with the applicable legislation governing public finances and the area which is the subject of the procurement.

## **7. BASIC RULES FOR ACCESS, NOTICES AND EXPLANATIONS CONCERNING THE TENDER DOCUMENTS**

### **7.1 ACCESS TO THE TENDER DOCUMENTS**

Tenderers may obtain the tender documents from the procurement portal.

Access to the tender documents is free of charge.

sestavni del razpisne dokumentacije. Kot del razpisne dokumentacije štejejo tudi vprašanja in odgovori, objavljeni na portalu javnih naročil.

### **7.2 NOTICES AND EXPLANATIONS CONCERNING THE TENDER DOCUMENTS**

Communication with tenderers on questions relating to the content of the contract and to the preparation of the tender shall be exclusively via the procurement portal.

The Contracting Authority will consider a request for clarification of the tender documentation or any other question relating to the contract to be timely if it is submitted on the Tender Portal no later than the date and time specified in the Contract Notice published on the Tender Portal.

The Contracting Authority will not respond to requests for clarifications or other questions relating to the procurement made after this deadline.



The Contracting Authority may, in accordance with Article 67 of the ZJN-3, amend or supplement the tender documentation. Such amendments and supplements will be issued by the Contracting Authority in the form of addenda

to the tender documentation. Each addendum to the tender documentation shall become an integral part of the tender documentation. The questions and answers published on the procurement portal shall also be considered as part of the tender documentation.

## **8. UGOTAVLJANJE SPOSOBNOSTI**

### **8.1 UGOTAVLJANJE SPOSOBNOSTI ZA SODELOVANJE V POSTOPKU ODDAJE JAVNEGA NAROČILA IN DOKAZILA**

Ponudnik mora izpolnjevati vse v tej točki navedene pogoje.

Ob predložitvi ponudbe bo naročnik namesto potrdil, ki jih izdajajo javni organi ali tretje osebe, v skladu z 79. členom ZJN-3 sprejel ESPD, ki predstavlja lastno izjavo, kot predhodni dokaz v zvezi s točkami 8.1.1 do 8.1.6 teh navodil. V primeru, da ponudnik prijavi podizvajalca ali se sklicuje na zmogljivosti drugega, je potrebno tudi zanj predložiti ESPD obrazec.

Gospodarski subjekt mora v obrazcu ESPD navesti vse informacije, na podlagi katerih bo naročnik potrdila ali druge informacije pridobil v nacionalni bazi podatkov, ter v predmetnem obrazcu podati soglasje, da dokazila pridobi naročnik.

Naročnik bo pred oddajo javnega naročila od ponudnika, kateremu se je odločil oddati predmetno naročilo, zahteval, da predloži dokazila (potrdila, izjave) kot dokaz neobstoja razlogov za izključitev iz točke 8.1.1 teh navodil in kot dokaz izpolnjevanja pogojev za sodelovanje iz točk 8.1.2 do 8.1.4 teh navodil.

## **8. DETERMINATION OF ELIGIBILITY**

### **8.1 DETERMINATION OF ELIGIBILITY TO PARTICIPATE IN THE PROCUREMENT PROCEDURE AND SUPPORTING DOCUMENTS**

The tenderer must fulfil all the conditions set out in this point.

When submitting a tender, the contracting authority will accept the ESPD, which constitutes a self-declaration in accordance with Article 79 of the ZJN-3, as prior evidence in relation to points 8.1.1 to 8.1.6 of these Instructions, instead of certificates issued by public authorities or third parties. In the event that the tenderer declares a subcontractor or relies on the capacities of another subcontractor, the ESPD form must also be submitted in respect of that subcontractor.

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

Before awarding the contract, the contracting authority will require the tenderer to whom it has decided to award the contract in question to provide supporting documents (certificates, declarations) as proof of the absence of the grounds for exclusion referred to in point 8.1.1 of these instructions and as proof of compliance with the conditions for participation referred to in points 8.1.2 to 8.1.4 of these instructions.

Gospodarski subjekt lahko dokazila o neobstoju razlogov za izključitev iz točke 8.1.1 teh navodil in dokazila o izpolnjevanju pogojev za sodelovanje iz točk 8.1.2 do 8.1.4 teh navodil predloži tudi sam. Naročnik si pridržuje pravico do preveritve verodostojnosti predloženih dokazil pri podpisniku le-teh.

The economic operator may also provide its own evidence of the absence of any of the grounds for exclusion referred to in point 8.1.1 of these Instructions and of the fulfilment of the conditions for participation referred to in points 8.1.2 to 8.1.4 of these Instructions. The contracting authority reserves the right to verify the authenticity of the documents submitted with the signatory.

Če ponudnik ne more pridobiti in predložiti zahtevanih dokumentov, ker država, v kateri ima ponudnik svoj sedež, ne izdaja takšnih dokumentov, jih je mogoče nadomestiti z zapriseženo izjavo, če ta v državi, v kateri ima ponudnik svoj sedež ni predvidena, pa z izjavo določene osebe, dano pred pristojnim sodnim ali upravnim organom, notarjem ali pred pristojno poklicno ali trgovinsko organizacijo v matični državi te osebe ali v državi, v kateri ima ponudnik sedež.

If the tenderer is unable to obtain and produce the documents requested because the country in which the tenderer is established does not issue such documents, they may be replaced by a sworn declaration, or, if 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 organisation in the person's country of origin or in the country in which the tenderer is established, by a declaration made by that person before a competent judicial or administrative authority, a notary or a competent professional or trade organisation in his country of origin or in the country in which the tenderer is established.

Če obstaja naročnikova zahteva, koliko stari so lahko dokumenti, ki jih ponudnik prilaga kot dokazila, je to navedeno ob vsakem posameznem dokazilu. Če ni navedeno nič, starost dokumenta ni pomembna, odražati pa mora zadnje stanje. Dokumenti morajo ne glede na določeno oziroma zahtevano največjo dopuščeno starost vedno odražati zadnje stanje. Začetek roka za starost dokumentov se šteje od roka za oddajo ponudb, razen če ni pri posameznem dokazilu določeno drugače.

If there is a requirement by the contracting authority as to how old the documents which the tenderer attaches as supporting documents may be, this shall be indicated in each individual document. If nothing is stated, the age of the document is irrelevant, but it must reflect the most recent situation. Documents must always reflect the most recent state of preservation, irrespective of the maximum age specified or required. The age limit for documents shall be calculated from the time limit for the submission of tenders, unless otherwise specified for a particular document.

Za skupne ponudbe, ponudbe s podizvajalci ter uporabo zmogljivosti drugih subjektov, je treba upoštevati še točke 11.3.1 (Skupna ponudba), 11.3.2 (Ponudba s podizvajalci) ter 11.3.3 (Uporaba zmogljivosti drugih subjektov) teh navodil.

For joint tenders, tenders with subcontractors and the use of the facilities of other entities, points 11.3.1 (Joint tender), 11.3.2 (Tender with subcontractors) and 11.3.3 (Use of the facilities of other entities) of these Instructions to tender must also be complied with.

**8.1.1 Razlogi za izključitev**

Naročnik bo izključil gospodarski subjekt v primeru obstoja kateregakoli od v tej točki navedenih primerov, in sicer:

1. Če pri preverjanju v skladu s 77., 79. in 80. členom ZJN-3 na katerikoli trenutek med postopkom ugotovi ali je drugače seznanjen, da je bila gospodarskemu subjektu ali osebi, ki je članica upravnega, vodstvenega ali nadzornega

organa tega gospodarskega subjekta ali ki ima pooblastila za njegovo zastopanje ali odločanje ali nadzor v njem, izrečena pravnomočna sodba za kazniva dejanja iz prvega odstavka 75. člena ZJN-3 ali za primerljiva kazniva dejanja, ki so jih izrekla tuja sodišča in od datuma izreka pravnomočne sodbe do trenutka preverjanja še ni preteklo pet let, v primerih, ko je v sodbi določeno daljše trajanje izključitve od pet let, pa če še ni preteklo obdobje, ki ga določa sodba. Ne glede na navedeno lahko gospodarski subjekt naročniku v skladu z devetim odstavkom in ob upoštevanju desetega odstavka 75. člena ZJN-3 najkasneje do roka za oddajo ponudb predloži dokaze, da je sprejel zadostne ukrepe, s katerimi lahko dokaže svojo zanesljivost kljub obstoju tega izključitvenega razloga.

**DOKAZILO:**

Izpolnjen obrazec ESPD v delu III: Razlogi za izključitev, A: Razlogi, povezani s kazenskimi obsodbami, za vse gospodarske subjekte v ponudbi. V kolikor je vaš odgovor v tem primeru DA, v navedena polja vpišete podatke, ki jih od vas zahteva ESPD. V primeru, da uveljavljate popravni mehanizem, z odgovorom »Da« na vprašanje »Ste sprejeli ukrepe, s katerimi ste dokazali svojo zanesljivost ("samočiščenje")?« v polje »Prosimo opišite jih\*« napišete kršitve in ukrepe, s katerimi lahko dokažete svojo zanesljivost kljub obstoju razlogov za izključitev.

Izpolnjen obrazec ESPD: (»Del II: Informacije v povezavi z gospodarskim subjektom, B:

**8.1.1 Grounds for exclusion**

The contracting authority will exclude an economic operator if any of the following applies:

1. If, at any time during the procedure, at the time of verification pursuant to Articles 77, 79 and 80 of the ZJN-3, the economic operator or a person who is a member of the administrative, management or supervisory body of the economic operator or who has the power of representation, decision-making or control thereof has been the subject of a judgment which has the force of res judicata for the offences referred to in the first paragraph of Article 75(1)(a) of the ZJN-3 or has otherwise become aware of the fact. Article 75(1) of the Law on public procurement or for comparable offences committed by foreign courts and where the period of exclusion is longer than five years from the date of the final judgment until the time of the verification, if the period laid down in the judgment has not yet elapsed. Notwithstanding the foregoing, the economic operator may, in accordance with paragraph 9 and subject to Article 75(10) of the ZJN-3, provide the contracting authority, at the latest by the time limit for the submission of tenders, with evidence that it has taken sufficient measures to prove its reliability despite the existence of this ground for exclusion.

**EVIDENCE:**

Completed ESPD form in Part III: Grounds for exclusion, A: Grounds relating to criminal convictions, for all economic operators in the tender. If your answer in this case is YES, please enter the information requested by the ESPD in the boxes provided. If you are invoking the correction mechanism, by answering "Yes" to the question "Have you taken measures to demonstrate your reliability ("self-cleaning")?", you shall indicate in the box "Please describe\*" the infringements and the measures you have taken to demonstrate your reliability in spite of the existence of grounds for exclusion.

Informacije o predstavnikih gospodarskega subjekta») kamor navedete vse zakonite

zastopnike in v polje »Po potrebi navedite dodatne informacije o predstavnosti (njegove oblike, namen, EMŠO...)« navedite njihov EMŠO in vsa njihova državljanstva za namen pridobitve podatkov iz kazenske evidence. S klikom na znak <+> lahko ponudnik doda nov sklop polj za vnos več zakonitih zastopnikov.

Completed ESPD form: ("Part II: Information relating to the economic operator, B:

Izpolnjen obrazec ESPD (v »Del III: Razlogi za izključitev, Oddelek D: Nacionalni razlogi za izključitev«) za izključitveni razlog iz prvega odstavka 75. člena ZJN-3 (kršitev temeljnih pravic delavcev (196. člen KZ-1). V kolikor je vaš odgovor v tem primeru DA in uveljavljate popravni mehanizem, kršitve in ukrepe, s katerimi lahko dokažete svojo zanesljivost kljub obstoju navedenega razloga za izključitev, navedite v lastni izjavi.

Ponudnik lahko potrdila iz kazenske evidence priloži tudi sam. Tako predložena potrdila morajo odražati zadnje stanje, v nobenem primeru pa ne smejo biti starejša od 4 mesecev, šteto od roka za oddajo ponudb.

Če ima gospodarski subjekt sedež v drugi državi članici, ali za osebo iz te točke ni mogoče pridobiti preveritev od pristojnega organa v RS in dokazila iz te točke, jih lahko naročnik pridobi neposredno v bazi podatkov v drugi državi. ESPD mora vsebovati tudi informacije, ki so potrebne za ta namen, zlasti spletni naslov baze podatkov, podatke za identifikacijo, če je to potrebno, pa tudi soglasje, da pridobi dokazilo naročnik. Če ESPD teh informacij ne bo vseboval, bo naročnik štel, da dostop naročnika do posameznega potrdila iz te točke ni mogoč brezplačno z neposrednim dostopom do nacionalne baze podatkov te države. Navedeno v delu besedila, ki se nanaša na gospodarski subjekt, velja tudi za podtočki 2. in 4.

Information on the economic operator's representatives") where you list all the legal representatives and, in the box, "If necessary, please provide additional information on the representation (its form, purpose, EMN...)", please indicate their EMN and all their nationalities for the purpose of obtaining criminal record data. By clicking on the <+> sign, the provider can add a new set of fields for entering multiple legal representatives.

Completed ESPD form (in 'Part III: Grounds for exclusion, Section D: National grounds for exclusion') for the ground for exclusion referred to in Article 75(1) of Art. 75 of the ZJN-3 (infringement of the fundamental rights of workers (Art. 196 of the Criminal Code). If your answer in this case is YES and you invoke the corrective mechanism, please indicate in your own declaration the infringements and the measures you can take to prove your reliability despite the existence of the exclusion ground in question.

The tenderer may also attach criminal record certificates. The certificates thus submitted must reflect the most recent situation and must in any event not be more than 4 months old from the closing date for the submission of tenders.

If the economic operator is established in another Member State, or if it is not possible to obtain verification from a competent authority in the Republic of Slovenia for the person referred to in this point and the documents referred to in this point, the contracting authority may obtain them directly from a database in another country. The ESPD must also contain the information necessary for this purpose, in particular the Internet address of the database, identification data, if applicable, and, where necessary, the consent to the contracting authority's obtaining of the document. If the ESPD does not contain this information, the contracting authority will consider that the access of the contracting authority to the specific certificate referred to in this point is not possible free of charge through direct access to the national database of that country. The above also applies to sub-items 2 and 4 in the part of the text relating to the economic operator.

mogoč brezplačno z neposrednim dostopom do nacionalne baze podatkov te države (kakršne so nacionalni register javnih naročil, elektronski register podjetij, elektronski sistem za shranjevanje dokumentov ali pred kvalifikacijski sistem) ali v primeru, da gre za institucijo v drugi državi, ki ni članica EU, bo moral gospodarski subjekt na poziv naročnika namesto predmetnega pooblastila predložiti potrdilo iz kazenske evidence. Navedeno v delu besedila, ki se nanaša na gospodarski subjekt, velja tudi za podtočki 2. in 4.

If the institution is in another EU Member State and access to the individual certificate referred to in this point is not possible free of charge through direct access to the national database of that State (such as the national procurement register, the electronic business register, the electronic document storage system or the pre-qualification system) or if the institution is in another non-EU Member State, the economic operator will be required to produce, at the request of the contracting authority, a certificate from a criminal record instead of the authorisation in question. The above-mentioned part of the text relating to the economic operator also applies to sub-points 2 and 4.

Če gre za institucijo v drugi državi članici EU in dostop do posameznega potrdila iz te točke ni

2. Če pri preverjanju v skladu s 77., 79. in 80. členom ZJN-3 ugotovi, da gospodarski subjekt ne izpolnjuje obveznih dajatev in drugih denarnih nedavčnih obveznosti v skladu z zakonom, ki ureja finančno upravo, ki jih pobira davčni organ v skladu s predpisi države, v kateri ima sedež, ali predpisi države naročnika. Šteje se, da gospodarski subjekt ne izpolnjuje obveznosti iz prejšnjega stavka, če ima na rok za oddajo ponudb neporavnane neplačane zapadle obveznosti, ki znašajo 50 eurov ali več in nima predloženih vseh obračunov davčnih odtegljajev za dohodke iz delovnega razmerja za obdobje zadnjih petih let do roka za oddajo ponudbe.

2. If, in the course of the verification pursuant to Articles 77, 79 and 80 of ZJN-3, the economic operator is found not to be in compliance with the compulsory levies and other pecuniary non-tax 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 it is established or with the rules of the country of the contracting authority. An economic operator shall be deemed not to have fulfilled the obligations referred to in the preceding sentence if, at the time of the deadline for the submission of tenders, it has outstanding unpaid obligations of EUR 50 or more and has not submitted all withholding tax returns in respect of employment income for the last five years up to the time of the deadline for the submission of tenders.

#### DOKAZILO:

Izpolnjen obrazec »ESPD« v Delu III: Razlogi za izključitev, razdelek B: Razlogi, povezani s plačilom davkov ali prispevkov za socialno varnost za vse gospodarske subjekte v ponudbi.

#### EVIDENCE:

Completed 'ESPD' form in Part III: Grounds for exclusion, Section B: Grounds relating to the payment of taxes or social security contributions for all economic operators in the tender.

3. Če pri preverjanju ugotovi, da je gospodarski subjekt na dan, ko poteče rok za oddajo ponudb, izločen iz postopkov oddaje javnih naročil zaradi uvrstitve v evidenco gospodarskih subjektov z izrečenimi stranskimi sankcijami izločitve iz postopkov javnega naročanja iz a) točke četrtega odstavka 75. člena ZJN-3.

**DOKAZILO:**

Izpolnjen obrazec »ESPD« v Delu III: Razlogi za izključitev, razdelek D: Nacionalni razlogi za izključitev (za vse gospodarske subjekte v ponudbi).

4. Če pri preverjanju ugotovi, da je v zadnjih treh letih pred potekom roka za oddajo ponudb pristojni organ Republike Slovenije ali druge države članice ali tretje države pri gospodarskem subjektu ugotovil najmanj dve kršitvi v zvezi s plačilom za delo, delovnim časom, počitki, opravljanjem dela na podlagi pogodb civilnega prava, kljub obstoju elementov delovnega razmerja ali v zvezi z zaposlovanjem na črno, za kateri mu je bila s pravnomočno odločitvijo ali več pravnomočnimi odločitvami izrečena globa za prekršek.

Če je gospodarski subjekt v položaju iz zgornjega odstavka, lahko naročniku v skladu z devetim odstavkom in ob upoštevanju desetega odstavka 75. člena ZJN-3 najkasneje do roka za oddajo ponudb predloži dokazila, da je sprejel zadostne ukrepe, s katerimi lahko dokaže svojo zanesljivost kljub obstoju tega izključitvenega razloga.

**DOKAZILO:**

Izpolnjen obrazec »ESPD« v delu III: Razlogi za izključitev, D: Nacionalni razlogi za izključitev za vse gospodarske subjekte v ponudbi. Če je vaš odgovor v tem primeru DA in uveljavljate popravni mehanizem, kršitve in ukrepe, s katerimi lahko dokažete

3. If, on the day on which the time limit for the submission of tenders expires, the verification establishes that the economic operator has been excluded from public procurement procedures on the grounds of its inclusion in the register of economic operators with the secondary sanctions for exclusion from public procurement procedures referred to in Article 75(4)(a) of ZJN-3.

**EVIDENCE:**

Completed 'ESPD' form in Part III: Grounds for exclusion, Section D: National grounds for exclusion (for all economic operators in the tender).

4. If, on verification, the competent authority of the Republic of Slovenia or of another Member State or of a third country has established that, during the last three years before the expiry of the time limit for the submission of tenders, 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 to be guilty of at least two infringements relating to remuneration for work, working time, rest periods, the performance of work under a contract governed by civil law despite the existence of the elements of an employment relationship, or the use of illegal employment, for which it has been fined by one or more final decisions.

If the economic operator is in the situation referred to in the above paragraph, it may provide the contracting authority, in accordance with the ninth paragraph and subject to Article 75(10) of the ZJN-3, at the latest by the time limit for the submission of tenders, with evidence that it has taken sufficient measures to prove its reliability despite the existence of this ground for exclusion.

svojo zanesljivost kljub obstoju navedenega razloga za izključitev, navedite v lastni izjavi.

**EVIDENCE:**

Completed "ESPD" form in Part III: Grounds for exclusion, D: National grounds for exclusion for all economic operators in the

tender. If your answer in this case is YES and you invoke the corrective mechanism, please indicate in your own declaration the

infringements and the measures you can take to prove your reliability despite the existence of the exclusion ground indicated.

5. Na podlagi sklepa Sveta (SZVP) 2022/578 z dne 8. aprila 2022 o spremembi Sklepa 2014/512/SZVP o omejevalnih ukrepih zaradi delovanja Rusije, ki povzroča destabilizacijo razmer v Ukrajini, če pri preverjanju ugotovi, da je ponudnik:
- ruski državljan ali fizična ali pravna oseba, subjekt ali organ s sedežem v Rusiji,
  - pravna oseba, subjekt ali organ, katerih več kot 50-odstotni delež je v neposredni ali posredni lasti subjekta iz prejšnje alineje, ali
  - fizična ali pravna oseba, subjekt ali organ, ki deluje v imenu ali po navodilih subjektov iz prejšnjih dveh alinej.

5. Pursuant to Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of actions by Russia destabilising the situation in Ukraine, if the verification establishes that the provider:
- a Russian citizen or a natural or legal person, entity or body established in Russia,
  - a legal person, entity or body of which more than 50 % is owned, directly or indirectly, by an entity referred to in the preceding indent, or
  - a natural or legal person, entity or body acting on behalf or at the direction of the entities referred to in the preceding two indents.

#### DOKAZILO:

Predložen obrazec »ESPD«, za vse gospodarske subjekte v ponudbi.

#### EVIDENCE:

Submission of the 'ESPD' form for all economic operators in the tender.

Naročnik bo v skladu s prvim odstavkom člena 1 sklepa Sveta (SZVP) 2022/578 z dne 8. aprila 2022 o spremembi Sklepa 2014/512/SZVP o omejevalnih ukrepih zaradi delovanja Rusije, ki povzroča destabilizacijo razmer v Ukrajini iz postopka javnega naročanja kadarkoli v postopku izključil gospodarski subjekt, če se izkaže, da je pred ali med postopkom javnega naročanja ta subjekt v položaju iz točke 9.1.1.5 teh navodil.

Pursuant to Article 1(1) of Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of the actions of Russia destabilising the situation in Ukraine, the contracting authority will exclude an economic operator from the procurement procedure at any time during the procedure if it is established that, prior to or during the procurement procedure, that economic operator is in the situation referred to in clause 9.1.1.5 of these Instructions.

#### **8.1.2 Pogoji za sodelovanje glede ustreznosti za opravljanje poklicne dejavnosti**

1. Gospodarski subjekt mora biti vpisan v enega od poklicnih ali poslovnih registrov,

ki se vodijo v državi članici, v kateri ima gospodarski subjekt sedež. Seznam poklicnih ali poslovnih registrov v državah članicah Evropske unije določa Priloga XI Direktive 2014/24/EU.

### 8.1.2 Conditions of participation relating to eligibility to pursue a professional activity

1. The economic operator must be entered in one of the professional or business

#### DOKAZILA:

Izpolnjen **obrazec ESPD** (v »Del IV: Pogoji za sodelovanje, Oddelek A: Ustreznost, Vpis v ustrezen poklicni register ALI Vpis v poslovni register«) s strani vseh gospodarskih subjektov v ponudbi.

ESPD mora vsebovati vse potrebne podatke, da lahko naročnik v uradni evidenci preveri izpolnjevanje predmetnega pogoja. V kolikor takšna preveritev ne bo mogoča, bo naročnik od ponudnika zahteval predložitev lastne izjave.

### 8.1.3 Pogoji za sodelovanje glede tehnične in strokovne sposobnosti

Ponudnik je v zadnjih desetih letih, šteto od dneva objave obvestila o tem naročilu na portalu javnih naročil, uspešno izvedel (kar pomeni količinsko in kakovostno v skladu z naročilom):

- svetovanje vsaj eni državi z namenom podpore pri pripravi in izvajanju bonitetnih strategij, namenjenih izboljšanju bonitetnih ocen, pri čemer ima ta država visoko bonitetno oceno (vsaj kategorija CQS2)<sup>3</sup> izdano s strani vsaj dveh mednarodnih bonitetnih agencij.

#### DOKAZILO:

Izpolnjen **obrazec ESPD** (v »Del IV: Pogoji za sodelovanje, Oddelek C: Tehnična in strokovna sposobnost, Za naročila storitev: Izvedba storitve določene vrste«).

<sup>3</sup> Credit Quality Steps - CQS

- CQS 1: Najvišja kakovost, ki vključuje bonitetne ocene: S&P: AAA do AA-, Moody's: Aaa do Aa3, Fitch: AAA do AA-
- CQS 2: Visoka kakovost, ki vključuje bonitetne ocene: S&P: A+ do A-, Moody's: A1 do A3, Fitch: A+ do A-

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 of Directive 2014/24/EU.

#### EVIDENCE:

Completion of the **ESPD form** (in 'Part IV: Conditions of Participation, Section A: Eligibility, Entry in the relevant professional register OR Entry in the commercial register') by all economic operators in the tender.

The ESPD must contain all the information necessary to enable the contracting authority to verify compliance with the condition in question in the official records. If such verification is not possible, the contracting authority will require the tenderer to submit a self-declaration.

### 8.1.3 Conditions of participation concerning technical and professional competence

The tenderer has successfully performed (i.e. in terms of quantity and quality, in accordance with the contract) the following within the last ten years from the date of publication of the notice of this procurement procedure on the public procurement portal:

- provision of consultancy services to at least one country to support the preparation and implementation of rating strategies aimed at improving credit ratings, where this country has a high credit rating (at least CQS2 category)<sup>4</sup> issued by at least two international credit rating agencies.

#### EVIDENCE:

Completed **ESPD form** (in 'Part IV: Conditions of Participation, Section C: Technical and professional capacity, For service contracts: Performance of a service of a particular type').

<sup>4</sup> Credit Quality Steps - CQS

- CQS 1: Highest quality, which includes credit ratings: S&P: AAA to AA-, Moody's: Aaa to Aa3, Fitch: AAA to AA-
- CQS 2: High quality, which includes ratings: S&P: A+ to A-, Moody's: A1 to A3, Fitch: A+ to A-



ESPD mora vsebovati vse potrebne podatke, da lahko naročnik v uradni evidenci preveri izpolnjevanje predmetnega pogoja. V kolikor takšna preveritev ne bo mogoča, bo naročnik od ponudnika zahteval predložitev lastne izjave.

The ESPD must contain all the information necessary to enable the contracting authority to verify, on official records, that the condition in question has been fulfilled. If such verification is not possible, the contracting authority will require the tenderer to submit a self-declaration.

#### **8.1.4 Kadrovski pogoji oziroma sposobnost**

Svetovalna ekipa mora biti sestavljena iz vsaj dveh članov. Člani svetovalne ekipe so v zadnjih desetih letih, šteto od dneva obvestila o tem naročilu na portalu javnih naročil, uspešno izvedli (kar pomeni količinsko in kakovostno v skladu z naročilom):

- vsaj eno storitev svetovalnega dela na področju priprave in izvedbe bonitetnih strategij za državo z visoko bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij, z namenom podpore pri pripravi in izvajanju bonitetnih strategij, namenjenih izboljšanju bonitetnih ocen.

Člani svetovalne ekipe morajo imeti izobrazbo v ravni najmanj 6. ravni Evropskega ogrodja kvalifikacij (EQF) in obvladati angleški jezik na vseh treh ravneh (razumevanje, govorjenje, pisanje) na stopnji B2 glede na Skupni evropski referenčni okvir za jezike (CEFR).

##### **DOKAZILO:**

Izpolnjen **obrazec ESPD** (v »Del IV: Pogoji za sodelovanje, Oddelek C: Tehnična in strokovna sposobnost, Izobrazba in strokovna usposobljenost«).

ESPD mora vsebovati vse potrebne podatke, da lahko naročnik v uradni evidenci preveri izpolnjevanje predmetnega pogoja. V kolikor takšna preveritev ne bo mogoča, bo naročnik od ponudnika zahteval predložitev lastne

#### **8.1.4 Personnel or ability conditions**

The consultancy team must be composed of at least two members. The members of the consultancy team shall have successfully implemented (i.e. in terms of quantity and quality, in accordance with the contract) the following within the last ten years from the date of the notice of this procurement on the procurement portal:

- at least one consultancy assignment in the field of preparation and implementation of rating strategies for a country with a high rating (at least CQS2 category) issued by at least two international rating agencies, in order to support the preparation and implementation of rating strategies aimed at improving credit ratings.

The members of the consultancy team must be educated to at least European Qualifications Framework (EQF) level 6 and have a B2 level of English language proficiency in all three levels (comprehension, speaking, writing) according to the Common European Framework of Reference for Languages (CEFR).

izjave ali spričevala ali diplome oziroma drugega dokazila o doseženi izobrazbi.

##### **EVIDENCE:**

Completed **ESPD form** (in 'Part IV: Conditions of Participation, Section C: Technical and professional ability, Education and training').

The ESPD must contain all the information necessary to enable the contracting authority to verify, on official records, that the subject condition has been fulfilled. If

such verification is not possible, the contracting authority will require the tenderer to submit a self-declaration or a

certificate or diploma or other evidence of formal qualifications.

## 9. MERILA

Merilo za izbor najugodnejšega ponudnika je ekonomsko najugodnejša ponudba. Najugodnejša ponudba se ob izpolnjevanju vseh pogojev teh navodil izračuna na naslednji način:

$$M = C * \left(1 - \frac{Mer1}{100}\right)$$

pri čemer oznake v formuli pomenijo:

C - ponudbena cena ponudnika brez DDV v EUR

Mer1 - Točke po kriteriju »Dodatne izkušnje svetovalne ekipe«

Najugodnejši ponudnik je tisti z najnižjim M.

### Mer1: Dodatne izkušnje svetovalne ekipe

Ponudnik lahko pridobi dodatne točke za dokumentirane dodatne izkušnje svetovalne ekipe z izvajanjem svetovanj, namenjenih pripravi ali izvajanju bonitetnih strategij za različne države, ki imajo visoko bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij.

Točkovanje:

Za vsako dodatno izkušnjo, ki izpolnjuje zgoraj opisani pogoji, ponudnik prejme 5 točk. Največje število točk, ki jih ponudnik lahko prejme po tem merilu je 20 točk.

## 9. CRITERIA

The criterion for selecting the most advantageous tenderer shall be the most economically advantageous tender. The most economically advantageous tender, if all the conditions of these instructions are fulfilled, shall be calculated as follows:

where the formula indicates:

C - the tenderer's tender price excluding VAT in EUR

Mer1 - Points for the criterion 'Additional experience of the consultancy team'.

The most advantageous tenderer is the one with the lowest M.

### Mer1: Additional experience of the consultancy team

The tenderer may obtain additional points for documented additional experience of the consultancy team in carrying out consultancy assignments aimed at developing or implementing rating strategies for different countries that have a high rating (at least CQS2 category) issued by at least two international rating agencies.

Scoring:

For each additional experience meeting the condition described above, the tenderer shall be awarded 5 points. The maximum number of points that a tenderer may obtain under this criterion shall be 20.

OPIS / DESCRIPTION	št. Točk/ No. of points
1. Svetovalna ekipa ponudnika je sodelovala pri 2 svetovalnih projektih, namenjenim pripravi ali izvajanju bonitetnih strategij za različne države, ki imajo visoko	5

bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij. 1. <i>The tenderer's consultancy team has been involved in 2 consultancy projects aimed at developing or implementing rating strategies for different countries that have a high rating (at least CQS2 category) issued by at least two international rating agencies.</i>	
2. Svetovalna ekipa ponudnika je sodelovala pri 3 svetovalnih projektih, namenjenim pripravi ali izvajanju bonitetnih strategij za različne države, ki imajo visoko bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij 2. <i>The tenderer's consultancy team has participated in 3 consultancy projects aimed at developing or implementing rating strategies for different countries / with a high rating (at least CQS2 category) issued by at least two international rating agencies.</i>	10
3. Svetovalna ekipa ponudnika je sodelovala pri 4 svetovalnih projektih, namenjenim pripravi ali izvajanju bonitetnih strategij za različne države, ki imajo visoko bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij. 3. <i>The tenderer's consultancy team has participated in 4 consultancy projects aimed at developing or implementing rating strategies for different countries with a high rating (at least CQS2 category) issued by at least two international rating agencies.</i>	15
4. Svetovalna ekipa ponudnika je sodelovala pri 5 ali več svetovalnih projektih, namenjenim pripravi ali izvajanju bonitetnih strategij za različne države, ki imajo visoko bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij. 4. <i>The tenderer's consultancy team has participated in 5 or more consultancy projects aimed at developing or implementing rating strategies for different countries with a high rating (at least CQS2 category) issued by at least two international rating agencies.</i>	20

Če je pri istem svetovanju sodelovalo več članov svetovalne ekipe, se tako svetovanje upošteva le enkrat na ekipo.

If more than one member of the consultancy team has been involved in the same consultancy, such consultancy shall be counted only once per team.

#### DOKAZILA:

Ponudnik mora za vsako dodatno izkušnjo predložiti opis naloge/projekta, ki vsebuje navedbo države/organizacije, obdobje izvajanja in opis naloge ter potrdilo ali javni podatek, da je zadevna država/organizacija v času sodelovanja imela bonitetno oceno najmanj CQS2 pri vsaj dveh mednarodnih bonitetnih agencijah.

#### EVIDENCE:

For each additional experience, the tenderer shall provide a description of the assignment/project, including the country/organisation, the period of implementation and a description of the assignment, and a certificate or public information that the country/organisation concerned has, at the time of the participation, a rating of at least CQS2 from at least two international credit rating agencies.

Upoštevajo se lahko le projekti, zaključeni v zadnjih 10 letih, šteto od dneva obvestila o tem naročilu na portalu javnih naročil.

Only projects completed within the last 10 years from the date of the notice of this procurement on the procurement portal may be considered.

Za vsako dodatno izkušnjo članov svetovalne ekipe s svetovalnim delom na področju priprave in izvedbe bonitetnih strategij za različne države

z visoko bonitetno oceno (vsaj kategorija CQS2), izdano s strani vsaj dveh mednarodnih bonitetnih agencij, z namenom podpore pri

pripravi in izvajanju bonitetnih strategij, namenjenem izboljšanju bonitetnih ocen, prejme ponudnik dodatnih 5 točk. Ista dodatna izkušnja pri kateri je sodelovalo več članov svetovalne ekipe se upošteva samo enkrat na svetovalno ekipo. Z dodatnimi izkušnjami lahko ekipa ponudnika prejme največ 20 točk.

The tenderer shall be awarded an additional 5 points for each additional experience of the members of the consultancy team in consultancy work on the preparation and

implementation of rating strategies for different countries with a high rating (at least CQS2 category) issued by at least two international rating agencies, with the aim of supporting the preparation and implementation of rating strategies aimed at improving credit ratings. The same additional experience involving several members of the consultancy team shall be taken into account only once per consultancy team. The additional experience may bring the bidder's team to a maximum of 20 points.

V kolikor dva ali več ponudnikov dosežejo enako vrednost M (izračun na dve decimalki), bo naročnik izbral ponudnika, ki bo prejel več točk za Mer1. V primeru, da bo več ponudnikov doseglo enako število točk za Mer1 in ponudilo enako ceno, bo naročnik ponudnika izbral z žrebom. Ponudnike bo naročnik pisno obvestil o žrebu in jim omogočil prisotnost na žrebu. Žreb bo potekal v prostorih naročnika. Izmed ponudnikov, ki so dosegli enako vrednost M in enako število točk za Mer1 ter enako ceno, bo izbran tisti ponudnik, ki bo prvi izžreban. Ponudnikom, ki ne bodo prisotni na žrebu, bo naročnik posredoval zapisnik žrebanja.

If two or more tenderers achieve the same M-value (calculated to two decimal places), the contracting authority will select the tenderer with the higher score for Mer1. In the event that several tenderers obtain the same number of Mer1 points and offer the same price, the contracting authority shall select the tenderer by lot. The Contracting Authority will inform the tenderers in writing of the draw and give them the opportunity to be present at the draw. The draw will take place on the premises of the Contracting Authority. The first tenderer to be drawn will be selected from among tenderers having the same M-value, the same number of Mer1 points and the same price. The Contracting Authority will send a record of the draw to the tenderers who are not present at the draw.

Izbrani ponudnik bo poleg plačila svetovalnih ur upravičen tudi do povračila potnih stroškov in stroškov prenočišča, ki so potrebni za kakovostno izvedbo predmeta pogodbe in ki nastanejo po predhodnem dogovoru z naročnikom.	The selected contractor shall, in addition to the payment for consultancy hours, be entitled to reimbursement of travel and accommodation expenses that are necessary for the proper performance of the subject of the contract and incurred upon prior agreement with the contracting authority.
Izvajalec je ob uveljavitvi povračila potnih stroškov in stroškov prenočišča, ki so nastali po predhodnem dogovoru z naročnikom in katerih skupna vrednost v času veljavnosti pogodbe ne sme preseči 20.000,00 EUR brez DDV, dolžan predložiti ustrezno dokumentacijo, ki dokazuje na njihov nastanek.	The Service Provider shall, when claiming reimbursement of travel and accommodation expenses incurred with the prior consent of the Contracting Authority, and the total amount of which may not exceed EUR 20,000.00 excluding VAT over the duration of the Contract, submit appropriate documentation proving that such expenses have been incurred.
Upravičeni potni stroški so: - kilometrini za uporabo lastnega osebnega vozila v službene namene v višini, določeni z veljavno Uredbo o davčni obravnavi povračil stroškov in drugih dohodkov iz delovnega	Eligible travel costs are: - mileage for the use of a private vehicle for business purposes, reimbursed at the rate specified in the currently applicable Regulation on the Tax Treatment of Reimbursement of Expenses and Other

<p>razmerja (Uradni list RS, št. 140/06 s spremembami in dopolnitvami),</p> <ul style="list-style-type: none"> <li>- stroški prevoza z javnimi prevoznimi sredstvi (vlak, taksi, avtobus, letalo), pri čemer se kot upravičen strošek šteje le ekonomski oziroma II. razred,</li> <li>- ter stroški prenočišča do višine 150,00 EUR brez DDV na osebo na nočitev.</li> </ul>	<p>Income from Employment (Official Gazette of the Republic of Slovenia, No. 140/06, as amended),</p> <ul style="list-style-type: none"> <li>- the cost of transport by public transport (train, taxi, bus, plane), provided that only second-class or economy-class fares shall be deemed eligible for reimbursement,</li> <li>- and accommodation costs up to EUR 150.00 excluding VAT per person per night.</li> </ul>
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## 10. PONUDBA

### 10.1 PONUDBENA DOKUMENTACIJA

Ponudbeno dokumentacijo sestavljajo naslednji dokumenti:

1. Izpolnjen obrazec »**Predračun**«,
2. Izpolnjen obrazec »**ESPD**« (za vse gospodarske subjekte v ponudbi),
3. Dokazila za točko 9. Merila (Mer1 – opis naloge/projekta).

Ponudnik v ponudbi priloži le dokumente, ki so navedeni v tej točki. Po pregledu ponudb bo naročnik najugodnejšega ponudnika pozval k predložitvi dokazil, kot je navedeno pri posameznih zahtevanih pogojih oziroma razlogih za izključitev.

Ponudnik, ki odda ponudbo, pod kazensko in materialno odgovornostjo jamči, da so vsi podatki in dokumenti, podani v ponudbi, resnični, in da priložena dokumentacija ustreza originalu. V nasprotnem primeru ponudnik naročniku odgovarja za vso škodo, ki mu je nastala.

### 10.2 SESTAVLJANJE PONUDBE

#### 10.2.1 Obrazec »**ESPD**« za vse gospodarske subjekte

Obrazec ESPD predstavlja uradno izjavo gospodarskega subjekta, da zanj ne obstajajo razlogi za izključitev in da izpolnjuje pogoje za sodelovanje, hkrati pa zagotavlja ustrezne informacije, ki jih zahteva naročnik. Obrazec

## 10. BID

### 10.1 TENDER DOSSIER

The tender dossier shall consist of the following documents:

1. A completed '**Proposal**' form,
2. Completed '**ESPD**' form (for all economic operators in the tender),
3. Evidence for Criterion 9 (Mer1 - description of the task/project).

The tenderer shall only include in the tender the documents specified in this point. After examination of the tenders, the Contracting Authority shall request the successful tenderer to provide supporting evidence as indicated for each of the required conditions or the grounds for exclusion.

The tenderer submitting a tender warrant, under criminal and material liability, that all the information and documents provided in the tender are true and that the documents annexed to the tender correspond to the original. Failing this, the tenderer shall be liable to the contracting authority for any damage suffered.

ESPD vključuje tudi uradno izjavo o tem, da bo gospodarski subjekt na zahtevo in brez odlašanja sposoben predložiti dokazila, ki dokazujejo neobstoj razlogov za izključitev oziroma izpolnjevanje pogojev za sodelovanje. S predložitvijo obrazca ESPD ponudnik tudi potrdi, da izpolnjuje vse druge zahteve naročila.

## 10.2 DRAWING UP OF THE TENDER

### 10.2.1 Form »ESPD« for all economic operators

The ESPD form constitutes the official declaration by the economic operator that there are no grounds for exclusion and that it fulfils the conditions for participation, while at the same time providing the relevant information

S predložitvijo obrazca ESPD se šteje, da je ponudnik podal tudi izjavo, da potrjuje, da ni povezan s funkcionarjem in po njegovem vedenju ni povezan z družinskim članom funkcionarja na način, določen v prvem odstavku 35. člena Zakona o integriteti in preprečevanju korupcije (Uradni list RS, št. 69/11 – uradno prečiščeno besedilo, 158/20 in 3/22 – ZDeb; v nadaljnjem besedilu: ZIntPK).

Navedbe v ESPD in/ali dokazila, ki ji predloži gospodarski subjekt, morajo biti veljavni.

Gospodarski subjekt naročnikov obrazec ESPD (datoteka XML) uvozi na spletni povezavi: <https://ejn.gov.si/esp/> in v njega neposredno vnese zahtevane podatke.

Izpolnjen in podpisan ESPD mora biti v ponudbi priložen za vse gospodarske subjekte, ki v kakršni koli vlogi sodelujejo v ponudbi (ponudnik, sodelujoči ponudniki v primeru skupne ponudbe, gospodarski subjekti, na katerih kapacitete se sklicuje ponudnik in podizvajalci).

Ponudnik, ki v sistemu e-JN oddaja ponudbo, naloži svoj ESPD v razdelek »Dokumenti«, del »ESPD – ponudnik«, ESPD ostalih sodelujočih pa naloži v razdelek »Sodelujoči«, del »ESPD – ostali sodelujoči«. Ponudnik, ki v sistemu e-JN oddaja ponudbo, naloži elektronsko podpisan ESPD v xml. obliki ali nepodpisan ESPD v xml. obliki, pri čemer se v slednjem primeru v skladu Splošnimi pogoji uporabe sistema e-JN šteje, da je oddan pravno zavezujoč dokument, ki ima enako veljavnost kot podpisan.

requested by the contracting authority. The ESPD form shall also include a formal declaration that the economic operator will be able to provide, upon request and without delay, supporting evidence that the grounds for exclusion do not exist or that the conditions for participation are fulfilled. By submitting the ESPD form, the tenderer also certifies that it meets all other requirements of the contract.

By submitting the ESPD form, the tenderer shall also be deemed to have made a declaration certifying that it is not related to an official and, to the best of its knowledge, is not related to a family member of an official in the manner specified in Article 35(1) of the Integrity and Prevention of Corruption Act (Official Journal of the Republic of Slovenia, No 69/11 - Official Consolidation, 158/20 and 3/22 - ZDeb; hereinafter referred to as 'the ZIntPK').

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

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

The completed and signed ESPD must be attached to the tender for all economic operators participating in the tender in any capacity (the tenderer, the participating tenderers in the event of a joint tender, the economic operators whose capacities are relied on by the tenderer and subcontractors).

The tenderer submitting a tender in the e-JN system shall upload its ESPD in the section 'Documents', part 'ESPD - Tenderer', and the ESPDs of the other participants in the section 'Participants', part '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 system, it shall be deemed to be

a legally binding document submitted, which shall be considered to have the same validity as

Za ostale sodelujoče ponudnik v razdelek »Sodelujoči«, del »ESPD – ostali sodelujoči« priloži lastnoročno podpisane ESPD v pdf. obliki, ali v elektronski obliki podpisan xml.

#### **10.2.2 Obrazec »Predračun«**

Ponudnik mora v Predračunu ponujati vse pozicije, ob upoštevanju tehničnih specifikacij, ki so del razpisne dokumentacije.

Ponudnik izpolni vse postavke v Predračunu, in sicer na dve decimalni mesti.

Ponudnik mora izpolniti vse postavke v predračunu. V kolikor ponudnik cene v posamezno postavko ne vpiše, se šteje, da predmetne postavke ne ponuja in tako ne izpolnjuje vseh zahtev naročnika iz predmetne razpisne dokumentacije.

V kolikor ponudnik vpiše ceno nič (0) EUR, se šteje, da ponuja postavko brezplačno.

Ponudnik ne sme spreminjati vsebine predračuna.

Ponujena cena z DDV mora zajemati vse popuste in stroške, razen potnih stroškov, ki so opredeljeni v pogodbi.

V primeru, da bo naročnik pri pregledu in ocenjevanju ponudb odkril očitne računske napake, bo ravnal v skladu s sedmim odstavkom 89. člena ZJN-3.

**Ponudnik v sistem e-JN v razdelek »Skupna ponudbena vrednost« v zato namenjen prostor vpiše skupni ponudbeni znesek brez davka v EUR in znesek davka v EUR. Znesek skupaj z davkom v EUR se izračuna samodejno. V del »Predračun« pa naloži**

a signed one.

For other participants, the tenderer shall attach a handwritten signed ESPD in pdf. format, or an electronically signed xml. format, in the section "Participants", part "ESPD - other participants".

#### **10.2.2 Proposal form**

The tenderer must offer all the items in the Proposal, taking into account the technical specifications included in the tender documents.

The tenderer shall fill in all the items in the Proposal to two decimal places.

The tenderer shall complete all items in the tender. If the tenderer does not enter a price for each item, it shall be deemed not to have offered the item in question and shall therefore not meet all the requirements of the tender documentation.

If the tenderer enters a price of EUR zero (0), he shall be deemed to be offering the item free of charge.

The tenderer may not modify the content of the estimate.

The price quoted, inclusive of VAT, must include all discounts and costs, except for travel costs, which shall be specified in the contract.

In the event that the Contracting Authority finds manifest errors of calculation in the examination and evaluation of tenders, it shall act in accordance with Article 89(7) of the ZJN-3.

**datoteko v obliki word, excel ali pdf. »Skupna ponudbena vrednost«, ki bo vpisana v istoimenski razdelek in dokument, ki bo naložen kot predračun v del »Predračun«, bosta razvidna in dostopna na javnem odpiranju ponudb.**

The tenderer shall enter in the e-JN system, in the space provided for this purpose in the section 'Total Tender Value', the total tender amount excluding tax in EUR and the amount of tax in EUR. The amount including tax in EUR shall be calculated automatically.

The 'Total Tender Amount' to be entered in the section of the same name and the document to be uploaded as the estimate in the 'Estimate' section will be visible and accessible at the public opening of the tenders.

V primeru razhajanj med podatki navedenimi v razdelku »Skupna ponudbena vrednost« in dokumentu, ki je predložen v delu »Predračun«, kot veljavni štejejo podatki v dokumentu, ki je predložen v delu »Predračun«.

In the event of any discrepancy between the information given in the 'Total Tender Value' section and the document submitted in the 'Estimate' section, the information given in the document submitted in the 'Estimate' section shall be considered as valid.

### **10.2.3 Drugi dokumenti ponudbe**

Ponudnik predloži dokumente v skladno s točko 9. MERILA.

### **10.2.3 Other tender documents**

The tenderer shall submit documents in accordance with point 9 of the CRITERIA.

Ponudnik mora druge dokumente ponudbe naložiti v sistem e-JN v razdelek »Drugi dokumenti«.

The tenderer must upload the other tender documents in the 'Other documents' section of the e-JN system.

Dokumenti, ki se naložijo v razdelek »Drugi dokumenti« so lahko (če se zahteva podpis) podpisani fizično in skenirani kot .pdf dokument ali drug format, ki omogoča shranjevanje skeniranega dokumenta (npr. .tif, .jpg), lahko pa so podpisani elektronsko in naloženi kot .pdf dokument.

The documents to be uploaded in the 'Other documents' section may (if a signature is required) be physically signed and scanned as a .pdf document or another format that allows the storage of the scanned document (e.g. .tif, .jpg), or they may be electronically signed and uploaded as a .pdf document.

## **10.3 DRUGA DOLOČILA ZA PRIPRAVO PONUDBE**

## **10.3 OTHER PROVISIONS FOR THE PREPARATION OF THE TENDER**

### **10.3.1 Skupna ponudba**

V primeru, da skupina ponudnikov predloži skupno ponudbo, mora vsak ponudnik izpolnjevati izključitvene pogoje, sposobnost za opravljanje poklicne dejavnosti ter ekonomsko in finančno sposobnost.

### **10.3.1 Joint tender**

In the event that a group of tenderers submits a joint tender, each tenderer must satisfy the exclusion criteria, the fitness to pursue a professional activity and the economic and financial capacity.

Tehnično in strokovno sposobnost ponudniki lahko izpolnjujejo skupno/kumulativno.

Technical and professional capacity may be fulfilled jointly/cumulatively.

Vsi ponudniki v skupni ponudbi morajo izpolniti obrazec ESPD posamično in v njem navesti vse zahtevane podatke.

All tenderers in a joint tender must complete the ESPD form individually and provide all the information requested.

V primeru skupne ponudbe naj pravne osebe v obrazcu ESPD navedejo vse, ki bodo sodelovali v tej skupni ponudbi, ter navedejo vse podatke o posameznem partnerju. Vse skupne obrazce

podpišejo vsi ponudniki pri skupni ponudbi, ali pa pooblastijo enega izmed ponudnikov. Ponudniki, ki nastopajo pri skupni ponudbi, morajo navesti eno izmed pravnih oseb, s



katero bo naročnik komuniciral do sprejema odločitve o naročilu.

In the event of a joint tender, the legal entities are requested to indicate in the ESPD form all the legal entities that will participate in the joint tender and to provide full details of each partner. All joint forms shall be signed by all the

V primeru, da bo takšna skupina ponudnikov izbrana za izvedbo predmetnega naročila, bo naročnik zahteval, da bodo le-ti predložili ustrezen akt o skupni izvedbi naročila (na primer pogodbo o sodelovanju), v katerem bodo natančno opredeljene naloge in odgovornost posameznih ponudnikov za izvedbo naročila. Ne glede na to pa vsi ponudniki odgovarjajo naročniku neomejeno solidarno.

In the event that such a group of tenderers is selected for the performance of the contract in

### 10.3.2 Ponudba s podizvajalci

Ponudba s podizvajalci je ponudba, pri kateri glavni ponudnik ali partner sodeluje skupaj s podizvajalci. Podizvajalec je gospodarski subjekt, ki je pravna ali fizična oseba in za ponudnika ali partnerja, s katerim je naročnik po tem zakonu sklenil pogodbo o izvedbi javnega naročila, dobavlja blago ali izvaja storitev oziroma gradnjo, ki je neposredno povezana s predmetom javnega naročila. Glavni ponudnik v celoti odgovarja za izvedbo prevzetega naročila in za delo podizvajalcev ne glede na število podizvajalcev.

Ponudnik, ki nastopa s podizvajalci, mora v ponudbi:

- navesti vse podizvajalce ter vsak del javnega naročila, ki ga namerava oddati podizvajalcu,
- navesti kontaktne podatke in zakonite zastopnike predlaganih podizvajalcev,
- priložiti izpolnjene ESPD teh podizvajalcev v skladu z 79. členom ZJN-3, ki so naloženi v rubriki »Nastop s podizvajalci« za vsakega podizvajalca posebej ter
- priložiti zahtevo podizvajalca za neposredno plačilo, če podizvajalec to zahteva.

tenderers in the joint tender or by one of the tenderers. Tenderers participating in a joint tender must indicate one of the legal entities with which the contracting authority will communicate until the decision on the contract has been taken.

question, the contracting authority will require them to submit an appropriate instrument of joint performance (for example, a cooperation agreement) specifying the tasks and responsibilities of the individual tenderers for the performance of the contract. Notwithstanding this, all tenderers shall be jointly and severally liable to the contracting authority without limitation.

### 10.3.2 Tender with subcontractors

A subcontracted tender is a tender in which the main tenderer or partner works jointly with subcontractors. A subcontractor is an economic entity, whether legal or natural, which supplies goods or performs a service or construction directly related to the subject-matter of the public contract for a tenderer or partner with whom the contracting authority has concluded a contract for the performance of a public contract pursuant to this Law. The main tenderer shall be fully responsible for the performance of the contract undertaken and for the work of subcontractors, irrespective of the number of subcontractors.

The tenderer who subcontracts must include in the tender:

- specify all subcontractors and each part of the public contract which it intends to subcontract,
- indicate the contact details and legal representatives of the proposed subcontractors,
- attach the completed ESPDs of these subcontractors in accordance with Article 79 of the ZJN-3, uploaded under the heading 'Subcontracting' for each subcontractor separately; and
- attach the subcontractor's request for direct payment, if the subcontractor so requests.

Naročnik bo zavrnil vsakega podizvajalca, če zanj obstajajo razlogi za izključitev 8.1.1 točke (Razlogi za izključitev).

Če ponudnik izpolnjevanje katerega od pogojev dokazuje skupaj s katerim od podizvajalcev, kasneje pa želi takšnega podizvajalca zamenjati, mora takšen ponudnik zagotoviti, da sam izpolnjuje konkretni pogoj oz. da je na novo vključen podizvajalec takšen, da tudi skupaj z novo vključenim izvajalcem izpolnjujeta zahtevane pogoje. Pred zamenjavo podizvajalca, bo naročnik podal pisno soglasje.

Le če podizvajalec, skladno z ZJN-3, zahteva neposredno plačilo, bo naročnik izvajal neposredna plačila. Glavni izvajalec mora v tem primeru v pogodbi pooblastiti naročnika, da na podlagi potrjenega računa oziroma situacije s strani glavnega izvajalca neposredno plačuje podizvajalcu in svojemu računu ali situaciji priložiti račun ali situacijo podizvajalca, ki ga je predhodno potrdil, podizvajalec pa mora predložiti soglasje, na podlagi katerega naročnik namesto ponudnika poravnava podizvajalčevo terjatev do ponudnika.

Če neposredno plačilo podizvajalcu ni obvezno, mora glavni izvajalec najpozneje v 60 dneh od plačila končnega računa oziroma situacije poslati naročniku svojo pisno izjavo in pisno izjavo podizvajalca, da je podizvajalec prejel plačilo za izvedena dela.

Izbrani ponudnik, ki bo izvajal naročilo z enim ali več podizvajalci, mora imeti ob sklenitvi pogodbe z naročnikom ali med njenim izvajanjem, sklenjene pogodbe s podizvajalci.

Ponudnik mora svojemu računu obvezno priložiti račune podizvajalcev, ki jih je predhodno potrdil. Če glavni izvajalec ne ravna

The Contracting Authority will reject any subcontractor if it is subject to the exclusion grounds set out in Clause 8.1.1 (Grounds for Exclusion).

If a tenderer demonstrates compliance with any of the conditions jointly with a subcontractor and later wishes to change such subcontractor, such tenderer must ensure that it alone meets the specific condition or that the newly included subcontractor is such that it and the newly included contractor also meet the required conditions. The Contracting Authority shall give its written consent before the subcontractor is replaced.

Only if the subcontractor, in accordance with ZJN-3, requires direct payment, will the Contracting Authority make direct payments. In this case, the main contractor must authorise the contracting authority in the contract to pay the subcontractor directly on the basis of the main contractor's certified invoice or statement of account, and must attach to its invoice or statement of account the subcontractor's invoice or statement of account which it has previously approved, and the subcontractor must provide a consent whereby the contracting authority, in place of the tenderer, pays the subcontractor's claim on the tenderer.

skladno s 94. členom ZJN-3 oziroma z zahtevami, navedenimi zgoraj, naročnik Državni revizijski komisiji poda predlog za uvedbo postopka o prekršku iz 2. točke prvega odstavka 112. člena ZJN-3.

If direct payment to the subcontractor is not compulsory, the main contractor shall, not later than 60 days after payment of the final invoice or invoice, send to the contracting authority a written declaration by the main contractor and a written declaration by the subcontractor that the subcontractor has received payment for the work carried out.

The successful tenderer who will carry out the contract with one or more subcontractors must have subcontracts in place at the time of conclusion of the contract with the contracting

authority or during the performance of the contract.

The tenderer must attach to his invoice the invoices of the subcontractors which he has previously approved. If the main contractor fails

### **10.3.3 Variantne ponudbe**

Variantne ponudbe niso dopuščene.

### **10.3.4 Jezik ponudbe**

Postopek javnega naročanja poteka v slovenskem jeziku. Ponudniki lahko svoje ponudbe predložijo tudi v angleškem jeziku.

### **10.3.5 Priprava in oddaja ponudbe v sistemu e-JN**

Ponudnik ponudbeno dokumentacijo odda na način, da po registraciji oziroma prijavi v sistem e-JN na naslovu: <https://ejn.gov.si> pri predmetnem javnem naročilu izbere opcijo »Sodeluj na javnem naročilu«, s čimer se odpre stran za pripravo ponudbe. Po vnosu podatkov in dokumentov, podatke in dokumentacijo shrani v sistemu in jo odda tako, da se s klikom na gumb »Oddaj ponudbo« odpre okno, v katerem gospodarski subjekt, ki oddaja ponudbo, s potrditvijo seznanitve s splošnimi pogoji le-te sprejme in s klikom na gumb »Oddaj« ponudbo odda.

Podrobna navodila v zvezi z načinom priprave in oddaje ponudbe so navedena v Navodilih za uporabo e-JN, ki so del te razpisne dokumentacije in objavljena na spletnem naslovu <https://ejn.gov.si>.

### **10.3.6 Veljavnost ponudbe**

Ponudba mora veljati najmanj do 30. 9. 2025.

V izjemnih okoliščinah bo naročnik lahko zahteval, da ponudniki podaljšajo čas veljavnosti ponudb za določeno dodatno obdobje.

to comply with Article 94 of the ZJN-3 or with the requirements set out above, the contracting authority shall submit a proposal to the National Audit Office for the initiation of the infringement procedure referred to in Article 112(2), first paragraph of the ZJN-3.

### **10.3.3 Variant tenders**

Variant tenders are not admissible.

### **10.3.4 Language of the tender**

The procurement procedure shall be conducted in the Slovene language. Tenderers may also submit their tenders in English.

### **10.3.5 Preparation and submission of a tender in the e-JN system**

The tenderer shall submit the tender documentation by selecting the option 'Participate in the procurement' after registering or logging in to the e-JN system at the following address: <https://ejn.gov.si> for the subject procurement, which will open the page for the preparation of the tender. After entering the data and documents, the data and documents are stored in the system and submitted by clicking on the 'Submit tender' button, a window opens in which the economic operator submitting the tender accepts the tender by confirming that it has been informed of the general conditions and submits the tender by clicking on the 'Submit' button.

Detailed instructions on how to prepare and submit a tender are set out in the Instructions for the use of the e-JN, which form part of these tender documents and are published on the Internet at <https://ejn.gov.si>.

### **10.3.6 Validity of the tender**

The validity of the tender shall be at least until 30. 9. 2025.

In exceptional circumstances, the Contracting Authority may require tenderers to extend the period of validity of their tenders for a specified additional period.

### **10.3.7 Stroški ponudbe**

Vse stroške, povezane s pripravo in predložitvijo ponudbe, nosi ponudnik.

### **10.3.8 Protikorupcijsko določilo**

V postopku oddaje javnega naročila naročnik in ponudniki ne smejo pričenjati in izvajati dejanj, ki bi vnaprej določila izbor določene ponudbe, ali ki bi povzročila, da pogodba ne bi pričela veljati oziroma ne bi bila izpolnjena.

Vsakršno lobiranje v postopkih oddaje javnih naročil je prepovedano.

### **10.3.7 Cost of the tender**

All costs associated with the preparation and submission of the tender shall be borne by the tenderer.

### **10.3.8 Anti-corruption clause**

In the course of the procurement procedure, the contracting authority and the tenderers shall not initiate or carry out any action which would prejudice the selection of a particular tender or which would cause the contract not to enter into force or not to be performed.

Any lobbying in public procurement procedures shall be prohibited.

## **11. OBVESTILO O ODLOČITVI O ODDAJI NAROČILA**

Naročnik bo podpisano odločitev o oddaji naročila objavil na portalu javnih naročil. Odločitev se šteje za vročeno z dnem objave na portalu javnih naročil.

## **11. NOTICE OF THE DECISION TO AWARD THE CONTRACT**

The contracting authority will publish the signed award decision on the procurement portal. The decision shall be deemed to have been notified on the date of publication on the procurement portal.

## **12. ODPSTOP OD IZVEDBE JAVNEGA NAROČILA**

Naročnik lahko na podlagi osmega odstavka 90. člena ZJN-3 po sprejemu odločitve o oddaji naročila do sklenitve pogodbe odstopi od izvedbe javnega naročila iz utemeljenih razlogov, da predmeta javnega naročila ne potrebujejo več ali da zanj nima zagotovljenih sredstev ali da se pri naročniku pojavi utemeljen sum, da je bila ali bi lahko bila vsebina pogodbe posledica storjenega kaznivega dejanja ali da so nastale druge izredne okoliščine, na katere naročnik ni mogel vplivati in jih predvideti ter zaradi katerih je postala izvedba javnega naročila z izbranim ponudnikom nemogoča. V tem primeru bo naročnik v svoji odločitvi in o razlogih, zaradi katerih odstopa od izvedbe javnega naročila, pisno obvestil ponudnike.

## **12. WITHDRAWAL FROM THE PERFORMANCE OF THE CONTRACT**

The Contracting Authority may, pursuant to the eighth paragraph of Article 90 of ZJN-3, withdraw from the performance of a public contract after the adoption of the decision to award the contract until the conclusion of the contract on the grounds that the subject-matter of the public contract is no longer needed or that the Contracting Authority has no resources for it, or that the Contracting Authority has reasonable grounds to suspect that the subject-matter of the contract was or could have been the result of a criminal offence, or that other exceptional circumstances have arisen which were beyond the Contracting Authority's control and foreseeability, and which have made the performance of the public contract with the successful tenderer impossible. In this case, the contracting authority will inform the tenderers in writing of its decision and of the reasons for which it is withdrawing from the performance of the public contract.

### 13. POGODBA

Pogodbo bo podpisala Republika Slovenija, Ministrstvo za finance.

V skladu s šestim odstavkom 14. člena ZIntPK je izbrani ponudnik dolžan na poziv naročnika, pred podpisom pogodbe, predložiti izjavo ali podatke o udeležbi fizičnih in pravnih oseb v lastništvu izbranega ponudnika, ter o gospodarskih subjektih za katere se glede na določbe zakona, ki ureja gospodarske družbe, šteje, da so povezane družbe z izbranim ponudnikom. Če bo ponudnik predložil lažno izjavo oziroma bo dal neresnične podatke o navedenih dejstvih, bo to imelo za posledico ničnost pogodbe.

Na poziv naročnika bo moral izbrani ponudnik v postopku javnega naročanja ali pri izvajanju javnega naročila, v roku 5 delovnih dni od prejema poziva, posredovati podatke o:

- svojih ustanoviteljih, družbenikih, delničarjih, komanditistih ali drugih lastnikih in podatke o lastniških deležih navedenih oseb;
- gospodarskih subjektih, za katere se glede na določbe zakona, ki ureja gospodarske družbe, šteje, da so z njim povezane družbe.

Izbrani ponudnik mora podpisati in vrniti naročniku pogodbo v roku 5 delovnih dni po prejemu s strani naročnika podpisane pogodbe.

S podpisom ESPD ponudnik potrdi, da sprejema vsebino vzorca pogodbe.

### 14. PRAVNO VARSTVO

Zahtevek za revizijo, ki se nanaša na vsebino objave in/ali razpisno dokumentacijo se lahko vloži v desetih delovnih dneh od dneva objave obvestila o javnem naročilu ali obvestila o dodatnih informacijah, informacijah o nedokončanem postopku ali popravku, če se s tem obvestilom spreminjajo ali dopolnjujejo zahteve ali merila za izbor najugodnejšega

### 13. CONTRACT

The contract will be signed by the Republic of Slovenia, Ministry of Finance.

Pursuant to Article 14(6) of the ZIntPK, the successful tenderer is obliged, at the request of the contracting authority, before signing the contract, to submit a declaration or information on the participation of natural and legal persons in the ownership of the successful tenderer, and on economic entities which, according to the provisions of the Act regulating companies, are deemed to be related companies to the successful tenderer. If the tenderer makes a false declaration or provides false information concerning the above-mentioned facts, the contract shall be null and void.

If the contracting authority so requests, the successful tenderer shall, within 5 working days of receipt of the request, provide the following information during the procurement procedure or in the performance of the contract:

- its founders, partners, shareholders, limited partners or other owners and the ownership interests of those persons;
- the economic entities which, in accordance with the provisions of the law governing companies, are deemed to be related companies.

The successful tenderer must sign and return the contract to the contracting authority within 5 working days of receipt of the signed contract by the contracting authority.

By signing the ESPD, the tenderer confirms that it accepts the contents of the model contract.

ponudnika, pri čemer se lahko zahtevek za revizijo nanaša na spremenjeno, dopolnjeno ali pojasnjeno vsebino objave ali razpisne dokumentacije ali z njim neposredno povezano

### 14. LEGAL PROTECTION

A request for review concerning the content of the publication and/or the tender documentation may be lodged within 10 working days of the

date of publication of the contract notice or of the notice of supplementary information, information relating to a pending procedure or a corrigendum, where that notice amends or supplements the requirements or criteria for selecting the most advantageous tenderer, where the request for review may relate to the amended, supplemented or clarified content of

navedbo v prvotni objavi ali razpisni dokumentaciji. Zahtevka za revizijo ni dopustno vložiti po roku za prejem ponudb, razen če je rok za prejem ponudb krajši od desetih delovnih dni. V tem primeru se lahko zahtevek za revizijo vложи v desetih delovnih dneh od dneva objave obvestila o naročilu.

Takso v višini 4.000 eurov mora vlagatelj plačati na transakcijski račun Ministrstva za finance, številka SI56 0110 0100 0358 802, odprt pri Banki Slovenije, Slovenska 35, 1505 Ljubljana, Slovenija, SWIFT KODA: BSLJSI2X; IBAN:SI56011001000358802.

Mag. Vesna Zupančič Klarič  
generalna sekretarka

Zahtevek za revizijo se vложи prek portala eRevizija.

the notice or tender documentation or to a directly related indication in the original notice or tender documentation. A request for revision may not be submitted after the time limit for receipt of tenders, unless the time limit for receipt of tenders is less than 10 working days. In that case, the request for revision may be lodged within 10 working days of the date of publication of the contract notice.

The fee of EUR 4.000 must be paid by the applicant into the Ministry of Finance's transaction account number SI56 0110 0100 0358 802, opened with the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenia, SWIFT CODE: BSLJSI2X; IBAN:SI56011001000358802.

The request for an audit shall be submitted via the eRevision portal.

Mag. Vesna Zupančič Klarič  
Secretary-General