Številka JN: 0009/2025/0009/JNB/6 *Zanesljivo z vami!*
Nabavna številka: 1100003080
Številka dokumenta: N/ /1-2025/NP
Datum: 7. 8. 2025

Pošta Slovenije

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Na podlagi 90. člena ZJN-3 (Ur. l. RS 91/15 s sprem. in dop.) in poročila komisije o oddaji javnega naročila za »Nakup električnih triciklov s 5 letnim vzdrževanjem« z dne 7. 8. 2025, sprejme naročnik naslednjo:

**ODLOČITEV ŠT. 0009/2025/0009/JNB/6**

Naročnik je, na podlagi javnega razpisa po postopku s pogajanji z objavo, za predmet naročila »Nakup električnih triciklov s 5 letnim vzdrževanjem«, na predlog komisije za izvedbo postopkov oddaje javnih naročil, odločil:

**Usposobljenost za izvajanje naročila za »Nakup električnih triciklov s 5 letnim vzdrževanjem« se podeli naslednjima ponudnikoma:**

1. Eport d.o.o., Kratka pot 1, 3212 Vojnik, električni tovorni tricikel **TT2**
2. VSC Bike GmbH Breite Str. 32, 06542 Allstedt Deutschland, električni tricikel **VS3E-PSL**

Ponudnika, ki jima je bila podeljena usposobljenost, bo naročnik povabil k oddaji ponudbe.

Usposobljenost za izvajanje naročila za »Nakup električnih triciklov s 5 letnim vzdrževanjem« se ne podeli ponudniku:

3. SAS 4R Concept (VUF BIKES), 11 rue Archimede, Lot 10, 33600 Pessac, France, električni tricikel **VUF M**

**Obrazložitev:** Do določenega roka za oddajo prijav, to je do 6.6.2025 je naročnik preko informacijskega sistema prejel tri prijave, in sicer od:

| **Zap. št.** | **Naziv in naslov ponudnika** |
|---|---|
| *1* | *2* |
| 1. | Eport d.o.o., Kratka pot 1, 3212 Vojnik |
| 2. | VSC Bike GmbH Breite Str. 32, 06542 Allstedt Deutschland |
| 3. | SAS 4R Concept (VUF BIKES), 11 rue Archimede, Lot 10, 33600 Pessac, France |

Naročnik je pregledal prijave prijavljenih ponudnikov in ugotovil naslednje:

**1. Eport d.o.o., Kratka pot 1, 3212 Vojnik, električni tovorni tricikel TT2**

Po pregledu prijave ponudnika Eport d.o.o. je naročnik ponudnika pozval k nekaj pojasnilom/dopolnitvam, na podlagi katerih je ugotovil, da ponudnik izpolnjuje vse splošne in posebne pogoje in tehnične zahteve naročnika, kot so zahtevani v razpisni dokumentaciji, zato je ponudniku podelil usposobljenost.

**2. VSC Bike GmbH, Breite Straße 32, DE-06542 Allstedt, Nemčija, električni tricikel VS3E-PSL**

Po pregledu prijave ponudnika VSC Bike GmbH je naročnik ponudnika pozval k nekaj pojasnilom/dopolnitvam, na podlagi katerih je ugotovil, da ponudnik izpolnjuje vse splošne in posebne pogoje in tehnične zahteve naročnika, kot so zahtevani v razpisni dokumentaciji, zato je ponudniku podelil usposobljenost.

**3. SAS 4R Concept (VUF BIKES), 11 rue Archimède, Lot 10, 33600 Pessac, FRANCE, električni tricikel VUF M**

Po pregledu prijave ponudnika SAS 4R Concept je naročnik ugotovil, da ponudnik ne izpolnjuje vseh pogojev in zahtev iz razpisne dokumentacije, in sicer:

**V pogoju P30** (ponudnik ponudi vsaj eno referenco) ponudnik ni priložil s strani njegovega kupca (La Poste) podpisane reference, za katero je že ob prijavi sam zapisal (objava razpisa 6.5.2025, oddaja prijav 6.6.2025), da bo podpis pridobil. Naročnik je v nadaljevanju ponudnika pozval k dopolnitvi prijave (do 16.7.2025). Ponudnik ni posredoval podpisane reference. Podal je zgolj pojasnilo, da je trenutno čas dopustov in da je še vedno v pridobivanju potrditve uspešne izvedbe naročila za tricikle.
Ponudnik je sicer dodatno navedel, da je v zadnjih treh letih vsaj pet (5) vozil dobavil tudi drugim kupcem, vendar tudi v teh primerih ni pridobil in priložil podpisane reference do roka, kot je bil določen v povabilu k dopolnitvi ponudbe.

**V pogoju P22** ponudnik ne zagotavlja rezervnih delov v roku 24 ur, kot to zahteva naročnik, zagotavlja jih zgolj v roku 5 delovnih dnevih.

Glede pogoja P 11 je ponudnik posredoval izjavo, da izpolnjuje pogoj P 11 s prijavljenimi podizvajalci. Po preverbi naročnika neposredno pri podizvajalcih, se je ugotovilo naslednje:
- **Navedeni** podizvajalec Varius d.o.o. PE Kolesar Viktor ne razpolaga z mobilno enoto, prav tako ne pristaja na odzivni čas dve (2) uri po pozivu ter ima delovni čas od 10 do 18 ure.
- **Navedeni** podizvajalec Ollie Sport d.o.o. ne razpolaga in ne bo razpolagal z mobilno enoto do leta 2027. Delovni čas od 6 do 16 ure ni naveden.
- **Navedeni** podizvajalec Bikehanic d.o.o. navaja delovni čas v ponedeljek od 8 do 16 ure in od torka do četrtka od 10 do 16 ure.

Za preveritev navedb podizvajalcev naročnik ni zahteval dodatnih pojasnil od ponudnika, ker je že predhodno ugotovil, da ne izpolnjuje pogoja P 30 in P 22 in se zaradi tega naročnikova odločitev, da ponudniku ne podeli usposobljenosti, ne bi spremenila.

Glede na navedeno prijava ponudnika SAS 4R Concept (VUF BIKES) ni dopustna in se ponudniku ne podeli usposobljenosti.
S tem je odločitev utemeljena.

**PRAVNI POUK:**

Ponudnik lahko v roku 8 delovnih dni od prejema te odločitve v skladu s 25. členom Zakona o pravnem varstvu v postopkih javnega naročanja (Ur. List RS, št. 43/2011 s spremembami) vloži zahtevek za revizijo.

Zahtevek za revizijo mora biti obrazložen in se vloži preko portala e-revizija.

Vlagatelj mora kopijo zahtevka za revizijo hkrati posredovati ministrstvu, pristojnemu za finance.

V skladu s 4. odstavkom 71. člena, ob upoštevanju 1., 2. in 3. odstavka 71. člena Zakona o pravnem varstvu v postopkih javnega naročanja, naročnik določi višino takse, ki jo mora vlagatelj ob vložitvi zahtevka za revizijo plačati. Vlagatelj zahtevka za revizijo mora ob vložitvi zahtevka za revizijo plačati takso, ki znaša: 1.000 EUR.

Številka transakcijskega računa Ministrstva za finance je: št. 01100-1000358802.
Pri vplačilu takse mora biti vedno naveden sklic na številko odobritve po modelu 11.
1. model 11
2. P1: šifra proračunskega porabnika (16110 – Ministrstvo za finance)
3. P2: številka podkonta s kontrolno številko (7111290)
4. P3: zaporedna številka objave na enotnem informacijskem portalu oz. referenčna številka računa ali drugega dokumenta iz dokumentacije javnega naročila (6 mest + 2 mesti za leto)
Med P1 in P2 ter med P2 in P3 se obvezno piše vezaj.

**Marko Cegnar**
**generalni direktor**

*Digitalni podpis*
Podpisnik: MARKO CEGNAR
Izdajatelj: POSTArCA G2
Številka certifikata: 104ED3500000000595543F48
Potek veljavnosti: 02. 11. 2027
Čas podpisa: 12. 08. 2025 12:05

**Uroš Kalan**
**član poslovodstva**

**Ivana Vrviščar**
**članica poslovodstva**

*Digitalni podpis*
Podpisnik: IVANA VRVISCAR
Izdajatelj: POSTArCA G2
Številka certifikata: 0098758712000000005954538F
Potek veljavnosti: 09. 02. 2028
Čas podpisa: 13. 08. 2025 10:46

**Vlasta Vidrih**
**članica poslovodstva**

*Digitalni podpis*
Podpisnik: VLASTA VIDRIH
Izdajatelj: POSTArCA G2
Številka certifikata: 008A702C17000000059553EFCA
Potek veljavnosti: 13. 12. 2026
Čas podpisa: 12. 08. 2025 12:07

Podpisnika/ki s podpisom te odločitve, po predhodni presoji morebitnega obstoja okoliščin nasprotja interesov v zvezi s predlaganim ponudnikom, hkrati podajamo izjavo:
*Izjavljam, da sem seznanjen z določili 91. člena Zakona o javnem naročanju in da s ponudniki nisem povezan na način:*

- *da sem z njimi (če je ponudnik fizična oseba, s.p. ali opravlja drugo samostojno dejavnost) v zakonski zvezi, zunajzakonski skupnosti, registrirani istospolni partnerski skupnosti, skupnem gospodinjstvu, krvnem sorodstvu v ravni vrsti, krvnem sorodstvu v stranski vrsti do vštetega tretjega kolena, sorodstvu po svaštvu do vštetega drugega kolena, posvojitelj, posvojenec, rejnik, rejenec, ali v zasebnem poslovnem ali delovnopravnem razmerju*
- *oziroma, da se z družbenikom ponudnika z več kot pet odstotnim lastniškim deležem, njegovim zakonitim zastopnikom ali prokuristom povezan/a na način iz prejšnjega odstavka.*

| Izbrani ponudnik (naziv družbe, s.p., fizična oseba) | Družbenik(i) (več kot 5%) | Zakoniti zastopnik(i) | Prokurist(i) |
|---|---|---|---|
| **Eport d.o.o.,** | DRUŠTVO ROŽICA (100%) | Benjamin Prevec – direktor | Romana Prevec – prokurist |
| **VSC Bike GmbH** | Pendix owns 100% of VSC Bike GMBH | | |

Public contract number:
0009/2025/0009/JNB/6
Procurement number: 1100003080
Document number: N/ /1-2025/NP
Date: 7 August 2025

*Zanesljivo z vami!*

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Pursuant to Article 90 of the ZJN-3 (Uradni list RS, 91/15, with corrigenda) and the report of the commission on the awarding of the public contract for the "Purchase of electric tricycles with five-year maintenance" of 7 August 2025, the contracting authority hereby adopts the following:

**DECISION NUMBER 0009/2025/0009/JNB/6 (TRANSLATION)**

On the basis of the public tender under negotiated procedure with prior publication of contract notice for the public service contract for the "Purchase of electric tricycles with five-year maintenance", at the proposal of the commission for the awarding of public contracts, the contracting authority has decided as follows:

**The following tenderers have been recognised as having the qualifications to perform the contract for the "Purchase of electric tricycles with five-year maintenance":**

1. Eport d.o.o., Kratka pot 1, 3212 Vojnik, Slovenia: **TT2** electric cargo trike
2. VSC Bike GmbH, Breite Str. 32, 06542 Allstedt, Germany: **VS3E-PSL** electric tricycle

The two tenderers whose qualifications have been recognised will be invited to submit a tender by the contracting authority.

The following tenderer has not been recognised as having the qualifications to perform the contract for the "Purchase of electric tricycles with five-year maintenance":

3. SAS 4R Concept (VUF BIKES), 11 Rue Archimede, Lot 10, 33600 Pessac, France: **VUF M** electric tricycle

**Grounds:** By the deadline for submission of requests, namely 6 June 2025, the contracting authority had received three requests via the information system, from:

| | **Name and address of tenderer** |
|---|---|
| *1* | *2* |
| 1. | Eport d.o.o., Kratka pot 1, 3212 Vojnik, Slovenia |
| 2. | VSC Bike GmbH, Breite Str. 32, 06542 Allstedt, Germany |
| 3. | SAS 4R Concept (VUF BIKES), 11 Rue Archimede, Lot 10, 33600 Pessac, France |

The contracting authority reviewed the requests submitted by the tenderers, and determined as follows:

**1. Eport d.o.o., Kratka pot 1, 3212 Vojnik, Slovenia: TT2 electric cargo trike**

After reviewing the request by Eport d.o.o., the contracting authority called on the tenderer to submit certain clarifications/supplements, based on which it determined that the tenderer meets all the contracting authority's general and special conditions and technical requirements as required in the tender dossier, and therefore recognised the tenderer's qualifications.

**2. VSC Bike GMBH, Breite Straße 32, DE-06542 Allstedt, Germany: VS3E-PSL electric tricycle**

After reviewing the request by VSC Bike GmbH, the contracting authority called on the tenderer to submit certain clarifications/supplements, based on which it determined that the tenderer meets all the contracting authority's general and special conditions and technical requirements as required in the tender dossier, and therefore recognised the tenderer's qualifications.

**3. SAS 4R Concept (VUF BIKES), 11 Rue Archimede, Lot 10, 33600 Pessac, France: VUF M electric tricycle**

After reviewing the request by SAS 4R Concept, the contracting authority determined that it fails to meet all the conditions and requirements referred to in the tender dossier, namely:

Under **condition C 30** (the tenderer provides at least one reference), the tenderer failed to attach a reference signed by its customer (La Poste), having stated at the time of the request to participate (publication of tender 6 May 2025, submission of requests 6 June 2025) that it would obtain this signature. The contracting authority then called on the tenderer to supplement the request (by 16 July 2025). The tenderer did not submit a signed reference. It merely submitted an explanation that it was currently the holiday season, and that it was still in the process of obtaining confirmation of the successful performance of a contract for tricycles.
The tenderer further stated that it had supplied at least five vehicles to other customers over the preceding three years, but that in these cases too it had failed to obtain and attach the signed reference by the deadline stated in the invitation to supplement the tender.

Under **condition C 22** the tenderer fails to provide spare parts within 24 hours as required by the contracting authority, instead guaranteeing their supply merely within five working days.

With regard to **condition C 11**, the tenderer submitted a declaration that it meets condition C 11 together with its registered subcontractors. The contracting authority's direct follow-up with the subcontractors yielded the following findings:
- The **cited** subcontractor Varius d.o.o. PE Kolesar Viktor does not have a mobile unit at its disposal, does not accept a response time of two hours from a request, and has working hours of 10 am to 6 pm.
- The **cited** subcontractor Ollie Sport d.o.o. does not have a mobile unit at its disposal, and will not do so until 2027. The working hours of 6 am to 4 pm are not stated.
- The **cited** subcontractor Bikehanic d.o.o. cites working hours of 8 am to 4 pm on Mondays and 10 am to 4 pm on Tuesdays to Thursdays.

To check the subcontractors' statements, the contracting authority did not require additional clarifications from the tenderer, as it had already found that it fails to meet condition C 30 and C 22, and as a result there could be no change to the contracting authority's decision not to recognise the tenderer's qualifications.

In light of the above, the request of the tenderer SAS 4R Concept (VUF BIKES) is not admissible, and its qualifications have not been recognised.
The grounds for this decision are thereby provided.

**NOTICE OF LEGAL REMEDY:**

In accordance with Article 25 of the Legal Protection in Public Procurement Procedures Act (Uradni list RS, 43/2011, with corrigenda), a tenderer may file a request for review within eight working days of receiving this decision.

The request for review must be explained and filed via the e-revizija portal.

The applicant should simultaneously send a copy of the request for review to the ministry responsible for finance.

Pursuant to the fourth paragraph of Article 71 and with due regard to the first, second and third paragraphs of Article 71 of the Legal Protection in Public Procurement Procedures Act, the contracting authority sets the amount of the fee that the applicant is to pay when filing a request for review. When filing the request for review, the applicant is obliged to pay an administrative fee amounting to: EUR 1,000.

The current account number of the Ministry of Finance is 01100-1000358802.
When paying the fee, the approval reference number as per template 11 should always be quoted.
1. Template 11
2. P1: budget spending unit code (16110 – Ministry of Finance)
3. P2: sub-account number with control number (7111290)
4. P3: publication serial number from the standard information portal or reference number of the account or other document from the public contract documentation (6 digits + 2 digits for the year)
A hyphen should be inserted between P1 and P2 and between P2 and P3.

**Marko Cegnar**
**General Manager**

**Uroš Kalan**
**Member of Executive Management**

**Ivana Vrviščar**
**Member of Executive Management**

**Vlasta Vidrih**
**Member of Executive Management**

We, the undersigned, by signing this decision and after conducting a prior assessment of the existence of any conflicts of interest in relation to the proposed tenderer, hereby provide the following statement:

*I hereby declare that I am familiar with the provisions of Article 91 of the Public Procurement Act and that I am not associated with the tenderers in any of the following ways:*

- *I am related to them (if the tenderer is a natural person, sole trader or performs some other independent business activity) by marriage, a non-marital partnership, a registered same-sex partnership, a shared household, direct blood relation, collateral line relation up to the third degree, relation through marriage up to the second degree, being an adoptive parent, an adopted child, foster parent, foster child or by a private business or labour relationship;*
- *or related to a partner of the tenderer with more than a five per cent participating interest, their statutory representative or authorised signatory in the manner referred to in the preceding paragraph.*

| Selected tenderer (business name, sole trader, natural person) | Partner(s) (more than 5%) | Statutory representative(s) | Authorised signatory/signatories |
|---|---|---|---|
| **Eport d.o.o.,** | DRUŠTVO ROŽICA (100%) | Benjamin Prevec – director | Romana Prevec – authorised signatory |
| **VSC Bike GmbH** | Pendix owns 100% of VSC Bike GMBH | | |