Na podlagi 90. člena Zakona o javnem naročanju (Uradni list RS, št. 91/15 in nadaljnje spremembe; v nadaljevanju ZJN-3) naročnik GEN energija d.o.o., Vrbina 17, 8270 Krško (v nadaljevanju: naročnik) za javno naročilo **Vzpostavitev rešitve, podpora in vzdrževanje programske opreme za pozicijsko orodje »Position Tool Solution«** sprejema

## ODLOČITEV O PRIZNANJU SPOSOBNOSTI

Sposobnost za izvedbo javnega naročila Vzpostavitev rešitve, podpora in vzdrževanje programske opreme za pozicijsko orodje »Position Tool Solution« se prizna naslednjim kandidatom:

- INDRA SOLUCIONES TECNOLOGIAS DE LA INFORMACION S.L.U., Avenida Bruselas 35, Alcobendas, Madrid, 28108 Spain.
- NAVITASOFT Ltd, Somogyi Béla utca21., 1085 Budapest, Hungary.
- NOVITA d.o.o., Pot za Brdom 32, 1000 Ljubljana.
- INDEN d.o.o., Tržaška cesta 222, 1000 Ljubljana.

## OBRAZLOŽITEV

Naročnik je 15. 7. 2025 na portalu javnih naročil pod oznako JN005525/2025-EUe17/01 in portalu TED Uradnega lista EU pod št. 460018-2025 objavil obvestilo o javnem naročilu Vzpostavitev rešitve, podpora in vzdrževanje programske opreme za pozicijsko orodje »Position Tool Solution«.

Naročnik je dne 11. 8. 2025 na portalu javnih naročil pod oznako JN005525/2025-EUe17/01-P01 in portalu TED Uradnega lista EU pod št. 524380-2025 objavil spremembo dokumentacije v zvezi z javnim naročilom, s katero je spreminjal rok za oddajo prijav in obrazce v zvezi z javnim naročilom.

Javno naročilo se izvaja po postopku s pogajanji z objavo na podlagi 45. člena ZJN-3.

Do roka za oddajo prijav t. j. do 2. 9. 2025 do 10:00 ure so bile v sistem e-JN odložene prijave naslednjih kandidatov:

- INDEN d.o.o., Tržaška cesta 222, 1000 Ljubljana, ki nastopa s podizvajalcem AETERNA d.o.o., Cesta v Mestni log 88a, 1000 Ljubljana.
- INDRA SOLUCIONES TECNOLOGIAS DE LA INFORMACION S.L.U., Avenida Bruselas 35, Alcobendas, Madrid, 28108 Spain, ki nastopa s podizvajalcem PREVISE SYSTEM AG, Loretohöhe 32, 6300 Zug, Seitzerland.
- NAVITASOFT Ltd, Somogyi Béla utca21., 1085 Budapest, Hungary.
- NOVITA d.o.o., Pot za Brdom 32, 1000 Ljubljana.
- Brady Energy Norway AS, Storgata 2a, 1767 Halden, Norway.
- ION, Minerva House, Simmonsceourt Road, Dublin, D04H9P8, Ireland (v e-JN je kot ponudnik naveden Allegro Development GmbH, Limmatqual 4, 8001, Zurich, Switzerland).

Naročnik je po pregledu prijave kandidata ION, Minerva House, Simmonsceourt Road, Dublin, D04H9P8, Ireland ugotovil, da:

- je preko informacijskega sistema e-JN ponudbo oddal Allegro Development GmbH, Limmatqual 4, 8001, Zurich, Switzerland;
- je v obrazcu ESPD naveden kot kandidat Allegro Development GmbH, Limmatqual 4, 8001, Zurich, Switzerland,
- na obrazcu C) Izjava o izpolnjevanju strokovne sposobnosti kandidata ni izpolnjen opis storitve in kontaktni podatki, kjer je mogoče referenco preveriti;
- obrazec D) Referenčno potrdilo o dobro opravljenem delu kandidata ni potrjeno s strani referenčnega naročnika;
- v obrazcih E, F1, F2, F3 in F4 ni navedenih kadrov z imenom in priimkom. Ker gre za dejstva, katerih obstoj pred iztekom roka, določenega za predložitev prijave ni mogoče objektivno preveriti, naročnik ni mogel pozvati kandidata k dopolnitvi prijave;
- ni priloženega gradiva, iz katerega bi naročnik lahko ugotovil izpolnjevanje zahtev iz obrazca H) Zahteve priložene dokumentacije.

Zaradi navedenih pomanjkljivosti naročnik na podlagi določb 89. člena ZJN-3 za določene pomanjkljivosti ne sme pozvati kandidata ION, Minerva House, Simmonsceourt Road, Dublin, D04H9P8, Ireland k dopolnitvi prijave, zato kandidat ne izpolnjuje pogojev za sodelovanje.

Naročnik je pri pregledu prijave kandidata Brady Energy Norway AS, Storgata 2a, 1767 Halden, Norway ugotovil, da:

- je veljavnost ponudbe krajša, kot je to zahteval naročnik. Ker veljavnost ponudbe ni dejstvo, katerega obstoj pred iztekom roka, določenega za predložitev prijave ni mogoče objektivno preveriti, naročnik v tem delu ne sme pozvati kandidata k dopolnitvi prijave, zato kandidat ne izpolnjuje pogojev za sodelovanje;
- kandidat ni predložil obrazec C) Izjava o izpolnjevanju strokovne sposobnosti;
- kandidat v vseh obrazcih navaja kot referenčnega naročnika sebe in naročnika za katerega je opravljal referenčna dela;
- kandidat je vsa referenčna potrdila podpisal sam;
- kandidat ni predložil dodatnega gradiva, iz katerega bi bila razvidna izpolnitev zahtev iz obrazca H) Zahteve priložene dokumentacije;
- iz prijave kandidata ni razvidno, da sta vodja projekta in strokovnjak za poslovni izdelek redno zaposlena pri kandidatu.

Zaradi navedenih pomanjkljivosti naročnik na podlagi določb 89. člena ZJN-3 za določene pomanjkljivosti ne sme pozvati kandidata k dopolnitvi prijave, zato kandidat Brady Energy Norway AS, Storgata 2a, 1767 Halden, Norway ne izpolnjuje pogoje za sodelovanje.

Naročnik je pri pregledu prijav ostalih kandidatov ugotovil pomanjkljivosti njihovih prijav. Pomanjkljivosti so ustrezale dopustnosti dopolnjevanja v skladu z 89. členom ZJN-3, zato jih je pozval v dopolnitvi in pojasnitvi prijav.

Vsi pozvani kandidati so v roku ustrezno dopolnili oziroma pojasnili svoje prijave, zato jim naročnik priznava sposobnost za sodelovanje pri predmetnem javnem naročilu.

S tem je odločitev utemeljena.

**PRAVNI POUK:**

Zahtevek za revizijo, ki se nanaša na to odločitev o oddaji javnega naročila, se lahko vloži v 8 delovnih dneh od vročitve odločitve. V skladu z desetim odstavkom 90. člena ZJN-3 se odločitev šteje za vročeno z dnem objave na portalu javnih naročil.

Vlagatelj mora zahtevku za revizijo priložiti potrdilo o plačilu takse, ki znaša 1.000,00 EUR.

Taksa se plača na transakcijski račun št. SI56 0110 0100 0358 802
Račun je odprt pri: Banka Slovenije, Slovenska 35, 1505 Ljubljana, Slovenija
SWIFT KODA: BSLJSI2X
Št. računa: SI56 011001000358802
Referenca: 11 16110-7111290-00552525

Zahtevek za revizijo se vloži preko portala e-Revizija. Zahtevek mora vsebovati vse obvezne sestavine iz 15. člena Zakona o pravnem varstvu v postopkih javnega naročanja (Uradni list RS, ŠT. 43/11 z vsemi spremembami).

mag. Nada Drobne Popović,
finančna direktorica

dr. Dejan Paravan,
generalni direktor

ENERGIJA
GEN energija, d.o.o.
Vrbina 17
8270 Krško

VROČITI:
- objava na portalu JN,
- arhiv naročnika - original.

In accordance with article 90 of The Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15 and subsequent amendments; hereinafter: the ZJN-3) the contracting authority GEN energija d.o.o., Vrbina 17, 8270 Krško (hereinafter: Contracting Authority) has, in connection with **the awarding of a public contract Set-up, Support and Maintenance of the 'Position Tool Solution' software,** confirmed the following document:

## DECISION ON RECOGNITION OF CAPABILITIES

Capabilities for implementation of the public contract Set-up, Support and Maintenance of the 'Position Tool Solution' software are confirmed by the Contracting Authority for the candidates listed below:

- INDRA SOLUCIONES TECNOLOGIAS DE LA INFORMACION S.L.U., Avenida Bruselas 35, Alcobendas, Madrid, 28108 Spain.
- NAVITASOFT Ltd, Somogyi Béla utca21., 1085 Budapest, Hungary.
- NOVITA d.o.o., Pot za Brdom 32, 1000 Ljubljana.
- INDEN d.o.o., Tržaška cesta 222, 1000 Ljubljana.

## EXPLANATION

On July 15th, 2025, the Contracting Authority published a notice of public procurement in connection with Awarding of a Public Contract Set-Up, Support and Maintenance of the 'Position Tool Solution' software on the Public Procurement Portal under the number JN005525/2025-EUe17/01-P01 and on TED Portal under the number 460018-2025.

On August 11th, 2025, the Contracting Authority published a notice of change to the public procurement in connection with Awarding of a Public Contract Set-Up, Support and Maintenance of the 'Position Tool Solution' software on the Public Procurement Portal under the number JN005525/2025-EUe17/01-P01 and on TED Portal under the number 524380-2025, where the Contracting Authority changed the submission deadline and forms connected to the public procurement.

The public procurement is carried out through the negotiated procedure with publication based on Article 45 of ZJN-3.

The deadline for submitting applications (September 20nd, 2025, 12:00) via the e-JN system was met by the following candidates:

- INDEN d.o.o., Tržaška cesta 222, 1000 Ljubljana, ki nastopa s podizvajalcem AETERNA d.o.o., Cesta v Mestni log 88a, 1000 Ljubljana.
- INDRA SOLUCIONES TECNOLOGIAS DE LA INFORMACION S.L.U., Avenida Bruselas 35, Alcobendas, Madrid, 28108 Spain, ki nastopa s podizvajalcem PREVISE SYSTEM AG, Loretohöhe 32, 6300 Zug, Seitzerland.
- NAVITASOFT Ltd, Somogyi Béla utca21., 1085 Budapest, Hungary.
- NOVITA d.o.o., Pot za Brdom 32, 1000 Ljubljana.
- Brady Energy Norway AS, Storgata 2a, 1767 Halden, Norway.
- ION, Minerva House, Simmonsceourt Road, Dublin, D04H9P8, Ireland (v e-JN je kot ponudnik naveden Allegro Development GmbH, Limmatqual 4, 8001, Zurich, Switzerland).

After reviewing the application submitted by ION, Minerva House, Simmonsceourt Road, Dublin, D04H9P8,

Ireland, the Contracting Authority has established that:

- The application submitted via the e-JN was submitted by Allegro Development GmbH, Limmatqual 4, 8001, Zurich, Switzerland;
- The candidate stated on the ESPD form is Allegro Development GmbH, Limmatqual 4, 8001, Zurich, Switzerland,
- Form C) TECHNICAL CAPACITIES is missing the description of services provided in the reference contact and the reference contact where the reference can be verified.
- Form D) CERTIFICATE OF REFERENCE FOR PREVIOUS WORKS PERFORMED is not confirmed by a previous contracting authority,
- Forms E, F1, F2, F3 and F4 do not list names and surnames of the staff involved in the project. Since these are unverifiable facts, the existence of which could not be objectively verified before the deadline for submitting the application, the contracting authority could not invite the candidate to supplement the application,
- The candidate has not submitted any documentation that could enable the Contracting Authority to confirm the compliance with form H) REQUIREMENTS FOR ATTACHED DOCUMENTATION.

Because of the aforementioned deficiencies the Contracting Authority cannot, in accordance with article 89 of ZJN-3, invite the candidate ION, Minerva House, Simmonsceourt Road, Dublin, D04H9P8, Ireland to supplement their application. Consequently, the Contracting Authority cannot confirm the recognition of capabilities for the aforementioned candidate.

After reviewing the application submitted by Brady Energy Norway AS, Storgata 2a, 1767 Halden, Norway the Contracting Authority has established that:

- The validity period of the offer is shorter than the validity required by the Contracting Authority. Since the validity period of the offer is and unverifiable facts, the existence of which could not be objectively verified before the deadline for submitting the application, the contracting authority could not invite the candidate to supplement the application and the Contracting Authority cannot confirm the recognition of capabilities for the aforementioned candidate,
- The candidate did not submit form C) TECHNICAL CAPACITIES,
- The candidate stated themselves and a previous contracting authority as a previous contracting authorities,
- All reference forms were signed by the candidate themselves,
- The candidate has not submitted any documentation that could enable the Contracting Authority to confirm the compliance with form H) REQUIREMENTS FOR ATTACHED DOCUMENTATION.
- The candidate's application does not provide evidence that the project manager and the business product specialist are in regular employment with the candidate

Because of the aforementioned deficiencies the Contracting Authority cannot, in accordance with article 89 of ZJN-3, invite the candidate Brady Energy Norway AS, Storgata 2a, 1767 Halden, Norway to supplement their application. Consequently, the Contracting Authority cannot confirm the recognition of capabilities for the aforementioned candidate.

In reviewing the applications of the other candidates, the Contracting Authority identified

shortcomings in their applications. These shortcomings were eligible for correction in accordance with Article 89 of the Public Procurement Act (ZJN-3), and the candidates were therefore invited to supplement and clarify their applications. All candidates submitted the amendments by the deadline set by the Contracting Authority. After concluding the review of all applications, the Contracting Authority concludes that the applications submitted by all other candidates meet the requirements for the recognition of capabilities for implementation of a public contract Set-up, Support and Maintenance of the 'Position Tool Solution' software, therefore, they are recognized as capable of participating in the continuation of the procurement procedure for the subject public procurement.

Thus, the decision is justified.

**LEGAL NOTICE:**
A request for review related to this decision on the award of the public procurement can be submitted within 8 working days from the delivery of the decision. In accordance with the tenth paragraph of ZJN-3, the decision is considered delivered on the day of publication on the public procurement portal.

The applicant must attach proof of payment of the fee, which amounts to 1,000.00 EUR, to the request for review.

Payment information:
IBAN: SI56 0110 0100 0358 802
Bank: Banka Slovenije, Slovenska 35, 1505 Ljubljana, Slovenija
BIC/SWIFT: BSLJSI2X
Reference: 11 16110-7111290-00860024

Request for review must be submitted via e-Revizija portal. The request for review must include all the requirements stated in article 15 of the Law on Legal Protection in Public Procurement Procedures (Official Gazette of the Republic of Slovenia, No. 43/11, with all amendments)

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