Univerza v Mariboru

Date: 26 January 2026
Number: 302/1 – MATLAB/26

PROCUREMENT DOCUMENTS IN ACCORDANCE WITH THE LOW-VALUE PROCUREMENT PROCEDURE UNDER THE DESIGNATION

302/1 – MATLAB/26

CONTENTS:

Public procurement documents comprise the following:

1. Instructions to Tenderers for Preparing the Tender
2. Technical Specifications
3. Form “Tender”
4. Form “Pro-Forma Invoice” (file: Pro-Forma Invoice.xlsx)
5. Form “Summary of the Pro-Forma Invoice – Recapitulation” (file: Pro-Forma Invoice_Summary.docx)
6. Form “Economic Operator’s Statement”
7. Form “Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity”
8. Form “Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation”
9. Form “Statement of the Economic Operator Regarding its Inclusion in the Business Entity Records, Complying with the Integrity and Prevention of Corruption Act**”**
10. Form “Statement on the Participation of Natural and Legal Persons”
11. Form “Model Contract”
12. Form “Agreement on Submitting a Joint Tender”
13. Form “Subcontractor’s Consent” (if the tenderer acts with subcontractors and they require direct payments)
14. Form “Model Personal Data Processing Agreement”
15. Instructions for using the e-JN system: TENDERERS.

INSTRUCTIONS TO TENDERERS FOR PREPARING THE TENDER

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1. CONTRACTING AUTHORITY

Name:	UNIVERSITY OF MARIBOR
Address:	Slomškov trg 15, 2000 Maribor
Tax number	SI 71674705
Registration number	5089638000
Legal representative of the Contracting Authority	prof. dr. Zdravko Kačič

The Contracting Authority invites all interested tenderers to submit a tender in line with the requirements set out in the relevant public procurement documents (hereinafter: procurement documents).

2. PUBLIC PROCUREMENT DESIGNATION AND SUBJECT-MATTER

Designation of the public procurement: 302/1 – MATLAB/26

Subject-matter of the public procurement: "Lease of MATLAB software with technical support"

Short description of the subject-matter of the public procurement:
9.The Contracting Authority procures the lease of the software package "Full-Suite MATLAB Campus-Wide License with technical support", with unlimited use for all employees and students of the University of Maribor with the possibility of installing the software on University and personal computers for the period of 3 (three) years from 1 April 2026 to 31 March 2029.

CPV code:

- 48900000: Various software packages and computer systems

A more detailed specification of the public procurement is evident from the Technical Specifications. The tenderer must submit the tender for the entire scope of the public procurement.

3. METHOD OF AWARDING THE PUBLIC CONTRACT

In accordance with Article 47 of the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15, 14/18, 121/21, 10/22, 74/22 – Decision of the Constitutional Court, 100/22 – ZNUZSZS, 28/23, 88/23 – ZOPNN-F and 83/25 – ZOUL; hereinafter: ZJN-3) a low-value procedure is implemented for the awarding of the concerned public contract.

Based on the conditions and criteria set out in the procurement documents, the Contracting Authority shall select the tenderer with whom he shall conclude a contract under the conditions and with the content set out in the procurement documents.

4. DEADLINE AND MANNER OF TENDER SUBMISSION

Tenderers shall **submit their tenders to the e-JN information system** at https://ejn.gov.si in accordance with Point 3 of the Instructions for using the e-JN system for use of the functionalities of electronic submission of tenders in the e-JN system: TENDERERS (hereinafter: Instructions for the use of e-JN), which are part of these tender documents and published at https://ejn.gov.si.

Prior to the submission of its tender, the tenderer shall register at https://ejn.gov.si, in accordance with the Instructions for the use of e-JN. If the tenderer is already registered in the e-JN information system, it logs into the application at the same address.

The user of the tenderer who is authorised to submit tenders in the e-JN information system submits the tender by clicking the "Submit" button. Upon submitting the tender, the e-JN information system records the identity of the user and time of submission. By submitting the tender, the user shows and declares the will to submit a binding tender in the name of the

tenderer (Article 18 of the Obligations Code[1]). By submitting, the tender shall be binding for the period set out in the tender, unless the user of the tenderer withdraws or amends it before the deadline for the submission of tenders.

The tender shall be considered as submitted on time, if the Contracting Authority receives it through the e-JN information system at https://ejn.gov.si **no later than 13 February 2026 until 10:00 a.m.** The tender shall be considered as submitted when it is marked with the status "SUBMITTED" in the e-JN information system.

The tenderer may withdraw or amend its tender until the deadline for the submission of tenders. If the tenderer withdraws its tender in the e-JN information system, it is understood that the tender was not submitted and the Contracting Authority will not be able to see it in the e-JN system. If the tenderer amends its tender in the e-JN information system, the Contracting Authority will see the last submitted tender in the system.

After the deadline for the submission of tenders, it is no longer possible to submit a tender.

5. TIME AND PLACE OF OPENING OF TENDERS

Tenders will be opened automatically in the e-JN information system on **13 February 2026**. The opening will commence **at 11:01** on the following website: https://ejn.gov.si

The opening is carried out as follows: at the time designated for the public opening of tenders, the e-JN system automatically displays data on the tenderer, on variants, if they have been required or admitted, total tender value and enables access to the file (in .pdf format) that the tenderer uploads to the e-JN system in the section "Total tender value", part "Pro-Forma Invoice".

6. NEGOTIATIONS

The Contracting Authority will **not** conduct negotiations in the concerned procurement procedure, in accordance with the second paragraph of Article 47 of ZJN-3.

7. LEGAL BASIS

The Contracting Authority performs the procedure of awarding a public contract based on the applicable law and statutory acts governing public procurement, in accordance with the applicable legislation governing matters of public finances as well as the field of the subject-matter of the public procurement.

8. BASIC RULES ON ACCESS, NOTIFICATIONS AND CLARIFICATIONS REGARDING THE DOCUMENTS

8.1 ACCESS TO PUBLIC PROCUREMENT DOCUMENTS

Tenderers may obtain documents for the particular public procurement on the Public Procurement Portal.

Access to documents is free of charge.

8.2 NOTIFICATIONS AND CLARIFICATIONS REGARDING THE DOCUMENTS

Communication with tenderers on issues related to the content of the public procurement and the preparation of the tender is conducted exclusively through the Public Procurement Portal.

The Contracting Authority will consider requests for clarification of the procurement documents or any other question relating to the procurement as timely if it is raised at the Public Procurement Portal at the latest up to and including **4 February 2026 until 10.00**. The Contracting Authority shall not answer requests for clarifications or any other questions relating to the public procurement raised after this deadline. The Contracting Authority shall provide answers to the raised questions up to and including **6 February 2026**.

In accordance with Article 67 of ZJN-3, the Contracting Authority may amend or supplement the tender documents. The Contracting Authority shall publish such amendments and supplements in the form of Appendices to the public procurement

[1] *Code of Obligations (Official Gazette of the Republic of Slovenia, No. 97/07 – official consolidated text, 64/16 – Decision of the Constitutional Court and 20/18 – OROZ631).*

documents. Each Appendix to the public procurement documents shall become part of public procurement documents. Questions and answers published on the Public Procurement Portal are also considered as part of the public procurement documents.

9. QUALITATIVE SELECTION

9.1 QUALITATIVE SELECTION FOR THE PARTICIPATION IN THE PROCEDURE OF AWARDING A PUBLIC CONTRACT AND MEANS OF PROOF

The economic operator must meet the requirements as set out in this section.

Before awarding the public contract, the Contracting Authority may request from the tenderer who was awarded with the relevant public contract to submit means of proof (certificates, statements) as evidence for the absence of grounds for exclusion referred to in Point 9.1.1 of these Instructions and for the fulfilment of the selection criteria referred to in Points 9.1.2 to 9.1.4 of these Instructions, **if the Contracting Authority has any doubt about the accuracy of the tenderer's statements**.

The economic operator may submit the means of proof regarding the absence of grounds for exclusion referred to in Point 9.1.1 of these Instructions and means of proof regarding the fulfilment of the selection criteria referred to in Points 9.1.2 to 9.1.4 of these Instructions by itself. The Contracting Authority reserves the right to verify the authenticity of the submitted means of proof with their signatory.

If the tenderer's headquarters are not in the Republic of Slovenia and the tenderer cannot submit the required documents since the country in which the tenderer has its headquarters does not issue such documents and certificates or if these do not include all required data, they may be replaced by a declaration on oath. If the country in which the tenderer has its headquarters does not provide for such declarations, a declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade organisation in the country of origin of this person or in the country where the tenderer has its headquarters will suffice.

For joint tenders and tenders with subcontractors one should also consider Points 11.3.1 (Joint tender) and 11.3.2 (Tender with subcontractors) of these Instructions.

9.1.1 Exclusion grounds

1. The economic operator or a person who is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control therein has not been the subject of a conviction by a final judgement for the criminal offences defined in the Criminal Code (The Official Gazette of the Republic of Slovenia No. 50/12 – official consolidated text, 54/15, 6/16 – amended, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNŠPP, 16/23 and 107/24 – Decision of the Constitutional Court; hereinafter: KZ-1)) or for comparable criminal offences adjudicated by foreign courts (first paragraph of Article 75 of ZJN-3).

If the economic operator is in the situation referred to in the first paragraph of Article 75 of ZJN-3, in accordance with the ninth Paragraph of Article 75 of ZJN-3, it may, at the latest by the deadline for submitting applications or tenders, provide evidence to the Contracting Authority of having taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion.

Means of proof:

- Form No. 3 "**Tender**" must contain all necessary information enabling the Contracting Authority (*in the event of doubts as to the truthfulness of the tenderer's statements*), to verify compliance with the relevant requirement – for the tenderer or for tenderers/partners in a joint tender or for subcontractors. Economic operators may themselves submit certificates from the criminal records for all economic operators and for all natural persons of the economic operators participating in the subject public procurement procedure.
- Form No. 6 "**Economic Operator's Statement**" must be submitted for all economic operators included in the tender (including tenderers/partners in a joint tender and subcontractors).

The tenderer shall upload the "Tender" form and the "Declaration for the Economic Operator" form to the e-JN information system under the section "Other Attachments".

If the Contracting Authority doubts the accuracy of the tenderer's statements, it may, before awarding the contract, request from the tenderer who was awarded with the relevant contract to submit an extract from a relevant register, such as the company register, and the extract shall not be older than 4 months, counting from the deadline for submitting tenders or shall be obtained at the latest within 90 days from the deadline for submitting tenders, however, if there is no such register, an equivalent document issued by the competent judicial or administrative authority in the Republic of Slovenia, other Member State or country of origin or country where the economic operator has its headquarters and which is clearly showing that the legal and natural person or persons from Point 1 were not convicted with final and binding effect for criminal offences referred to in the first paragraph of Article 75 of ZJN-3. If the country in which the tenderer has its headquarters does not issue the required certificates or if these do not include all cases from the first paragraph of Article 75 of ZJN-3 the tenderer may submit a declaration on oath. However, if such a declaration is not provided for in the country where the tenderer has its headquarters, the tenderer may submit a declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade organisation in the country of origin of this person or in the country where the tenderer has its headquarters or this person has a permanent address.

2. The economic operator has to comply with the mandatory charges or other monetary non-tax liabilities, in accordance with the law governing financial administration, that are collected by the tax authority in accordance with the provisions of the country where the tenderer is established or the provisions of the country of the Contracting Authority. It is deemed that the economic operator does not fulfil its obligations from the previous sentence also, if it did not submit all certificates regarding the payments of withholding tax on employment income for the last five years up to the day of submitting the tender or application. An economic operator shall not be excluded if, by the deadline for the submission of applications or tenders, it settles its outstanding due liabilities amounting to EUR 50 or more and submits all withholding tax returns for income from employment relationships for the period of the last five years up to the deadline for the submission of the application or tender.

Means of proof:

- Form No. 6 "**Economic Operator's Statement**" for all economic operators included in the tender (including tenderers/partners in a joint tender and subcontractors).

In the e-JN information system, the tenderer uploads the Form "Economic Operator's Statement" in the section "Other Attachments".

3. On the date of the expiry of the time limit for the submission of tenders the economic operator is not allowed to be included in the register of economic operators with imposed sanctions of exclusion from the procurement procedure from Point a) of the fourth Paragraph of Article 75 of ZJN-3.

Means of proof:

- Form No. 6 "**Economic Operator's Statement**" for all economic operators included in the tender (including tenderers/partners in a joint tender and subcontractors).

In the e-JN information system, the tenderer uploads the Form "Economic Operator's Statement" in the section "Other Attachments".

4. In the three years preceding the expiry of the time limit for the submission of tenders or applications, the competent authority of the Republic of Slovenia or another Member State or a third country did not identify at least two violations by the economic operator relating to remuneration for work, working time, rest periods, performing work based on civil law contracts despite the existence of employment relation elements or relating to undeclared employment, for which the economic operator would have been convicted by a final judgement or final judgements for a minor offence.

The economic operator that is in the situation referred to in Point b) of the fourth Paragraph of Article 75 of ZJN-3, may, at the latest by the deadline for submitting tenders, provide evidence to the Contracting Authority of having taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion.

Means of proof:

- Form No. 6 "**Economic Operator's Statement**" for all economic operators included in the tender (including tenderers/partners in a joint tender and subcontractors).

In the e-JN information system, the tenderer uploads the Form "Economic Operator's Statement" in the section "Other Attachments".

In accordance with the eighth paragraph of Article 75 of ZJN-3, the Contracting Authority will exclude at any time during the procedure an economic operator where it transpires that, in view of acts committed or omitted, the latter was or is either before or during the procedure in one of the situations referred to in section 9.1.1. (points 1 to 4 inclusive) of these instructions.

9.1.2 Selection criteria regarding the suitability to pursue the professional activity

1. The economic operator has to be registered in one of the professional or trade registers kept in the Member State of their establishment. The list of professional or trade registers in EU Member States is provided in Annex XI to Directive 2014/24/EU.

The Contracting Authority reserves the right to verify the existence and content of the statements in the tender if there is doubt about the accuracy of the tenderer's statements. If such verification shall not be possible, the Contracting Authority may urge the economic operator to submit a copy of the registration in one of the professional or trade registers.

Means of proof:

- Form No. 7 "S**tatement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity**" for all economic operators in the tender;
- in the event of doubt: for foreign tenderers: a copy of a valid certificate of registration in the register of the country of establishment.

The tenderer shall upload the Form "Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity" to the section "Other Attachments" in the e-JN information system.

9.1.3 Selection criteria regarding the economic and financial standing

1. The economic operator has no outstanding commitments on any of the transaction accounts in the last six (6) months from the date of issue of the certificate.

Means of proof:

- Form No. 8 **"Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation"** for the tenderer and each tenderer/partner in the joint tender.

  The tenderer shall upload the "Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation" to the section "Other Attachments" in the e-JN information system.

  The Contracting Authority reserves the right to verify the existence and content of the statements in the tender if there is doubt about the accuracy of the tenderer's statements. For this purpose, the Contracting Authority shall require the economic operator to submit appropriate supporting documents (e.g. a bank certificate). In such case, the evidence of compliance with this requirement must have been obtained no later than ninety (90) days from the deadline for submission of the tender or must not be older than ninety (90) days prior to the deadline for submission of the tender.

9.1.4 Other requirements

1. The economic operator is not listed in the records of business entities from Article 35 of the Integrity and Prevention of Corruption Act (Official Gazette of the Republic of Slovenia, No. 69/11 – official consolidated text, 158/20, 3/22 – ZDeb and 16/23 – ZZPri; hereinafter referred to as: ZIntPK) and is, in accordance with this Article, not forbidden to do business with the Contracting Authority.

Means of proof:

- Form No. 9 **"Statement of the Economic Operator Regarding its Inclusion in the Business Entity Records, Complying with the Integrity and Prevention of Corruption Act"** for all economic operators in the tender.

The tenderer shall upload the Form "Statement of the Economic Operator Regarding its Inclusion in the Business Entity Records, Complying with the Integrity and Prevention of Corruption Act" to the section "Other Attachments" in the e-JN information system.

10. CRITERION

The criterion for selecting the most favourable tenderer is the **most economically advantageous tender** established on the basis of the lowest total tender value in EUR excl. VAT.

If two or more tenderers submit the same total tender price (in EUR, excluding VAT), such that it is not possible to select a tenderer, the Contracting Authority shall select the tenderer who first submitted its tender in the e-JN information system.

11. TENDER

11.1 TENDER DOCUMENTATION

Tender documentation comprises the following documents:

1. Completed and signed Form No. 3 "**Tender"**
2. Completed Form No. 4 **"Pro-Forma Invoice"** – **in .xlsx format or** completed and signed in **.pdf format**
3. Completed and signed Form No. 5 "**Summary of the Pro-Forma Invoice – Recapitulation**"
4. Completed and signed Form No. 6 **"Economic Operator's Statement"**
5. Completed and signed Form No. 7 **"Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity"**
6. Completed and signed Form No. 8 **"Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation"**
7. Completed and signed Form No. 9 **"Statement of the Economic Operator Regarding its Inclusion in the Business Entity Records, Complying with the Integrity and Prevention of Corruption Act"**
8. Completed and signed Form No. 10 "**Statement on the Participation of Natural and Legal Persons**"- *optionally upon submitting the tender (otherwise upon a request of the Contracting Authority before awarding the public contract, as laid down in Point 14 of these Instructions)*
9. A concluded "**Agreement on Submitting a Joint Tender"**, in accordance with Form No. 12 *(only in the case of a group of tenderers)*
10. Completed and signed Form No. 13 "**Subcontractor's Consent"** *(only if the tenderer acts with subcontractors and they require that)*

The tenderer encloses to the tender only the documents listed in this Point. After reviewing the tenders, the Contracting Authority, if it doubts the accuracy of the tenderer's statements, shall urge the most favourable tenderer to submit means of proof as stated for a particular required condition or exclusion ground.

The tenderer who submits the tender guarantees under criminal and material liability that all data and documents contained in the tender are genuine and that the enclosed documents match the original. Otherwise, the tenderer shall be liable for all damage inflicted to the Contracting Authority.

In all required forms, the tenderers fill in the empty boxes and contents designated for the entry of data by tenderers.

In submitting the tender and fulfilling the Contracting Authority's criteria, the tenderer has to comply with all applicable Slovene legislation.

11.2 DRAWING UP THE TENDER

11.2.1 Means of proof on meeting the requirements from technical specifications

The subject-matter of the tender must meet at least the minimum technical requirements listed in the Technical Specifications that are part of these documents.

11.2.2 Form "Pro-Forma Invoice" (file: Pro-Forma Invoice.xlsx)

In Form No. 4 "**Pro-Forma Invoice**", the tenderer has to provide all tender items of this public procurement, taking into account the Technical Specifications that are part of these procurement documents. The tenderer fills in all items in the Pro-Forma Invoice, rounded **to two (2) decimal places.**

The tenderer must fill in all items on the pro-forma invoice. If the tenderer does not enter the price of a particular item, it shall be understood that the tenderer is not offering this item and is thus failing to meet all requirements of the Contracting Authority arising from the relevant public procurement documents, in which case the Contracting Authority shall reject the tender as inadmissible. If the price the tenderer enters is zero (0) EUR, it shall be considered that the tenderer is offering the item for free.

The tenderer is not allowed to change the contents of the Form No. 4 "Pro-Forma Invoice". Otherwise, the Contracting Authority shall reject the tender as inadmissible.

Foreign tenderer: In case of a foreign tenderer, such tenderer **does not fill in the column H** (VAT rate in %) in the Form No. 4 "Pro-Forma Invoice". The Contracting Authority shall pay VAT in accordance with the applicable legislation.

The offered price must be expressed in EUR and must include all works, discounts and costs the tenderer has with the implementation of services under the relevant public procurement.

The price is fixed and not revisable for the entire duration of the contractual relationship for a period of three years. The Contracting Authority will not allow other or additional charges as part of the offered services.

In accordance with the above mentioned requirements, the tenderer shall also complete Form No. 5 **"Summary of the Pro-Forma Invoice – Recapitulation"**.

Foreign tenderers: in case of a foreign tenderer, such tenderer fills in only the column "Tender value (in EUR excl. VAT)" in the Form No. 5 "**Summary of the Pro-Forma Invoice – Recapitulation**".

In the **e-JN information system in the section "Total tender value"**, the **tenderer** enters into the dedicated area the tender amount excluding taxes in EUR and the amount of taxes in EUR (**foreign tenderers:** 0,00). The amount including taxes in EUR is calculated automatically. **"Total tender value"** that will be entered into the equally named section in the e-JN information system and the document that will be uploaded as a pro-forma invoice to the section "Pro-Forma Invoice" ***will be available and accessible in the e-JN information system at the public opening of tenders***.

The tenderer shall upload the completed and signed Form No. 5 "Summary of the Pro-Forma Invoice – Recapitulation" in .pdf format to the "**Pro-Forma Invoice**" section of the e-JN information system under "**Documents**" and under the section "**Other Attachments**" it shall upload Form No. 4 "Pro-Forma Invoice" in .xlsx or .pdf format.
In case of discrepancies between data in the section "Total tender value" (data in Form No. 5 "Summary of the Pro-Forma Invoice – Recapitulation" uploaded in the section "Total tender value", part "Pro-Forma Invoice") and data in the complete Form No. 4 "Pro-Forma Invoice" uploaded in the section "Documents", part "Other Attachments", the data in the document No. 4 "**Pro-Forma Invoice**" uploaded in the section "**Documents**", part "Other Attachments" shall be considered valid.

11.3 OTHER PROVISIONS FOR PREPARING THE TENDER

11.3.1 Joint tender

If a group of tenderers/partners submits a (joint) tender, each tenderer/partner has to meet all criteria specified in Points 9.1.1, 9.1.2, 9.1.3 and 9.1.4. All tenderers/partners in the joint tender have to individually submit documents proving compliance with the stated criteria.

In case of a joint tender, the tender must contain all required data on the joint tender stated in Form No. 3 "**Tender**".

All tenderers/partners in the joint tender must complete Form No. 6 "**Economic Operator's Statement**" individually and state all required data therein.

Form No. 4 "**Pro-Forma Invoice**" is submitted by all tenderers in the joint tender together (one form, signed by at least one of the tenderers in the joint tender).

In the event of a joint tender, the tenderers/partners must submit a signed agreement on the submission of a joint tender, which must contain the information as specified in Form No. 12 "**Agreement on Submitting a Joint Tender**".

11.3.2 Tender with subcontractors

In the event that the tenderer involves subcontractors in the performance of the contract, each subcontractor (in the same manner as the tenderer) must fulfil the requirements set out in sections 9.1.1, 9.1.2 and 9.1.4 of these Instructions. If a subcontractor demonstrates exclusion grounds or if it does not meet the relevant selection criteria from Point 9.1 of these Instructions, the Contracting Authority shall reject the subcontractor and demand its replacement.

In case of working with subcontractors, the tender must contain all data on subcontractors required in Form No. 3 "**Tender**".

All subcontractors stated in the tender with subcontractors must complete Form No. 6 "**Economic Operator's Statement**" individually and state all required data therein.

For each subcontractor, the tenderer has to submit the same means of proof for meeting the criteria set out in the previous sentence as it is obliged to submit for itself, except for criteria which already involve means of proof that have to be submitted by the subcontractor.

Where a tenderer intends to perform a public contract together with subcontractors, it has to indicate in its tender the following:

- all the subcontractors it intends to involve and the parts of the contract which it intends to subcontract,
- contact details and legal representatives of the proposed subcontractors,
- a subcontractor's request for direct payment **where the subcontractor so requires**.

In the course of the performance of the contract, the selected contractor shall notify the Contracting Authority of any changes to information referred to in the preceding paragraph and shall, no later than five (5) days of such a change, provide information with respect to any new subcontractors which it intends to subsequently involve in the performance of the contract. If the main contractor involves new subcontractors, the main contractor's notice has to be accompanied by the information and documents referred to in the indents of the preceding paragraph.

The Contracting Authority will reject every subsequently nominated subcontractor in the following cases:

- when there are exclusion grounds as stated in chapter 9.1.1 of these documents and the Contracting Authority demands a replacement,
- when this could affect the smooth implementation or completion of works,
- when the new subcontractor does not meet the criteria regarding the award of the public contract.

Only if direct payment is requested by a subcontractor, the direct payment to such a subcontractor shall be deemed mandatory and this obligation shall be binding on the Contracting Authority and the main contractor. When the tenderer intends to perform the public contract with a subcontractor requiring direct payment in accordance with this Article:

- the main contractor shall sign a contract authorising the Contracting Authority to make direct payments to the subcontractor based on an invoice or interim certificate approved by the main contractor,
- the subcontractor shall submit a consent on the basis of which the tenderer's obligations to the subcontractor shall be settled by the Contracting Authority instead,
- the main contractor's invoice or statement shall be accompanied by the subcontractor's invoice or situation previously approved by the main contractor.

If direct payment to a subcontractor is not mandatory, the Contracting Authority shall require the main contractor to submit, no later than sixty (60) days from the payment of the final invoice or situation, its written statement and a written statement by the subcontractor that the subcontractor has received payment for the work performed. Where the contractor fails to act in accordance with this provision, the Contracting Authority shall file a motion to the National Review Commission to initiate a minor offence procedure referred to in Point 2 of Paragraph 1 of Article 112 of ZJN-3.

The selected tenderer is fully responsible for the performance of the Contract towards the Contracting Authority.

11.3.3 Variant tenders

Variant tenders are not allowed.

11.3.4 Language of the tender

The procurement procedure shall be conducted in the Slovenian language.

The Contracting Authority prepared the documents in Slovene (original) and a translation into English language.

In accordance with Article 36 of ZJN-3, the Contracting Authority stipulates that tenderers may submit their tenders, in part or in full, in English language, particularly in those parts documents which relate to technical characteristics, quality and technical documentation, and the Contracting Authority reserves the right to ask the tenderer to provide a translation into Slovene of the part submitted in English if the Contracting Authority, during the examination and evaluation of tenders, deems it necessary and sets an appropriate time limit to do this. The translation costs are borne by the tenderer.

All questions in relation to documents may be sent to the Public Procurement Portal in Slovene or English and the Contracting Authority shall prepare the answers in Slovene and English.

In case of contradictions between the concerned public procurement in Slovene and English, the documents in Slovene (original) are considered. The Contracting Authority provided the translation into English in order to enhance competitiveness between tenderers and as an aid for foreign tenderers.

11.3.5 Preparing and submitting the tender in the e-JN system

After registering or logging in the e-JN system, the tenderer submits the tender documents at https://ejn.gov.si by selecting the option “Participate in a public contract” in the relevant public contract, which shall open up a page for preparing a tender. After entering information and documents, the tenderer saves information and documents in the system and submits them by clicking the button “Submit” which opens a window in which the tenderer submits the tender by accepting the General Terms and Conditions and clicking the button “Submit”.

Detailed instructions regarding the preparation and submission of the tender are available in the Instructions for Using the e-JN Information System: TENDERERS, which are part of these documents and published at https://ejn.gov.si.

If the electronic means of communication, used by the Contracting Authority in accordance with Article 37 of ZJN-3 for accepting applications or tenders, do not function in a manner that allows the submission of applications or tenders, the Contracting Authority extends the deadline for the submission and opening of applications or tenders for at least five (5) working days, if all of the following conditions are met:

- the electronic communication means used by the Contracting Authority does not work in the last 60 minutes before the expiry of the time limit set for the submission of applications or tenders;
- the candidate or tenderer immediately informs the Contracting Authority thereof, however, no later than 30 minutes after the deadline for the submission of applications or tenders;
- the administrator of the electronic means of communication used by the Contracting Authority confirms the non-operation to the Contracting Authority;
- the candidate or tenderer has not been able to submit the application or tender and
- opening of received applications or tenders has not been carried out yet.

11.3.6 Validity of the tender

The tender has to be valid at least ninety (90) days from the deadline for the submission of tenders, with the possibility of extension upon a request by the Contracting Authority.

In exceptional circumstances, the Contracting Authority may request that tenderers extend the time of validity of tenders for a particular additional period.

11.3.7 Tender costs

All costs regarding the preparation and submission of the tender are borne by the tenderer.

11.3.8 Anti-corruption provision

In the procedure of awarding a public contract, the Contracting Authority and the tenderers are not allowed to begin performing actions that would pre-determine the selection of a particular tender or that would cause that the contract does not enter into force or is not fulfilled.

Any lobbying in the procedure of awarding a public contract is forbidden.

12. NOTICE ON CONTRACT AWARD DECISION

The Contracting Authority shall publish the signed Contract Award Decision on the Public Procurement Portal. The decision is deemed served with the day of being published on the Public Procurement Portal.

13. WITHDRAWAL FROM THE TENDER PROCESS

On the basis of the eighth Paragraph of Article 90 of the ZJN-3, once the contract award decision has been made, the Contracting Authority may withdraw from the tender process before signing the contract on the grounds that it no longer needs or has no funds for the subject-matter of procurement or that it has reasonable cause to suspect that the contents of the contract were or could be a result of a criminal offence, or that other extraordinary and unforeseeable circumstances beyond its control have arisen that have rendered the performance of the contract with the selected tenderer impossible. In this case the Contracting Authority shall notify the tenderers in writing of its decision and the reasons for withdrawing from the tender process.

If the procedure is concluded following one of the options stated in this Point, the tenderers are not entitled to the recovery of costs for preparing the tender and also not to the compensation for lost profit.

14. CONTRACT

The contract shall be signed by the Contracting Authority University of Maribor, Slomškov trg 15, 2000 Maribor and the selected tenderer/contractor.

In accordance with the sixth paragraph of Article 14 of ZIntPK, the selected tenderer is obliged upon a request of the Contracting Authority and before signing the Contract to submit to the Contracting Authority a statement or information on the participation of natural and legal persons under the ownership of the tenderer, including the participation of silent partners as well as on economic operators, which are considered to be companies affiliated with the tenderer under the provisions of the Companies Act (Form No. 10). For natural persons the statement shall include the name and surname, address of residence and ownership share. In the event that the tenderer submits a false statement or provides false information on the facts stated, the contract shall be rendered null and void. In case the subcontractor requires direct payments, whereby it is foreseen that these payments will amount to more than EUR 10,000.00 excluding VAT, Form No. 10 must be submitted also for such a subcontractor.

It is desirable that the tenderer submits the completed statement(s) (Form No. 10) already at the time of submitting the tender.

The selected tenderer shall sign and return to the Contracting Authority the contract for the performance of the subject public procurement and the personal data processing agreement within ten (10) working days of receipt of the contract signed by the Contracting Authority.

By signing Form No. 3 “Tender”, Point 5 Umbrella Statement of the Tenderer, the tenderer confirms its acceptance of the content of the model contract for the performance of the subject public procurement and the model personal data processing agreement.

Prior to signature, the contract for the performance of the subject public procurement shall be substantively adjusted depending on whether the selected tenderer submits an individual tender, a joint tender, or declares the involvement of subcontractors.

15. LEGAL PROTECTION

In accordance with the Legal Protection in Public procurement Procedures Act (Official Gazette of the Republic of Slovenia, No. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17, 72/19 and 83/25 – ZOUL; hereinafter referred to as: ZPVPJN), the request for review referring to the content of the notice and/or tender documents may be filed in ten (10) working days from the publication of the public contract notice or the notice on additional information, information on the unfinished procedure or correction, if this notice changes or supplements the requirements or criteria for the selection of the most favourable tenderer, whereby the request for review may refer to the amended, supplemented or explained content of the

notice or tender documents or directly related indication in the initial notice or tender documents. The request for review may not be submitted after the deadline for accepting tenders, unless the deadline for accepting tenders is shorter than ten (10) working days. In this case the request for review may be submitted in ten (10) working days from the day of publication of the contract notice.

The tenderer pays a fee of two thousand (2,000.00) EUR to the transaction account of the Ministry of Finance, number SI56 0110 0100 0358 802, opened with the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenia, SWIFT CODE: BSLJSI2X; IBAN:SI56011001000358802 – fee for the public procurement review procedure. When paying the fee, the reference must follow model 11. The reference consists of three parts (P1– P2– P3). The first and second parts of the reference (P1 and P2) are always the same and are separated by a hyphen. The value of P1 is: 16110 and the value of P2 is: 7111290. The third and final part of the reference (P3) represents the publication number of the contract notice on the Public Procurement Portal. It consists of 8 digits (numbers), where the first six digits correspond to the notice publication number, and the last two digits indicate the year from the public procurement notice number.

The request for review is submitted through the eRevizija portal (https://www.portalerevizija.si/). In the event of a failure or technical difficulties in the operation of the eRevizija portal, it is to be acted in accordance with Paragraph 6 of Article 13.a of the ZPVPJN.

University of Maribor

Rector
prof. dr. Zdravko Kačič

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