Univerza v Mariboru

Date: 28.01.2026
Number: 302/10 – ATHENA/26

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

302/10 – ATHENA/26

CONTENTS:

Public procurement documents comprise the following:

1. Instructions to Tenderers for Preparing the Tender
2. Form No. 2: "Tender"
3. Form No. 3 "Pro-Forma Invoice" (file: Pro-Forma Invoice.xlsx)
4. Form No. 4 "Summary of the Pro-Forma Invoice – Recapitulation" (file: Summary of the Pro-Forma Invoice.docx)
5. Form No. 5: "Economic Operator's Statement"
6. Form No. 6 "Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity"
7. Form No. 7 "Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation"
8. Form No. 8 "Tenderer's List of References"
9. Form No. 9 "Reference Certificate"
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11. Form No. 11: "Performance Guarantee" (model)
12. Form No. 12 "Statement on the Participation of Natural and Legal Persons"
13. Form No. 13 "Agreement on Submitting a Joint Tender" (model)
14. Form No. 14 "Subcontractor's Consent" (if the tenderer acts with subcontractors and they require direct payments)
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INSTRUCTIONS TO TENDERERS FOR PREPARING THE TENDER

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1. CONTRACTING AUTHORITY

Name of the Contracting Authority:	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, Rector

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

2. DESIGNATION, SUBJECT-MATTER OF THE PUBLIC PROCUREMENT AND SCOPE OF SERVICES

Designation of the public procurement: 302/10 – ATHENA/26.

Subject-matter of the public procurement: Services of comprehensive support in applying to the call of the European University Networks for the University of Maribor in 2026.

Short description of the subject-matter of the public contract: The Contracting Authority is procuring services of comprehensive support in applying to the call of the European University Networks for the University of Maribor in 2026 with the aim to obtain expert knowledge in the field of the European Union for European universities as well as increase the quality of the application to the relevant call.

A more detailed specification and other requirements related to the subject-matter of the public procurement are evident from the content and scope of services (the so-called Technical Specifications) as set out below in this chapter and the Model Contract.

The main CPV code:

- 79421000: Project management services, except for construction works

Supplementary CPV code:

- 79421200: Project preparation services, except for construction works

Definition and scope of services (the so-called Technical Specifications):

The Contracting Authority gives an estimate of the scope of services in hours for individual items from the table:

DEFINITION AND SCOPE OF SERVICES		
Item No.	**Definition of services**	**Planned scope of services in hours**
Activity 1	**Support in production and implementation of the project:** • analysis of the call; • presentation of goals and criteria of the call to the partners; • participation in project meetings; • support in the production of the new mission statement	**108**
Activity 2	**Performance of data analyses:** • preparing materials for the meeting of leaderships; • presenting results of the analysis at the meeting of the partners; • organising and implementing a workshop for understanding the analysis of data on partners; • evaluation of the usefulness of the mission (the mission statement) for the forthcoming period; • preparing materials for the partners' workshop;	**64**
Activity 3	**Support in the project writing in 2026**: • coordination support in work sharing; • preparation of forms to compose the application; • writing of the draft of the strategic part (justification) of the project based on the mission statement; • overview and assessment of partners' entrances; • organisation of a meeting to review the application; • support in the setup of the project budget.	**172**
	TOTAL NO. OF HOURS:	**344**

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 and 88/23 – ZOPNN-F; hereinafter: ZJN-3) a **low-value procedure** is implemented for awarding the concerned public contract.

In line with Article 47 section 2 of the Public Procurement Act, the contracting authority will **not** conduct negotiations in this procurement process.

The Contracting Authority will, based on the conditions and criteria set out in the procurement documents, select the tenderer with which it will conclude a contract on the performance of services in question.

4. DEADLINE AND MANNER OF TENDER SUBMISSION

Tenderers shall **submit their tenders to the e-JN information system** (hereinafter: e-JN system) at https://ejn.gov.si/ in accordance with Point 3 of the Instructions for using the e-JN information system: TENDERERS (hereinafter: Instructions for using the e-JN), which are part of the 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 using the e-JN. If the tenderer is already registered in the e-JN system, it shall log into the application at the same address.

The user of the tenderer who is authorised to submit tenders in the e-JN system submits the tender by clicking the "Submit" button. Upon submitting the tender, the e-JN 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 Code of Obligations[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 6 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 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 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 shall amend its tender in the e-JN 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 **6 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 that the tenderer uploads to the e-JN system in the section "Total tender value", part "Pro-Forma Invoice".

6. LEGAL BASIS

The Contracting Authority carries out 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 contract.

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

7.1 ACCESS TO DOCUMENTS

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

Access to documents is free of charge.

7.2 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 documents or any other question relating to the public procurement as timely if it is raised at the Public Procurement Portal at the latest up to and including **30 January 2026 until 10.00 a.m.**
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 will answer raised questions at the latest until **31 January 2026.**

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

[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)

procurement 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.

8. QUALITATIVE SELECTION

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

The tenderer has to fulfil all criteria stated in this Point.

Before awarding the public contract, the Contracting Authority shall request from the tenderer who was awarded with the relevant public contract to submit means of proof (e.g., certificates, statements) as evidence for the absence of grounds for exclusion referred to in Point 8.1.1 of the Instructions to Tenderers and for the fulfilment of the selection criteria referred to in Points 8.1.2 to 8.1.5 of these Instructions, **if the Contracting Authority has any doubt about the accuracy of the tenderer's statements.**

The tenderer may submit the means of proof regarding the absence of grounds for exclusion referred to in Point 8.1.1 of the Instructions to Tenderers and means of proof regarding the fulfilment of the selection criteria referred to in Points 8.1.2 to 8.1.5 of these Instructions by itself. The Contracting Authority reserves the right to verify the authenticity of the submitted means of proof with their signatory.

For joint tenders and tenders with subcontractors, Points 12.3.2 (Joint tender) and 12.3.3 (Tender with subcontractors) of these Instructions to Tenderers also need to be considered.

If the Member State or a third country does not issue a particular document or certificate or if these do not include all required information, they may be replaced by a declaration on oath. If the Member State or third country 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 economic operator has its headquarters will suffice.

8.1.1 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 containing elements of the criminal offences referred to in the Criminal Code (Official Gazette of the RS, no. 50/12 – offically consolidated text, 54/15, 6/16 – corr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNŠPP, 16/23 and 107/24 – ruling of the CC; furtheron: Slovenian abbrev. KZ-1) or for comparable criminal actions sanctioned by foreign courts of justice (first paragraph of Article 75 of ZJN-3).**

   If the economic operator is in the situation referred to in the previous paragraph, in accordance with the ninth Paragraph of Article 75 of ZJN-3, it 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:

   - The completed form no. 2 "**Tender**" must contain all necessary information so that the contracting authority (in case of doubt about the veracity of the bidders' statements) can verify the fulfilment of the subject condition for the tenderer or tenderers/partners in the joint bid or for subcontractors. Economic entities may themselves submit certificates from the criminal record for all economic entities and all natural persons of economic entities participating in the subject JN.
   - The completed form no. 5 **»Economic Operator's Statement«**.

The tenderer uploads the "Tender" form and the " Economic Operator's Statement" form to the "Other attachments" section of the e-JN information system.

If there is any doubt about the veracity of the statements made by the tenderers, the contracting authority may, before awarding the public contract, request the economic operator to which it has decided to award the contract in question to submit an extract from the relevant register, such as the court register, which is no older than 4 months from the deadline for submission of tenders or which is obtained no later than 90 days from the deadline for submission of tenders, or, if such a register does not exist, an equivalent document issued by a competent judicial or administrative authority in the Republic of Slovenia, another Member State or the home country or the country in which the economic operator is established, and which shows that the legal entity and the natural person(s) referred to in point 1 have not been finally punished for the criminal offences referred to in the first paragraph of Article 75 of the ZJN-3. If the country in which the tenderer is established does not issue the required certificates, or if these do not cover all the cases referred to in the first paragraph of Article 75 of the ZJN-3, the tenderer may submit a sworn statement. If this is not provided for in the country in which the provider has its registered office, the provider may provide a declaration by a specific person made before a competent judicial or administrative authority, a notary or a competent professional or trade organisation in the home country of that person or in the country in which the provider has its registered office or permanent residence.

2. **Until the deadline for submitting the tender, 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 provisions of the country where the tenderer is established or the provisions of the country of the Contracting Authority, or the value of outstanding due charges until the deadline for submitting the tender does not amount to EUR fifty (50) or more. Until the deadline for submitting the tender, all economic operator's calculations of withholding tax on employment income for the last five (5) years have to be submitted.**

Means of proof:

- Completed Form No. 5 **"Economic Operator's Statement"** for all economic operators in the tender (also for tenderers/partners in a joint tender and for subcontractors).

The tenderer uploads the "Economic Operator's Statement" form to the "Other attachments" section of the e-JN information system.

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:

- Completed Form No. 5 **"Economic Operator's Statement"** for all economic operators in the tender (also for tenderers/partners in a joint tender and for subcontractors).

The tenderer uploads the " Economic Operator's Statement " form to the "Other attachments" section of the e-JN information system.

4. **In the three (3) 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 two (2) or more 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 has been convicted by a final judgement or final judgements for a minor offence.**

If the economic operator is in the situation referred to in the previous paragraph, in accordance with the Decision of the Constitutional Court of the Republic of Slovenia No. U-I-180/19-17 and by applying mutatis mutandis the ninth Paragraph of Article 75 of ZJN-3, it may 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:

- Completed Form No. 5 **"Economic Operator's Statement".**

The tenderer uploads the "Economic Operator's Statement" form to the "Other attachments" section of the e-JN information system.

In accordance with the eighth Paragraph of Article 75 of ZJN-3, the Contracting Authority shall at any time during the procedure exclude 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 this Point of the Instructions to Tenderers.

8.1.2 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 its establishment. The list of professional or trade registers in EU Member States is provided in Annex XI to Directive 2014/24/EU.

Means of proof:

- Completed Form No. 6 **"Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity".**

The tenderer uploads the " Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity" form to the "Other attachments" section of the e-JN information system.

The Contracting Authority reserves the right to verify the existence and content of the declarations in the tender. For this purpose, the statement has to include all necessary data enabling the Contracting Authority to check the fulfilment of the relevant criterion in official records. If such verification shall not be possible, the Contracting Authority will urge the economic operator to submit the relevant means of proof.

8.1.3 Selection criteria regarding the economic and financial standing

1. In the last six (6) months from the deadline for submitting the tender, the economic operator has no outstanding commitments on any of the transaction accounts.

Means of proof:

- Completed Form No. 7 **"Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation"** for each tenderer and each tenderer/partner in a joint tender.

The tenderer uploads the "Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation" form to the "Other attachments" section of the e-JN information system.

The Contracting Authority reserves the right to verify the existence and content of the declarations in the tender. For this purpose, the statement has to include all necessary data enabling the Contracting Authority to check the fulfilment of the relevant criterion in official records. If such verification shall not be possible, the Contracting Authority will urge the economic operator to submit the relevant means of proof (e.g. bank confirmation). In this case, proof of compliance with this condition must be obtained no later than 90 days from the deadline for submitting the tender or must not be older than 90 days before the deadline for submitting the tender.

8.1.4 Selection criteria regarding technical and professional ability

1. **In the last five (5) years prior to the deadline for submitting tenders, the tenderer has successfully performed at least one (1) entire procedure of applying to the Call of European University Networks with which the reference Contracting Authority successfully obtained funding.**

The reference transaction had to be performed according to the rules of the profession, timely and with quality as well as in accordance with the terms of the contract. In case of a joint transaction (consortium), the entity providing the reference had to participate to the extent of at least 50% of the transaction.

Regarding this condition, the tenderer may refer to the capacity of any member of the consortium as well as to the capacity of the subcontractor, however, this entity has to largely perform services that are the subject-matter of the procurement or if there are several such entities, these entities must take over services in maximum proportions (according to the proportions of the remaining participating entities in the tender) that are the subject-matter of the procurement.

Means of proof:

- Completed Form No. 8 "**Tenderer's List of References**".
- Completed Form No. 9 "**Reference Certificate**".

The tenderer submits Form No. 8 **"Tenderer's List of References"** already at the time of submitting the tender.

For meeting this selection criterion, it is desired that the tenderer submits Form No. 9 **"Reference Certificate"** already at the time of submitting the tender or upon a request of the Contracting Authority during the examination of tenders.

The Contracting Authority (reference verifier) who verifies the reference certificate on the performed works is the third (legal) person, which means that the tenderer cannot verify the mentioned certificate to itself or to the contractor in joint performance, otherwise the reference will not be recognised.

8.1.5 Staff conditions

1. The tenderer is obliged to provide at least three (3) experts throughout the duration of the contractual relationship who will take part in the performance of the public procurement and are responsible for the performance of services that are the subject-matter of the public procurement and with whom it has a concluded employment relationship or another legally defined form of work outside the employment relationship, namely it appoints:

   a) at least one (1) senior advisor;
   b) at least one (1) advisor and
   c) at least one (1) data analyst.

Services that are the subject-matter of the public procurement must be performed by experts listed by the tenderer in the tender.

Means of proof:

- Completed Form No. 2 **"Tender"** (in Point 5: Staff conditions; Subpoint 5.1);
- **Means of proof** demonstrating the relationship between tenderers and staff during the term of the contract (to be submitted optionally already at the time of submitting the tender or at the Contracting Authority's request during the tender examination phase).

Economic operators in the tender may jointly meet the relevant criteria. The economic operator may use the capacity of other entities regardless of the legal relationship between the operator and these entities only if the latter will perform services for which these capacities are required.

The tenderer submits Form No. 2 "**Tender**" already at the time of submitting the tender.

For meeting this criterion, it is desired that the tenderer submits these means of proof regarding the employment relationship already at the time of submitting the tender or upon a request of the Contracting Authority during the examination of tenders.

IMPORTANT:

The tenderer may submit the means of proof for meeting the selection criteria from Chapter 8.1.4 and 8.1.5 of the Instructions to Tenderers already at the time of submitting the tender or upon a request of the Contracting Authority during the examination of tenders to the tenderer to whom it intends to award the contract.

If the tenderer wants to receive extra points according to the criterion from Chapter 9 Criteria of these Instructions to Tenderers, the submission of all means of proof from Chapter 8.1.4 and 8.1.5 is mandatory already at the time of submitting the tender, since the Contracting Authority will not allow supplementing the tender within the criteria.

Attachments or means of proof are to be uploaded to the section "Other Attachments".

The Contracting Authority reserves the right to require in relation to the demonstration of compliance with the required conditions from the tenderer to submit additional means of proof with which it unequivocally proves the fulfilment of the conditions.

8.1.6 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) and is, in accordance with this Article, not forbidden to do business with the Contracting Authority.

   Means of proof:

   - Completed Form No. 10 **"Statement of the Economic Operator Regarding its Inclusion in the Business Entity Records, Complying with the Integrity and Prevention of Corruption Act".**

The tenderer uploads 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 "Other attachments" section in the e-JN information system.

9. CRITERIA

The criterion for selecting the most favourable tenderer is the most economically advantageous tender. The Contracting Authority shall award the public contract to the tenderer with the highest score according to the formula below:

OS = PTP + PTR + PA + PC

The overall score is rounded to two (2) decimal places. The highest score that can be obtained according to the criteria is one hundred (100) points.

The used terms have the following meaning:

— OS = overall score

— PTP = points tender price

— PTR = points tenderer's reference

— PA = points advisors

— PC = points certificate

Criteria		Highest score
PTP	Points tender price (in EUR excl. VAT)	50
PTR	Points tenderer's reference	25
PA	Points advisors	20
PC	Points certificate	5
Highest score:		**100**

Explanation of the valuation of items in the formula:

1. **PTP – <u>Points tender price (in EUR excl. VAT)</u> – the highest possible score: 50 points**

The total tender price (in EUR excl. VAT) serves as the criterion. The tender that offers the lowest tender price (TP) compared to other tenders – the minimum offered TP (in EUR excl. VAT), wins the highest score – fifty (50) points, other tenders (offered TP) an adequately lower score, namely according to the value of the deviation of the offered price from the price of the most advantageous tenderer.

$$PTP = \left(\frac{mimimum\ offered\ TP}{offered\ TP} \right) x\ 50$$

If two (2) or more economic operators offer the same tender price for the entire amount (in EUR excl. VAT), the Contracting Authority will award the public contract to the economic operator that was the first to submit the tender in the e-JN system (for determining the first-ranked tender, the Contracting Authority shall verify the date and hour of tender submission in the e-JN system).

Means of proof:

- Form No. 3" **Pro-Forma Invoice".**

2. **PTR – <u>Points tenderer's reference</u> – the highest possible score: 25 points**

According to the listed criterion, tenderers are evaluated according to the number of tenderer's references which the tenderer additionally **states in Form No. 8 "Tenderer's List of References"** and for which the **completed Form No. 9 "Reference Certificate" must be submitted <u>already at the time of submitting the tender</u>.**

Points will be awarded according to the listed criterion in the following manner:

- tender with one (1) reference transaction – **condition for participation!** – 0 points[2]
- tender with two (2) and up to four (4) reference transactions – 5 points[3]
- tender with five (5) and up to seven (7) reference transactions – 10 points
- tender with eight (8) and up to ten (10) reference transactions – 15 points

[2] The tenderer may submit the means of proof for meeting the selection criteria from Chapter 8.1.4 and 8.1.5 of the Instructions to Tenderers already at the time of submitting the tender or upon a request of the Contracting Authority.

[3] If the tenderer wants to receive extra points according to the criterion from Chapter 9 Criteria of these Instructions to Tenderers, the means of proof from Chapter 8.1.4 must be submitted already at the time of submitting the tender.

- tender with eleven (11) and up to fourteen (14) reference transactions – 20 points
- tender with fifteen (15) reference transactions or more – 25 points

Means of proof:

- Form No. 8 "**Tenderer's List of References"**;
- Form No. 9 "**Reference Certificate**".

If the tenderer would like to receive additional points according to this criterion, it must submit the means of proof stated above already at the time of submitting the tender.

3. **PA – <u>Points advisors</u> – highest possible score: 20 points**

According to the listed criterion, the tenders are evaluated according to the number of (additional) experts – **advisors for the provision of the services in question listed by the tenderer in Form No. 2 "Tender" (in Point 5 Staff conditions; Subpoint 5.2)**.
Additionally authorized experts must also meet the criteria from Point 1 of the Chapter 8.1.5 Staff conditions (contractual relationship).

Points will be awarded according to the listed criterion in the following manner:

- tender with three (3) qualified experts (**senior advisor + advisor + data analyst – condition for participation**!) – 0 points[4]
- tender with one (1) additional advisor – 5 points[5]
- tender with two (2) additional advisors – 10 points
- tender with three (3) additional advisors – 15 points
- tender with four (4) additional advisors – 20 points

Services that are the subject-matter of the public procurement must be performed by (additional) experts listed by the tenderer in the tender.

Means of proof:

- Form No. 2 "**Tender**" (under Point 5 Staff conditions; Subpoint 5.2).
- **Means of proof** demonstrating the **relationship between tenderers and staff** during the term of the contract (to be submitted optionally already at the time of submitting the tender or at the Contracting Authority's request during the tender examination phase).

If the tenderer would like to receive additional points according to this criterion, it must submit the means of proof stated above <u>already at the time of submitting the tender</u> (Form No. 2 "**Tender**" and **means of proof** demonstrating the relationship between tenderers and staff during the term of the contract).

4. **PC – <u>Points certificate</u> – highest possible score: 5 points**

According to the listed criterion, tenders are evaluated depending on whether the tenderer holds the **ISO 9001 Certificate – Quality Management System**. If the tenderer presents this certificate, it **receives 5 points** according to this criterion.

Means of proof:

- Copy of the certificate.

[4] The tenderer may submit the means of proof for meeting the selection criteria from Chapter 8.1.5 and 8.1.5 of the Instructions to Tenderers already at the time of submitting the tender or upon a request of the Contracting Authority.
[5] If the tenderer wants to receive extra points according to the criterion from Chapter 9 Criteria of these Instructions to Tenderers, the means of proof from Chapter 8.1.5 must be submitted already at the time of submitting the tender.

If the tenderer would like to receive additional points according to this criterion, it must submit the copy of the certificate already at the time of submitting the tender.

10. PERFORMANCE GUARANTEE

The selected tenderer has to submit a relevant performance guarantee upon signing the contract or no later than within fifteen (15) days from the conclusion of the contract in the amount of ten per cent (10%) of the contract value (value incl. VAT). The submitted guarantee has to be unconditional and payable upon first demand, pursuant to the model performance guarantee form under URDG-758.

The selected tenderer may submit a bank guarantee or suretyship insurance with the insurance company.

The guarantee must be valid for thirty (30) days after the expiry of the contract.

The performance guarantee shall be submitted in accordance with the model from procurement documents (**Form No. 11**).
The used currency of the guarantee must be the same as the currency of the public contract. The guarantee may not include additional conditions regarding payment (no other documents), shorter deadlines than those specified by the Contracting Authority, lower amount than the one specified by the Contracting Authority or a change in the local jurisdiction for the settlement of disputes between the beneficiary and guarantee issuer.

MEANS OF PROOF:

- Form No. 2 **»Tender«** (in Point 6: Tenderer's umbrella statement)

The Contracting Authority has the right to redeem the performance guarantee if:

- the selected tenderer does not begin to perform its contractual obligations in accordance with the provisions of the Contract;
- the selected tenderer does not timely and properly fulfil its contractual obligations in accordance with the provisions of the Contract;
- the selected tenderer ceases to fulfil its contractual obligations in accordance with the provisions of the Contract;
- the selected tenderer will not be able to secure repayment of the contractual penalty or the difference between the paid contractual penalty and the costs and damages incurred;
- the contract is terminated.

If during the term of the Contract there are any changes in the deadlines for the completion of the Contract or the total contract value, the contractor must change the guarantee accordingly or extend its validity.

The guarantee has to include the provision clearly stating that the guarantee is subject to the Uniform Rules on Demand Guarantees (URDG), 2010 Revision, ICC Publication No. 758 and has to include the provision (clause) that no other document needs to be attached to the request for payment in addition to the statement.

11. TENDER

11.1 TENDER DOCUMENTATION

Tender documentation comprises the following documents:

1. Completed Form No. 2 "Tender"
2. Completed Form No. 3 "Pro-Forma Invoice"
3. Completed Form No. 4 "Summary of the Pro-Forma Invoice – Recapitulation"
4. Completed Form No. 5 "Economic Operator's Statement"

5. Completed Form No. 6 “Statement on Meeting the Selection Criteria Regarding the Suitability to Pursue the Professional Activity”
6. Completed Form No. 7 “Statement on Meeting the Selection Criteria Regarding the Economic and Financial Situation”
7. Completed Form No. 8 “Tenderer’s List of References”
8. Completed Form No. 9 “Reference Certificate”
9. Completed Form No. 10 “Statement of the Economic Operator Regarding its Inclusion in the Business Entity Records, Complying with the Integrity and Prevention of Corruption Act”.
10. Completed Form No. 12 “Statement on the Participation of Natural and Legal Persons” (optionally upon submitting the tender)
11. Completed Form No. 13 “Agreement on Submitting a Joint Tender” (model)
12. Completed Form No. 14 “Subcontractor’s Consent” (if the tenderer acts with subcontractors and they require direct payments)

The economic operator that is submitting the tender (tenderer) encloses to the tender only the documents listed in this Point.

IMPORTANT:

The tenderer may submit the means of proof for meeting the selection criteria from Chapter 8.1.4 Selection criteria regarding technical and professional ability and 8.1.5 Staff conditions of these Instructions to Tenderers already at the time of submitting the tender or upon a request of the Contracting Authority.

If the tenderer would like to receive extra points according to the criterion from Chapter 9 “Criteria” of these Instructions to Tenderers, the submission of the means of proof is mandatory already at the time of submitting the tender, since the Contracting Authority will not allow supplementing the tender within the criteria.

After reviewing the tenders, the Contracting Authority reserves the right to urge the most favourable tenderer to submit means of proof as stated for a particular required condition or exclusion ground.

Upon the Contracting Authority’s request, the tenderer that submitted the economically most advantageous tender must submit, in the public procurement procedure or in the performance of a public contract, in accordance with the deadline stated in the request (if not already attached to the tender), information regarding (**Form No. 12**):

- its founders, partners, including silent partners, shareholders, limited partners or other owners as well as data on ownership shares of the listed people,
- economic operators that are considered affiliated enterprises according to the provisions of the law governing companies.

The tenderer who submits the tender, guarantees under criminal and material liability that all data and documents submitted 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 tenderer fills 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 Slovenian legislation**.**

11.2 DRAWING UP THE TENDER

11.2.1 Form "Pro-Forma Invoice" (file: Pro-Forma Invoice.xlsx) and »Summary of the Pro-Forma Invoice«

In the **Pro-Forma Invoice (Form No. 3)** the tenderer has to provide **all items** taking into account the Contracting Authority's requirements that are part of the documentation.

The tenderer must fill in all items in the Pro-Forma Invoice, rounded to **two (2) decimal places**. 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 of a particular item entered by the tenderer 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 pro-forma invoice. Otherwise, the Contracting Authority shall reject the tender as inadmissible.

Foreign tenderers: in case of a foreign tenderer, such tenderer **does not fill out column I** (VAT rate in %) in the Pro-Forma Invoice (Form No. 3). 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 (potential) costs in relation to the performance of the relevant public procurement contract. The Contracting Authority will not allow other or additional charges as part of the offered services.
Prices are fixed for the entire duration of the public procurement.

In accordance with the above-mentioned requirements, the tenderer shall also complete the "**Summary of the Pro-Forma Invoice – Recapitulation**" **(Form No. 4)**.

Foreign tenderers: in case of a foreign tenderer, in Form Summary of the Pro-Forma Invoice – Recapitulation (Form No. 4) such tenderer does not fill in the columns "Tax amount – VAT (EUR)" and "Total tender value (amount including tax in EUR)", but only the column "Total tender value (amount without tax in EUR)".

In the e-JN system in the section "Total tender value", the tenderer enters into the dedicated area the total 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. In the section "Pro-Forma Invoice" the tenderer uploads the Form "Pro-Forma Invoice – Recapitulation" (Form No. 4) in pdf format and the "Pro-Forma Invoice" (Form No. 3) in the section "Documents", part "Other Attachments" in xlsx or pdf format. "Total tender value" that will be entered into the equally named section and the document that will be uploaded as a pro-forma invoice to the section "Pro-Forma Invoice" will be available and accessible at the public opening of tenders.

In case of discrepancies between data in the section "Total tender value", data in the "Summary of the Pro-Forma Invoice - Recapitulation" (Form No. 4) uploaded in the section "Total tender value", part "Pro-Forma Invoice" and data in the complete Pro-Forma Invoice (Form No. 3) uploaded in the section "Documents", part "Other Attachments", the data in the document submitted in the section "Documents", part "Other Attachments" shall be considered valid.

11.3 OTHER PROVISIONS FOR PREPARING THE TENDER

11.3.2 Joint tender

If the tender is submitted by a group of tenderers, the tender must contain the required data on the joint tender stated in the Form "Tender".

If a group of tenderers submits a joint tender, each tenderer must meet all criteria specified in Points 8.1.1, 8.1.2, 8.1.3 and 8.1.6. The tenderers may meet the criteria set out in Point 8.1.4 and 8.1.5 cumulatively.

All tenderers in the joint tender must complete Form No. 5 “Economic Operator’s Statement” regarding the tenderer individually and state all required data therein.

Form No. 3 “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).

If such a group of tenderers is selected for the performance of the concerned public contract, the Contracting Authority reserves the right to demand an act on the joint performance of the public contract (e.g., cooperation agreement) which will include more precisely defined tasks and responsibilities of individual tenderers regarding the performance of the contract. The tenderers are severally liable to the Contracting Authority.

The act on the joint performance of the contract must clearly indicate the following:

- appointment of the managing tenderer in the performance of the public contract,
- authorization of the managing tenderer and responsible person to sign the tender and contract,
- statement confirming that they are familiar with, and fully agree with, the instructions to tenderers, tender conditions and award criteria,
- consent of the managing tenderer regarding the possibility of direct payment to contractors in a joint operation by the Contracting Authority,
- indication that the group of tenderers is held liable to the Contracting Authority without limit, jointly and severally,
- the area of work (scope) that each partner in the group will undertake and perform, the share of each partner in the group in % and the value of the work undertaken by each partner in the group,
- method of payment through the lead partner in the group or to each of the partners in the group.

11.3.3 Tender with subcontractors

In case the tenderer performs the concerned public contract in cooperation with subcontractors, it has to list in the tender the required data on subcontractors that are stated in the Form “Tender”.

If a subcontractor demonstrates exclusion grounds or if it does not meet the relevant selection criteria from Point 8.1 of these Instructions, the Contracting Authority shall reject the subcontractor and demand its replacement.

Like the tenderer, the subcontractor also must meet the selection criteria referred to in Points 8.1.1, 8.1.2, 8.1.3 and 8.1.6.

For each subcontractor, the tenderer must 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 must be submitted by the subcontractor.

Where a tenderer intends to perform a public contract together with subcontractors, it must 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**.

During the performance of the contract, the selected contractor (hereinafter: the main contractor) shall notify the Contracting Authority of any changes to information referred to in the preceding paragraph and shall, no later than within 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 must be accompanied by the information and documents referred to in the first, second and third 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 8.1.1 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 based on 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.

11.3.4 Variant tenders

Variant tenders are not allowed.

11.3.5 Language of the tender

The public procurement procedure is conducted in Slovene.

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 of procurement 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.

The Contracting Authority accepts tenders either in Slovene or in English.

All questions in relation to tender 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 tender documents in Slovene and English, the tender 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.

11.3.6 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 tender 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 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.

11.3.7 Validity of the tender

The tender shall be valid at least one hundred and twenty (120) 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.

11.3.8 Tender costs

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

11.3.9 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 shall be deemed to have been 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 contractor.

In accordance with the sixth Paragraph of Article 14 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: ZIntPK), the selected tenderer is obliged upon a request of the Contracting Authority and before signing the Contract to submit a statement or information on the participation of natural and legal persons in the candidate's assets, including the participation of silent partners as well as on economic operators, which are considered to be companies affiliated with the candidate under the provisions of the Companies Act (**Form No. 12**). 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.

Tenderers may present the completed Statement (**Form No. 12**) already at the time of submitting the tender.

The selected tenderer must sign the contract and send it back to the Contracting Authority **within ten (10) working days from its receipt**, otherwise the Contracting Authority may decide that the tenderer is withdrawing from the contract.

Before being signed, the contract is adapted in content according to whether the selected tenderer's tender is joint, includes the participation of subcontractors and similar.

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 and 72/19, 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) 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, reference: 11 16110-7111290-0XXXXX23, where XXXXX is the number of the contract notice from the Public Procurement Portal, given in the form of JN0XXXXX/2023.

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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