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No. 1638261808/25 - Odl.

In pursuance of Article 90 of Public Procurement Act (ZJN-3, Official Gazette of Republic Slovenia, No.28/23) the Contracting entity GEN-I, d.o.o. Vrbina 17, 8270, represented by President of the Management Board Maks Helbl and Sandi Kavalič, Member of the Management Board, issues a

DECISION ON REJECTION OF ALL BIDS for

Implementation and maintenance of a planning tool to support Planning and Budgeting activities for the GEN-I Group

1. Explanatory Note

1.1 Objective inability to achieve the purpose of the procurement

The Contracting entity re-examined the Bidding documentation, the submitted Bids of the companies Solvership d.o.o. and CRMT, svetovanje in rešitve, d.o.o. and determined that, due to objective circumstances as are requests for the change of the decision submitted by both Bidders, arising during the procedure, taking into account the key contractual milestones defined in the procurement documentation, it is no longer possible to achieve the timeframe defined in the procurement documentation.

Any modification of the timeframe would constitute an inadmissible modification of the contract pursuant to Article 95 of ZJN-3, as the timelines and milestones represent essential elements of the subject matter of the contract and directly affect the scope, quality, and feasibility of contract performance. Continuation of the procedure under the originally defined conditions would result in a material deviation from the Contracting Authority's initial requirements and would not ensure the achievement of the purpose of the public procurement as pursued by the Contracting Authority without modification of the contractual deadlines. The Contracting Authority can therefore no longer ensure equal treatment of tenderers while complying with the requirements of the procurement documentation.

Proceeding with the procedure under such circumstances would therefore be contrary to the principles of equal treatment of tenderers, effectiveness and efficiency in public procurement, and would prevent awarding the contract under conditions that reflect the actual needs of the Contracting entity.

1.2 Deficiencies in the Bidding documentation

The Contracting entity has further established that the procurement documentation contained material ambiguities regarding personnel requirements and the evaluation of key experts. Specifically, the requirements for one consultant and one developer and conditions for their competences were not sufficiently precise to allow unambiguous evaluation when bidders proposed multiple candidates for these roles.

Both bidders submitted more than one consultant and more than one developer and submitted the reference forms and CVs which do not match. Because of the insufficiently clear rules in the bidding documentation, the Contracting entity cannot objectively assess compliance, nor conduct a transparent, equal, and non-discriminatory comparison of bids.

At this stage, they cannot be remedied without modifying the procurement conditions or granting an undue advantage to any tenderer, which would breach the principles of transparency, equal treatment, and non-discrimination as laid down in Articles 5, 6, and 7 of ZJN-3.

The reasons for rejecting all bids are objective, justified, and entirely independent of the identity or characteristics of individual bidder. The decision applies equally to all participants and is not intended to limit competition or favour or disadvantage any tenderer.

No bid can lawfully be selected under the current conditions without infringing public procurement rules and principles.

1.3 Conclusion

In view of the above, continuation of the current procedure would not allow a lawful award of the public contract in accordance with ZJN-3 and the fundamental principles of public procurement.

Accordingly, pursuant to the fifth paragraph of Article 90 of ZJN-3, the Contracting entity rejects all submitted bids.

The Contracting entity will initiate a new procurement procedure with, updated timelines and precisely defined requirements in the procurement documentation, fully respecting all principles of transparency, equal treatment, and proportionality.

2. Legal instructions

The bidders who were not selected are allowed to submit a request for review/revision within eight working days from the receipt of the decision on award or elimination of public procurement in compliance with Legal Protection in Public Procurement Procedures Act (ZPVPJN, OG RS No.43/11, 60/11-ZTP-D, 63/13, 90/14- ZDU-1l, 60/17 and 72/19). The bidder can submit a request for revision to the Contracting entity through the portal "e-Revizija". The bidder must pay a tax in the amount of EUR 1.000,00 to the account of the Slovene Ministry of Finance, No.: SI560110 0100 0358 802, open by "Banka Slovenije, Slovenska 35, 1505 Ljubljana, Slovenija" SWIFT code: BSLJSI2X, IBAN: SI56011001000358802, reference 11 16110-7111290-000459125.

President of the Management Board

Maks Helbl

Member of the Management Board

Sandi Kavalič