TENDER DOCUMENTATION FOR THE AWARD OF A PUBLIC PROCUREMENT CONTRACT

Subject of the contract:	**Purchase, delivery, and installation of a weather station and measuring instruments for the needs of the UL BF**
Contracting Authority:	**University of Ljubljana, Biotechnical Faculty, Jamnikarjeva ulica 101, 1000 Ljubljana** The Contracting Authority is implementing the public contract in its own name and on its own account.
Type of procedure:	Low-value contract
Publication of the contract:	Public Procurement Portal

Internal contract number: 402-16/2026

Ljubljana, June 2026

The Contractual Authority hereby invites all interested economic entities to submit their tender for the subject of public procurement contract in accordance with applicable regulations and this tender documentation.

TABLE OF CONTENTS

INSTRUCTIONS TO TENDERERS 3
1. LEGAL BASIS 3
2. CONTENT OF THE TENDER DOCUMENTATION 3
3. PUBLIC PROCUREMENT SUBJECT 3
4. PUBLIC PROCUREMENT CONTRACT AWARD PROCEDURE 3
5. DEADLINE AND METHOD OF SUBMITTING THE TENDER 4
6. OPENING OF TENDERS 4
7. EXPLANATIONS AND AMENDMENTS TO THE TENDER DOCUMENTATION 5
8. ESTABLISHING CAPACITY 5
8.1. Entities for which capacity is assessed 5
8.2. Grounds for exclusion 7
8.3. Conditions for participation 9
9. CLARIFICATION, SUPPLEMENTATION AND AMENDMENT OF TENDERS 10
10. FINANCIAL GUARANTEE (applies to Lot 1) 11
10.1 Security for the proper performance of contractual obligations and for the rectification of defects during the warranty period 11
11. CRITERIA 11
12. TENDER DOCUMENTATION 12
12.1 Instructions for completing the forms 12
12.2 Tender 13
12.3 Joint tender 14
12.4 Tender with subcontractors 14
13. CONFIDENTIALITY 15
14. WITHDRAWAL FROM AWARDING A PUBLIC PROCUREMENT CONTRACT 15
15. CONTRACT 16
16. ANTI-CORRUPTION PROVISION 16
17. INSTRUCTION ON LEGAL PROTECTION 17

INSTRUCTIONS TO TENDERERS

1. LEGAL BASIS

The public procurement procedure is carried out on the basis of the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15, with all amendments and supplements; hereinafter also: ZJN-3) and implementing regulations governing public procurement, in accordance with the applicable legislation governing the field of public finance, the subject matter of the public procurement and other applicable regulations.

2. CONTENT OF THE TENDER DOCUMENTATION

The tender documentation, including the technical documentation, is available to tenderers free of charge on the Public Procurement Portal (www.enarocanje.si).

Economic entities should carefully examine the tender documentation and notify the Contracting Authority of any possible ambiguities or disagreements with it via the Public Procurement Portal, by the expiry of the deadline for asking questions. The tender documentation shall otherwise be considered clear and the economic entity agrees with it.

3. PUBLIC PROCUREMENT SUBJECT

The subject of the public procurement is the purchase, delivery, and installation of a weather station and measuring instruments for the needs of the UL BF.

The procurement is divided into 2 lots, namely:

- **Lot 1:** Weather station
- **Lot 2:** Soil moisture measuring devices

The Tenderer may submit a tender for one or all lots.

For each lot, the Contracting Authority shall conclude a contract with the tenderer submitting the most economically advantageous tender for the respective lot.

A more detailed specification of the subject matter of the public procurement is set out in the Technical Specifications, the draft Contract, and other relevant parts of the tender documentation. Within each lot, the Tenderer must offer the subject matter of the public procurement in its entirety.

Variant tenders are not permitted and will not be taken into consideration. Tenderers submitting a variant tender shall be excluded from the public procurement procedure.

The Contracting Authority has secured funds for the implementation of the subject matter of the public procurement, the amount of which is defined in the decision on the initiation of the procedure. Tenders exceeding the amount of the secured funds shall be rejected by the Contracting Authority as inadmissible.

4. PUBLIC PROCUREMENT CONTRACT AWARD PROCEDURE

The public procurement procedure shall be conducted as a low-value procurement procedure pursuant to Article 47 of the Public Procurement Act (ZJN-3) (Official Gazette of the Republic of Slovenia, No. 91/2015, as amended). For each lot, one tenderer submitting the most advantageous admissible tender according to the established award criteria shall be selected.

The Tenderer may submit a tender for one or more lots, provided that the subject matter of each individual lot is offered in its entirety. In the form "European Single Procurement Document – ESPD," the Tenderer shall indicate the lot or lots for which the tender is being submitted. Where this is not expressly indicated, the Contracting Authority shall consider that the Tenderer has submitted a tender for the lot for which prices are stated in the Tender Form. For each lot, the absence of all exclusion grounds specified in this tender documentation is required. All other requirements of the Contracting Authority (conditions for participation and requirements specified in other parts of the tender documentation) must be fulfilled by the Tenderers as stipulated for each individual lot.

For each lot, the Contracting Authority shall, on the basis of the conditions and award criteria specified in this tender documentation, select the Tenderer with whom it will conclude the contract. The Contracting Authority shall conclude the contract with the Tenderer that submits the most economically advantageous admissible tender for the respective lot, except in the cases specified in Section 14 of this tender documentation ("Withdrawal from the Award of the Public Contract").

5. DEADLINE AND METHOD OF SUBMITTING THE TENDER

Tenderers must submit their tenders to the e-JN information system at the website address https://ejn.gov.si/.

Before submitting a tender, the tenderer must register at the web address https://ejn.gov.si/, in accordance with the Instructions for the use of the e-JN information system: TENDERERS, available on the e-JN portal. If the tenderer is already registered in the e-JN information system, he/she logs into the application at the same address.

A tenderer user who is authorized to submit tenders in the e-JN information system submits the tender by clicking on the "Submit" button. When submitting a tender, the e-JN information system records the user's identity and the time of submission of the tender. By submitting a tender, the user demonstrates and declares its willingness to submit a binding tender on behalf of the tenderer.

A tender is considered to be timely if it is received by the Contracting Authority via the e-JN system https://ejn.gov.si/ no later than the submission deadline specified on the Public Procurement Portal and in the eJN system. A tender that is marked with the "SUBMITTED" status in the e-JN information system is considered to be submitted.

The tenderer may withdraw or modify its tender at any time until the deadline for submitting tenders. If the tenderer withdraws its tender in the e-JN information system, it is considered that the tender has not been submitted, and the Contracting Authority will not see it in the e-JN system. If the tenderer changes its tender in the e-JN information system, the Contracting Authority will see the last submitted tender in this system. After the deadline for submitting tenders has expired, it will no longer be possible to submit a tender.

6. OPENING OF TENDERS

Tenders will be opened automatically in the e-JN information system on the day of the deadline for submitting tenders, **specified on the Public Procurement Portal and in the eJN system**, at the website address https://ejn.gov.si/.

Tenders will be opened in such a way that the e-JN information system automatically displays the tenderer's data at the time specified for the public opening of tenders and provides access to the .pdf document that the tenderer uploads to the e-JN system under the "Pro-forma invoice" section. Tenderers who have submitted bids have this information available in the e-JN information system in the section "Records of tender opening".

By submitting a tender, tenderers confirm that the Contracting Authority has fulfilled its obligation to submit the minutes in accordance with the provisions of the seventh paragraph of Article 88 of the ZJN-3, based on the fact that the data referred to in the sixth paragraph of Article 88 of the ZJN-3 are available in the e-JN information system, and will not request additional submission of the minutes of tender opening in the e-JN system.

7. EXPLANATIONS AND AMENDMENTS TO THE TENDER DOCUMENTATION

Communication with tenderers on questions or initiatives regarding the content of the public procurement and in connection with the preparation of the tender shall take place exclusively via the Public Procurement Portal.

The Contracting Authority will consider a request for clarification of the tender documentation or any other question regarding the contract to be timely if it is submitted on the Public Procurement Portal **no later than the deadline set on the Public Procurement Portal**. The Contracting Authority will respond to questions via the Public Procurement Portal no later than **three days before the deadline for submitting tenders.**

The Contracting Authority will not respond to requests for clarifications or other questions or initiatives related to the contract raised after this deadline.

The Contracting Authority reserves the right to amend or supplement the tender documentation. Amendments, supplements to the tender documentation and answers to any questions shall be an integral part of the tender documentation, regardless of whether the Contracting Authority prepares a clean copy of the tender documentation or not.

Tenderers will not be personally informed of clarifications, amendments and supplements to the tender documentation and are responsible for monitoring the Public Procurement Portal.

8. ESTABLISHING CAPACITY

8.1. Entities for which capacity is assessed

Economic entities participating in the tender must meet the conditions for participation and grounds for exclusion must not apply to them. Meeting the conditions for participation and the absence of grounds for exclusion must, unless otherwise stated in an individual point, be demonstrated by all economic entities in the tender, namely:

- the tenderer;
- all partners in a joint tender;
- all subcontractors, regardless of the stage of the public contract implementation in which the tenderer includes them in the implementation of the public contract;
- all entities whose capacities are used by the tenderer in accordance with Article 81 of the ZJN-3 (including natural persons with whom the tenderer cooperates and who are not employed by it or by another economic entity in the tender).

When submitting a tender, the Contracting Authority, in accordance with Article 79 of the ZJN-3, will accept the "Single European Procurement Document - ESPD", which represents an updated official self-declaration of the economic operator, as preliminary evidence regarding grounds for exclusion and the conditions for participation, instead of certificates issued by public authorities or third parties. The ESPD form must be submitted in the tender for all economic operators listed in the first paragraph of this point.

The economic operator imports the Contracting Authority's ESPD form (XML file) on the e-JN portal website: https://ejn.gov.si/espd/ and enters the required data into it directly. A tenderer submitting a tender in the e-JN system uploads its ESPD form to the "ESPD - tenderer" section, and the ESPD forms of other tender participants

to the "ES PD - other tender participants" section. A tenderer submitting a tender in the e-JN system uploads an electronically signed ES PD in xml format, or unsigned ES PD in .xml format, in which case, in accordance with the General Terms and Conditions of Use of the e-JN Information System, it is considered that a legally binding document has been submitted, which has the same validity as a signed one. It is desirable that the tenderer also submits signed ES PDs in pdf format, which are uploaded to the "Documents" section, "Other attachments" part. For other participants, the tenderer must attach handwritten or electronically signed ES PDs in .pdf format, or electronically signed ES PDs in .xml format to the "ES PD - other participants" section.

The economic operator must indicate in the ES PD form all information on the basis of which the Contracting Authority will obtain certificates or other information in the national database, and give consent on the form in question for the Contracting Authority to obtain this evidence and information.

In accordance with the above, the Contracting Authority itself will be included in the official records or a publicly accessible database that is based on or includes data from official records, or the unified information system referred to in the ninth paragraph of Article 77 of the Public Procurement Act-3 (hereinafter: the eDosje application), verified the data on:

a) the existence of the following reasons for exclusion:
   - criminal record (point 8.2. of this tender documentation);
   - state debtor (point 8.2. of this tender documentation);
   - collateral sanction of exclusion from public procurement procedures (point 8.2. of this tender documentation);
   - offence in the field of labour law (point 8.2. of this tender documentation);

b) fulfilment of the following conditions for participation:
   - entry in the business register (point 8.3. of this tender documentation);
   - transaction accounts that are not blocked (point 8.3. of this tender documentation).

At the request of the Contracting Authority, the tenderer must submit evidence of the non-existence of an individual reason for exclusion or fulfilment of an individual condition for participation, if the data cannot be verified in the official records or a publicly accessible database based on or including data from official records, or if the economic operator has not submitted to the Contracting Authority the data necessary to verify a criminal record in the criminal records of the Republic of Slovenia.

For the purpose of verifying the grounds for exclusion and the conditions for participation, it is sufficient to submit copies of the requested documents, unless otherwise specified for an individual ground for exclusion or condition for participation, but the Contracting Authority reserves the right to inspect the original documents. Unless otherwise specified for an individual item of evidence, the age of the document is not relevant, but it must reflect the latest status.

If, for objective reasons, an economic operator is unable to obtain and submit the required evidence, it must attach an appropriate document or documents demonstrating the absence of grounds for exclusion or the fulfilment of the conditions for participation. An economic operator that is unable to obtain and submit the required document because the country in which the economic operator is established or the individual has permanent residence does not issue such a document shall, instead of the required document, submit a sworn statement or, if this is not provided for in the country of establishment or permanent residence, a witness statement given before a competent judicial or administrative authority, a notary or a competent professional or trade organisation, in the country in which the economic operator is established or the individual has permanent residence.

The economic operator may also submit evidence of the absence of grounds for exclusion and evidence of the fulfilment of the conditions for recognition of capacity itself. The Contracting Authority reserves the right to verify the authenticity of the evidence submitted with their issuers or signatories.

The Contracting Authority may at any time during the public procurement procedure call on the tenderer to submit evidence (certificates, statements, certified sworn statements, extracts from records or registers, contracts, invoices, specifications of the goods supplied etc.) demonstrating the absence of grounds for exclusion and the fulfilment of the conditions for participation. The tenderer is obliged to submit the evidence within the deadline specified by the Contracting Authority in the call.

8.2. Grounds for exclusion

The Contracting Authority will exclude a tenderer from participation in the public procurement procedure if, during the verification in accordance with Articles 77, 79 and 80 of the ZJN-3, it establishes or is otherwise aware that any of the following grounds for exclusion exist for any economic operator in its tender:

i. Grounds related to criminal convictions

A final judgment has been pronounced against an economic entity or a person who is a member of the administrative, management or supervisory body of this economic entity or who has powers of representation or decision-making or supervision therein, which contains elements of criminal offences defined in the Criminal Code-1, which are listed in the first paragraph of Article 75 of ZJN-3 (first paragraph of Article 75 of ZJN-3).

An economic entity that is in one of the situations referred to in the first paragraph of Article 75 of ZJN-3 may, no later than the deadline for submission of tenders in accordance with the ninth paragraph of Article 75 of ZJN-3, submit evidence to the Contracting Authority that it has taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion.

Evidence (of the absence of a ground for exclusion):

- **Completed ES PD form** (Part III.A: "Grounds related to criminal convictions" and Part III.D " Purely national exclusion grounds": " Purely national exclusion grounds") for all economic operators in the tender;

ii. Grounds related to the payment of taxes or social security contributions

The economic operator fails to comply with compulsory duties and other non-tax pecuniary obligations in accordance with the law governing financial administration, collected by the tax authority in accordance with the regulations of the country in which it is established or the regulations of the Contracting Authority's country. The economic operator shall also be deemed not to comply with the obligations referred to in the previous sentence if it has not submitted all tax withholding statements for income from employment for the period of the last five years up to the deadline for submission of the tender. An economic operator shall not be excluded if, by the deadline for submitting tenders, the economic operator settles unpaid overdue liabilities amounting to EUR 50 or more and submits all tax withholding statements for income from employment for the period of the last five years by the deadline for submitting tenders (second paragraph of Article 75 of the ZJN-3).

Evidence (of the absence of a ground for exclusion):

- **Completed ES PD form** (Part III.B "Grounds related to the payment of taxes or social security contributions") for all economic operators in the tender.

iii. National ground for exclusion - record with negative references

On the date of expiry of the deadline for submission of tenders, an economic operator shall be excluded from the public procurement procedure due to being included in the register of economic operators with imposed

collateral sanctions of exclusion from public procurement procedures (point a) of the fourth paragraph of Article 75 of the ZJN-3)[1].

Evidence (of the absence of a ground for exclusion):

- **Completed ES PD form** (Part III.D "National grounds for exclusion": "Other grounds for exclusion provided for in the national legislation of the Contracting Authority's Member State") for all economic operators in the tender.

iv. National reason for exclusion – offences in the field of employment relationships and undeclared employment

In the last three years before the deadline for submission of tenders, the competent authority of the Republic of Slovenia or another Member State or a third country has established at least two infringements in relation to remuneration for work, working hours, rest periods, performance of work on the basis of civil law contracts, despite the existence of elements of an employment relationship or in relation to undeclared employment, for which a fine for an offence was imposed on it by final decision or several final decisions (point b) of the fourth paragraph of Article 75 of the ZJN-3).

An economic operator that is in one of the situations referred to in the above paragraph may, no later than the deadline for submission of tenders in accordance with the ninth paragraph of Article 75 of the ZJN-3, submit evidence to the Contracting Authority that it has taken sufficient measures to demonstrate its reliability despite the existence of grounds for exclusion.

Evidence (of the absence of a ground for exclusion):

- **Completed ES PD form** (Part III.D "Purely national exclusion grounds":"Purely national exclusion grounds") for all economic operators in the tender.

v. Grounds for exclusion – prohibition on the participation of Russian citizens and entities

An economic operator is[2]:

a) Russian citizen or a natural or legal person, entity or body established in Russia;
b) a legal person, entity or body, more than 50 % of whose shares are directly or indirectly owned by an entity referred to in the previous point; or
c) a natural or legal person, entity or body acting on behalf of or under the instructions of an entity referred to in points a) or b) of this paragraph.

A subcontractor and an entity on whose capacities the tenderer relies shall be deemed to have grounds for exclusion under this point of the tender documentation if the value of its works, services or supplies exceeds 10 % of the tender value (excluding VAT).

Evidence:

- **Statement of the absence of restrictive measures due to the activities of Russia** for all economic entities in the tender (except for a subcontractor and an entity to whose capacities the tenderer refers, if the value of its works, services or supplies is less than 10 % of the tender value (excluding VAT)).

[1] The record of economic operators with an imposed collateral sanction of exclusion from public procurement procedures is publicly available on the website https://ejn.gov.si/sistem/negativna-lista.html. The Contracting Authority will inspect the record itself.

[2] The measures are laid down in Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 111, 8.4.2022, p. 70), which is available at https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=CELEX%3A32022D0578

8.3. Conditions for participation

The Contracting Authority requires tenderers to meet the following conditions for participation:

i. Ability to pursue a professional activity

The economic entity must be entered in the professional or business register kept in the Member State in which the economic entity is established. The list of business registers in the Member States of the European Union is set out in Annex XI of Directive 2014/24/EU.

The condition must be met by each economic entity in the tender (except for natural persons who, according to the practice of the State Audit Commission, are considered subcontractors, but are not registered as sole proprietors to carry out activities).

Evidence:

- **Completed ES PD form** ("Part IV.A: Suitability, Enrolment in a relevant professional register or Enrolment in a business register") for all economic entities in the tender;
- **Extract from the register (commercial, judicial or other) showing data on the legal entity** (note: only for economic entities in the tender that are not established in the Republic of Slovenia).

The ESPD must contain all necessary information so that the Contracting Authority can verify the fulfilment of the condition in question in the official records. If such verification is not possible, the Contracting Authority reserves the right to request additional evidence from the tenderer (e.g., a copy of the business register entry etc.).

ii. Economic capacity

The tenderer has not had any transaction accounts blocked in the last 150 days from the date of publication of the contract notice and has not had any outstanding liabilities on the day before the compilation of the evidence. The tenderer is also not in a legal dispute or mediation procedure with the Contracting Authority.

The condition must be met by the tenderer and all partners in a joint tender.

Evidence:

- **Completed ES PD form** ("Part IV.B: Economic and financial standing, Other economic or financial requirements") for all economic entities in the tender; the tenderer shall enter 0.00 if it meets the condition that it has not had any of its transaction accounts blocked in the last 150 days from the date of publication of the contract notice on the Public Procurement Portal.

The contractual authority reserves the right to check the fulfilment of this condition for participation for economic entities with their registered office in the Republic of Slovenia in the online application Bisnode.si Dun&Bradstreet d.o.o. or e-Bonitete.si. Prva bonitetna agencija d.o.o. The contractual authority reserves the right to additionally request an extract from the Register of Transaction Accounts, which is maintained by the Agency of the Republic of Slovenia for Public Records and Services (AJPES) or a certificate issued by it (e.g. BON form), or a certificate issued by a payment transaction organization (bank, etc.), from which it is evident that the condition for participation is fulfilled.

The contractual authority will check the fulfilment of the condition in the part that refers to any legal disputes or mediation procedures with the contractual authority in its own records.

iii. Technical competence

a) References of the economic operator

In the last three years prior to the publication of this public contract, the tenderer has successfully (i.e., in terms of time, quantity and quality in accordance with the order or contract and applicable regulations) supplied:

1) At least one weather station, identical or comparable in accordance with the technical specifications, with components enabling the measurement of temperature, relative air humidity, wind speed, direct solar radiation, and net radiation, from the same manufacturer as the one offered under this public procurement, supplied to at least one (1) contracting authority in a value of at least 9.500 EUR excluding VAT per contracting authority (requirement applies to Lot 1);

2) At least fifty measuring devices, identical or comparable in accordance with the technical specifications, with components enabling the measurement of temperature, matric potential, pressure, EC, and water content, from the same manufacturer as the one offered under this public procurement, supplied to at least one (1) contracting authority in a value of at least 5.000 EUR excluding VAT per contracting authority. The tenderer may demonstrate fulfilment of the reference requirement by aggregating several smaller reference contracts (requirement applies to Lot 2).

The condition must be met by the tenderer. A group of tenderers may meet the condition together. The tenderer (or group of tenderers) may also meet the condition with subcontractors. The economic operator to whom the reference refers (i.e., the reference holder) must take over and perform that part of the public contract in question that is identical to the content of the reference. The service may not be performed by an economic operator that has not contributed to the fulfilment of the reference condition.

The Contracting Authority reserves the right to verify the fulfilment of the reference condition during the tender review and evaluation phase with the reference clients or other entities that have information regarding the content and success of the performance of the reference transaction. If it is determined that the reference does not demonstrate quality deliveries, such reference shall not be taken into account. The following are considered to be poor-quality deliveries: delays in deliveries, irregularities and deficiencies in the performance of deliveries (i.e., justified complaints), issuing higher invoices than agreed, causing damage to the contracting authority or third parties, etc.

Evidence:

- **Completed ESPD form** (in Part IV. C: "Technical and professional ability": "For supply contracts: performance of deliveries of the specified type") for all economic entities in the tender that contribute to the fulfilment of the condition;
- **Form "Certificate of Reference Project" completed and approved by the reference Contracting Authority** for all economic operators in the tender that contribute to the fulfilment of the condition.

9. CLARIFICATION, SUPPLEMENTATION AND AMENDMENT OF TENDERS

If the information or documentation submitted by economic operators is or appears to be incomplete or incorrect, or if individual documents are missing, the Contracting Authority may (but is not required to) request that the tenderer submit the missing documents within a reasonable time limit or supplement, correct or clarify the relevant information or documentation, provided that such a request is consistent with the principles of equal treatment and transparency.

10. FINANCIAL GUARANTEE (applies to Lot 1)

The selected tenderer shall be obliged, as a condition for the validity of the contract, to submit to the Contracting Authority an unconditional and irrevocable financial security for the proper performance of contractual obligations and for the rectification of defects during the warranty period.

The submitted financial security must be in accordance with the template provided in the tender documentation. In the case of a tender with subcontractors, the financial security shall be submitted by the main contractor, and in the case of a joint tender, by the lead partner.

The selected tenderer with whom the Contracting Authority concludes the contract guarantees the proper performance of contractual obligations and the rectification of all types of defects or irregularities in accordance with the provisions of the Obligations Code and the regulations governing the field of the subject matter of the public procurement.

If, pursuant to Article 95 of ZJN-3, the contract validity period is changed, the delivery deadline or warranty period is extended, or the value of the subject matter of the procurement or contract is changed, the selected tenderer shall accordingly amend or replace the financial security. In the event that the Contracting Authority enforces the financial security, the Contractor shall, without undue delay, submit a new financial security.

10.1 Security for the proper performance of contractual obligations and for the rectification of defects during the warranty period

The selected tenderer shall be obliged, upon signing the contract or no later than within 10 days of contract conclusion, as a condition for the validity of the contract, to submit to the Contracting Authority a promissory note declaration for the proper performance of contractual obligations and for the rectification of defects during the warranty period, together with signed and stamped blank promissory notes in paper form (both in three originals). Failure to do so shall entitle the Contracting Authority to withdraw from the contract.

The Contracting Authority's requirements regarding the financial security for the proper performance of contractual obligations and for the rectification of defects during the warranty period are set out in more detail in the draft contract.

11. CRITERIA

The award criterion for public procurement for Lot 1 and Lot 2 is the economically most advantageous tender that meets all the requirements of the contracting authority arising from this tender documentation. The contracting authority will select as the most economically advantageous tender the one offering the lowest total bid price in EUR excluding VAT.
The total tender price in EUR excluding VAT is shown in the tender form that the tenderer attaches to its bid.

In the event that the total tender price in EUR excluding VAT in two or more bids is the same, the Contracting Authority will select the tender that was submitted earlier on the e-JN portal as the most economically advantageous bid.

The tender value (in EUR) must include all costs and any discounts so that the Contracting Authority is not burdened with any other costs related to the subject of the public procurement contract. The tenderer must state the tender price in the Estimate form and the prices stated shall represent the final price. If the tenderer offers a discount, it must be included in the final tender value. When calculating the tender value, tenderers must take into account all elements that affect the calculation of the price, including mileage.

If the tenderer submitting the tender is not liable for VAT, and the Contracting Authority is obliged to charge VAT pursuant to Article 76 of the Value Added Tax Act, the Contracting Authority will take into account the tender

price excluding VAT plus the VAT that the Contracting Authority is obliged to charge as a criterion. In the event that the tenderer is not liable for VAT and the Contracting Authority is not obliged to charge VAT for the transaction that is the subject of the contract, the tender price excluding VAT will be taken into account as a criterion.

A change in the tenderer's tax status (exceeding the amount of EUR 60,000.00 in the last 12 months) before the award of the contract, until the conclusion of the framework agreement or during the implementation of the contractual obligations will not affect tender prices and the total tender value, but only the contractor's obligation in relation to the calculation and payment of VAT.

The tenderer fills in the *Tender form*.

12. TENDER DOCUMENTATION

12.1 Instructions for completing the forms

The tenderer must submit the following documentation in the tender:

1. Form "Tender form"
2. Form "ESPD" (for all economic entities in the tender)
3. Form "Certificate of reference projects" (for all economic entities in the tender that contribute to the fulfilment of the reference condition)
4. Form "Subcontractors" (the form shall be submitted only if the tenderer acts with subcontractors)
5. Form "Subcontractor's Statement of direct payments" (the form shall be submitted only for subcontractors that require direct payments)
6. Form "Statement on ownership interests and related (affiliated) companies "
7. Form "Statement of absence of personal connections"
8. Form "Statement of absence of restrictive measures due to Russia`s actions"
9. Technical documentation of the offered equipment (e.g., catalogue or prospectus material, certificates, description of equipment, photographs of the offered equipment, etc.) from which the tendered equipment and the fulfilment of the technical requirements of the Contracting Authority are evident
10. Other evidence required in the tender documentation

The tenderer must attach to the offer a precise technical specification of the tendered equipment and all other evidence, certificates and other documentation that the Contracting Authority has defined and requested in the technical specifications of the equipment (see the Contracting Authority's requirements under "Evidence"), from which the Contracting Authority will be able to determine the fulfilment of the required technical characteristics of each type of equipment, model and manufacturer of the equipment. The tenderers may also clearly mark the specified data (technical characteristics) in the documentation (e.g., by colouring them in a prominent colour or otherwise marking them). If the technical specifications are not evident from the catalogues or other descriptions, a certificate from the manufacturer shall be attached that proves the required technical characteristics of the equipment.

All documents must be duly completed and, where indicated, dated, signed by an authorized person and, if the economic operator operates with a seal, also stamped. Instead of a handwritten signature and stamp, documents may be signed with a secure electronic signature, certified by a qualified digital certificate. An exception to the above requirements applies to the draft Contract, which do not need to be completed, signed and stamped, and the tenderer agrees to its content by submitting the tender.

Unless specifically required or permitted, the economic operator may not add to, delete or change the content of the tender forms but must, if it considers that they are not appropriate, notify the Contracting Authority of

this on the Public Procurement Portal before the deadline for asking questions has expired. The tenderer may also not submit documents in the tender that are contrary to the provisions of the tender documentation.

In the event that the public contract is divided into lots, tenderers should clearly indicate in the attached technical documentation to which lot of the public contract the technical documentation refers.

A tenderer who submits the tender guarantees, under criminal and material liability, that all data and documents provided in the tender documentation are true, accurate and not misleading, that they reflect the latest situation, and that the documents correspond to the originals. The Contracting Authority may at any time during the tender verification process require the tenderer to submit the originals of the submitted documents for inspection.

Regardless of the outcome of the public procurement procedure, tenderers shall bear all costs of preparing the tender, including any other costs incurred in the procedure or in connection with the public procurement procedure. By submitting a tender, tenderers agree to the method of implementing the public procurement contract as defined in the documentation relating to the award of the public procurement contract and in accordance with applicable regulations.

The public procurement procedure shall be conducted in the Slovenian or English language. All documents submitted by the tenderer must be in Slovenian or English, or translated into Slovenian by a certified court interpreter. By way of exception, supporting documents and technical documentation may also be submitted in English.

12.2 Tender

A tenderer shall enter in the "Tender form", in addition to other data, the total tender price in EUR excluding VAT.

The subject of the tender must meet all technical and other requirements of the Contracting Authority, specified in these tender documents. The tenderer must have sufficient technical, personnel, financial and other capacities necessary for the implementation of the public contract, so that it can implement the subject of the public contract within the deadlines, under the conditions and in the manner required in the tender documents.

The tendered price must include all discounts and costs (costs of labour, consumables, required machinery and equipment, insurance, licenses, acquisition of documents and documentation, supply of equipment, freight forwarding, transport, customs, organizational, overhead, handling and all other possible costs that are directly or indirectly related to the fulfilment of the contract).

The tendered price must also include the transport of the equipment DDP (Incoterms 2020) to the Contracting authority's location, unpacking, installation of the equipment at the Contracting Authority's location, commissioning and testing of its functional operation, delivery of all technical documentation and instructions for use, operation and maintenance, handover of the equipment to the Contracting Authority, integration with the Contracting Authority's systems, training of the Contracting Authority's users and service and troubleshooting during the warranty period.

The offer must be valid **at least until 30. 9. 2026**. If the public procurement procedure takes longer than expected and it is necessary to extend the validity of the offer, the tenderer may do so on its own initiative or at the request of the Contracting Authority.

The tenderer must date the Tender form and complete it in all the spaces provided. The tenderer must tender for all items, with prices per unit of measure rounded to a maximum of two decimal places. If the tenderer does not enter an individual price or uses the "/" sign or similar, it is considered that it is not tendering for such an item, as

a result of which the Contracting Authority will reject its tender as inadmissible.

The tenderer shall upload the completed, signed and stamped tender form in a .pdf file to the " Pro-forma invoice" section in the e-JN system.

12.3 Joint tender

A group of economic operators may submit a joint tender. In such a case, all economic operators participating in the joint tender must be listed in the ESPD forms. Tenderers participating in a joint tender must indicate their role in the group on the ESPD form, with one tenderer choosing the role of lead partner. The Contracting Authority will communicate with the lead partner until the decision on the contract is made.

In the case of a joint tender, none of the tenderers may have grounds for exclusion, but the conditions for participation may be met by the tenderers together (unless a specific condition is required to be met by all partners in the joint tender or all economic operators in the tender). Each tenderer in the joint tender must separately complete and submit the ESPD form, the Statement on ownership interests and related (affiliated) companies, and the Statement of Absence of Personal connections form.

The forms Tender, Subcontractors, and the draft Contract shall be signed and stamped by the lead partner in a joint tender. Tenderers must, in their internal relationship, authorise the lead partner to sign or submit all documents listed in this paragraph. Such authorisation or authorisations do not need to be submitted in the tender documentation, but the lead partner must submit them subsequently if the Contracting Authority so requests.

In the event that a group of tenderers is selected to perform the contract in question, the Contracting Authority may require them to submit an act on the joint implementation of the contract (for example, a cooperation agreement, partnership agreement etc.), which will precisely define the tasks, rights and obligations of individual tenderers, the manner in which the Contracting Authority will settle obligations (to each tenderer separately or through the lead partner) and any authorisations for communication with the Contracting Authority. In any case, all tenderers shall be jointly and severally liable to the Contracting Authority.

12.4 Tender with subcontractors

If the tenderer will cooperate with subcontractors in the implementation of the contract, it must list all subcontractors in the ESPD form. The tenderer may subcontract part of the public contract, but not the entire contract. The tenderer must also submit a completed ESPD form in the tender for each subcontractor with whom it will cooperate in the implementation of the contract.

A tenderer who intends to perform the contract with subcontractors does not have to submit agreements or contracts with subcontractors in the tender, but it must submit them subsequently if the Contracting Authority so requests. The same applies to a case in which the tenderer uses the capacities of another entity in accordance with Article 81 of the ZJN-3.

There must be no grounds for exclusion for any of the subcontractors. The conditions for participation may be fulfilled by the tenderer or group of tenderers with subcontractors (unless an individual condition is required to be fulfilled by all partners in the joint tender or all economic entities in the tender). The absence of grounds for exclusion and the existence of conditions for participation shall be proven for subcontractors, as for other economic entities, in accordance with point 8 of these tender documents ("Establishment of capacity").

If there are grounds for exclusion for an individual subcontractor or if it does not meet the conditions for participation from these tender documents, the Contracting Authority will reject such a subcontractor and

request its replacement. The same applies to other entities whose capacities the tenderer uses in accordance with Article 81 of the ZJN-3.

All subcontractors with whom the tenderer (or group of tenderers) will cooperate in the implementation of the contract must duly complete, date, sign and stamp their ESPD form, and the tenderer must submit this form in its tender. A tenderer (or group of tenderers) who intends to subcontract part of the public procurement contract must also submit a completed, signed, dated and stamped "Subcontractors" form in their tender.

Direct payments to subcontractors are mandatory under the ZJN-3 if the subcontractor requests it. In such a case, the tenderer must enclose with the tender a completed, dated, signed and stamped form "Subcontractor's Statement on Direct Payments".

Only if the subcontractor requests direct payment in accordance with and in the manner specified in the second and third paragraphs of Article 94 of the ZJN-3 shall direct payment to the subcontractor be deemed mandatory and the obligation shall be binding on the Contracting Authority and the main contractor or supplier. When a tenderer intends to implement a public procurement contract with a subcontractor that requires direct payment in accordance with this Article, the following must be submitted:

- the main contractor or supplier must authorize the Contracting Authority in the contract to pay the subcontractor directly on the basis of an invoice or statement confirmed by the main contractor or supplier,
- the subcontractor must submit consent on the basis of which the Contracting Authority settles the subcontractor's claim against the tenderer, instead of the tenderer,
- the main contractor must attach to its invoice or statement an invoice or statement of the subcontractor that it has previously approved.

In cases where the subcontractor requires direct payments, where it is expected that these will amount to more than EUR 10,000.00 excluding VAT, the Contractor must also submit the form on participation in ownership and on affiliated companies for such a subcontractor.

13. CONFIDENTIALITY

Economic entities that become aware of confidential information or trade secrets during the public procurement procedure are obliged to protect them in accordance with regulations. Information that the economic entity justifiably marks as a trade secret will be used only for the purposes of the public procurement procedure and will not be accessible to anyone outside the circle of persons who will be included in the public procurement procedure.

An economic entity may mark as a trade secret information that is not generally known or easily accessible to persons in circles who usually deal with this type of information, has a market value and is defined as a trade secret by its internal acts. If an economic entity marks certain information as a trade secret, the Contracting Authority reserves the right to request it to submit an internal act (resolution, rulebook or similar) on the protection of trade secrets, which must specify what information must be protected as a trade secret and for what reason. The Contracting Authority will treat as confidential such information in the tender documentation that will be clearly marked as a trade secret. If only a specific item of information in a document is confidential, this fact must also be clearly indicated. The Contracting Authority will not protect the confidentiality of information that is public under applicable law.

14. WITHDRAWAL FROM AWARDING A PUBLIC PROCUREMENT CONTRACT

The Contracting Authority may suspend the public procurement procedure, reject all tenders or withdraw from the execution of the public procurement.

The Contracting Authority may, in accordance with the first paragraph of Article 90 of the Public Procurement Act-3, suspend the public procurement procedure at any time until the deadline for submitting tenders has expired. The Contracting Authority may, in accordance with the fifth paragraph of Article 90 of the Public Procurement Act-3, reject all tenders at all stages of the procedure after the deadline for opening tenders has expired. The Contracting Authority may, in accordance with the eighth paragraph of Article 90 of the Public Procurement Act-3, withdraw from the execution of the public procurement after the decision to award the contract has been made until the contract has been concluded. In none of the above cases shall the Contracting Authority be liable to economic operators for the costs incurred in connection with the preparation and submission of a tender or for any other costs or damage.

15. CONTRACT

The draft contract to be concluded by the Contracting Authority with the selected tenderer is part of these tender documents. It is desirable that the tenderer completes the draft contract with missing information in the places where this is foreseen. Tenderers are not required to date, sign and stamp the draft contract at the stage of preparation and submission of the tender.

The Contracting Authority will adjust the contract technically and substantively before concluding it, within the framework of the third paragraph of Article 67 of the ZJN-3, in a sensible manner, depending on whether the selected tenderer has submitted a joint tender, registered the participation of subcontractors etc., and forward it to the selected tenderer for signature within the period specified in the eighth paragraph of Article 90 of the ZJN-3.

If the selected tenderer does not respond within eight (8) days after being invited to sign the contract, the contracting authority may consider that the tenderer has withdrawn its bid. If the selected tenderer does not submit a financial security for the proper performance of the contract and for the rectification of defects within the agreed deadline, or submits a security with content different from that specified in this public procurement documentation, it shall be deemed that the contract has not been concluded at all. In such case, the contracting authority may require from such tenderer compensation for any additional damage incurred as a result of the selected tenderer's actions.

16. ANTI-CORRUPTION PROVISION

Any unjustified attempt by an economic operator to influence the Contracting Authority's consideration of tenders or the decision to award the contract will result in the rejection of its tender. During the tendering period, the Contracting Authority and the tenderer may not initiate or carry out actions that would predetermine the selection of a particular tender.

The Contracting Authority will reject a tender from a tenderer who attempts to obtain unjustifiably confidential information that could give it an unfair advantage in the public procurement procedure, or from a tenderer who provides misleading information that could significantly influence the decision on the public procurement.

During the period from the selection of the tender to the entry into force of the contract (with the exception of the lawful exercise of legal protection), the tenderer may not initiate actions that could cause the contract not to enter into force or not to be fulfilled. In the event of a stay of proceedings, neither party may initiate or implement proceedings that would make it more difficult to annul or amend the decision on the selection of the contractor or that would affect the impartiality of the State Audit Commission.

17. INSTRUCTION ON LEGAL PROTECTION

A request for legal protection in public procurement procedures may be filed against any conduct of the Contracting Authority in the public procurement procedure, unless ZJN-3 or the Act on Legal Protection in Public Procurement Procedures (Official Gazette of the Republic of Slovenia, Nos. 43/2011, 60/2011, 63/2013, 90/2014, 60/2017 and 72/2019; ZPVPJN) provides otherwise.

A demand for review relating to the content of the publication, the invitation to submit a tender or the tender documentation shall be filed within ten working days from the date of publication of the contract notice or receipt of the invitation to submit a tender. A request for review shall not be filed after the deadline for receipt of tenders, unless the Contracting Authority has set a deadline for receipt of tenders in the public procurement procedure that is shorter than ten working days. When the Contracting Authority changes or supplements the information in the publication, invitation to tender or tender documentation, a request for review relating to the changed, supplemented or clarified content of the publication, invitation or tender documentation or directly related information in the original publication, invitation to tender or tender documentation may be submitted within ten working days from the date of publication of the notice of additional information, information on an incomplete procedure or correction, if this notice changes or supplements the requirements or criteria for selecting the most advantageous tenderer.

An applicant shall submit a request for review via the eRevizija portal (https://www.portalerevizija.si/). The applicant of a request for review relating to the content of the publication, invitation to tender or tender documentation must pay a fee of EUR 4,000.00 before submitting the request. The applicant must attach a receipt for payment of the fee to the request for review.

The applicant must pay the fee for the pre-audit and audit procedure to the transaction account of the Ministry of Finance, number SI56 0110 0100 0358 802, opened at the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenia, SWIFT CODE: BSLJSI2X; IBAN:SI56011001000358802 – fee for the public procurement audit procedure.

For payment of fees, reference according to model 11 (i.e. 11 16110-7111290-XXXXXXLL) is used. The reference consists of three data (P1 - P2 - P3). The first and second parts of the reference, P1 and P2, are always the same and are separated by a hyphen, with the value of P1: 16110 and the value of P2: 7111290. The last, third part of the reference, P3, represents the publication number of the public procurement notice on the Public Procurement Portal. It consists of 8 digits, the first six digits being the publication number of the contract notice, and the last two digits being the year from the publication number of the public procurement.

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