

I. GENERAL

1. Information about the Contracting authority

Agencija za komunikacijska omrežja in storitve Republike Slovenije, Stegne 7, 1000 Ljubljana, Slovenija.

2. Type of procedure

The contracting authority will conduct **open procedure** in accordance with the Article 40 of the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15, 14/18, 121/21, 10/22, 74/22 – odl. US, 100/22 – ZNUZSZS, 28/23 in 88/23 – ZOPNN-F in 83/25 – ZOUL; hereinafter: ZJN-3).

3. Subject of the Public Procurement

Subject of the Public Procurement are »**Consulting, support, conduct of two auctions, and revision in the process of awarding radio frequencies in the 800 MHz, 900 MHz, 1800 MHz in 2600 MHz radio frequency bands and possible other frequency bands (for example 410 MHz, 26 GHz, 40 GHz) in 2027 and 2028, and 6 GHz band, possible 4 GHz band and other previously mentioned unallocated radio frequencies in 2028 and 2029 (hereinafter: Consulting, support, conduct of two auctions in 2028 and 2029, and revision of the radio frequency assignment process)**«.

The public procurement is divided into five (5) lots, namely::

- **Lot A:** Consulting and conduct of the auction;
- **Lot B:** Consulting in connection with auctions from including year 2020 onwards and consulting in connection with issues that will affect the position of operators;
- **Lot C:** Consulting and calculation of the reserve prices;
- **Lot D:** Testing and verification of the auction software ;
- **Lot E:** Security consulting.

The contracting authority's requirements regarding the subject matter of the contract are set out in the technical specifications, which form part of this procurement documentation.

The contracting authority has secured funds for each individual lot:

- Lot A: 850.000,00 EUR excluding VAT;
- Lot B: 487.000,00 EUR excluding VAT;
- Lot C: 322.400,00 EUR excluding VAT;
- Lot D: 122.500,00 EUR excluding VAT;
- Lot E: 64.200,00 EUR excluding VAT.

Tenders exceeding the funds available or planned by the contracting authority for an individual lot will be rejected as inadmissible.

4. Participation

Any legal or natural person registered for activities that are the subject of this public procurement and holding all required permits for the performance of such activities may participate as a tenderer in this procurement procedure.

Each tenderer may submit only one tender per lot. A tenderer who submits more than one tender within an individual lot, whether acting independently or as a partner in a joint bid, will have disqualify all tenders in which it participates within that lot disqualified. Such tenders will be excluded.

A tenderer awarded the contract for **lot A, cannot be awarded contracts in lots B and D**. If a tenderer submits tenders for both lot A and lot B and/or lot D, the contracting authority will give priority to its tender for lot A. If, according to

the award criteria, its tender in lot A is selected as the most economically advantageous, the tenders for lot B and/or lot D **will not be considered**. If, in lot A, a tender from another tenderer is selected as the most economically advantageous, the contracting authority will consider its tenders in lots B and D.

Lots C and E are independent of lots A, B and D.

4.1. Foreign tenderers

Tenderers established in a foreign country must meet the same conditions as tenderers established in the Republic of Slovenia.

Tenderers not established in the Republic of Slovenia must submit evidence of compliance with the requirements set out in point 8 of Chapter II of this procurement documentation.

If the country in which the tenderer is established does not issue the required documents referred to in points 8.1.1, 8.1.2, and 8.1.5 of Chapter II of this procurement documentation, or if such documents do not cover all cases referred to in those points, the tenderer may submit a sworn statement. If a sworn statement is not provided for in the country of establishment, the tenderer may submit a declaration made before a competent judicial or administrative authority, a notary, or a competent professional or trade organisation in the home country of the person concerned or in the country where the tenderer is established.

4.2. Subcontractors

The tenderer may perform the entire subject matter of the public contract independently or with subcontractors. In the case of performance with subcontractors, **all subcontractors (contact details and legal representatives) must be listed in the tender (FORM-1), together with the scope of the contract to be performed by each subcontractor (subject, quantity, value, place, and time of performance of the works/services). The tenderer must also submit completed ESPD forms for each subcontractor participating in the execution of the contract. The tenderer must indicate in the e-JN system that the tender includes subcontractors and must list all participating economic operators.**

The contracting authority draws tenderers' attention to the case law of the misdemeanour court and the National Review Commission, which may submit motions for prosecution to the competent court on the grounds that if a tenderer declares at the submission stage that it will not use subcontractors, but subsequently, after contract award, nominates subcontractors as the contractor, this may constitute the offence of **submitting a false declaration under point 5 of the first paragraph of Article 112 of the Public Procurement Act (ZJN-3)**. This, **may also result in the additional sanction of exclusion from public procurement procedures.**

Therefore, tenderers must be aware that the contracting authority **will verify every nomination of a new subcontractor from the perspective of potential false declarations** and, if there is a suspicion that the legal elements of an offence are met, it will take appropriate action.

The tenderer must, in its tender:

- list all subcontractors and each part of the public contract intended to be subcontracted, and provide the contact details and legal representatives of the proposed subcontractors (FORM-1);
- submit a completed, signed and stamped offer (FORM-1) from each subcontractor (each subcontractor must complete Section 1 of the form separately);
- submit completed ESPD forms for these subcontractors in accordance with Article 79 of ZJN-3; and
- submit a subcontractor's request for direct payment, if requested by the subcontractor.

If a subcontractor requests direct payment, such payment shall be deemed mandatory and binding on both the contracting authority and the main contractor.

Where the tenderer intends to perform the public contract with a subcontractor who requests direct payment, it must:

- authorise the contracting authority in the contract to make direct payments to the subcontractor on the basis of invoices or payment certificates approved by the main contractor;
- ensure that the subcontractor submits consent on the basis of which the contracting authority settles the subcontractor's claim against the contractor instead of the contractor;
- attach the subcontractor's invoice or payment certificate, previously approved by the main contractor, to the main contractor's own invoice or payment certificate.

Where direct payment to a subcontractor is not mandatory, the contracting authority shall require the main contractor to submit, no later than sixty (60) days after payment of the final invoice or payment certificate, a written statement from both the main contractor and the subcontractor confirming that the subcontractor has received payment for the services performed directly related to the subject of the public contract.

During performance of the public contract, the main contractor must notify the contracting authority of any changes to the information referred to in the first and second paragraphs of this point and provide information on any new subcontractors that it subsequently intends to involve in execution of the contract, no later than five days after such change. In the event of the inclusion of new subcontractors, the main contractor must also submit, together with the notification, the data and documents referred to in the first and second paragraphs of this point.

Where the tenderer intends to perform the public contract with a subcontractor, the subcontractor participating in performance of the **public contract must also meet the requirements** set out in points 8.1 and 8.3 of Chapter II of this procurement documentation.

The contracting authority may also reject a proposal for the replacement of a subcontractor or the inclusion of a new subcontractor if this could affect the uninterrupted performance or completion of the works, or if the new subcontractor does not meet the conditions set by the contracting authority in the procurement documentation. The contracting authority shall inform the main contractor of any rejection of a new subcontractor no later than ten days after receipt of the proposal; this time limit is indicative and does not affect the contracting authority's right to reject a subcontractor at a later stage if justified reasons exist.

The obligations set out in this point also apply to subcontractors of subcontractors of the main contractor and to further subcontractors in the subcontracting chain.

The main contractor is fully responsible for execution of the works performed by its subcontractors or subcontractors of subcontractors.

4.3. Joint tender

Groups of economic operators may submit a joint tender. In the case of a joint tender, the contracting authority will require the selected group to submit an appropriate agreement on the joint performance of the contract, which must include at least:

- identification of all members of the group (name and address of the partner, legal representative, registration number, tax number, and bank account number),
- authorisation of the lead partner within the group,
- unlimited joint and several liability of all partners in the group towards the contracting authority,
- definition of the scope of work to be undertaken and performed by each partner in the group, including the percentage share of each partner and the value of the works assigned to each partner,
- payment arrangements, either through the lead partner in the group or directly to each partner in the group,
- provisions applicable in the event of withdrawal of any partner from the group,
- dispute resolution between partners in the group,
- other rights and obligations between partners in the group,
- validity period of the legal act.

In the case where a group of tenderers submits a joint tender, the tenderer must list all participants in the joint tender in FORM-1. Each member of the group of tenderers must individually meet the requirements set out in points 8.1 and 8.2 of Chapter II of these instructions.

Where the public contract is awarded to tenderers who submitted a joint tender, changes to the members of the group during contract performance are not permitted, except in the event of bankruptcy proceedings against one of the partners. In such case, the consortium may continue without the partner subject to bankruptcy proceedings, provided that the remaining partners continue to meet the conditions that the consortium satisfied together with the excluded partner.

4.4. Use of the Capacities of Other Entities

Where appropriate and for a particular public contract, the tenderer may rely on the capacities of other entities with regard to the criteria relating to economic and financial standing as well as technical and professional ability, regardless of the legal relationship between the tenderer and those entities. With regard to criteria relating to the educational and professional qualifications of service providers and the company's managerial staff, as well as criteria relating to relevant professional experience, the tenderer may rely on the capacities of other entities only where those entities will perform the services for which such capacities are required.

Where the tenderer intends to rely on the capacities of other entities, it shall demonstrate to the contracting authority that it will have at its disposal the necessary resources, for example by submitting undertakings or commitments from those entities to that effect.

Where the entities whose capacities the tenderer intends to rely upon do not satisfy the relevant selection criteria set out in this procurement documentation or where grounds for exclusion exist in respect of such entities, the contracting authority shall require the replacement of the entity that does not meet the requirements.

Where the tenderer relies on the capacities of other entities with regard to criteria relating to economic and financial standing, the contracting authority shall require the tenderer and those entities to be jointly liable for the performance of the public contract.

Under the same conditions, a group of economic operators may rely on the capacities of participants within that group or on the capacities of other entities..

5. Clarifications Regarding the Tender Documentation

Communication with tenderers regarding questions related to the content of the public procurement procedure and the preparation of tenders shall take place exclusively via the Public Procurement Portal.

The contracting authority shall consider a request for clarification of the procurement documentation or any other question relating to the procurement procedure as submitted in due time if it is submitted via the Public Procurement Portal no later than **27 July 2026 at 10:00 a.m.**

The contracting authority shall not respond to requests for clarification or other questions relating to the procurement procedure submitted after the above deadline.

In accordance with Article 67 of the Slovenian Public Procurement Act (ZJN-3), the contracting authority may amend or supplement the procurement documentation. Such amendments and supplements shall be issued in the form of addenda to the procurement documentation. Each addendum to the procurement documentation shall become an integral part thereof. Questions and answers published on the Public Procurement Portal shall also be deemed to form part of the procurement documentation.

6. Amendments and Supplements to the Procurement Documentation

The contracting authority reserves the right to amend or supplement the procurement documentation. In the event that the contracting authority amends or supplements the procurement documentation within the time limit for the submission of tenders, such amendments or supplements shall be published on the Public Procurement Portal.

After the expiry of the deadline for the receipt of tenders, the contracting authority shall not amend or supplement the procurement documentation.

Where the contracting authority amends or supplements the procurement documentation six or fewer days before the deadline set for the submission of tenders, it shall, taking into account the scope and content of the amendments, extend the deadline for the submission of tenders accordingly.

The contracting authority shall also extend the deadline for the submission of tenders in the following cases:

- where, for any reason, additional information, although requested by the tenderer in due time, has not been provided no later than six or fewer days before the expiry of the deadline for the receipt of tenders;
- where the procurement documentation has been substantially amended later than six or fewer days before the expiry of the deadline for the receipt of tenders.

Information provided by the contracting authority to tenderers on or through the Public Procurement Portal shall be deemed to constitute an amendment, supplement, or clarification of the procurement documentation where the content of such information indicates that the documentation is being amended or supplemented, or where a clarification removes ambiguity in the procurement documentation.

Where additional information has not been requested in due time or where its relevance for the preparation of tenders is negligible, an extension of the deadline shall not be required.

Where the deadline for the receipt of tenders is extended, the rights and obligations of the contracting authority and the tenderers shall be linked to the new deadlines resulting from the extended deadline for the submission of tenders.

7. Confidentiality of Information and the Procedure

Information that the tenderer has legitimately designated as a trade secret shall be used solely for the purposes of the public procurement procedure and shall not be disclosed to any persons other than the authorised representatives of the contracting authority responsible for conducting the procurement procedure in question. The tenderer may designate information as a trade secret in accordance with the provisions of Article 2 of the Slovenian Trade Secrets Act (ZPosS, Official Gazette of the Republic of Slovenia, No. 22/19).

Notwithstanding the above, the contracting authority notes that the following information shall be deemed public: the specifications of the offered goods, services or works and the quantities set out in those specifications, the unit price, the value of each individual item, the total tender value, and all information affecting the ranking of the tender under other award criteria.

The contracting authority shall treat as a trade secret only such information for which the tenderer demonstrates the existence of all elements required under Article 2 of the Slovenian Trade Secrets Act (ZPosS, Official Gazette of the Republic of Slovenia, No. 22/19).

The contracting authority shall ensure the protection of data that, pursuant to the provisions of the law governing personal data protection or classified information, are considered personal data or classified data.

II. TENDER

1. Language

The public procurement procedure is conducted in the Slovenian language; therefore, the Slovenian version shall be considered the primary version. In the event of any discrepancy between the Slovenian and English versions of the procurement documentation, the Slovenian version shall prevail.

The tenderer may prepare the tender in either Slovenian or English.

The tenderer shall submit original supporting documents in the language in which they were issued, together with an appropriate translation into Slovenian or English.

2. Admissibility of the tender

A tender shall be considered admissible if it is submitted by a tenderer for whom there are no grounds for exclusion and who meets the conditions for participation; whose tender complies with the needs and requirements of the contracting authority as set out in the technical specifications and in the procurement documentation; which was received on time; for which no unlawful collusion or corruption has been proven; which has not been assessed by the contracting authority as abnormally low; and whose price does not exceed the contracting authority's available funds.

The tenderer must, when preparing the tender and completing the forms, take into account the instructions provided on each individual form.

The tenderer must submit the following completed documents with the tender:

- Tender (FORM-1),
- Bill of quantities / price breakdown (FORM-2A, FORM-2B, FORM-2C, FORM-2D or FORM-2E),
- Draft contract (FORM-3A, FORM-3B, FORM-3C, FORM-3D or FORM-3E),
- Completed ESPD form (FORM-4),
- Tenderer's references, confirmed by the final contracting authority of the reference project (FORM-5),
- List of project team members (FORM-6),
- References of the project manager, confirmed by the final contracting authority of the reference project (FORM-7),
- CVs of all project team members,
- Tender security for seriousness of the tender (FORM-9),
- Declaration on submission of financial guarantee for proper performance of contractual obligations (FORM-10),
- Evidence proving fulfilment of the requirements set out in point 8 of Chapter II of these instructions.

If the tenderer involves subcontractors in the performance of the contract, the following documents must also be submitted for each subcontractor:

- Tender (FORM-1) – each subcontractor submits a completed FORM-1 (each subcontractor completes Section 1 of the form),
- ESPD form (FORM-4),
- Subcontractor's request for direct payment, if the subcontractor requires it (see point 4.2 of Chapter I of this documentation),
- Subcontractor's consent based on which the contracting authority pays the subcontractor's claim against the main contractor directly, if the subcontractor requires direct payment (see point 4.2 of Chapter I of this documentation).

If the tenderer submits a joint bid, the following documents must also be submitted for each partner in the joint bid:

- Tender (FORM-1) – each partner submits a completed FORM-1 (each partner completes Section 1 of the form),
- ESPD form (FORM-4).

The tenderer should follow the above order when preparing the tender.

If the contracting authority requests submission of brochures, catalogues and/or samples, these must be delivered within the deadline set by the contracting authority; otherwise, such tenderer will be excluded from the further procurement procedure.

The contracting authority reserves the right to verify the accuracy of all data. If the contracting authority is unable to verify the data, it will not take them into account.

3. Deadline and method of submission of tenders

Tenderers must submit their tenders via the e-JN information system at <https://ejn.gov.si/>, in accordance with point 3 of the document Instructions for Using the e-JN Information System: TENDERERS (hereinafter: e-JN User Instructions), which forms part of this documentation and is published at <https://ejn.gov.si/>.

Before submitting a tender, the tenderer must register at <https://ejn.gov.si/> in accordance with the e-JN User Instructions. If the tenderer is already registered in the e-JN system, they shall log into the application at the same address.

The tenderer's user authorised in the e-JN system to submit tenders submits the tender by clicking the "Submit" button. Upon submission, the e-JN system records the user's identity and the time of submission. By submitting the tender, the user declares and confirms the intention to submit a binding offer on behalf of the tenderer (Article 18 of the Obligations Code). Once submitted, the tender is binding for the period stated in the tender, unless it is withdrawn or modified by the user before the submission deadline.

A tender is considered submitted in due time if it is received by the contracting authority via the e-JN system at <https://ejn.gov.si/> no later than **25 August 2026 at 10:00**. A tender is considered submitted when it is marked in the e-JN system with the status "SUBMITTED/ODDANA".

The tenderer may withdraw or modify its tender until the submission deadline. If the tenderer withdraws its tender in the e-JN system, it is considered not submitted and will not be visible to the contracting authority. If the tenderer modifies its tender in the e-JN system, the latest submitted version will be available to the contracting authority.

After the submission deadline, it will no longer be possible to submit or withdraw tenders.

Access to the link for submitting electronic tenders in this procurement procedure is provided via the link specified in the contract notice.

4. Documents in the Tender

The age of documents must not exceed the period specified by the individual provisions of this documentation. In cases where the age of documents is not specified, they must demonstrate the legally relevant status of the tenderer as of the date set for the submission of tenders.

5. Permissible Supplementation of the Tender

If the information or documentation that the bidder is required to submit is found to be incomplete or incorrect, or if certain documents are missing, the contracting authority may request (but is not obliged to do so) that the bidder submit the missing documents or supplement, correct, or clarify the relevant information or documentation within an appropriate deadline, provided that such a request is fully in accordance with the principles of equal treatment and transparency.

The contracting authority shall request a supplement, correction, amendment, or clarification of the tenderer's tender only when it cannot verify a certain fact on its own. The submission of missing documents or the supplementation, correction, or clarification of information or documentation may relate exclusively to those elements of the tender whose existence prior to the expiry of the deadline for submission of tender can be objectively verified.

If the tenderer fails to submit the missing documents or fails to supplement, correct, or clarify the relevant information or documentation, the contracting authority shall exclude that tenderer's tender.

Except where it concerns the correction or supplementation of an obvious error, provided that such correction or supplementation does not in fact result in the submission of a new tender, the tenderer may not supplement or correct:

- its unit price excluding VAT, the value of an item excluding VAT, or the total tender value excluding VAT, except where the total value is amended in accordance with the seventh paragraph of Article 89 of ZJN-3 and in relation to tenders within the award criteria,
- any part of the tender relating to the technical specifications of the subject matter of the public procurement.

Notwithstanding the preceding paragraph, the contracting authority may, with the written consent of the tenderer, correct arithmetic errors identified during the examination and evaluation of tenders. In doing so, neither the quantity nor the unit price excluding VAT may be changed.

If, during the examination and evaluation of tenders, it is established that an arithmetic error has occurred due to an incorrectly predefined mathematical operation by the contracting authority, the contracting authority may, with the written consent of the tenderer, correct the arithmetic error by recalculating the tender value, taking into account the unit prices excluding VAT and the quantities offered by the tenderer, and applying the correct mathematical operation.

Notwithstanding the preceding paragraph, the contracting authority may, with the written consent of the tenderer, correct an incorrectly stated VAT rate to the correct rate.

6. Submission of misleading information

The contracting authority shall submit a proposal to the State Review Commission for the initiation of misdemeanour proceedings:

- in the event that the contracting authority has reasonable grounds to suspect that a tenderer, in the public procurement procedure, submitted a false declaration or a forged or altered document as genuine, in accordance with paragraph 11 of Article 89 of ZJN-3,
- if the lead tenderer fails to act in accordance with Article 94 of ZJN-3.

7. Costs of preparing the tender

Tenderers shall bear all costs associated with the preparation and submission of their tender, including the costs of brochures, catalogues and other promotional material, where requested by the contracting authority. Under no circumstances shall the contracting authority be liable for any costs or damages arising from such expenses, irrespective of the course of the public procurement procedure or the final selection of the successful tenderer.

8. Mandatory requirements

The tenderer shall satisfy all requirements specified in this Procurement Documentation. The type of evidence required to demonstrate compliance with each requirement is specified immediately after the relevant requirement.

Instead of certificates issued by public authorities or third parties, the contracting authority shall accept the European Single Procurement Document (ESPD) as preliminary evidence. Where the tenderer relies on the capacities of other entities, the ESPD shall also contain the required information relating to those entities.

If the country in which the tenderer is established does not issue the evidence referred to in Sections 8.1.1 to 8.1.5 of Chapter II of this Procurement Documentation, or if such evidence does not cover all circumstances referred to therein, the tenderer may submit a sworn statement. Where sworn statements are not provided for under the law of the country in which the tenderer is established, the tenderer may submit a declaration made before a competent judicial or administrative authority, a notary public, or a competent professional or trade body in the country of origin or the country in which the tenderer is established.

The contracting authority may, at any stage of the procurement procedure, request tenderers to submit all or part of the supporting documents relating to the statements made in the ESPD.

Before awarding the public contract, the contracting authority may require the tenderer to whom it intends to award the contract to submit the most recent supporting documents demonstrating compliance with all requirements set out in this Procurement Documentation. The contracting authority reserves the right to request tenderers to supplement or clarify the submitted certificates or other supporting documents.

Information contained in official registers, where the tenderer has not submitted supporting evidence, may be verified by the contracting authority through the national information system, provided that the tenderer has demonstrably authorised such verification.

The tenderer shall not be required to submit supporting documents where the contracting authority can obtain the relevant certificates or information free of charge through direct access to a national database of any Member State, such as a national public procurement register, a business register, an electronic document repository or a pre-qualification system. The tenderer shall likewise not be required to submit supporting documents where the contracting authority already possesses such documents from a previous public procurement procedure or an existing contract, provided that the documents remain valid and continue to demonstrate the statements contained in the ESPD.

Where the contracting authority can obtain supporting documents directly from a database, the ESPD shall also include the information required for that purpose, in particular the internet address of the database, identification details where necessary, and the tenderer's consent authorising the contracting authority to obtain such documents.

The contracting authority shall assess the capability of tenderers on the basis of compliance with the following requirements:

8.1. Basic capability of the tenderer (grounds for exclusion)

The tenderer shall submit all supporting documents listed below in the Slovenian language. Where the tenderer is a foreign entity, all supporting documents and required forms may be submitted in the English language.

By submitting the supporting documents for a particular Lot, the tenderer shall be deemed to be submitting a tender for both auctions within that lot.

- 8.1.1. The contracting authority shall exclude an economic operator from participation in the public procurement procedure if, during verification pursuant to Articles 77, 79 and 80 of the Public Procurement Act (ZJN-3), it determines, or is otherwise aware, that the tenderer, or a member of its administrative, management or supervisory body, or any person having powers of representation, decision-making or control within that economic operator, **has been the subject of a final criminal conviction** for any of the criminal offences specified in the Criminal Code (Official Gazette of the Republic of Slovenia Nos. 50/12, 6/16, 54/15, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21 and 105/22), or for equivalent criminal offences determined by foreign courts and referred to in Article 75(1) of ZJN-3.

Evidence: By the deadline for submission of tenders, the tenderer shall submit: **1)** the ESPD (Part III – Grounds for Exclusion, Section A – Grounds relating to criminal convictions), submitted electronically or signed in PDF format for all economic operators included in the tender. **An economic operator established in a foreign country may already submit criminal record** certificates together with its tender. Such certificates shall not be older than four (4) months from the deadline for submission of tenders.

Where such evidence is not submitted by the deadline for submission of tenders, the contracting authority shall request the highest-ranked tenderer to submit official supporting documents proving compliance with this requirement.

- 8.1.2. The contracting authority shall exclude an economic operator if, during verification pursuant to Articles 77, 79 and 80 of ZJN-3, it determines that the tenderer has failed to fulfil **obligations relating to taxes or other compulsory financial obligations** in accordance with the legislation governing the financial administration of the country in which the tenderer or the contracting authority is established. An economic operator shall also be deemed not to have fulfilled these obligations where it has failed to

submit all required withholding tax returns relating to employment income for the five-year period preceding the deadline for submission of tenders or requests to participate.

Evidence: The tenderer shall submit: **1)** the ESPD (Part III – Grounds for Exclusion, Section B – Grounds relating to the payment of taxes or social security contributions). submitted electronically or signed in PDF format for all economic operators included in the tender.

An economic operator with its registered office in a foreign country may submit the supporting documents already upon submission of the tender

Where such evidence is not submitted, the contracting authority shall obtain the necessary documents from the highest-ranked tenderer.

- 8.1.3. The contracting authority shall exclude an economic operator where **insolvency proceedings, compulsory winding-up, liquidation proceedings** or equivalent proceedings have been initiated against that operator, where its assets or business activities are administered by a liquidator or a court, where its business activities have been suspended, or where an equivalent legal situation exists under the laws of another country.

Evidence: The tenderer shall submit: **1)** the ESPD (Part III – Grounds for Exclusion, Section C – Grounds relating to insolvency, conflicts of interest or professional misconduct). submitted electronically or signed in PDF format for all economic operators included in the tender.

Foreign economic operators may submit the relevant evidence together with their tender.

- 8.1.4. The contracting authority shall exclude an economic operator if, on the deadline for submission of tenders or requests to participate, the economic operator has been excluded from public procurement procedures by virtue of being entered in **the register of economic operators subject to the ancillary sanction of exclusion from public procurement procedures**.
- 8.1.5. The contracting authority shall exclude an economic operator where, during the three-year period preceding the deadline for submission of tenders, the competent authority of the Republic of Slovenia, another Member State or a third country has established at least two infringements relating to remuneration, working time, rest periods, the performance of work under civil law contracts where an employment relationship existed in substance, or illegal employment, for which the economic operator has been **fined by** one or more final administrative or **judicial decisions**.

Foreign economic operators may submit supporting evidence together with their tender.

Evidence: The tenderer shall submit: **1)** the ESPD (Part III – Grounds for Exclusion, Section D – Purely national grounds for exclusion) submitted electronically or signed in PDF format for all economic operators included in the tender.

8.2. Technical and/or professional capability

The tenderer shall submit all supporting documents listed below in the Slovenian language. Where the tenderer is a foreign entity, all supporting documents and required forms may be submitted in the English language only. Where the tenderer submits tenders for more than one Lot, it shall indicate on the required forms the Lot(s) for which the tender is submitted and complete a separate set of forms for each Lot.

By submitting supporting documents for a particular Lot, the tenderer shall be deemed to be submitting a tender for both auctions within that Lot.

For lot A:

- 8.2.1. The tenderer shall demonstrate at least two (2) references showing that, during the six (6) years preceding the deadline for submission of tenders, it has experience in managing and implementing complex electronic auctions of radio frequency spectrum for a European or United States electronic communications regulator or the ministry responsible for electronic communications. The references shall relate to multi-round, multi-band electronic auctions involving more than ten (10) lots, including the preparation of auction rules and consultancy relating to the implementation of such auctions. The

value of each reference contract shall be at least EUR 150,000 excluding VAT. Only successfully completed reference contracts shall be accepted. A successfully completed reference contract shall mean a contract in which all services relevant to demonstrating the required experience were completed within the contractual period and formally accepted by the final contracting authority. Where the reference contract formed part of a broader contract or a multi-phase project, an individual completed phase or auction may also be accepted as a completed reference contract, provided that it independently satisfies all requirements of this section, including the minimum contract value. Completion of the reference contract shall not require the conclusion of any administrative, review or judicial proceedings that are unrelated to the contractor's services. It shall be sufficient that the services demonstrating the required experience have been completed and accepted.

Evidence: The tenderer shall submit:

- 1) the ESPD (Part IV – Selection Criteria, Section C – Technical and Professional Ability), submitted electronically or signed in PDF format for all economic operators included in the tender, and
- 2) reference certificates confirmed by the final contracting authority of the reference contract (FORM-5). For the purposes of this requirement, the final contracting authority shall mean the actual end user of the reference contract.

8.2.2. The tenderer shall demonstrate that it possesses sufficient professional capacity to perform the public contract by identifying at least two (2) experts in radio frequency assignment auctions in the Project Team Members List (FORM-6). One of those experts shall be designated as Project Manager. The tenderer shall submit the Project Manager's curriculum vitae demonstrating at least four (4) years of professional experience in radio frequency spectrum auctions for a European or United States electronic communications regulator or the ministry responsible for electronic communications. The curriculum vitae of the remaining project team members shall demonstrate at least two (2) years of professional experience in the same field.

8.2.3. The tenderer shall submit at least two (2) references for the Project Manager using FORM-7 demonstrating that, during the six (6) years preceding the deadline for submission of tenders, the Project Manager led a project involving the implementation of a complex electronic radio frequency spectrum auction. The value of each reference contract shall be at least EUR 150,000 excluding VAT. Only successfully completed reference contracts shall be accepted. A successfully completed reference contract shall mean a contract in which all services relevant to demonstrating the required experience were completed within the contractual period and formally accepted by the final contracting authority. Where the reference contract formed part of a broader contract or a multi-phase project, an individual completed phase or auction may also be accepted as a completed reference contract, provided that it independently satisfies all requirements of this section, including the minimum contract value. Completion of the reference contract shall not require the conclusion of any administrative, review or judicial proceedings that are unrelated to the contractor's services. It shall be sufficient that the services demonstrating the required experience have been completed and accepted

Evidence: The tenderer shall submit:

- 1) the ESPD (Part IV – Selection Criteria, Section C – Technical and Professional Ability), submitted electronically or signed in PDF format for all economic operators included in the tender,
- 2) the Project Team Members List (FORM-6),
- 3) the Project Manager's references confirmed by the final contracting authority of the reference contract (FORM-7), demonstrating compliance with the requirements of Section 8.2.2. For the purposes of this requirement, the final contracting authority shall mean the actual end user of the reference contract,
- 4) the curriculum vitae (CVs) of all project team members listed in FORM-6, demonstrating the experience and qualifications required under the preceding section.

For lot B:

- 8.2.4. The tenderer must demonstrate that it holds a valid registration for carrying out the activity that is the subject of this public procurement procedure (consultancy services in the field of mobile telephony and/or regulation), in accordance with the regulations of the Member State in which the activity is registered concerning entry in the professional register or commercial register.

Evidence: By the tenders submission deadline, the tenderer must submit.

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format, and
- 2) evidence that it holds a valid registration for carrying out the activity that is the subject of this public procurement procedure (consultancy services in the field of mobile telephony and/or regulation). If the country in which the tenderer has its registered office does not issue the required evidence, the tenderer may submit a sworn statement by witnesses or a sworn statement by the tenderer's legal representative. Such statement must be made before a judicial or administrative authority, a notary public, or a competent professional or trade body in the country in which the tenderer has its registered office.

- 8.2.5. The tenderer must demonstrate that neither it, nor any partner in a joint tender, subcontractor, entity whose capacities it relies upon, nor any appointed consultant or member of the project team will provide advisory services to potential participants in the auction in the Republic of Slovenia in relation to the assignment of radio frequencies in the 410 MHz, 800 MHz, 900 MHz, 1800 MHz, 2600 MHz, 3.8–4 GHz, 6 GHz, 26 GHz or 40 GHz frequency bands during the period from the publication of this public procurement procedure until completion of the performance of the subject matter of the public procurement.

For the purposes of this requirement, advisory services shall mean any professional assistance, analysis, preparation of documents, strategies or other supporting materials relating to the preparation for or participation of an entity in the procedure for the assignment of the above radio frequencies in the Republic of Slovenia. A potential auction participant shall mean an economic operator providing public mobile communications networks or services in the Republic of Slovenia, a holder of relevant radio frequencies in the Republic of Slovenia, an entity that has expressed interest to the contracting authority in the assignment of the relevant frequency bands, and their affiliated companies, where the advisory services relate to participation in the procedure for the assignment of radio frequencies in the Republic of Slovenia.

The tenderer must submit a signed declaration confirming the absence of the above circumstances. The declaration must also be signed by all partners in a joint tender, subcontractors, entities whose capacities the tenderer relies upon, and the appointed consultants or members of the project team.

The contracting authority may request additional explanations and evidence in order to verify the accuracy of the declaration. By submitting a tender, the tenderer undertakes that the above entities and persons will not provide such advisory services until completion of the contract, or at the latest until completion of the performance of the subject matter of the public procurement, and that it will immediately notify the contracting authority of any actual or potential conflict of interest. Any false or misleading declaration, or any conflict of interest that cannot be effectively remedied, shall constitute grounds for rejection of the tender or termination of the contract.

Evidence: By the tenders submission deadline, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format, and
- 2) the tenderer's own declaration, signed and stamped.

- 8.2.6. The tenderer must demonstrate that it has sufficient personnel resources to perform the public contract by identifying at least one (1) consultant with experience in the regulation of radio frequency spectrum and wireless communications market regulation in the list of project team members (FORM-6), and by

submitting the curriculum vitae of that consultant, from which it must be evident that the consultant has at least four (4) years of the required experience. For the remaining members of the project team, the tenderer must submit curricula vitae demonstrating that they each have at least two (2) years of professional experience in the same field.

- 8.2.7. The tenderer must submit at least one (1) reference for the consultant using FORM-7 demonstrating that, within the last six (6) years prior to the tender submission deadline, the consultant participated in a project for a European regulatory authority or a ministry responsible for electronic communications, and at least one (1) reference using FORM-7 demonstrating that the consultant participated in a mobile services project related to a frequency auction for public mobile services for an operator in the public mobile communications sector. Both required references must relate to projects concerning the 700 MHz, 800 MHz or 900 MHz frequency bands. Only references for successfully completed projects shall be taken into account. A successfully completed reference project shall mean a reference project in which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference project was performed under a broader contract or a multi-phase project, an individual completed phase or an individual completed auction may also be considered a completed project, provided that it independently satisfies all the requirements of this point, including the required value of the reference project. Completion of the reference project shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the tenders submission deadline, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format,
- 2) the list of project team members (FORM-6),
- 3) the curriculum vitae (CV) of the consultant demonstrating the experience required under Section 8.2.7, and
- 4) references confirmed by the final client of the reference project (FORM-7), demonstrating compliance with the requirements set out in Section 8.2.7. For the purposes of these requirements, the final client of the reference project shall mean the actual end user of the reference project.

For lot C:

- 8.2.8. The tenderer must demonstrate that it holds a valid registration for carrying out the activity that is the subject of this public procurement procedure (consultancy services in the field of mobile telephony and/or regulation and/or business consultancy and/or market research), in accordance with the regulations of the Member State in which the activity is registered concerning entry in the professional register or commercial register.

Evidence: By the tenders submission deadline, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format, and
- 2) evidence that it holds a valid registration for carrying out the activity that is the subject of this public procurement procedure (consultancy services in the field of mobile telephony and/or regulation and/or business consultancy and/or market research). If the country in which the tenderer has its registered office does not issue the required evidence, the tenderer may submit a sworn statement by witnesses or a sworn statement by the tenderer's legal representative. Such statement must be made before a judicial or administrative authority, a notary public, or a competent professional or trade body in the country in which the tenderer has its registered office.

- 8.2.9. The tenderer must demonstrate at least two (2) references proving that, within the last six (6) years prior to the tenders submission deadline, it has experience in radio frequency spectrum valuation and/or the calculation of reserve prices for radio frequency spectrum for a European or U.S. electronic communications regulator or a ministry responsible for electronic communications. The value of each

reference project must be at least EUR 50,000 excluding VAT. Only references relating to successfully completed projects shall be considered. A successfully completed reference project shall mean a project in which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference project was performed under a broader contract or a multi-phase project, an individual completed phase or an individual completed auction may also be considered a completed project, provided that it independently satisfies all the requirements of this point, including the required value of the reference project. Completion of the reference project shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the tenders submission deadline, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format, and
- 2) references confirmed by the final client of the reference project (FORM-5), demonstrating compliance with the requirements set out in Section 8.2.9. For the purposes of these requirements, the final client of the reference project shall mean the actual end user of the reference project.

- 8.2.10. The tenderer must demonstrate at least one (1) reference from a European or U.S. electronic communications regulator or a ministry responsible for electronic communications proving that, within the last six (6) years prior to the tenders submission deadline, it has knowledge and experience in the field of competition in the electronic communications market. The value of the reference project must be at least EUR 10,000 excluding VAT. Only references relating to successfully completed projects shall be taken into account. A successfully completed reference project shall mean a project in which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference project was performed under a broader contract or a multi-phase project, an individual completed phase or an individual completed auction may also be considered a completed project, provided that it independently satisfies all the requirements of this point, including the required value of the reference project. Completion of the reference project shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the tenders submission deadline, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format, and
- 2) references confirmed by the final client of the reference project (FORM-5), demonstrating compliance with the requirements set out in Section 8.2.10. For the purposes of these requirements, the final client of the reference project shall mean the actual end user of the reference project.

- 8.2.11. The tenderer must demonstrate that it has sufficient personnel resources to perform the public contract by identifying at least one (1) expert in the field of radio frequency spectrum valuation (FORM-6). One of the listed members of the project team must be designated as the project team leader, for whom the tenderer must submit a curriculum vitae demonstrating at least four (4) years of professional experience in radio frequency spectrum valuation and/or the calculation of reserve prices for radio frequency spectrum for a European or U.S. electronic communications regulator or a ministry responsible for electronic communications. For the remaining members of the project team, the tenderer must submit curricula vitae demonstrating that they each have at least two (2) years of professional experience in the same field.

- 8.2.12. The tenderer must submit at least one (1) reference for the project team leader using FORM-7, demonstrating that, within the last six (6) years prior to the tenders submission deadline, the project team leader managed a radio frequency spectrum valuation project and/or a project for calculating reserve prices for radio frequency spectrum for a European or U.S. electronic communications regulator or a ministry responsible for electronic communications. The value of the reference project must be at least EUR 50,000 excluding VAT. Only references relating to successfully completed projects shall be taken into account. A successfully completed reference project shall mean a project in which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference project was performed under a broader contract or a multi-phase project, an individual completed phase or an individual completed auction may also be considered a completed project, provided that it independently satisfies all the requirements of this point, including the required value of the reference project. Completion of the reference project shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the tenders submission deadline, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted either electronically or signed in .pdf format,
- 2) the list of project team members (FORM-6),
- 3) references for the project team leader confirmed by the final client of the reference project (FORM-7), demonstrating compliance with the requirements set out in Section 8.2.12,
- 4) curricula vitae (CVs) of all project team members listed in the project team members list (FORM-6), demonstrating the experience and qualifications required under Section 8.2.12.

For lot D:

- 8.2.13. The tenderer must demonstrate at least two (2) references proving that, within the last six (6) years prior to the deadline for submission of tenders, it has performed testing and/or verification of software for conducting an electronic auction for an electronic communications regulator. The value of each reference contract must be at least EUR 10,000 excluding VAT. Only references relating to successfully completed contracts shall be taken into account. A successfully completed reference contract shall mean a reference contract under which all services relevant for demonstrating the reference were completed within the contractual deadline and confirmed and/or accepted by the final contracting authority. If the reference contract was performed as part of a broader contract or a multi-phase project, an individual completed phase or an individual auction that has been completed and confirmed by the final contracting authority may also be considered a completed contract, provided that it independently fulfils all the requirements of this point, including the required value of the reference contract. The completion of a reference contract shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the deadline for submission of tenders, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted electronically or signed in .pdf format, and
 - 2) references confirmed by the final contracting authority of the reference contract (FORM-5), demonstrating compliance with the requirements set out in point 8.2.13. The final contracting authority of the reference contract shall mean the final actual beneficiary of the reference contract.
- 8.2.14. The tenderer must have sufficient personnel capacity to perform the public contract, which shall be demonstrated by specifying at least one (1) expert who, within the last six (6) years prior to the deadline for submission of tenders, has performed testing and/or verification of software for conducting an electronic auction (FORM-6). One of the listed members of the project team must be the project team leader, for whom the tenderer must submit a curriculum vitae demonstrating at least four (4) years of

professional experience in the field of testing and/or verification of software for conducting electronic auctions. For the remaining members of the project team, the tenderer must submit curricula vitae demonstrating at least two (2) years of professional experience in the same field.

- 8.2.15. The tenderer must submit at least one (1) reference for the project team leader using FORM-7, demonstrating that, within the last six (6) years prior to the deadline for submission of tenders, the project team leader performed verification of software for conducting a complex electronic auction of radio frequency spectrum. The value of the reference contract must be at least EUR 10,000 excluding VAT. Only references relating to successfully completed contracts shall be taken into account. A successfully completed reference contract shall mean a reference contract under which all services relevant for demonstrating the reference were completed within the contractual deadline and confirmed and/or accepted by the final contracting authority. If the reference contract was performed as part of a broader contract or a multi-phase project, an individual completed phase or an individual auction that has been completed and confirmed by the final contracting authority may also be considered a completed contract, provided that it independently fulfils all the requirements of this point, including the required value of the reference contract. The completion of a reference contract shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the deadline for submission of tenders, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted electronically or signed in .pdf format,
- 2) the list of project team members (FORM-6),
- 3) references for the project team leader, confirmed by the final contracting authority of the reference contract (FORM-7), demonstrating compliance with the requirements set out in point 8.2.15.,
- 4) curricula vitae (CVs) of all project team members listed in the project team member list (FORM-6), demonstrating the experience and requirements specified in the preceding paragraph.

For lot E:

- 8.2.16. The tenderer must demonstrate at least one (1) reference proving that, within the last six (6) years prior to the deadline for submission of tenders, it has experience in providing security consulting services for projects requiring the prevention of eavesdropping and information leakage. Only references relating to successfully completed contracts shall be taken into account. A successfully completed reference contract shall mean a reference contract under which all services relevant for demonstrating the reference were completed within the contractual deadline and confirmed and/or accepted by the final contracting authority. If the reference contract was performed as part of a broader contract or a multi-phase project, an individual completed phase or an individual auction that has been completed and confirmed by the final contracting authority may also be considered a completed contract, provided that it independently fulfils all the requirements of this point, including the required value of the reference contract. The completion of a reference contract shall not require the final conclusion of any administrative, review or judicial proceedings that are not part of the contractor's services; rather, the service by which the tenderer demonstrates the required experience must have been completed and accepted.

Evidence: By the deadline for submission of tenders, the tenderer must submit:

- 1) the ESPD form (Part IV: Selection Criteria, Section C: Technical and Professional Ability), submitted electronically or signed in .pdf format, and
- 2) a reference confirmed by the final contracting authority of the reference contract (FORM-5), demonstrating compliance with the requirements set out in point 8.2.16. The final contracting authority of the reference contract shall mean the final actual beneficiary of the reference contract.

9. Mandatory requirements

The contracting authority shall reject inadmissible tenders.

The contracting authority shall exclude an economic operator from the public procurement procedure at any stage of the procedure if it is established that, before or during the public procurement procedure, that entity is, with regard to acts committed or omitted, in one of the situations referred to in points 8.1.1, 8.1.2, 8.1.3, 8.1.4 and 8.1.5 of Section 8.1 of Chapter II of these procurement documents. The contracting authority may also exclude an economic operator at any stage of the procedure if it is established that, before or during the public procurement procedure, that entity is, with regard to acts committed or omitted, in one of the situations referred to in the sixth paragraph of Article 75 of the Slovenian Public Procurement Act (ZJN-3).

An economic operator that is in one of the situations referred to in point 8.1.1 of Section 8.1 of Chapter II of these procurement documents may submit evidence to the contracting authority demonstrating that it has taken sufficient measures to prove its reliability despite the existence of grounds for exclusion. Such measures shall include payment or an undertaking to pay compensation for any damage caused by the criminal offence or infringement, active cooperation with the investigating authorities in order to fully clarify the facts and circumstances, and the adoption of specific technical, organisational and personnel measures appropriate to prevent further criminal offences or infringements. This shall not apply to an economic operator that has been excluded from participation in public procurement procedures or concession award procedures on the basis of a final court judgment or decision on a minor offence that has effect in the Republic of Slovenia.

10. Tender price and pro-forma invoice (FORM-2A, FORM-2B, FORM-2C, FORM-2D and FORM-2E)

The tenderer shall complete all items in the pro-forma invoice (FORM-2A, FORM-2B, FORM-2C, FORM-2D and FORM-2E). If the tenderer does not enter a price for an individual item, it shall be deemed that the price for that item is EUR 0.00 and that the item is offered free of charge.

If the tenderer enters the symbol "0", "/", "—" or another symbol of equivalent meaning instead of a price for an individual item, the missing price shall be deemed to be EUR 0.00 and the item shall be deemed to be offered free of charge.

The tenderer may not alter the contents of the pro-forma invoice.

The quantity of 1 for items to be performed based on the actual needs of the contracting authority has been determined solely for the purpose of ensuring comparability of tenders and evaluation, while the actual scope of work will depend on the contracting authority's needs and orders during the contract implementation phase.

The tenderer shall state the total final price in EUR excluding VAT in its tender. The final price shall include all costs, discounts and rebates affecting the formation of the tender price. The VAT rate and the amount of VAT shall be stated separately.

In the e-JN system, the tenderer shall enter the total tender amount excluding VAT in EUR and the VAT amount in EUR in the designated fields under the section "Total tender value". The amount including VAT in EUR shall be calculated automatically. In the "Pro-forma invoice" section, the tenderer shall upload the file in Word, Excel or PDF format. The "Total tender value" entered in the relevant section and the document uploaded under the "Pro-forma invoice" section shall be visible and accessible at the public opening of tenders.

In the event of discrepancies between the data entered in the "Total tender value" section and the document submitted under the "Pro-forma invoice" section, the data contained in the document submitted under the "Pro-forma invoice" section shall prevail.

If, in addition to the prices entered in the "Total tender value" section or in the "Pro-forma invoice" form, the tenderer submits other tender documents containing tender prices, the contracting authority shall disregard such entries and shall consider the prices entered in the "Pro-forma invoice" section to be binding.

If the contracting authority identifies obvious arithmetic errors during the examination and evaluation of tenders, it shall proceed in accordance with paragraph seven of Article 89 of the Slovenian Public Procurement Act (ZJN-3).

11. Award criteria

The award criterion for all lots shall be the most economically advantageous tender, as specified below.

For **lot E**, the award criterion shall be the most economically advantageous tender, namely the total tender price offered.

For **lots A, B, C and D**, the award criterion shall be the most economically advantageous tender, consisting of the following criteria:

11.1. Tender price (P) for Lots A, B, C and D = 30 points

Under this criterion, points shall be awarded according to the tender price offered for the respective Lot A, B, C or D for the performance of the subject matter of the public contract in accordance with the description set out in the technical specifications forming part of these procurement documents. The tender price shall include all costs of the tenderer.

The number of points awarded under this criterion shall be calculated (using the formula below) as the ratio between the lowest tender price and the tender price under evaluation for the respective Lot A, B, C or D. The resulting number shall be multiplied by 30 and rounded to one decimal place. The tenderer offering the lowest price shall receive **30 points**.

$$P = (P_{\min}/P_x) \times 30$$

P = number of points for the "Tender price" criterion

P_{min} = lowest price under the "Tender price" criterion

P_x = tender price of the tender under evaluation

11.2. Additional references of the project manager for lot A (RA) = 70 points

Under this criterion, points shall be awarded according to the additional number of references of the project manager listed in FORM-6 and relating to the requirements set out in point 8.2.2 of Chapter II of the Instructions to Tenderers for the Preparation of Tenders contained in these procurement documents. Each additional reference relating to managing a project for the implementation of a complex electronic auction of radiofrequency spectrum for a European or American electronic communications regulator or a ministry responsible for electronic communications, in addition to the requirement laid down in point 8.2.2 of these procurement documents, shall be awarded 10 points. **A maximum of seven (7) additional references relating to managing a project for the implementation of a complex electronic auction of radiofrequency spectrum for a European or American electronic communications regulator or a ministry responsible for electronic communications shall be taken into account**, irrespective of the number of additional references submitted by the tenderer. Accordingly, the tenderer may obtain a maximum of 70 points under criterion 11.2.

Method of proof: The tenderer shall submit the additional references of the project manager together with the tender by the tender submission deadline using the Project Manager References form, confirmed by the final client of the reference project (FORM-7). A tenderer that fails to submit the additional references, or whose references are not duly confirmed by the final client of the reference project, shall not be awarded points for such references. The contracting authority shall not specifically request the tenderer to submit additional references of the project manager and shall deem that the tenderer has no such additional references; accordingly, they shall not be taken into account in the evaluation of the tender. Only additional references relating to successfully completed reference contracts shall be taken into account. A successfully completed reference contract shall mean a reference contract under which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference contract was performed as part of a broader contract or a multi-phase project, a completed and confirmed individual phase or individual auction may also be considered a completed reference contract, provided that it independently satisfies all the requirements set out in this point, including the required value of the reference contract. For the purposes of demonstrating the reference, the reference contract

shall not be required to be finally concluded in terms of any administrative, review or judicial proceedings that are not related to the contractor's services; rather, it shall be sufficient that the service relied upon by the tenderer to demonstrate the required experience has been completed and accepted.

11.3. Additional references of the project manager for lot B (RB) = 70 points

Under this criterion, points shall be awarded based on the additional number of references of the project manager listed in FORM-6, relating to the requirements set out in point 8.2.7 of Chapter II of the Instructions to Tenderers for the Preparation of Tenders contained in these procurement documents. Each additional reference relating to participation in a project for a European regulator or a ministry responsible for electronic communications, or in a mobile services project related to the auction of frequencies for public mobile services at a public mobile communications operator, concerning the 700 MHz, 800 MHz or 900 MHz frequency bands, and which is additional to the requirements set out in point 8.2.5 of these procurement documents, shall be awarded 10 points. **A maximum of seven (7) additional references relating to participation in a project for a European regulator, a ministry responsible for electronic communications or a public mobile communications operator shall be taken into account**, irrespective of the number of additional references submitted by the tenderer. Accordingly, the tenderer may obtain a maximum of **70 points** under criterion 11.3.

Method of proof: The tenderer shall submit the additional references of the project manager together with the tender by the tender submission deadline using the Project Manager References form, confirmed by the final client of the reference project (FORM-7). A tenderer that fails to submit the additional references, or whose references are not duly confirmed by the final client of the reference project, shall not be awarded points for such references. The contracting authority shall not specifically request the tenderer to submit additional references of the project manager and shall deem that the tenderer has no such additional references; accordingly, they shall not be taken into account in the evaluation of the tender. Only additional references relating to successfully completed reference contracts shall be taken into account. A successfully completed reference contract shall mean a reference contract under which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference contract was performed as part of a broader contract or a multi-phase project, a completed and confirmed individual phase or individual auction may also be considered a completed reference contract, provided that it independently satisfies all the requirements set out in this point, including the required value of the reference contract. For the purposes of demonstrating the reference, the reference contract shall not be required to be finally concluded in terms of any administrative, review or judicial proceedings that are not related to the contractor's services; rather, it shall be sufficient that the service relied upon by the tenderer to demonstrate the required experience has been completed and accepted.

11.4. Additional references of the project manager for Lot C (RC) = 70 points

Under this criterion, points shall be awarded based on the additional number of references of the project manager listed in FORM-6, relating to the requirements set out in point 8.2.12 of Chapter II of the Instructions to Tenderers for the Preparation of Tenders contained in these procurement documents. Each additional reference relating to managing a radiofrequency spectrum valuation project and/or a project for the calculation of reserve prices for radiofrequency spectrum for a European or American electronic communications regulator or a ministry responsible for electronic communications, and which is additional to the requirements set out in point 8.2.12 of these procurement documents, shall be awarded 10 points. **A maximum of seven (7) additional references relating to managing radiofrequency spectrum valuation projects and/or projects for the calculation of reserve prices for radiofrequency spectrum for a European or American electronic communications regulator or a ministry responsible for electronic communications shall be taken into account**, irrespective of the number of additional references submitted by the tenderer. Accordingly, the tenderer may obtain a maximum of **70 points** under criterion 11.4.

Method of proof: The tenderer shall submit the additional references of the project manager together with the tender by the tender submission deadline using the Project Manager References form, confirmed by the final client of the

reference project (FORM-7). A tenderer that fails to submit the additional references, or whose references are not duly confirmed by the final client of the reference project, shall not be awarded points for such references. The contracting authority shall not specifically request the tenderer to submit additional references of the project manager and shall deem that the tenderer has no such additional references; accordingly, they shall not be taken into account in the evaluation of the tender. Only additional references relating to successfully completed reference contracts shall be taken into account. A successfully completed reference contract shall mean a reference contract under which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference contract was performed as part of a broader contract or a multi-phase project, a completed and confirmed individual phase or individual auction may also be considered a completed reference contract, provided that it independently satisfies all the requirements set out in this point, including the required value of the reference contract. For the purposes of demonstrating the reference, the reference contract shall not be required to be finally concluded in terms of any administrative, review or judicial proceedings that are not related to the contractor's services; rather, it shall be sufficient that the service relied upon by the tenderer to demonstrate the required experience has been completed and accepted.

11.5. Additional references of the project team leader for Lot D (RD) = 70 points

Under this criterion, points shall be awarded based on the additional number of references of the project team leader listed in Form FORM-6, relating to the requirements set out in point 8.2.15 of Chapter II, Instructions to tenderers for the Preparation of the Tender, of this procurement documentation. Each additional reference demonstrating experience in the verification of software for conducting a complex electronic auction of radiofrequency spectrum, which is additional to the requirements set out in point 8.2.15 of this procurement documentation, shall be awarded 10 points. **A maximum of seven (7) additional references in the field of verification of software for conducting a complex electronic auction of radiofrequency spectrum** shall be taken into account, irrespective of the number of additional references submitted by the tenderer. Accordingly, the tenderer may obtain a maximum of **70 points** under criterion 11.5.

Method of proof: The tenderer shall submit the additional references of the project team leader together with the tender by the deadline for submission of tenders, using the Project Team Leader Reference (FORM-7), confirmed by the final client of the reference project. A tenderer that fails to submit additional references, or whose references are not duly confirmed by the final client of the reference project, shall not be awarded points for those references. The contracting authority shall not specifically invite the tenderer to submit additional references of the project team leader and shall deem that the tenderer has no such additional references; accordingly, they shall not be taken into account in the evaluation of the tender. Only additional references relating to successfully completed projects shall be taken into account. A successfully completed reference project shall mean a reference project in which all services relevant for demonstrating the reference were performed within the contractual deadline and confirmed or accepted by the final client. Where the reference project was carried out as part of a broader contract or a multi-phase project, a completed and confirmed individual phase or individual auction may also be regarded as a completed project, provided that it independently fulfils all the requirements set out in this point, including the required value of the reference project. For the purposes of recognising a reference project as completed, it shall not be necessary for all possible administrative, review or judicial proceedings unrelated to the contractor's services to have been finally concluded; it shall suffice that the service by which the tenderer demonstrates the required experience has been completed and accepted.

11.6. Method for selecting the most advantageous tender / Total number of points (T)

The total number of points shall be calculated as the sum of the points awarded under the criterion "Tender Price" and the points awarded under the criterion "Additional References of the Project Team Leader for lot A, B, C or D". The maximum possible number of points is **100**.

$$T = P + RA \text{ (or } RB \text{ or } RC \text{ or } RD)$$

T = total number of points

P = number of points awarded under the criterion "Tender Price" for Lot A, B, C or D

RA = number of points awarded under the criterion "Additional References of the Project Team Leader for Lot A"

RB = number of points awarded under the criterion "Additional References of the Project Team Leader for Lot B"

RC = number of points awarded under the criterion "Additional References of the Project Team Leader for Lot C"

RD = number of points awarded under the criterion "Additional References of the Project Team Leader for Lot D"

The admissible tender achieving the highest total number of points shall be determined as the most economically advantageous tender for Lot A, B, C or D.

If two or more tenders for an individual Lot achieve the same highest score, the most economically advantageous tender for that Lot shall be selected in accordance with the following criteria:

1. The tender for the relevant Lot that has obtained the higher number of points under the criterion "Tender Price" shall be selected.
2. If two or more tenders for the relevant Lot remain tied, the tender submitted first via the e-JN Public Procurement Portal, available at <https://ejn.gov.si>, shall be selected.

11.7. Lot E

The criterion for selecting the most advantageous tender for **lot E** shall be the most economically advantageous tender, represented by the final tender price excluding VAT. The admissible tender offering the lowest price shall be determined as the most economically advantageous tender.

If two or more tenders for Lot E are ranked equally as the most advantageous, the selection shall be made in accordance with the following criterion:

3. If two or more tenders for Lot E remain tied, the tender submitted first via the e-JN Public Procurement Portal, available at <https://ejn.gov.si>, shall be selected.

12. Financial Security

Financial securities may be issued by:

- a bank in the contracting authority's country; or
- a foreign bank through a correspondent bank in the contracting authority's country; or
- an insurance company in the contracting authority's country; or
- a foreign insurance company through a correspondent insurance company in the contracting authority's country.

The financial security shall be issued in accordance with the Uniform Rules for Demand Guarantees (URDG 758), ICC Publication No. 758, 2010 Revision, and shall contain a provision (clause) expressly stating that it is subject to the Uniform Rules for Demand Guarantees (URDG 758), ICC Publication No. 758, 2010 Revision.

12.1. Tender Security

When submitting a tender for Lot A, Lot B or Lot C, the tenderer shall submit a tender security in the form of a bank guarantee issued in favour of the contracting authority, in accordance with the template set out in FORM-9 of this procurement documentation.

Tender security shall be required for the following Lots and in the following amounts:

- Lot A: EUR 10,000.00;
- Lot B: EUR 5,000.00;
- Lot C: EUR 5,000.00.

Where a tenderer submits a tender for more than one Lot for which tender security is required, it shall submit either a single financial security in the total amount corresponding to the sum of the required amounts for all Lots concerned, or separate financial securities for each individual Lot.

The tender security shall remain valid for at least thirty (30) days beyond the validity period of the tender. The validity of the tender security shall not expire before the deadline for submitting the performance security, where such security is required under this procurement documentation or the contract.

Where it becomes necessary during the procurement procedure to extend the validity period of the tender, the tenderer shall, upon request of the contracting authority and before the expiry of the existing tender security, submit an extended or new tender security. Failure to do so shall entitle the contracting authority to call the tender security for its full amount.

The contracting authority shall call the tender security for its full amount if the tenderer:

1. withdraws or amends its tender after the deadline for submission of tenders in a manner contrary to this procurement documentation;
2. having been selected for contract award, fails to conclude the contract within the period specified in the contracting authority's invitation;
3. having been selected for contract award, fails to submit the performance security upon conclusion of the contract or within the period specified in the contract, where such security is required.

Tender securities that have not been called shall be returned to tenderers with whom the contracting authority does not conclude a public procurement contract after completion of the procurement procedure. The selected tenderer's tender security shall be returned after the contract has been concluded and, where required, after submission of the performance security.

12.2. Performance Security – lot A, lot B and lot C

The tenderer shall submit, as part of its tender documentation for Lot A, Lot B or Lot C, a binding declaration confirming that, if selected for the award of the respective Lot, it will, as security for the proper, timely and complete performance of its contractual obligations, provide the contracting authority, no later than fifteen (15) working days from receipt of the signed contract, with a performance security in the form of an irrevocable bank guarantee, payable upon the contracting authority's first written demand, issued in favour of the contracting authority, in the amount of ten per cent (10%) of the contract value for the respective Lot, including VAT.

Performance security shall be required for the following Lots:

- Lot A: Consultancy and implementation of the electronic auction;
- Lot B: Consultancy relating to auctions conducted from 2020 onwards and consultancy relating to issues affecting the position of operators;
- Lot C: Consultancy and calculation of reserve prices.

If the same tenderer is awarded contracts for more than one Lot for which performance security is required, it shall provide separate performance security for each individual Lot or a single financial security clearly specifying the guaranteed amount for each Lot. The amount of the guarantee shall be expressly stated in the bank guarantee.

The selected tenderer shall provide the performance security in accordance with the provisions of the contract and using the template set out in FORM-10 of this procurement documentation.

The performance security shall remain valid for at least thirty (30) days beyond the expiry of the period for performance of all contractual obligations under the respective Lot. If the period for performance of the contractual obligations is extended, the contractor shall, at the request of the contracting authority and before expiry of the existing performance security, submit an extended or new performance security in due time. Failure to do so shall entitle the contracting authority to call the performance security.

Where the tenderer performs the contract with subcontractors, the performance security shall also cover the contractor's obligations towards its subcontractors participating in the performance of the public contract.

The contracting authority may call the performance security if the contractor fails to perform its contractual obligations properly, on time, in the agreed quality, quantity, scope or manner, as specified in the contract, the procurement documentation, the technical specifications, the tender documentation or the contracting authority's instructions.

The contracting authority may, in particular, call the performance security in the following cases:

1. if the contractor fails to perform all or part of its contractual obligations in accordance with the contract, the procurement documentation, the technical specifications or the tender documentation;
2. if the contractor is delayed in performing its contractual obligations or any individual phases or activities;
3. if the contractor fails to provide the required quality of the services or deliverables covered by the respective Lot;
4. if the contractor fails, within the period specified by the contracting authority, to remedy identified deficiencies, defects or non-conformities in the performance of the contractual obligations;
5. if the contractor fails to comply with the contracting authority's requirements regarding organisation, coordination, protection of confidential information, prevention of conflicts of interest or other requirements set out in the contract and the procurement documentation;
6. if the contractor fails to settle its due obligations towards subcontractors participating in the performance of the public contract and those subcontractors seek direct payment from the contracting authority;
7. if the contractor engages subcontractors in the performance of the public contract who were not declared or whose nomination was rejected by the contracting authority;
8. if the contractor fails to submit an extended or new performance security where the conditions for such extension or replacement are met and the contracting authority so requires;

9. if the contractor causes damage to the contracting authority and fails to compensate such damage within eight (8) days of receipt of the contracting authority's written request;
10. if the contractor provides the contracting authority with misleading, inaccurate or false information, data, statements or documents that affect or could affect the performance of the public contract or the contract;
11. if the contracting authority is entitled to enforce contractual penalties;
12. if the contracting authority terminates or rescinds the contract due to breaches attributable to the contractor;
13. if insolvency, compulsory dissolution, liquidation or any other proceedings are initiated against the contractor, the consequence or purpose of which is the cessation of the contractor's business activities, or any comparable proceedings under the laws of the country in which the contractor has its registered office;
14. in any other cases provided for in the contract.

The contracting authority may call the performance security up to the amount of its claim against the contractor, including any damages, costs, contractual penalties, costs of substitute performance or other due obligations of the contractor. Where the contractor fails to submit an extended or new performance security when duly requested by the contracting authority, or where the contracting authority terminates or rescinds the contract due to breaches attributable to the contractor, the contracting authority may call the performance security for its full amount.

13. Abnormally Low Tender

Where the contracting authority considers that, in relation to the requirements of the contract, a tender appears to be abnormally low in comparison with market prices or where there is doubt as to the tenderer's ability to perform the contract, the contracting authority shall examine whether the tender is abnormally low and shall request the tenderer to explain the price or costs stated in the tender.

The contracting authority shall also examine whether a tender is abnormally low where the value of the tender is more than fifty per cent (50%) below the average value of the timely submitted tenders and more than twenty per cent (20%) below the next ranked tender, provided that at least four (4) timely tenders have been submitted.

Where the contracting authority examines the admissibility of all tenders in the procurement procedure, it shall determine whether a tender is abnormally low in accordance with the preceding paragraph by reference to the admissible tenders.

Before rejecting an abnormally low tender, the contracting authority shall, pursuant to Article 86 of the Public Procurement Act (ZJN-3), request the tenderer in writing to provide detailed information and justification regarding those elements of the tender which it considers relevant for the performance of the contract or which affect the ranking of tenders. The contracting authority shall assess the explanations after consulting the tenderer. The tender shall be rejected only where the evidence provided does not satisfactorily explain the low level of the proposed price or costs, taking into account the elements referred to in the preceding paragraph.

Where the contracting authority establishes that a tender is abnormally low because it does not comply with the applicable obligations referred to in the second paragraph of Article 3 of the Public Procurement Act (ZJN-3), it shall reject the tender.

14. Information on Ownership Structure (FORM-8)

Before concluding a contract with a value exceeding EUR 10,000 excluding VAT, the contracting authority shall obtain from the selected tenderer, for the purposes of ensuring transparency and preventing corruption risks, a declaration or information on the participation of natural and legal persons in the ownership structure of the tenderer, including the participation of silent partners, and on the economic operators which, under the provisions of the Companies Act, are deemed to be affiliated companies of the tenderer.

Before concluding the contract, the contracting authority shall request the selected tenderer to submit the declaration on the Participation of Natural and Legal Persons in the Ownership Structure of the Tenderer (FORM-8). The selected tenderer shall provide information on:

- its founders, partners, shareholders, limited partners or other owners, together with information on their ownership interests;
- natural persons and their ownership interests;
- economic operators which, under the provisions of the Companies Act, are deemed to be affiliated companies of the tenderer.

If the selected tenderer submits a false declaration or provides false information regarding the above matters, the contract shall be null and void.

15. Validity of the Tender

The tender shall remain valid for ninety (90) days from the date of the opening of tenders.

In exceptional circumstances, the contracting authority may request the tenderer to extend the validity period of the tender for a specified additional period. The request and the tenderer's response shall be made in writing or by fax. The tenderer may refuse such a request. A tenderer that agrees to the request shall not be required or permitted to make any changes to its tender other than extending its validity period.

16. Variant Tenders

Variant tenders shall not be considered.

III. INFORMATION ON THE OPENING OF TENDERS

Tenders will be opened automatically in the e-JN system on **25 August 2026, starting at 11:10**, at the web address <https://ejn.gov.si>.

The opening will be conducted in such a way that, at the time set for the public opening of tenders, the e-JN system automatically displays information on the tenderer, on variants if these were requested or permitted, and on the total tender value, and enables access to the document uploaded by the tenderer in the e-JN system in the section "Total tender price", under the part "Pro-forma invoice".

IV. REVIEW OF TENDERS

The contracting authority shall first rank the tenders according to the award criteria and shall then examine them to determine whether they comply with the contracting authority's requirements regarding the subject matter of the procurement for the respective lot.

For the tenderer ranked first for the respective Lot according to the award criteria, the contracting authority shall verify whether any exclusion grounds exist and whether the tenderer meets the participation requirements applicable to that lot.

The contracting authority shall conclude a contract for each individual lot with the first-ranked tenderer in accordance with the award criteria set out in the procurement documentation.

V. CONTRACT (FORM-3A, FORM-3B, FORM-3C, FORM-3D, FORM-3E)

By signing the ESPD or submitting a tender via the e-JN portal, the tenderer confirms acceptance of the contents of the draft contract for the respective Lot.

The contracting authority shall conclude a contract for the respective Lot with the successful tenderer in accordance with the provisions of the draft contract contained in FORM-3A, FORM-3B, FORM-3C, FORM-3D or FORM-3E.

The contract for the respective Lot must be signed within eight (8) days of receipt of the contracting authority's invitation to sign the contract. Failure to do so shall be deemed a withdrawal from performance of the public contract.

The contract shall be executed in both the **Slovene and English languages**.

VI. LEGAL REMEDIES

Legal protection of tenderers in public procurement procedures is ensured in accordance with the provisions of the Legal Protection in Public Procurement Procedures Act (Official Gazette of the Republic of Slovenia, Nos. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I and 60/17; hereinafter: ZPVPJN), in the manner and under the procedure prescribed by that Act.

A request for legal protection in a public procurement procedure may be lodged against any action of the contracting authority during the procurement procedure, unless otherwise provided by the Public Procurement Act or the ZPVPJN. A request for legal protection may be submitted only by a person with active standing, as defined in Article 14 of the ZPVPJN.

The request for review shall contain:

1. the name and address of the applicant (hereinafter: the applicant) and its contact person,
2. the name of the contracting authority,
3. identification of the public procurement procedure,
4. the subject matter of the public procurement,
5. a power of attorney for representation in the pre-review and review proceedings, where the applicant is represented by an authorised representative,
6. proof of payment of the review fee referred to in the first, second, third or fourth paragraph of Article 71 of the ZPVPJN.

In the request for review, the applicant shall specify the alleged infringements, together with the facts and evidence supporting those allegations.

Pursuant to the first indent of the first paragraph of Article 71 of the ZPVPJN, the applicant shall attach to the request for review proof of payment of the review fee in the amount of EUR 4,000.00. The fee shall be paid into the sub-account opened with the Bank of Slovenia for the payment of fees relating to pre-review and review proceedings. Account No.: 01100-1000358802 – Execution of the Budget of the Republic of Slovenia. When completing the payment order, the applicant shall enter the following reference: 11 16110-7111290-XXXXXXLL, where X denotes the publication number of the public procurement notice and L denotes the year. If the publication number contains fewer than six digits, leading zeros shall be inserted.

The request for review shall be submitted directly to the contracting authority or sent by registered mail with acknowledgement of receipt.

A request for review relating to the content of the contract notice, the invitation to submit tenders or the procurement documentation shall be lodged within ten (10) working days of the date of publication of the contract notice or receipt of the invitation to submit tenders. Where the contracting authority amends or supplements the contract notice, the invitation to submit tenders or the procurement documentation, a request for review relating to the amended, supplemented or clarified content of the notice, invitation or procurement documentation, or to provisions of the original notice, invitation or procurement documentation directly affected thereby, may be lodged within ten (10) working days of the publication of the notice containing the additional information, notice of an incomplete procedure or corrigendum, provided that such notice amends or supplements the requirements or award criteria.

Notwithstanding the preceding paragraph, a request for review concerning the content referred to above may not be lodged after the expiry of the deadline for submission of tenders, unless the contracting authority has set a deadline for submission of tenders shorter than ten (10) working days. In such case, the request for review may be lodged within ten (10) working days of the publication of the contract notice.

Where the contracting authority determines that the procedural requirements referred to in the first, third, fourth or fifth indents of the first paragraph of Article 26 of the ZPVPJN have not been fulfilled, it shall reject the request for review by decision no later than three (3) working days after its receipt.