



MONTENEGRO
Ministry of Finance

Public Procurement
Administration

Form 3
Article 63 of the Public
Procurement Law

Contracting Authority: Ministry of Economy
Number: 01-2337/3
Place and date: Podgorica, 4 December 2013

Pursuant to Articles 62 and 63 of the Public Procurement Law (Official Gazette of Montenegro, No 42/11) the Ministry of Economy is announcing:

INVITATION
Number 01-2337/3

FOR THE OPEN PUBLIC PROCUREMENT PROCEDURE FOR SELECTION OF THE MOST FAVOURABLE BID FOR PROCUREMENT OF SERVICES FOR DEVELOPMENT OF THE STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROGRAM OF EXPLORATION AND PRODUCTION OF HYDROCARBONS IN THE OFFSHORE MONTENEGRO

I Contracting Authority Information

Contracting Authority: Ministry of Economy	Contact person: Radosav Čović
Address: Rimski trg 46	Postal code: 81 000
City: Podgorica	Registration ID number: 02010780
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II Place and date of announcing the Public Invitation to Tender:

Public Procurement Administration portal <http://www.ujn.gov.me/>
Date: 4 December 2013

III Public procurement subject

Services related to the development of the Strategic environmental impact assessment for the Program of exploration and production of hydrocarbons in offshore Montenegro are the subject of public procurement, in accordance with the Terms of Reference, the Law on Strategic Environmental Impact Assessment (Official Gazette of Montenegro, No 80/05, 59/11) and the Law on Exploration and Production of Hydrocarbons (Official Gazette of Montenegro No 41/10).

90700000-4 Environmental protection and ecology related services

The public procurement subject is procured as:

a whole

IV Information on the conclusion of the framework agreement (if applicable)

The public procurement envisages the conclusion of the framework agreement

yes

no

V Estimated public contract value

Specify the estimated public contract value in euro inclusive of VAT:

€190,000.00.

Subject of the public procurement is not subject to VAT payment based on the Instruction on the Manner of Conduct of the Procedure Related to Exercising the Right to Exemption from Payment of the Value Added Tax in Cases Provided for in International Agreement or Treaty (Official Gazette of the Republic of Montenegro, No 34/03).

VI Terms for participation and suitability requirements for Bidders

Mandatory requirements for taking part in the public tender procedure

Public procurement procedure may be taken part into only by the Bidder that:

- 1) is registered to carry out the business activity that is the subject of the public contract;
- 2) is licensed (holds a license or other document) to carry out the activity that is the subject of the public procurement contract, in line with the law;
- 3) has duly met all the liabilities in respect of tax and contributions in line with the law or regulations of the state of its registered office;
- 4) has not been convicted for a criminal act or imposed the measure of injunction related to the criminal act in the period of two years prior to announcement of the public invitation to tender, or submission of the invitation to tender.

Evidence of fulfilment of the mandatory requirements referred to in item VI sub-items 1 to 4 of this Form shall be submitted in the form envisaged in Article 66 and 74 of the Public Procurement Law, as follows:

- 1) evidence of registration with the authority competent for registration;
- 2) permits, licenses, approvals, or other acts in line with the law.

*(In line with Article 4 paragraph 2 of the Rulebook on the methodology of expressing sub-criteria into relevant number of points, the method of bid evaluation and comparison, the Contracting Authority addressed the **Environmental Protection Agency, which stated in its document number: 2270/2 of 10 October 2012 that the bidders are obliged, in the subject public procurement procedure, to submit the following evidence (permits, licenses, approvals or other documents) in accordance with the Law):***

- **evidence on registration in the Central registry of business entities, or an appropriate register of the competent state authority of the country of origin of the foreign legal entity or entrepreneur to carry out activities of developing planning documents, studies and environmental impact analysis.**
- 3) certificates by the administrative authority responsible for tax affairs confirming that all liabilities in respect of payment of tax and contributions for the period of 90 days prior to public opening of bids have been duly met;
 - 4) confirmation, or other act by the competent authority based on the data from penal records – evidence of fulfilment of this requirement may not be older than six months from the date of public opening of bids.

Evidence of fulfilment of the requirements for taking part in the public procurement is submitted as original document, a certified copy or in electronic form in line with the Public Invitation to Tender, Invitation to Tender and Tender Documents.

Optional requirements for taking part in the public tender procedure

In addition to the mandatory requirements for taking part in the public procurement procedure, the Contracting Authority envisages in the Public Invitation to Tender, Invitation to Tender and Tender Documents that the Bidder needs to prove the fulfilment of optional requirements related to:

- 1) economic-financial capability (Article 67 of the Public Procurement Law).

The Bidder proves the fulfilment of the requirements related to economic-financial capability by:

- a statement on accounting and financial standing – income statement and balance sheet including the auditor's report in line with the law regulating accounting and audit, for the last two years, or the period following the registration;
- relevant bank statement, confirmation or certificate on financial capability of the Bidder;

and

- 2) professional-technical and human resources capacity (Article 67 of the Public Procurement Law)

(Contracting authority has a right and is authorised to specify types of evidence confirming the technical and human resources capacity in line with Articles 69, 70 and 71 of the Public Procurement Law)

Whether conditions of professional-technical and human resources capacity are met in the public procurement procedure is evidenced by submitting one or more evidences, and so as follows:

- 1) statement technical equipment and capabilities and on capacities the bidder has in terms of delivery of specific services in accordance with requirements defined by the Terms of Reference.

If the Bidder fails to submit any of the evidence of eligibility envisaged by the Public Invitation to Tender and Tender Documents, their Bid shall be rejected as irregular.

VII Submission of alternative bids is allowed

- yes
 no

VIII The criterion for the best tender is:

- 1) lowest offered price
- 2) most economically advantageous bid

with the following sub-criteria, in the descending order:

1)	quality	number of points	60
2)	lowest offered price	number of points	40

IX Bid Language

Montenegrin and other officially used languages.

In accordance with Article 12 of the Law on Public Procurements (Official Gazette of Montenegro, No 42/11), the Bidder may submit in English language reports on accounting and financial standing.

X Review, purchase and take over of Tender Documents.

Interested parties are entitled to review and takeover the Tender Documents as of the date of announcing the Public Invitation to Tender.

Tender Documents may be reviewed every business day from 10 to 15h, starting from 4 December 2013 to 24 January 2014 (inclusive), at the address Rimski trg 46 in the Ministry of Economy, with the authorised person – Mr. Radosav Čović.

No fee is to be paid to take over the Tender Documents.

XI Deadline and place for submission of bids

The Bids are to be submitted on business days from 10 to 15h, 24 January 2014 at 12 o'clock (inclusive), personally to the mailroom of the Contracting Authority, at the address Rimski trg 46, Podgorica.

Bids may also be submitted electronically (in accordance with the Electronic Signature Law and the Electronic Commerce Law), or via registered mail with certificate of receipt.

A duly submitted bid is a bid delivered within the timeframe specified in the Public Invitation to Tender and Tender Documents.

XII Time and place for public opening of bids

Public opening of bids, which may be attended by authorised representatives of Bidders holding proxies signed by authorised persons at hand will take place on 24 January 2014 at 13:00 in the Ministry of Economy, Rimski trg 46, in Podgorica.

XIII Deadline for passing the decision on selection of economically most advantageous bid or cancellation of the public procurement procedure is 24 January 2014.

This deadline is conditional and depends on possible complaints by bidders concerning the legality of the procedure. In the event the legality of the procedure is challenged (appeal lodged), this deadline will be extended in accordance with the Public Procurement Law.

XIV Legal remedy

If they find that the Public Invitation to Tender violates their rights or interests related to the rights, actively registered parties may file a complaint to the State Commission for Public Procurement Procedure Control within 10 days from the date of announcing the Public Invitation to Tender

XX Additional information

Subject of the public procurement is not subject to VAT payment based on the Instruction on the Manner of Conduct of the Procedure Related to Exercising the Right to Exemption From Payment of the Value Added Tax in Cases Provided for in International Agreement or Treaty (Official Gazette of the Republic of Montenegro, No 34/03).

Having in mind that the amount of estimated value of the public procurement, set forth in item III of this Invitation, is not subject to VAT, the bidders shall be obliged to state the price in their (financial) bid as follows:

- Offered priced (net)
- Discount (if applicable)
- VAT **0 (zero)**
- Total offered price (net price with possible discount)

In order to protect against insufficiently serious bids, the Bidder is to submit a Bid Guarantee in the amount of 2% of the estimated value of the public contract, as a guarantee of remaining bound by their bids during the validity period. The validity period of the Guarantee should be 60 days from the final deadline for bid submission.

- Bank guarantee needs to be packed in a special PVC two-layer foil perforated on one side and bound with single band with other evidence making the integral part of the bid;
- Plastic foil wherein the bank guarantee is located should be sealed by a stamp wax.

Performance guarantee in the amount of 10 % of the Contracted Price must be submitted by the first-ranked bidder.

In accordance with Article 12 of the Law on Public Procurements (Official Gazette of Montenegro No 42/11), the bidder may submit in English language reports on accounting and financial standing.

According to item XIX of the Instructions to Bidders, when submitting bids, the Bidders are to enclose all the Tender Documents to the Bid, which had been purchased from the Contracting Authority /hard copy/ numbered, certified and bound in the manner specified in Article 76 of the Law on Public Procurement