

PUBLIC ENTERPRISE ELECTRIC POWER INDUSTRY OF SERBIA, BELGRADE

AND

**PRIVREDNO DRUŠTVO RUDARSKI BASEN
„KOLUBARA“ d.o.o. LAZAREVAC**

**TENDER DOCUMENTS FOR
PUBLIC PROCUREMENT OF SERVICE:**

*Pumping out the silted water and silt
in the Open Pit Mine MB Kolubara – Tamnava - West Field*

Public procurement number: CPP 08/14/DUKN

**- UNDER NEGOTIATION PROCEDURE WITHOUT PUBLISHING PUBLIC INVITATION
TO TENDER
IN ACCORDANCE WITH ARTICLE 36, PARAGRAPH 1, ITEM 3 OF PPL**

July, 2014

1. GENERAL DATA ON PUBLIC PROCUREMENT

In accordance with Article 36, paragraph 1, item 3) and Article 50, paragraph 1 of Public Procurement Law ("Official Gazette of RS" no. 124/2012, hereinafter referred to as: Law), Article 5 of the Rulebook on Mandatory Elements of Tender Documents in Public Procurement Procedures and on Manner of Proving Fulfillment of Requirements ("Official Gazette of RS" no. 29/2013 and 104/13), we have prepared:

TENDER DOCUMENTS under negotiation procedure without publishing invitation to tender for public procurement of service:

Pumping out the silt and silted water in the Open Pit Mine of MB Kolubara – Tamnava West Field

1. **Name and address of the Employer:** Public Enterprise Electric Power Industry of Serbia, Carice Milice 2, Belgrade (hereinafter Employer 1) and Privredno društvo Rudarski basen Kolubara, Svetog Save 1, Lazarevac (hereinafter Employer 2)
2. **Website of the Employer:** www.eps.rs; www.rbkolubara.rs
3. **Type of procedure and basis for application:** Negotiation procedure without publishing invitation to tender based on PPL and the opinion of the Public Procurement Office no. 404-02-2580/14

Basis for application of negotiation procedure without publishing invitation to tender is of highly urgent nature caused by unforeseen events (floods) that under no circumstances depend on the will of Employer, due to which the Employer could not act within the deadlines stipulated for open or restrictive procedure.
4. **Subject of procurement:** Procurement of service- *Pumping out the silt and silted water in the Open Pit Mine of MB Kolubara- Tamnava West Field*
5. **Purpose of the procedure:** Procedure is conducted for the purpose of conclusion of public procurement contract
6. **Contact person/e-mail:** Ivana Đorđević, ivana.djordjevic@eps.rs

2. DATA ON PUBLIC PROCUREMENT SUBJECT

2.1. Public procurement subject

Pumping out the silt and silted water in the Open Pit Mine of MB Kolubara –“Tamnava West Field” (hereinafter referred to as: subject procurement)

2.2. Name and designation from Common Procurement Vocabulary

Works on river bed digging and pumping out of the water from excavation, CPV Designation: 45252124-3.

2.3. Technical characteristics

Estimate and characteristics of total amount of silted water and silt in the open pit mine Tamnava-West Filed are given below based on estimates and testing of the Employer and its expert associates and consultants- therefore the data are approximate and do not bind the Employer in any way. Bidders shall, after site visit, for its own needs prepare all estimates related to pumping out the silted water and silt based on which they shall prepare their bids and field work. Employer shall not be liable for estimates of the Bidder based on which it shall give its Bid.

Estimated total quantity of silted water and silt in open pit mine “Tamnava-West Filed” to be pumped out amounts to approximately 187 million m³. Quantity of silt is approximately estimated at about 2.5 million m³ based on testing that has not been finalised yet (data processing of silt profiles is still ongoing). Silt characteristics shall be prepared within the deadline defined for Bid submission. Details of activities related to silt shall be defined in Environmental Management Plan (EMP). The Bidder has to foresee pumping out of about 1 million m³ of silt in its Bid. Minimum manometer pumping height is 50m, while maximum pumping height is 80m. It is assessed that for pumping out the required pipeline length is to be 700m minimum, up to maximum 3000m.

Bidder to whom the contract is awarded is informed and agrees that the Employer shall have the right to additionally engage its own capacities for execution of subject procurement. In accordance with the above mentioned MB Kolubara participates, in mine with its own resources, while performing the subject service with independent pumps, with the capacity of 5 to 10 m³ /s. Therefore the Bidder should define the price per measurement unit i.e. m³. The actual quantity of silt and silted water shall be determined based on calculation of the pumped out quantity.

Optimum average speed of pumping out of silted water and silt by the Bidder is from 20 to 30 m³ /s in accordance with and depending on hydrological, meteorological, hydrogeological and other conditions. According to the opinion of the Jaroslav Černi Institute for the Development of Water Resources there is a possibility to pump out maximum 50 m³/s (OPINION OF THE INSTITUTE regarding initiation of rehabilitation procedure of OCM Tamnava West Field and OCM Veliki Crljeni after large floods in May 2014 is – “The capacity of Kolubara river bed is not a limiting factor for the activities regarding pumping out of water from Tamnava mines. For example, it is possible to pump out up to 50 m³/s of water. Pumping out of water should be cancelled only in the periods of floods in Kolubara river bed (having in mind that these periods last for a short time and occur rarely, these cancellations shall not affect water pumping out dynamics)”. Average

discharge of river Kolubara at the point of pumping out the water from Tamnava mines is 16.90 m³/s. Duration of discharge that is higher than average is about 28% during average year.

The Employer 2 shall obtain all permits and approvals to the Bidder in accordance with the laws of the Republic of Serbia prior to the first date of mobilization of pumps. During execution of the works on pumping out the Bidder shall comply with all legal regulations and shall execute works in accordance with work dynamics determined by the Employer 2. The conditions and manner of service execution shall be defined precisely in detail in the Environmental Management Plan (EMP) that shall be adopted before contract signing. The Employer 2 shall provide and finance the execution of EMP and other programs which may be requested by The Serbian Environmental Protection Agency (SEPA) in accordance with the laws of the Republic of Serbia. The Employer 2 shall take care of the quality of water that is pumped out, as well as of the quantity of water that may be pumped out to sites foreseen for pumping out. Silt, if necessary, shall be disposed at free space of the used part of open pit mine Tamnava East Field (located next to Tamnava West Field). The Employer shall give work orders every day to the Bidder for execution of works for subject procurement in accordance with dynamics of works that shall be determined on a daily basis and defined quantities of water that may be pumped out that day.

If it is determined that the quality of water or silt is not satisfactory, Employer and Bidder shall jointly define their further activities in accordance with the law and regulate their mutual rights and obligations. If circumstances change to great extent so that they have an influence on important elements of the contract, the Employer and Bidder shall consider the possibility of amending the contract. In the same manner, Employer and Bidder shall regulate their rights and obligations in the event of disrupted stability of ground in the mine as well as the ground that is downstream of the river bed, disrupted slopes of the mine and surrounding area, as well as other emergency events that could not be foreseen.

Bidder shall provide calibrated measurement devices that are calibrated by authorized institution in the Republic of Serbia for measuring the quantity of pumped out water. The Bidder that shall be awarded the contract shall no later than five days prior to date when all conditions for the commencement of works are provided submit to the Employer evidence on calibration. The Employer shall also set its own measuring devices for the purpose of control of pumped out quantity. In the event of discrepancy of read quantities at measuring devices, and through standard mutually agreed deviations, harmonization shall be performed by engagement of third authorized person who shall determine deviations with its own measuring device. Measuring devices reading shall be recorded every day in a protocol by the authorized persons of the Employer and the Bidder.

If for the performance of subject procurement the Bidder offers performance using electric motor pumps, the Employer 2 shall provide electricity connection, with the capacity of 24 to 30 MW, 6000V voltage, 50Hz on plateau.

Employer 2 shall provide 6 sets of measuring devices for measuring of consumed electricity at 6000V voltage (certified measuring groups with associated current and voltage measuring transformers), and which shall be used only by the Bidder.

Electricity supply for the needs of the Bidder shall be performed by the Employer 1 at the price stipulated in item 3.10 of this Tender Documents. Reading of supplied electricity shall be performed on every first day of the month at 7 a.m., which shall be recorded in a

protocol certified with the signature of authorized representatives of the Employers and Bidders. Bidder may visit the location and get all important information and conditions regarding field work together with the representatives of the Employer within 5 days from the date of announcement of the Invitation to Tender. Contact person is Mihajlo Petrović, mikica.petrovic@rbkolubara.rs.

Employer 2 shall provide the Bidder the access to the selected location and setting pumping facilities plateaus. Employer 2 shall provide transverse and longitudinal profiles of the open pit mine at the point of pumping out (*Attachment to the Invitation to Tender are the following drawings in e-form, which make an integral part of it: drawing Profile 4-4, and drawing water mirror level*).

Employer shall provide its team and appoint authorized person who shall harmonize operational activities at the pit together with authorized person the Bidder.

3. INSTRUCTIONS TO BIDDERS ON HOW TO PREPARE BIDS

Tender documents contain necessary information and instructions on how to prepare bid correctly. Communication in public procurement procedure shall be performed in accordance with Article 20 of the Law.

3.1. Information on the language in which the bid shall be submitted

Tender Documents shall be prepared in Serbian and English language.

Bid and other documents, submitted together with the bid shall be in Serbian or English language.

If the Employer, during inspection and bid evaluation ascertains that the documents under the previous paragraph should be translated into Serbian, the Employer shall provide to the Bidder a reasonable deadline in which it has to translate and submit that part of the bid.

3.2. Specific requirements regarding the bid preparation

Preferably, the bid and all documents submitted along with the bid should be bound as a whole, thus preventing additional insertion, removal or replacement of individual sheets of paper, i.e. appendices, without visible damage to the sheets.

Bidder should fill in the Forms given in Tender Documents legibly, so that the actual content of the bid could be determined, and Forms should be signed and stamped. Bid needs to be clear and unambiguous.

If it is necessary that the Bidder corrects the mistakes it made during the bid preparation or filling in the Forms from Tender Documents, it shall, next to the correction put the signature of the person or persons who signed the Bid Form and the seal of the Bidder.

3.3. Bid variant

Submission of Bids with the variant is not permitted.

3.4. Lots

Subject procurement is not divided into lots.

3.5. Manner and terms of payment

Employer shall pay within 20 days from the date of the receipt of invoice.

The Bidder may request advance payment. Maximum amount of requested advance payment may amount up to EUR 750,000. If the advance payment is requested in RSD maximum amount of requested advance payment may amount up to EUR 750,000 calculated into RSD at middle exchange rate of NBS for EUR on the day of Bid opening.

If the advance payment is requested the Bidder who is awarded the contract shall submit original advance payment guarantee to the Employer 2 as delay condition in accordance with Article 74 paragraph 2 of the Law on Contracts and Torts in the amount of the requested advance payment within 15 days from the date of contract conclusion. Bank

Guarantee must be unconditional (without objection) and payable on first demand, with the validity period beginning from the date after issuance date and shall be valid 30 days longer than the day of realization of advance payment. Upon expiry of guarantee validity period the Employer shall return the guarantee.

If the Bidder requires shorter payment deadline than the stated or higher advance payment than the one stated as maximum amount the Bid shall be rejected as unacceptable.

If the Bidder submits a Bank Guarantee from a foreign bank, that bank must have at least the credit rating corresponding to the quality level of credit rating 3 (investments rank). If the Bidder submits a Bank Guarantee from domestic bank that bank has to be among the first ten listed as the largest banks according to the criteria of total balance sheet assets published on the web site of NBS. Banking sector in Serbia – Report for IV quarter of 2013.

The Bidder who is awarded the contract shall submit the invoices for performed service to the Employer 2 until 5th (fifth) day in month for the previous month and based on the verified daily reports and logs. Each issued invoice shall be reduced by 50 % of the amount expressed in the invoice and not exceeding the amount of received advance payment. Employer shall along with the invoice submit log as well as monthly report certified by the supervisory body of the Employer and authorized person of the Bidder. Otherwise, it shall be deemed that the invoice was not submitted.

3.6 The manner of bids submission

One Bidder can submit only one Bid.

The Bidder that submitted the Bid independently cannot simultaneously participate in joint Bid or as subcontractor, nor can same person participate in several joint Bids. Employer shall, in accordance with Article 87, paragraph 5 of the Law reject all bids submitted contrary to the stated prohibition from Article 87, paragraph 4 of the Law.

If he engages the subcontractor, the Bidder is obliged to specify in the Bid Form that he will entrust part of the purchase to the subcontractor. The percentage of the total purchase value that the bidder will entrust to the subcontractor cannot be higher than 50%. If the Bidder in the Bid Form specifies that he will entrust part of the purchase to the subcontractor, he is obliged to give the data on the subcontractor, as required in Form 5.1. General Data on Subcontractor and if the Contract between the Employer and the Bidder is signed, that subcontractor is to be specified in the Contract. The Bidder is obliged to enable the Employer, upon his request, the access to the subcontractor.

Each subcontractor, engaged by the Bidder, has to fulfill the conditions from Article 75 paragraph 1 item 1) to 4) of the Law, which proves by submitting the evidence stated in the section Conditions for Participation from Article 75 and 76 of the Law and Instructions on how to prove the fulfillment of these conditions.

Additional conditions regarding the capacities the Bidder shall fulfill independently, regardless the engagement of subcontractor.

Evaluation of the bid of the Bidder that engages the Subcontractor, according to elements of the criteria shall be performed only based on the indicators and evidence that are related to the Bidder.

Bidder is fully responsible to the Employer for the performance of the contracted services, regardless of the number of subcontractors.

Bidder cannot engage as a Subcontractor the person that he did not state in the bid, otherwise Employer shall realize the security instrument and terminate the contract, except if by the termination of the contract the Employer would suffer significant damages.

Bidder may engage as Subcontractor the person not indicated in the bid, if upon Bid submission Subcontractor sustained lasting insolvency if the person fulfills all requirements defined for subcontractor and if it obtains previous consent by the Employer.

Employer in this procedure does not foresee the application of the provisions of the paragraph 9 and 10 of Article 80 of Public Procurement Law.

A Group of Bidders is allowed to submit a Bid.

The Bidders are obliged to submit the Agreement by which the Bidders from the Group are obliged both mutually and to the Employer to fulfill the public procurement in question and that must contain the following data stipulated by the Article 81 paragraph 4 of Public Procurement Law on:

- 1) The member of the Group of Bidders who is to be the main contractor, i.e. that is going to submit the Bid and is to represent the Group of Bidders in front of the Employer.
- 2) The Bidder who is going to sign the Contract in the name of the Group of Bidders
- 3) The Bidder who is going to provide collateral in the name of the Group of Bidders
- 4) The Bidder who will issue the receipt
- 5) The Account to which the payment is to be made
- 6) The obligations to each and every Bidder from the Group of Bidders for the implementation of the Contract.

The Bidders that submit the joint bid shall be jointly and severally liable to the Employer

Each Bidder of the Group of the Bidders that submits joint bid has to fulfill the conditions from Article 75 paragraph 1 item 1) to 4) of the Law, which proves by submitting the evidence given in the section Instructions on how to prove the fulfillment of additional conditions. The Bidders from the Group of Bidders jointly fulfill the additional conditions.

Evaluation of the joint bid of the Group of the Bidders according to elements of the criteria shall be performed based on the indicators and evidence that refer to all members of the Group of the Bidders.

3.7. Bid submission

The Bidder submits the bid directly or via mail in the closed envelope or box, closed in such a manner so when it is opened it can be determined with certainty that it is opened for the first time, to the address: Public Enterprise Electric Power Industry of Serbia, 11000 Belgrade, Serbia, Balkanska 13, PAC 103101 – Records Management Office, with indication:

“Bid for service procurement: ***“Pumping out of the silted water and silt in the open pit mine of MB “Kolubara” – “Tamnava-West Field”***, number: CPP 08/14/DUKN”.

State the name and the address of the Bidder at the back of the envelope or on the box.

The deadline for submission of the Bid is 7 August, 2014 no later than 12 p.m..

The Bid which the Employer did not receive within the deadline determined for Bid submission, i.e. which was received after the expiry of the deadline for Bid submission shall be deemed untimely.

Bid opening shall be performed by the Employer's committee immediately after the expiry of deadline for bid submission, i.e. on 7 August, 2014 at 12,15 p.m., at the business premises of the Employer – Electric Power Industry of Serbia, Balkanska 13, Belgrade.

Bidders' representatives taking part in the public bid opening procedure shall prior to the public bid opening procedure submit a power of attorney in writing for the participation in this procedure to the Public Procurement Committee issued on the Bidder's letterhead, filed, stamped and signed by the legal representative, other representative registered at the register of the competent body or person authorized by legal representative along with submission of power of attorney in the bid.

3.8. Amendment, addition and cancellation of the bid

Within the bid submission period, the Bidder may amend or supplement submitted bid in the same manner it submitted the Bid itself – directly or via mail in closed envelope or box, labeled with "AMENDEMENT – ADDITION – of the Bid for public procurement of the services ***Pumping out of the silted water and silt in the open pit mine of MB "Kolubara" – "Tamnava-West Field"***, number: CPP 08/14/DUKN".

In the event of amendment or addition of the submitted bid, the Employer shall throughout the bid expert evaluation consider the amendment and additions only if they have been made in full and in accordance with the form to which they relate from the already submitted bid.

Within the bid submission period, the Bidder may cancel its already submitted bid in writing to the Employer's address, labeled with: "CANCELLATION – of the Bid for public procurement of the services ***Pumping out of the silted water and silt in the open pit mine of MB "Kolubara" – "Tamnava-West Field"***, number: CPP 08/14/DUKN".

In the event of cancellation of submitted bid prior to the expiry of deadline for bid submission, Employer shall not open such bid, but he shall return it to the Bidder unopened.

3.9. Manner in which the Bid must be made

All forms and appendices which make an integral part of the bid must be filled in, signed and verified by the Bidder. If the bid is submitted by the Group of Bidders, bid must be filled in, signed and stamped by all members of the Group or members of the Group may authorize one member (holder of the work) who shall on behalf of the Group fill in, sign and seal forms which make an integral part of the bid, which in that case has to be define in the joint service execution contract except for the forms which imply giving statement under substantive and criminal liability, that must be signed and stamped by each Bidder from the Group of Bidders.

3.10. Price

Prices in the Bid Form and Price Structure Form shall be expressed in RSD or in EUR VAT excluded.

Payment of the contracted price shall be performed within the deadlines from item 3.5. to the account of the Bidder in accordance with the instructions of the Bidders.

If the contract is concluded with domestic Bidder and contracted price expressed in EUR invoicing shall be performed at middle exchange rate of NBS on the day of transaction and payment shall be in RSD to the account of the Bidder in RSD counter value of EUR calculated at middle exchange rate of NBS on the payment date.

The price in the Bid is fixed per measurement unit m^3 for the volume of pumped out water, silted water and silt.

The Bidder should include in the price of measurement unit m^3 inter alia consumption of power products – electricity necessary for the provision of the service that is subject of the Bid.

As stated in item 2.3 of the Tender Documents Employer 1 shall supply electricity necessary for the provision of pumping services under the same conditions under which the electricity supply is performed to the Employer 2.

Electricity takeover points shall be defined in protocol between the Bidder and Employers. Protocol on read supplied electricity from item 2.3 of the Tender Documents the Employer 2 shall submit to the Employer 1 within three days from the date of electricity reading date.

Price according to which the calculation of supplied electricity shall be performed corresponds to the prices according to which Employer 2 shall perform electricity procurement in accordance with binding contract as follows:

Number	Name of product- goods		Measurement unit	Price in EUR*	Price in RSD per measurement unit in RSD
1	2		3	4	5
1.	Electricity		kWh	0.0450	5.213
2.	Electricity transmission fee				
	Tariff element	Tariff position			
2.1	Active energy	HT	kWh	0.0029	0.3303
2.2		LT	kWh	0.0014	0.1651
2.3	Reactive energy	Reactive energy	kvarh	0.0012	0.1399
2.4		Excessively overtaken reactive energy	kvarh	0.0024	0.2798
2.5	Active power	Approved power	kWh	0.3243	37.5638
2.6		Excessively overtaken power	kWh	1.2971	150.2554
3.	Decree on the amount of special fee for incentive in 2014 (Official Gazette of RS no. 3 dated 15.01.2014)				
3.1.	Renewables fee		kWh	0.000699263	0.081

**applied exchange rate of RSD 115.8362 for EUR 1 on 30.01.2014 that corresponds to the date of price determination for the Employer 1*

In addition to the price of taken over electricity for the pumping needs, the Bidder shall also pay:

- 1) costs for transmission service, calculated by the application of regulated price for the access to the system for electricity transmission, according to calculation units and tariffs for takeover point that are calculated to PE EPS by the transmission system operator, in accordance with the system access contract and
- 2) privileged electricity producers fee in accordance with the regulations of the Republic of Serbia that PE EPS shall transfer to the public supplier.

VAT is excluded from the electricity prices given in this Tender Documents.

Employer 1 shall submit the invoice to the Bidder for the consumed electricity, costs for the transmission system access and fee for renewable energy sources, within three days form the date of the submission of the protocol on read electricity.

The Bidder shall perform the payment of the invoice within up to 25 days from the date of electricity reading in accordance with the instructions of the Employer 1.

3.11. Information on the state authority or organization where correct information on tax liabilities, environmental protection and employment protection and working conditions could be obtained timely

- Tax Administration of the Republic of Serbia
Ministry of Finance – Tax Administration, Save Maškovića 3-5, Belgrade; www.poreskauprava.gov.rs
- Environmental protection- Ministry of Agriculture and Environmental Protection, Nemanjina 22-26, Belgrade, www.mpzss.gov.rs
- Employment protection and working conditions - Ministry of Labor, Employment and Social Policies, Nemanjina 22-26, Belgrade; www.minrzs.gov.rs

3.12. Information regarding the Bid preparation

The Bidder can, in written form, at the address: Public Enterprise Electric Power Industry of Serbia, Balkanska 13, Belgrade (or e-mail: ivana.djordjevic@eps.rs) labeled: "Questions for the procurement committee no. CPP 08/14/DUKN, ask the Employer to give him the additional information or clarification regarding the bid preparation, no later than 5 (five) days before the expiry of the deadline for bids submission, in accordance with Article 63 paragraph 2 of the Law.

Asking for additional information or clarification by telephone is not allowed.

The Employer shall within three days from the date of received written request for additional information or clarification send to the interested person answer in written form, as well as publish that information on Public Procurement Portal and web site.

Submitted answers and clarifications make an integral part of tender documents.

If the Employer amends tender documents, 8 or less days prior to expiry of deadline for bid submission, the Employer shall extend deadline for bid submission and publish notice on the extension of deadline for bid submission on the Public Procurement Portal and its web site.

3.13. Bid validity

Bid validity period cannot be shorter than 60 (sixty) days from the day of Bid opening.

3.14. Additional explanations

The Employer can require from the Bidder additional explanations that are going to help him during the inspection, evaluation and comparison of the bids, and he can also inspect (*get an insight*) at the Bidder's i.e. its subcontractor.

3.15 Deadline for Contract conclusion

Contract with the Bidder whose bid shall be selected as the economically most favorable shall be concluded within 2 (two) days from the day of adoption the Decision on Contract Awarding.

3.16 Contract Award Criteria

Selection of the Bidder shall be performed by the Employer Committee according to the criteria – economically most favorable bid.

Elements of the criteria:

1) Offered Price - maximum 50 weights

Evaluation of each bid shall be performed in the manner that the bid with the lowest offered price is evaluated with maximum number of weights foreseen for the element of criterion “Offered Price”.

Other bids shall get the number of weights in a way that the lowest offered price of the Bidder is divided by the offered price of the Bidder whose bid is being considered and it is multiplied by the number of weight foreseen for the element of criteria.

$$P = \frac{P_{\min}}{P_b} \times 50$$

P_b – Price from the bid

P_{\min} – lowest offered price

Note: For the bids of the Bidder expressed in EUR conversion shall be done into RSD at middle exchange rate of NBS on the day of bid opening for the purpose of comparison.

2) Offered Deadline – maximum 50 weights

For the proposed deadline up to 105 days the following formula shall be used:

$$D = \frac{D_{\min}}{D_b} \times 50$$

For the proposed deadline over 105 days the following formula shall be used:

$$D = \frac{D_{\min}}{105} \times 50 - (D_b - 105)$$

D_b – deadline from the bid

D_{\min} – minimum deadline

Evaluation of each bid shall be performed in the manner that the bid with the shortest deadline is evaluated with maximum number of weights foreseen for the element of criterion "Offered Deadline".

Other bids shall get the number of weights in a way that the bid with the shortest deadline is divided by the price of the Bidder whose bid is being considered and it is multiplied by the number of weights foreseen for this element of criteria.

***Note:** Calculation of weights for both criterion elements shall be done by rounding to two decimals. If two or more bids have the same total amount of weights at the end of weighting, and are at the same time the best ones (with the highest total number of weights), contract shall be awarded to the Bidder whose bid has more weights for the criterion element "Offered price". If two or more bids have the same number of weights and criterion element "Offered price" is the same the Bidder who requires lower amount of advance payment shall be selected.*

3.17 Elements of the contract which will be negotiated and the manner of negotiation

Immediately upon the performed procedure of bid opening the negotiation procedure shall take place.

Prior to the beginning of negotiation procedure Bidder's authorized representative shall submit to the Public Procurement Committee a power of attorney of the Bidder in writing through the Records Management Office of the Employer 1, which authorizes him/her to negotiate about the elements which are subject to negotiation, issued on the Bidder's letterhead, filed, stamped and signed by the authorized person of the Bidder.

Elements which will be the subject of negotiation are offered price and deadline for service execution.

The negotiation shall be conducted in the following manner: all data from each Bidder's bid shall be read, and then, with the authorized representatives, the negotiation shall start for the element which is the subject of negotiation, i.e. authorized representatives shall be given the possibility to orally give their statements regarding the negotiation element, per rounds of negotiation, until every Bidder offers its final price and final deadline, which shall be inserted in the Form that shall be submitted during negotiation procedure.

Bid evaluation for the Bidder that submitted acceptable bid, and does not participate in the negotiation procedure, shall be performed based on the offered price from the submitted written bid- Bid Form (Form 5).

Minutes of negotiation shall be recorded during negotiation procedure.

3.18 Preferential condition

Domestic Bidder is legal entity, resident in terms of law stipulating corporate income tax for legal entities, i.e. natural person, resident in terms of law stipulating personal income tax.

In order for the preferential condition of the bidder to be accepted, it has to submit:

- legal entity – Extract from BRA,
- entrepreneur – Extract from BRA
- natural person – Certificate of the Ministry of Interior

If joint bid is submitted, Group of Bidders shall be deemed domestic Bidder if each member of the Group of Bidders is person from paragraph 1.

If bid with subcontractor is submitted, Bidder shall be deemed domestic Bidder if both Bidder and subcontractor are person from paragraph 1.

In the event when there are bids from domestic and foreign Bidder which provide subject services the Employer shall select the bid of most favorable domestic Bidder under condition that the difference in final sum of weights between the most favorable bid of foreign Bidder and the most favorable bid of domestic Bidder is not higher than 10 weights in the favor of foreign Bidder's bid in accordance with Article 86 paragraph 1 of the Law.

Preference given to domestic Bidders in public procurement procedures in which Bidders from the countries which signed Central European Free Trade Agreement (CEFTA 2006) participate shall be applied in accordance with the provisions of that agreement.

Preference given to domestic Bidders in public procurement procedures in which Bidders from countries which signed Stabilization and Association Agreement between European Communities and their member states on one side and the Republic of Serbia on the other side shall apply in accordance with the provisions of that agreement.

3.19 Negative Reference

Employer shall reject the bid if he possesses the following evidence:

- 1) Legally binding judicial decision or final decision of other competent authority
- 2) Document on realized security instrument for the fulfillment of liabilities in the public procurement procedure or fulfillment of contractual obligations
- 3) Document on collected liquidated damages
- 4) Complaints if not removed within the contracted deadline
- 5) Statement on contract termination due to non-fulfillment of material elements of the contract, given in the manner and under conditions stipulated by the law regulating contractual relations.
- 6) Evidence on engagement for the execution of public procurement contract of the persons that are not stated in the bid as subcontractors, i.e. members of the Group of Bidders
- 7) Other relevant evidence relevant for the public procurement subject, defined in the tender documents that refers to the fulfillment of the obligation in the previous public procurement procedures of previously concluded public procurement contracts on.

Employer shall also reject the bid and if he possesses the evidence from Article 82 paragraph 3, item 1 of the Law, related to the procedure that he conducted or the Contract that was concluded by the another Employer, if the public procurement subject is of the same type.

Bidder that is on the list of the negative references managed by the Public Procurement Office, and that has negative reference for the subject that is not the same as the subject of this public procurement shall, instead of security instrument that is requested in the item

3.20.2., submit the Performance Bond in the amount of 15% of the contract value, VAT excluded, if the contract is signed.

3.20. Security instruments

3.20.1 Security Instruments – Bid Bond:

A. Bid Bond

Bidder shall submit original Bid Bond in the amount of EUR 300,000.00 or in RSD counter value calculated on the date of Bid Bond issuance at middle exchange rate of NBS for EUR. Bid Bond has to be unconditional (without objection) and payable at first demand with validity period of at least 60 days from the date of bid opening. Bid Bond shall be returned to the Bidders with whom the contract was not concluded immediately upon the conclusion of the contract with the selected Bidder and to the selected Bidder upon submission of corresponding security instruments of the contract.

Employer shall collect the Bid Bond given along with the bid in the following events:

- if the Bidder amends or cancels the bid, upon the expiry of the deadline for bid submission
- rejects to conclude the contract according to the submitted and accepted bid,
- does not submit Performance Bond.

Or

B. Payment to the Employer's account

Bidder shall pay the amount of EUR 300,000.00 or in RSD counter value calculated on the date of the payment at middle exchange rate of NBS for EUR to the account of the Employer 1 (for payment on RSD, account number 160-700-13 at Banca Intesa AD Beograd; and for the payment on EUR account number IBAN No. RS35160005030000152939 at Banca Intesa AD Beograd) and to submit evidence on realized payment in the bid.

Paid funds shall be returned to the Bidders with whom the contract was not concluded immediately upon the conclusion of Contract with the selected Bidder, and to the selected Bidder upon submission of corresponding security instruments of the contract.

All bank and other costs regarding obtaining of bank guarantee or payments and return of the funds shall be borne by the Bidder and they can be stated in Form 5.5 of Tender Documents.

All security instruments may be made out to member of the Group of Bidders or the Bidder but not the Subcontractor.

In the event that the Bidder does not fulfill assumed obligations in the subject public procurement procedure Employer is authorized to collect submitted security instruments by the Bidder.

If the Bidder does not submit security instruments within the deadlines and in the manner foreseen by Tender Documents the bid shall be rejected as unacceptable. If the Bidder submits a Bank Guarantee from a foreign bank, that bank must have at least the credit rating corresponding to the quality level of credit rating 3 (investments rank). If the

Bidder submits a Bank Guarantee from domestic bank that bank has to be among the first ten listed as the largest banks according to the criteria of total balance sheet assets published on the web site of NBS. Banking sector in Serbia – Report for IV quarter of 2013.

3.20.2 Performance Bond

Bidder or Group of Bidders whose Bid is selected as the most favorable are obliged to submit the Performance Bond to the Employer no later than 15 (fifteen) days as of the date of signing of the Contract within the contracted period, quality and scope in the amount of EUR 1,500,000.00 or in RSD counter value calculated on the date of guarantee issuance at middle exchange rate of NBS, with validity period of 60 days longer than the expiry of the deadline for the final performance of work, with the clauses “irrevocable, unconditional and payable at first demand without the right to objection”, issued for Employer 1 by the bank acceptable for the Employer 1.

Obligation from the previous paragraph, the Bidder shall confirm with the Statement of the Bidder on intention regarding the submission of the performance bond, which shall be submitted along with the Bid.

If the Bidder submits a Bank Guarantee from a foreign bank, that bank must have at least the credit rating corresponding to the quality level of credit rating 3 (investments rank). If the Bidder submits a Bank Guarantee from domestic bank that bank has to be among the first ten listed as the largest banks according to the criteria of total balance sheet assets published on the web site of NBS. Banking sector in Serbia – Report for IV quarter of 2013.

Performance Bond shall be returned to the Bidder who was awarded the contract after expiry of validity period of guarantee or after signing of Minutes that the Bidder who was awarded a contract executed works fully in accordance with the contract.

3.21 Insurance Policy

The Bidder to whom the public procurement contract is awarded shall submit within 15 days from the date of contract conclusion the insurance policy assigned to the Employer 2, in the amount of EUR 20 million for the damage on the property and persons of the Employers, third persons as consequence of the professional mistake or gross negligence of the Bidder.

Assigned insurance policy from the previous paragraph shall be returned to the Bidder after signing the Minutes that the Bidder who was awarded the contract executed works fully in accordance with the contract.

3.22. Data Protection

Employer shall protect all the data regarding the Bidders from the bid that the Bidder marked as such in accordance with the specific law.

Each page of the bid that includes confidential data the Bidder shall mark in the upper right corner with the word “CONFIDENTIAL”.

Evidence on fulfillment of mandatory conditions, price and other data from the bid that are significant for the application of criteria for bid ranking shall not be deemed confidential.

3.23 Bidder's statement in accordance with Article 75 paragraph 2 of the Law

Bidder shall, along with the bid, submit the statement by which it confirms that he fulfilled the obligations arising from the valid regulations regarding safety at work, employment, working conditions, environmental protection as well as the Bidder guarantees that he is the holder of the intellectual property right. Statement form makes an integral part of tender documents. In the event of joint bid submission the form should be copied, filled in, signed and stamped by every participant in the joint bid.

Fee for use patents, as well as the responsibility for the breach of protected rights of intellectual property of third person shall be borne by the Bidder.

3.24. Request for the Protection of Rights

Request for the Protection of Rights shall be submitted directly, via e-mail or by prepaid registered mail with return receipt.

Request for the protection of rights may be submitted during the entire public procurement procedure, against any activity, unless otherwise stipulated by the Law.

Request for the protection of rights shall be submitted to the Republic Committee and it is submitted to the Employer, labeled "Request for the protection of rights PP no. CPP 08/14/DUKN".

Provisions of the manner of submitting the decision from Article 149 of the Law shall be applied to submission of request for the protection of rights.

The Claimant shall simultaneously submit a copy of the request for the protection of rights to Republic Committee for the Protection of Rights in Public Procurement Procedures, address: 11000 Belgrade, Nemanjina 22-26.

Request for the protection of rights challenging the type of procedure, the contents of the invitation to the submission of bids or tender documents, shall be considered timely if received by the Employer at latest seven days before the expiry of the deadline for bid submission, regardless of the manner of delivery.

After adoption of the decision on contract awarding and decision on procedure cancellation, the deadline for submitting request for the protection of rights shall be ten days from the day of the receipt of the decision.

In the event of negotiation procedure without announcing invitation to tender, deadline for submitting request for the protection of rights shall be ten days from the day of publishing the decision on contract award on Public Procurement Portal.

The claimant shall pay the tax in the amount of RSD 40,000.00 to the account of the budget of the Republic of Serbia (№ 840-742221843-57, payment code 153, number reference: 97 50-016; remittance purpose: Republic Administrative Fee, Public Procurement CPP 08/14/DUKN". Beneficiary: the budget of the Republic of Serbia).

3.25. Starting date for the service execution

Starting date for the service execution shall be the day when all conditions for the commencement of works are provided.

Employer 2 shall provide all conditions for the Bidder to whom the contract is awarded within 15 days as of the date of contract conclusion.

Employer 2 shall prior to the starting date for the service execution:

- to appoint the authorised person – supervisory authority, for monitoring the implementation of this Contract, controlling the quality of service, verifying daily and monthly reports and Logs, as well as for solving possible problems, of which he shall inform the Service Provider in writing;
- if the Service Provider offers electric motor pumps, Employer 2 shall provide the electrical connection with the power of 24 to 30 MW of electric power, the voltage of 6000V, 50Hz on a plateau;
- to prepare the roads for accessing the chosen location and plateaus for pumping systems;
- to provide transverse and longitudinal profiles of the open pit mine at the point of pumping out;
- provide measuring devices for the control of the quantity of water and silt that was pumped out;
- to provide an operational team who will coordinate the operational activities at the mine with the Service Providers;
- to provide plateaus for pumping systems, accommodation for the equipment, devices, spare parts and temporary building structures necessary for the Service Provider for organizing and performing the stipulated obligations on the location of performed work;

4. CONDITIONS FOR PARTICIPATION IN PUBLIC PROCUREMENT PROCEDURE

Bidder should fill in the Forms legibly, so that the actual content of the bid could be determined and the authorized person should sign and certify them.

Bid needs to be clear and unambiguous.

If it is necessary that the Bidder corrects the mistakes it made during the bid preparation or filling in the Forms from Invitation to tender, it shall, next to the correction put the signature of the person or persons who signed the Bid Form and the seal of the Bidder.

4.1. Mandatory Conditions for Participation in Public Procurement Procedure

The right to participate in the public procurement procedure has the Bidder that fulfills the **mandatory conditions** for participation in public procurement procedure stipulated under Article 75 of Public Procurement Law ("Official Gazette of the Republic of Serbia" number 124/12) as follows:

1. It is registered with the competent authority i.e. entered into the corresponding register (Article 75, para. 1 item 1 of the Law);
2. It or its legal representative have not been convicted for any criminal act as members of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud (Article 75, para. 1 item 2 of the Law) and money laundering;
3. A binding court or administrative measure prohibiting the performance of activities being the public procurement subject has not been pronounced against the Bidder at the time the public invitation was published; (Article 75, para. 1 item 3 of the Law);
4. It settled all due taxes, contributions and other public duties in accordance with the regulations of the Republic of Serbia, or with foreign state of its head office; (Article 75, para. 1 item 4 of the Law);

4.2. Additional Conditions for Participation in Public Procurement Procedure

1. Minimum one reference for implementation of the pump systems for dewatering of large water.
2. Each Bidder shall submit the Study for pumping out silted water and silt. The Employer shall give approval for technical solution. Employer's approval for technical solution is mandatory condition for the bid to be commercially assessed.

The Study should include:

- The location of all pump aggregates with their technical features (engine power, work flow of each pumping aggregate separately as well as the pumping height of water level), selection of pipeline with specified technical features (diameter, fitting,...)
- Dynamic plan for water pumping with clearly stated positions of pump aggregates during the entire work execution.
- Technical solution for pumping out silt and the provision of equipment that is located in the mine during its pumping out. Employer shall provide the location for silt disposal.

- Preventive and accident measures for environmental protection from pollution by oil materials and oil derivatives (if pumps use diesel fuel) of Kolubara River that shall be applied during the mine pumping out.
- Time Schedule of the activities for service execution
- Technical solution should be in compliance with all positive legal regulations that are valid in the Republic of Serbia.

Note: at the request of the Bidder, Employer 2 shall enable the access to the location at which the subject service shall be performed.

3. that the Bidder possesses certified measuring devices for pumping out from item 2.3 paragraph 7.
4. The Bidder shall visit the site within 7 calendar days from the date of publishing these Tender Documents.

4.3. Instructions on How to Prove the Fulfillment of Mandatory Conditions

The Bidder shall attach to the bid the evidence indicating that it meets the mandatory and additional public procurement participation conditions pursuant to the Law, as follows:

Legal entity:

1) Extract from the Business Registers Agency register, i.e. extract from the registry of competent Commercial Court; for foreign Bidders extract from other adequate register of the competent authority of the state of its head office;

2) Extract from criminal records, i.e. certificate of the competent court and competent Police Administration of the Ministry of Interior that it or its legal representative have not been convicted for any criminal act as members of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud;

For domestic Bidders:

- extract from criminal records of competent court at whose territory is the head office of the domestic legal entity, i.e. head office of the representative or branch of foreign legal entity;
- extract from criminal records of the Special Department (for organized crime) of Higher Court in Belgrade;
- Certificate from criminal records of competent Police Administration of the Ministry of Interior for its legal representative – request for issuance of this certificate might be submitted by place of birth or by residence.

If there are several legal representatives for each the certificate from criminal records is submitted.

For foreign Bidders certificate of the competent state authority of its head office;

3) certificate of Commercial and Magistrates Court that measure prohibiting the performance of the activity, or certificate of the Business Registers Agency that is has not been registered with this authority, that the measure of prohibiting its performance as the company has not been pronounced at the time the public invitation was published; for foreign Bidders certificate of the competent state authority of the state of its head office.

For foreign Bidders certificate of the competent state authority of its head office;

4) Certificate issued by the Tax Authority of the Ministry of Finance that it has settled all due taxes and contributions and certificate issued by the competent local self-government that it has settled all duties for source local public revenues; for foreign Bidders certificate of the competent tax authority of the state of its head office.

Evidence from item 2) and 4) cannot be older than two months before Bid opening.

Evidence from item 3) hereof must be issued after publishing the invitation for submission of Bids.

Entrepreneur:

- 1) extract from the Business Registers Agency register, i.e. extract from the competent registry;
- 2) extract from criminal records, i.e. certificate of the competent Police Administration of the Ministry of Interior that it has not been convicted for any criminal act as member of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud;
For domestic Bidders:
 - *Certificate from criminal records of competent Police Administration of the Ministry of Interior– request for issuance of this certificate might be submitted by place of birth or by residence.*For foreign
 - Bidders certificate of the competent state authority of the state of its head office;
- 3) certificate of Magistrates Court that measure prohibiting the performance of the activity, or certificate of the Commercial Registers Agency that is has not been registered with this authority, that the measure of prohibiting its performance as the business entity has not been pronounced at the time the public invitation was published; for foreign Bidders certificate of the competent state authority of the state of its head office;
- 4) Certificate issued by the Tax Authority of the Ministry of Finance that it has settled all due taxes and contributions and certificate issued by the competent local self-government that it has settled all duties for source local public revenues; for foreign Bidders certificate of the competent tax authority of the state of its head office.

Evidence from item 2) and 4) cannot be older than two months before Bid opening.

Evidence from item 3) hereof must be issued after publishing the invitation for submission of Bids.

Natural person:

- 1) extract from criminal records, i.e. certificate of the competent Police Administration of the Ministry of Interior that it has not been convicted for any criminal act as member of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud, money laundering;
For domestic Bidders:

- *Certificate from criminal records of competent Police Administration of the Ministry of Interior– request for issuance of this certificate might be submitted by place of birth or by residence.*

For foreign Bidders:

- certificate of the competent state authority of the state of its head office;
- 2) certificate of Magistrates Court that measure prohibiting the performance of certain activities has not been pronounced at the time the public invitation was published; for foreign Bidders certificate of the competent state authority of the state of its head office;
 - 3) certificate issued by the Tax Authority of the Ministry of Finance that it has settled all due taxes and contributions and certificate issued by the competent local self-government that it has settled all duties for source local public revenues; for foreign Bidders certificate of the competent tax authority of the state of its head office;

Evidence from item 1) and 3) cannot be older than two months before Bid opening.

Evidence from item 2) must be issued after publishing the invitation for submission of Bids.

Note: In the case that the Bid is submitted by the Group of Bidders, these evidence shall be submitted for each member of the Group of Bidders. In the case the Bidder submits the Bid with subcontractor, these evidence shall be submitted for subcontractor (if there are several subcontractors they shall be submitted for each of them). These evidence cannot be older than two months counting from the date of Bid opening.

Bidder registered in Bidders Register is not obliged to prove the fulfillment of mandatory conditions when submitting Bid. Bidders Register is available on the web page of Business Registers Agency.

If the evidence on fulfillment of conditions is document in e-form, Bidder shall submit a written copy of document in e-form, in accordance with the law governing documents in e-form, unless it shall submit the Bid in e-form when the evidence is submitted in original e-form.

If the Bidder has its registered seat in another country, Employer can verify whether documents by which the Bidder proves the fulfillment of requested conditions were issued by the competent authorities of that country.

If the evidence under Article 77, paragraph 1, from item 1) to 4) of the Law is not issued in the country where the Bidder has its seat the Bidder can, instead of the evidence, submit its written statement, given under substantive and criminal liability certified by the court or administrative body, public notary or other competent body of that country.

If the Bidder could not obtain required documents within the deadline for submission of Bid, because they could not have been issued from the moment of Bid submission according to the regulations of the country in which the Bidder has its seat and if the Bidder submits appropriate evidence together with the Bid, the Employer shall allow the Bidder to submit the required documents subsequently, within the appropriate deadline.

The Bidder shall without delay inform the Employer in written form on any change regarding the conditions' fulfillment from the public procurement procedure, that occurs

until decision making, i.e. contract conclusion, i.e. during validity period of the public procurement contract and it shall prepare the documents in prescribed manner.

In case of doubt in the truthfulness of the submitted data, the Employer retains the right to check them based on the relevant evidence. If the Employer determines that the Bidder presented untrue data or that the documents are false, the Bid of that Bidder shall be considered unacceptable and shall be rejected.

4.4. Instruction on How to Prove the Fulfillment of Additional Conditions

1. The reference is being proved by submitting verified certificate of previous Employers (Form 5.8) as well as the enclosed copy of the contract for performed service.
2. Submitted Study for Pumping Out of the Silted Water and Silt, monitoring of the condition of the facilities with all proposed measures for safety of facilities during pumping out.
3. Evidence on certification of measuring device
4. Evidence that the Bidder visited the site (Form 5.10)

5. BID FORM

Bid no. _____ dated _____ for procurement of: "Pumping out the silted water and silt in the Open Pit Mines of MB Kolubara –"Tamnava-West Field", procurement no. _____.

General data on the Bidder:

Bidder's name:	
<p>THE MANNER OF BID SUBMISSION (circle)</p> <p>(in the event of submission of joint bid/bid with subcontractor state name and seat of all participants in joint bid/subcontractor)</p>	<ul style="list-style-type: none"> • individually • joint bid <p>_____</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • with subcontractor <p>_____</p> <p>_____</p>
Bidder's address:	
The person responsible:	
Person authorized to sign the Contract:	
Contact person:	
Phone number:	
Telefax number:	
e - mail:	
Bidder's current account number and the name of the bank:	
Registration Number:	
Activity code:	
TIN:	
Price per measurement unit RSD/m³ or EUR/m³ (VAT excl.):	
Value added tax (VAT):	
Price per measurement unit RSD/m³ or EUR/m³ (VAT included):	
Bid validity period (cannot be shorter than 60 days from the date of Bid opening)	_____ days from the date of Bid opening

Deadline for service completion <ul style="list-style-type: none"> for OPM "Tamnava-West Field" to the level 20) 	_____ days from the date when all conditions for the commencement of works are provided
Payment manner and deadline (payment deadline not shorter than 20 days from the date of the receipt of invoice) (circle currency)	<ul style="list-style-type: none"> days from the date of the receipt of invoice in the records office of the Employer 2 Advance payment in the amount of RSD/EUR _____
Data on the percentage of total value of the procurement which shall be awarded to the subcontractor as well as the part of procurement subject which shall be performed through subcontractor:	

Employer's note: Bidder is obliged to submit, together with the Bid Form, also the Form of structure of the offered price containing all the elements based on which unit price was formed, and which prove that the price covers all costs which the Bidder shall have in the procurement realization.

Date: _____

Place: _____

L.S.

Bidder or authorized representative the Group of Bidders

(Signature)

L.S.

Subcontractor:

(Signature)

Form 5.1.

GENERAL DATA ON THE SUBCONTRACTOR

Subcontractor's name:	
Subcontractor's address:	
Person authorized:	
Contact person:	
Phone number:	
Telefax number:	
e - mail:	
Subcontractor's current account number and the name of the bank:	
Registration Number:	
Activity code:	
TIN:	

Subcontractor:

L.S.

Note: In case of submission of a Bid with several subcontractors, this form should be photocopied, filled in, signed and verified by each subcontractor.

Form 5.2.

GENERAL DATA ON THE JOINT BID PARTICIPANT

Bidder's name:	
Bidder's address:	
Person authorized:	
Contact person:	
Phone number:	
Telefax number:	
e - mail:	
Bidder's current account number and the name of the bank:	
Registration Number:	
Activity code:	
TIN:	

Joint Bid Participant:

L.S.

Note: In case of joint bid submission, this form should be photocopied, filled in, signed and verified by each participant in a joint bid.

Form 5.3.

In accordance with the Article 26 of Public Procurement Law “Official Gazette of the RS, no. 124/12) we give the following

STATEMENT ON INDIVIDUAL BID

as the Bidder
(Leader of the group - holder of the work in joint bid)

WE S T A T E

under full substantive and criminal liability that

(full name and seat)

shall submit (joint) Bid in open procedure of public procurement No._____, independently, without agreement with other Bidders or interested parties.

Date:

L.S.

Bidder:

Note: *In the event of reasonable doubt in truthfulness of the statement on individual bid, the Employer shall immediately inform organization competent for protection of competition. Organization competent for protection of competition, may pronounce measure prohibiting the bidder i.e. interested party from participation in public procurement procedure if it ascertains that the bidder, i.e. interested party breached competition in public procurement procedure in accordance with the law that defines protection of competition. Measure prohibiting participation in public procurement procedure may last up to two years. Breach of competition represents negative reference in accordance with Article 82, paragraph 1 item 2 of the Law.*

If the bid is submitted by group of bidders, the Statement must be signed by the authorized person of each bidder from the group of bidders and it must be stamped.

Form 5.4.

In accordance with Article 75 paragraph 2 of Public Procurement Law ("Official Gazette of RS" no. 124/12) we give the following

STATEMENT

as a _____
(to write: bidder, member of the group of bidders, subcontractor)

WE STATE

under full substantive and criminal liability that

(full name and seat)

it shall follow all obligations arising from valid regulations about safety at work, employment and work conditions, environmental protection and it guarantees that it is a holder of intellectual property.

Date:

L.S.

Bidder/subcontractor:

Form 5.5.

BID PREPARATION COSTS FORM

Cost name and description	Amount
TOTAL	

Date:

L.S.

Bidder:

Note: Bidder may submit within the Bid total amount and costs structure for Bid preparation in accordance with the given form and Article 88 of the Law.

This is the form that the bidder is not obliged to submit.

PRICE STRUCTURE FORM

<i>Pumping out of silted water and silt on open pit mine MB Kolubara</i>				
No.	Pumping out price structure*	Measurement unit m³	Currency (RSD/EUR)	Price per measurement unit, VAT excluded
1.	<i>Pumping out price</i>	m³		

Offered price in addition to margin, electricity consumption includes as well the costs for the insurance of property and persons of the Bidder and damages inflicted to third persons during service provision of the Bidder as well as the damages incurred to the Employer and third persons due to professional mistake by the Bidder up to the amount of EUR 20 million, costs of temporary import and export and other fees, as well as all other costs that are directly connected to the implementation of subject service.

Insurance policy against the damage that the Employer and third persons suffered due to professional mistake shall be assigned to the Employer 2.

Date:

L.S.

Bidder:

Form 5.7.

TECHNICAL SPECIFICATIONS OF PUMPING PLANTS

a) Type of pumping aggregate with the following technical specifications:		Unit of measurement	Option 1	2	3
• Hourly pumping capacity		(m ³ /h)			
• Manometer pumping height	H man	(m)			

Type of drive and its specifications for each pump aggregate (Diesel or electric motor drive)			Unit of measurement	Option 1	2	3
• For pump aggregates with Diesel motor	Power	P	KS/kW			
•	Specific fuel consumption	G	lit/h			
• For pump aggregates with electric motors	Power	P	kW			
•	Voltage	U	kV			

b) Hourly capacity and the dynamics of filling the ENTIRE plant:		Unit of measurement	Option 1	2	3
• Hourly capacity		(m ³ /h)			
• Dynamics (total time) of pumping of the entire plant		h			

c) Number of pumping aggregates and time of engagement (usage) for the process of pumping out		Unit of measurement	Option 1	2	3
• Number of pumping aggregates		pieces			
• Time of engagement (usage)		h			
• The total capacity of the plant		(m ³ /h)			

Note: Option 1 and/or 2 and/or 3 imply that the Bidder may offer several different pump aggregates of both types (pumps with Diesel or with electric motors) with all characteristics required in item 2.3 of Tender Documents – Technical Specifications.

Form 5.8.

CERTIFICATE

I hereby certify that _____ (specify the name of the bidder) has provided services of **“pumping silted water and silt out, minimum quantity of _____ m3 at a workplace or facility”** for our needs within the agreed timeframe, scope and quality, and that there were no claims against them within the guarantee period.

No.	Contracted services in the last 5 years (congenial to the relevant procurement)	Employer (full name and address) and contact person	Contract No. and date / invoice	Value of Contract/invoices in RSD or EUR, VAT excluded
1				
2				
3				

Note: The Bidder shall be responsible for authenticity of the stated references. In case of more references, copy this form.

Date, _____

Employer

in _____

Seal and signature of the authorized person

Form 5.9.

STATEMENT OF THE BIDDER ON INTENTION TO SUBMIT PERFORMANCE BOND

We hereby state that if our bid shall be selected as the most favorable by the Decision of the Employer on Contract Award, for procurement of service - „Pumping out silted water and silt at the open pit mines of the MB „Kolubara“ - „Tamnava-West Field“, under public procurement No. CPP 08/14/DUKN within 15 days as of the day of Contract signing, we shall submit to the Employer irrevocable, unconditional and payable at first demand without the right to objection Performance Bond, in the amount of EUR 1,500,000.00 or converted in RSD at middle exchange rate of NBS on the date of guarantee issuance with validity period of 60 days longer than the expiry of the deadline for the final performance of work.

We also state that if during validity of the Contract deadlines for contract performance change, validity of submitted security instrument shall be extended for the period determined by the Employer.

Date:

Place:

Bidder or authorized representative
of the Group of Bidders

L.S.

Form 5.10.

CERTIFICATE ON PERFORMED SITE VISIT

Employer 2 issues the following Certificate on performed site visit.

This certifies that ___ *[name, surname, ID number]* ___ under authorization number ___ *[authorization number]* ___ dated ___ *[authorization date]* ___ for and on behalf of ___ *[name of the company, seat of the company]* ___ on _____ 2014 visited the site for the purpose of Bid preparation for the Public Procurement of Service CPP 08/14/DUKN, and obtained all requested information regarding the site.

Attachment : authorization number ___ *[authorization number]* ___ dated ___ *[authorization date]* ___

Date: _____

Place: _____

Certificate issued by
Employer 2

Handwritten signature of the authorized person of the Employer 2