

National Tourism Organisation of Serbia

**TENDER DOCUMENTS**

FOR PUBLIC PROCUREMENT:

“ADVERTISING IN THE UNITED KINGDOM FAMILY TRAVELLER MAGAZINE”

**- public procurement negotiated procedure -  
- number of the Public Procurement with Negotiated Procedure 1/2016-**

May 2016

**TENDER DOCUMENTS**  
**IN THE NEGOTIATED PROCEDURE FOR THE PUBLIC PROCUREMENT WITHOUT**  
**ANNOUNCEMENT OF AN INVITATION TO BID (Article 36 paragraph 1 point 2 of the**  
**Law on Public Procurement)**  
**No. JNPP 1/2016**

Pursuant to Articles 39 and 61 of the Law on Public Procurement (*Official Gazette of the Republic of Serbia*, No. 124/2012, 14/15, and 68/15, hereinafter referred to as the: Law), Article 5 of the Rulebook on Mandatory Elements of Tender Documents in Public Procurement Procedures and the Manner of Proving the Compliance with the Requirements, the Decision to Initiate Public Procurement Procedure number: 1373/1 of 16 May 2016, the following

**TENDER DOCUMENTS**

were prepared for public procurement in the negotiated procedure whose subject is Advertising in the United Kingdom Family Traveller Magazine.

THE TENDER DOCUMENTS CONTAIN:

<b>1. GENERAL INFORMATION ON THE PUBLIC PROCUREMENT</b>
<b>2. INFORMATION ABOUT THE SUBJECT OF THE PUBLIC PROCUREMENT</b>
<b>3. TERMS AND CONDITIONS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE UNDER ARTICLE 75 OF THE LAW ON PUBLIC PROCUREMENT AND INSTRUCTIONS ON PROVING THE COMPLIANCE WITH THOSE CONDITIONS</b>
<b>4. ELEMENTS OF THE CONTRACT TO BE THE SUBJECT OF NEGOTIATION</b>
<b>5. INSTRUCTIONS TO THE BIDDERS ON HOW TO PREPARE THE BID</b>
<b>6. FORMS FOR COMPLETING 1 - 5</b>

## 1. GENERAL INFORMATION ON THE PUBLIC PROCUREMENT

### 1.1 Name, address, and the web page of the Contracting Authority

#### 1. Information on the Contracting Authority:

- National Tourism Organisation of Serbia
- Belgrade, Čika Ljubina 8
- TIN: 101824761
- Identification number: 17062867
- <http://www.srbija.travel/o-tos-u/o-tos-u/javne-nabavke.548.html>

### 1.2 Type of the public procurement procedure

The concerned public procurement shall be carried out as a negotiated procedure without announcement of an Invitation to Bid (Article 36 paragraph 1 point 2 of the Law on Public Procurement), based on the opinion of the Public Procurement Office number: 404-02-1307/16 of 5 May 2016.

### 1.3 Subject of the public procurement

The subject of the public procurement is procurement of services, Advertising in the United Kingdom Family Traveller Magazine.

### 1.4 Purpose of the public procurement procedure

The procedure in question shall be carried out with a purpose of entering into a public procurement contract. A contract shall be signed with the bidder awarded the contract under a decision by the Contracting Authority.

### 1.5 Contact person

Zorica Jovanov, [zjovanov@serbia.travel](mailto:zjovanov@serbia.travel)

### 1.6 Information about the manner, place, and deadlines for the submission of bids

A bidder shall submit their bid directly or by mail.

Regardless of the manner of submission of the bid, a bidder must ensure that the bid arrives at the address of the Contracting Authority by **30 May 2016 by 11 a.m.**

The bid with evidence on compliance with the requirements from the Tender Documents shall be submitted in a sealed envelope to the address: Turistička organizacija Srbije, Beograd, Čika Ljubina 8, with the indication:

“Bid for the Public Procurement – Advertising in the United Kingdom Family Traveller Magazine”

JNPP No. 1/2016 “DO NOT OPEN”

A bid received by the Contracting Authority after the date and time set in this invitation shall be considered untimely.

Upon the completion of the procedure of public opening of the bids, the Contracting Authority shall return unopened, untimely submitted bids to the respective bidders.

A bidder may submit only one bid. The deadline for submission of bids is **30 May 2016** at 11 a.m.

**Place, time, and procedure of bid opening:** Opening of the bids shall be in public and shall take place on **30 May 2016** at 11:15 a.m. in the National Tourism Organisation of Serbia, Belgrade, Čika Ljubina 8, first floor, meeting room.

**Terms under which the bidders’ representatives may participate in the bid opening procedure:** Only authorised representatives of bidders may participate in the bid opening procedure, and they are obliged, before the start of the public opening of bids, to present written letters of authorisation for participation in the bid opening procedure to the Contracting Authority’s commission, based on which they will prove that they possess authorisations for participation in the procedure.

The bidders shall be subsequently notified about the negotiated procedure.

## 2. INFORMATION ABOUT THE SUBJECT OF THE PUBLIC PROCUREMENT

### 2.1 Description of the subject of the procurement, and name and code from the Common Procurement Vocabulary

The subject of the public procurement is procurement of services, Advertising in the United Kingdom Family Traveller Magazine.

Name and code from the Common Procurement Vocabulary: Announcement services  
CPV: 79341000

## 3. TECHNICAL SPECIFICATIONS

A bidder has to provide the Contracting Authority with announcement in the tourist magazine Family Traveller specialised in family travel and on the portal of this magazine in the following manner:

- Three pages of a story in the printed issue of the magazine, under the working title “Belgrade city break and surrounding areas”, with a possibility for the number of pages to increase if British tour operators wishing to promote their own programmes for family vacation in Serbia join
- 100,000 clicks on the banner of the National Tourist Organisation of Serbia, which would be posted on the Family Traveller’s portal
- Posting of the story and additional news on the Family Traveller’s portal

A bidder provides the text of the story.

Photos are provided by the Contracting Authority and the bidder.

The story shall be published during the summer in 2016.

#### 4. TERMS AND CONDITIONS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE UNDER ARTICLE 75 OF THE LAW ON PUBLIC PROCUREMENT AND INSTRUCTIONS ON PROVING THE COMPLIANCE WITH THOSE CONDITIONS

##### **4.1 Obligatory terms and conditions for participation in the public procurement procedure under Article 75 of the Law**

In the public procurement procedure, a bidder must prove:

- 1) that it is registered with the competent authority, i.e. entered in the appropriate register (Article 75 paragraph 1, point) of the Law);
- 2) that it or its legal representative have not been convicted of any criminal acts as members of an organised criminal group; that it has not been convicted for commercial crimes, crimes against the environment, the offense of receiving or giving bribes, the crime of fraud (Article 75 paragraph 1, point 2) of the Law);
- 3) that it has paid due taxes, contributions, and other public charges in accordance with the regulations of the Republic of Serbia or a foreign country if its registered address is in its territory (Article 75 paragraph 1, point 4) of the Law);

**Evidence:** Statement (Form 1) by which the bidder confirms, under penalty of perjury, that it meets all these requirements.

In making its bid, a bidder is required to state explicitly that it has complied with all obligations derived from applicable regulations on safety at work, employment and working conditions, the environmental protection, as well as that no prohibition for its carrying out the activity is in force at the time of submission of the bid (Article 75 paragraph 2 Of the Law).

**Evidence:** Statement (Form 3) by which the bidder confirms, under penalty of perjury, that it meets all these requirements.

##### **4.2 Terms and conditions that must be met by the bidder in line with Article 80 of the Law**

A bidder is obliged to submit evidence on the compliance with the mandatory requirements under Article 75 paragraph 1 points 1) to 3) of the Law for its sub-contractors.

**Evidence:** Statement (Form 1) by which the bidder confirms, under penalty of perjury, that it meets all these requirements.

##### **4.3 Requirements that must be met by each bidder from a group of bidders in line with Article 81 of the Law**

A bidder from a Group of Bidders is required to submit evidence of fulfilment of the obligatory requirements under Article 75 points 1) to 3) of the Law, as well as the requirement under Article 75 paragraph 2 of the Law.

**Evidence:** Statement (Form 1 and Form 3) by which a bidder from a Group of Bidders confirms, under penalty of perjury, that it meets all these requirements.

**We point out the following to the bidders:**

Before making a decision on the award of the contract, the Contracting Authority may request from the bidder whose bid is assessed as the most advantageous, to submit for inspection the original or a certified copy of all or of some evidence on the fulfilment of mandatory and additional requirements.

If a bidder fails to submit for inspection the original or a certified copy of requested evidence within a reasonable term that cannot be shorter than 5 days, the Contracting Authority shall reject its bid as unacceptable.

The Contracting Authority shall not reject a bid as unacceptable if it does not contain evidence specified with the Tender Documents if the bidder states the web site where data requested within the requirements is publicly available.

The bidder, or the contractor is required to notify the Contracting Authority without delay about any change related to the fulfilment of requirements from the public procurement procedure, which arises until the decision is made, i.e. entering into the contract, i.e. during the validity of the public procurement contract, and to document it in a proper way.

**Foreign bidders:**

If some evidence under Article 77 of the Law is not issued in the country where the bidder is headquartered, the bidder may, instead of the document, submit its own statement, given under penalty of perjury, certified by a court or an administrative body, notary public or any other competent body of that country.

**5. ELEMENTS OF THE CONTRACT TO BE THE SUBJECT OF NEGOTIATION**

The negotiation shall be conducted within a maximum period of three days from the date of bid opening. Date and time of the negotiated procedure shall be subsequently notified to the Bidder. The negotiation shall refer to the amount of the offered price.

The negotiated procedure shall be carried out in one round, when the authorised representative of the bidder shall submit its final offer.

If the authorised representative of the bidder does not attend the negotiated procedure and does not submit a new offer, the price given in the submitted bid shall be considered their final price.

**6. INSTRUCTIONS TO THE BIDDERS ON HOW TO PREPARE THE BID**

**6.1 The language of the bid**

The bid may be in given in Serbian or English language, while the public procurement procedure shall be conducted in Serbian.

The minutes on the bid opening shall be kept in Serbian, and the decision on the contract award shall be made in Serbian and English.

Documents issued by competent authorities of the bidder's country, which are originally in a foreign language should be translated into Serbian by a court authorised translator.

If during the review and evaluation of bids the Contracting Authority determines that a part of the bid that is given in another language has to be translated into Serbian, it shall give the bidder a deadline in which the bidder is required to translate that part of the bid.

In case of a dispute, the version of the bid and the related translated evidence in Serbian shall be relevant.

## **6.2 Manner in which information in the bid should be completed**

Forms and statements required by the Tender Documents, i.e. data that must be their integral part, shall be completed by a bidder in a legible manner, and signed and certified with a stamp by the authorised person.

A bidder can submit only one bid. Bids with variants are not allowed and shall be rejected.

## **6.3 Manner of amending, supplementing, or cancellation of the bid**

A bidder may, at any time before the expiry of the deadline for submission of bids, amend, supplement or cancel the bid in the same manner in which it has submitted the bid, with the indication: "Amendment of the bid", "Supplement of the bid", or "Cancellation of the bid" (Public Procurement JNPP1/2016). The bidder is required to clearly indicate which part of the bid is changed, i.e. which documents are additionally submitted. After the expiry of the deadline for the submission of bids, the bidder cannot amend, supplement, or cancel its bid.

## **6.4 Requirements in relation to the delivery term, warranty period, place of execution of the procurement, manner and terms of payment**

The selected bidder shall be obliged to perform the service in question to the extent, in the manner and within the period determined by the contract on procurement.

## **6.5 Currency and the manner in which it has to be stated and expressed in the bid**

The price and other values in the bid are expressed in RSD or GBP.

If the bid is given in GBP, the conversion in RSD for the procedure of evaluation of the bid shall be made according to the medium exchange rate of the National Bank of Serbia for GBP on the date of bid opening.

After the signing of the public procurement contract, price may not be changed.

A bidder shall bear all the costs related to the preparation and submission of the bid.

A bidder shall present the cost of preparation in a specifically provided form for that, which is an integral part of the Tender Documents, and which the bidder is not obliged to complete and sign.

## **6.6 Notification about the manner in which additional clarification from the bidder after the opening of bids may be requested and control at bidders or its manufacturers made**

The Contracting Authority may request from the bidder additional clarifications that shall help it review, evaluate, and compare the bids, and make control (inspection) at the bidder's premises.

The Contracting Authority may make corrections, with the Bidder's consent, of the calculation errors perceived during the review of the bid upon the completed bid opening procedure.

### **6.7 Criterion for the contract award**

The criterion for the contract award is the lowest price offered.

### **6.8 Request for protection of rights**

The request for protection of rights is submitted to the Contracting Authority, and the copy is concurrently submitted to the Republic Commission.

The request for protection of rights may be submitted during the entire public procurement procedure, against any activity of the Contracting Authority, unless this Law provides otherwise.

The request for protection of rights challenging the type of procedure, the content of the invitation for submission of bids or the Tender Documents shall be considered timely if received by the Contracting Authority not later than seven days before the deadline for submission of bids, and in the low-value public procurement procedure and the qualification procedure, if received by the Contracting Authority three days before the expiry of the deadline for submission of bids, regardless of the manner of delivery and if the claimant, in line with Article 63 paragraph 2 of this Law, has pointed to possible deficiencies and irregularities, and the Contracting Authority has not removed them.

The request for protection of rights challenging an action which the Contracting Authority undertakes before the expiry of the deadline for submission of bids but upon the expiry of the term from paragraph 3 of Article 149 of the Law on Public Procurement, shall be considered as submitted in a timely manner if given no later than the expiry of the deadline for submission of bids.

Provisions of paragraphs 3 and 4 of Article 149 of the Law on Public Procurement shall not apply in case of negotiated procedure without announcement of an invitation to bid, if the claimant or a person related to it did not participate in that procedure.

After the Contracting Authority makes decision on awarding the contract, decision on the signing of a framework agreement, decision on recognising qualification, or decision on cancelling the procedure, the deadline for filing a request for the protection of rights shall be ten days from the day of publicising the decision on the Public Procurement Portal, or five days in the case of low-value public procurement and adoption of decision on the contract award based on the framework agreement in line with Article 40a of this Law.

The request for protection of rights may not challenge actions of the Contracting Authority undertaken in the public procurement procedure if the reasons for its filing were known or could have been known to the claimant before the expiry of the deadline for filing a request under paragraphs 3 and 4 of Article 149 of the Law on Public Procurement, and the claimant failed to file it before the expiry of that term.

If another request for protection of rights is filed in the same public procurement procedure by the same claimant, that request cannot challenge the actions of the Contracting Authority which were known to the claimant or which it could have known at the time of filing the previous request.

The request for protection of rights does not prevent further activities of the Contracting Authority in the public procurement procedure in line with the provisions of Article 150 of the Law on Public Procurement.



The Contracting Authority publicises the notification on the filed request for protection of rights on the Public Procurement Portal and on its web site no later than two days from the date of receipt of the request, which contains data from the Attachment 3N.

The request for protection of rights shall be filed directly, by an e-mail to the address [bsujica@serbia.travel](mailto:bsujica@serbia.travel) within the working hours of the Contracting Authority, on working days from Monday to Friday, from 07:30 a.m. to 03:30 p.m. or by registered mail with a return receipt to the address Turistička organizacija Srbije, Beograd, Čika Ljubina 8, with the indication of the subject and the number of the public procurement. **If the request for protection of rights is filed by e-mail, it is preferable that in addition to this scanned document with the stamp and signature of the authorised person of the bidder (the claimant), the same document is submitted in the Word format with a purpose of faster and more efficient action of the Contracting Authority (without rewriting the allegations of the claimant).**

#### **Fee amount**

The claimant is required to pay to an account of the budget of the Republic of Serbia a fee of:

- 1) **RSD 60,000 in the low-value public procurement procedure** and the negotiated procedure without the announcement of an invitation to bid;
- 2) RSD 120,000 if the request for protection of rights is filed before the opening of bids and if the estimated value is not higher than RSD 120,000,000; (Note: The estimated value of the public procurement in question is less than RSD 120,000,000).

**Fee payment: Internet address of the Republic Commission for protection of rights in the public procurement procedures link:**

**<http://www.kjn.gov.rs/ci/uputstvo-o-uplati-republicke-administrativne-takse.html>**

#### **INSTRUCTIONS ON THE PAYMENT OF THE FEE FOR FILING OF THE REQUEST FOR PROTECTION OF RIGHTS**

Article 151 of the Law on Public Procurement stipulates that a request for protection of rights must contain, among others, the evidence of paid fee referred to in Article 156 of the Law on Public Procurement.

The claimant is required to pay to a certain account of the budget of the Republic of Serbia a fee in the amount as prescribed by Article 156 of the Law on Public Procurement.

**The following shall be accepted as evidence of the payment of the fee, in terms of Article 151 paragraph 1 point 6) of the Law on Public Procurement:**

**1. Receipt on paid fee under Article 156 of the Law on Public Procurement that contains the following elements:**

- (1) it is issued by a bank and has the stamp of the bank;
- (2) it represents evidence on the paid fee, meaning that the receipt must have information that the order for the fee payment, i.e. the transfer of funds has been realised, along with the date of the realisation of the order. \* *Republic Commission*

*may make an inspection in the corresponding statement of the record account submitted by the Ministry of Finance - the Treasury and in this way additionally check the fact whether the transfer order has been realised.*

- (3) amount of the fee under Article 156 of the Law on Public Procurement that is paid;
- (4) number of the account: 840-30678845-06;
- (5) code of payment: 153 or 253;

- (6) reference to the number: information on the number or the designation of the public procurement in relation to which a request for protection of rights is filed;
- (7) purpose: ZZZ; name of the Contracting Authority; number or designation of the public procurement in relation to which a request for protection of rights is filed;
- (8) beneficiary: Budget of the Republic of Serbia;
- (9) name of the payer, i.e. the name of the claimant for whom the payment of the fee is made;
- (10) signature of the authorised person of the bank.

**Comment [Alk1]:** Pretpostavljamo da je u pitanju Zakon o zaštiti potrošača. Ako je tako, prevod na engleski glasi *Law on Consumer Protection*.

**2. The payment order, first copy**, certified with the signature of the authorised person and the stamp of the bank or the post, which contains all other elements from the receipt of executed payment of the fee stated under point 1.

**3. Certificate by the Republic of Serbia, Ministry of Finance, the Treasury**, signed and verified with the stamp, which contains all the elements of the receipt on executed payment of the fee referred to in point 1, except for the ones stated under (1) and (10), for the claimants who have an open account within the related consolidated account in the Treasury, which is kept in the Treasury (beneficiaries of budgetary funds, beneficiaries of the funds of organisations for mandatory social insurance and other public fund beneficiaries);

**4. Certificate issued by the National Bank of Serbia that contains all elements of the receipt of executed payment of the fee referred to in point 1**, for claimants (bank and other entities) that have an open account with the National Bank of Serbia in line with the law and other regulations.

A copy of properly completed transfer order

<http://www.kjn.gov.rs/ci/uputstvo-o-uplati-republicke-administrativne-takse.html>

The Contracting Authority publicises the notification about the filed request for protection of rights on the Public Procurement Portal and on its web site, no later than 2 days from the receipt of the request for protection of rights.

## **6.9 Term within which the public procurement contract should be signed**

The Contracting Authority concludes the public procurement contract with the bidder to whom the contract was awarded no later than 8 days from the date of expiry of the deadline for submission of requests for protection of rights.

**Form 1**

**FORM OF THE BID  
JNPP number 1/2016**

Pursuant to the Law on Public Procurement, I am giving a bid in the public procurement of services in the negotiated procedure – Advertising in the United Kingdom Family Traveller Magazine, as follows:

**Bid Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*(the bidder enters its reference number and the date of preparation of the bid)*

**1) DATA ON THE BIDDER**

<b>Name of the bidder</b>		
<b>Address</b>	<b>Place,</b>	
	<b>street and number</b>	
<b>Identification number of the bidder</b>		
<b>Tax Identification Number (TIN) of the bidder</b>		
<b>Name of the contact person</b>		
<b>Phone, Fax</b>		
<b>E-mail address</b>		
<b>Number of the account and name of the bank</b>		
<b>Person authorised for signing the contract</b>		
<b>Person authorised for negotiation</b>		

**2) FORM OF THE FINANCIAL BID WITH THE PRICE STRUCTURE**

- The bidder gives the bid: in RSD in GBP  
(circle the currency in which the bid is given)

	Price		
		without VAT	with VAT
	The total offered price for all services that are subject of this public procurement (announcement in the magazine and on the portal)		

- The offered prices are fixed and invariable within the period of the validity of the contract.
1. **Validity of the offer:** \_\_\_\_\_ days from the date of the opening of the bid (*minimum 30 days*)
  2. **Due date of payment** (not shorter than 15 days) is \_\_\_\_\_ days from the date of receipt of properly delivered invoice.

Note: The bidder enters the requested data in the empty fields of the bid form.

**Date:**

**L.S.**

**BIDDER**  
**- signature -**

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**Form 2**

**S T A T E M E N T  
OF THE BIDDER ON THE COMPLIANCE WITH THE REQUIREMENTS FROM  
ARTICLE 75 OF THE LAW**

Pursuant to Article 77 paragraph 4 of the Law, under the penalty of perjury, as the representative of the Bidder, I hereby give the following

**S T A T E M E N T**

The Bidder \_\_\_\_\_ (write the name of the Bidder), in the public procurement procedure: "Advertising in the United Kingdom Family Traveller Magazine" JNPP number 1/2016 meets all the requirements referred to in Article 75 of the Law, i.e. all requirements specified with the Tender Documents for the respective public procurement, such as:

- 1. it is registered with the competent authority, i.e. entered in the corresponding register**
  
- 2. it or its legal representative have not been convicted of any criminal acts as members of an organised criminal group; it has not been convicted of commercial crimes, crimes against the environment, the offense of receiving or giving bribes, the crime of fraud**
  
- 3. that it has paid due taxes, contributions, and other public duties in accordance with the regulations of the Republic of Serbia or a foreign country if its registered address is in its territory**

**Note:** If the Bidder submits the bid together with a subcontractor or a group of bidders, the statement has to be signed by all subcontractors and all members of the group of bidders.

**Place:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signature of the authorised  
person**

**L.S.**

**Form 3**

**STATEMENT OF COMPLIANCE WITH OBLIGATIONS ARISING  
FROM APPLICABLE REGULATIONS  
JNPP 1/2016**

Pursuant to Article 75, paragraph 2 of the Law on Public Procurement, **as the representative** of the Bidder

.....,  
(*name of the Bidder*)

under the penalty of perjury, I hereby certify that  
the above named Bidder has complied with all obligations derived from applicable regulations  
on safety at work, employment and working conditions, the environmental protection, as well  
as that no prohibition of its carrying out the activity is in force at the time of submission of the  
bid (Article 75 paragraph 2 of the Law).

Place: \_\_\_\_\_

Date: \_\_\_\_\_

**L.S.**

**BIDDER  
- signature -**

**Notes:**

- 1. The statement must be signed. Otherwise, the bid shall be rejected.**



Form 5

**FORM FOR THE BID PREPARATION COSTS**

**JNPP number 1/2016**

Pursuant to Article 88 paragraph 1 of the Law on Public Procurement, we hereby declare that the

**Bidder** .....,

*(name of the Bidder)*

incurred the following costs during the preparation of the bid:

<b>Number</b>	<b>Description:</b>	<b>Amount</b>
<b>1.</b>		
<b>2.</b>		
	<b>TOTAL:</b>	

Place: \_\_\_\_\_

**BIDDER**

**L.S.**

**- signature -**

Date: \_\_\_\_\_

**Note:**

- Submission of this statement is **not obligatory!**

The Bidder is not entitled to request the Contracting Authority to compensate for the costs for preparation of the bid.