



## PROCUREMENT DOCUMENTATION

Procurement procedure for Entities not subject to Public Procurement Act

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PROCUREMENT TITLE: **Exclusive rights to use a technological solution for a covering cap and contract research to produce a packaging prototype**

PUBLICATION REFERENCE: **Supplies 03**

PROJECT TITLE:

Cedevita Healthy OTG – The development of a new, healthier and low calorie instant vitamin drink

CALL TITLE:

Development increase of new products and services that are result from research and development activities

CALL REFERENCE: KK.01.2.1.01.

*Note: The documentation is originally made in Croatian with translation to English language. In case of disagreement or dispute, the text written in Croatian language shall prevail.*

Zagreb, June 2017.



Europska unija  
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## 1. GENERAL INFORMATION

### 1.1. Information on Contracting Authority

Contracting Authority's name and location: **Cedevita d.o.o.**, Planinska 15, 10000 Zagreb  
(Entity not subject to Public Procurement Act)  
PIN: 03830001847  
RN: 080325879  
Phone number: +385 1 241 3600  
Fax number: +385 1 241 3506  
Web page: <http://www.cedevita.com/>  
E-mail address: [grupa@atlanticgrupa.com](mailto:grupa@atlanticgrupa.com)  
Authorized person: Zvonimir Brekalo, Chairman of the Board

The Contracting Authority began with the implementation of the project "**Cedevita Healthy OTG – The development of a new, healthier and low calorie instant vitamin drink**" according to the project application on Permanently open call for submitting project proposals for receiving grants for "Increase of the development of new products and services which supervene from research and development activities" Reference no. KK.01.2.1.01. implemented by the Ministry of Economy, Entrepreneurship and Crafts

### 1.2. Information on Contact person responsible for communication with tenderers

Name and surname: Ivan Pavelić  
Phone number: +385 91 241 3550  
Address: Planinska 15, 10000 Zagreb  
E-mail address: [Ivan.Pavelic@atlanticgrupa.com](mailto:Ivan.Pavelic@atlanticgrupa.com)

Communication and any other information exchange between the Contracting Authority and respective Tenderers shall be made in written form. Tenderers' written requests for clarification shall be submitted to the email address: [Ivan.Pavelic@atlanticgrupa.com](mailto:Ivan.Pavelic@atlanticgrupa.com). Tenderers may require additional information or clarifications regarding the Procurement documentation during the deadline for submission of the offers. Additional information and explanations will be published on the website of Contracting Authority: <http://www.cedevita.com/eu-projekt.html> without revealing information regarding the submitter of the request.

If the procurement documentation is changed during the submission period, Contracting Authority will make all changes visible and available for all interested tenderers on the following website: <http://www.cedevita.com/eu-projekt.html>.

### 1.3. Publication reference

Supplies 03

### 1.4. Type of procurement procedure

Procedure with the publication of the procurement notice.

The procurement is being conducted based on Appendix 4. Procurement procedure for Entities not subject to Public Procurement Act (version 2.0) of Call for proposals "Increase of the development of

new products and services which supervene from research and development activities” Reference no. KK.01.2.1.01. which is available at [www.strukturnifondovi.hr](http://www.strukturnifondovi.hr).

The procurement procedure starts on the day of publication of Procurement notice and Procurement documentation with belonging appendixes on the web page of Contracting Authority: <http://www.cedevita.com/eu-projekt.html>.

## 1.5. List of economic entities with whom the Contracting Authority is in a conflict of interest

The procurement board members, the person authorized to represent the Contracting Authority and the appointed person for the implementation of the procurement procedure act in accordance with the principles of avoiding conflicts of interest and are excluded from the procurement procedure in case when conflict of interest occurs. Economic entity is excluded from the procurement procedure in case when the conflict of interests cannot be efficiently eliminated by excluding the aforementioned persons or by taking other measures.

Contracting Authority shall not enter into procurement contracts with the following economic entities (in the form of Tenderer, a member of a Consortium or subcontractor of the winning Tenderer):

- Neva d.o.o., Croatia
- Atlantic trade d.o.o., Croatia
- Droga Kolinska d.d., Slovenia
- Soko Štark d.o.o., Serbia
- Foodland d.o.o., Serbia
- Argeta d.o.o., Bosnia and Hercegovina
- Atlantic Brands, Russia
- Grand Prom d.o.o., Serbia
- Unikomerc d.o.o., Serbia
- Grand Prom d.o.o., Bosnia and Hercegovina
- Droga Kolinska d.o.o.e.l., Macedonia
- Atlantic Brands d.o.o., Serbia
- Atlantic Trade d.o.o., Slovenia
- Atlantic Trade d.o.o., Macedonia
- Bionatura bidon vode d.o.o., Croatia
- Atlantic Multipower d.o.o., Croatia
- Fidifarm d.o.o., Croatia
- Atlantic Pharmacentar d.o.o., Croatia
- ZU Ljekarne Farmacia, Croatia
- Farmacia - specijalizirana prodavaonica d.o.o., Croatia
- Montana Plus d.o.o., Croatia
- Hopen Investments, BV, Holland
- Atlantic Multipower GmbH & CO OHG, Germany
- Atlantic Multipower UK Ltd, Great Britain
- Sports Direkt Ltd., Great Britain
- Atlantic Multipower s.r.l., Italy
- Atlantic Multipower Iberica, Spain
- AKTIVKOST Handelsgesellschaft mbH, Germany
- Atlantic Management GmbH, Germany
- Atlantic Brands GmbH, Germany
- Atlantic Brands GmbH, Austria
- Atlantic grupa d.d., Croatia
- Floriana Park d.o.o., Croatia
- Dan, Mrak d.o.o., Croatia
- Poluotok Pelegrin d.o.o., Croatia
- Vrnik d.o.o., Croatia
- Nord Klassik d.o.o., Croatia

## 2. INFORMATION ON THE SUBJECT OF THE PROCUREMENT

### 2.1 Subject of procurement

The subject of the procurement is the exclusive right to use technological solution for a covering cap for ten (10) years in the worldwide instant vitamin beverage industry and a contract research to produce a packaging prototype.

#### Phase 1 - The exclusive right to use technological solution for a covering cap

Cedevita seeks an innovative technological solution of the covering cap for the granule release mechanism into a bottle which contains soft drinks (dietary supplements).

With regard to the unique position on the market and new markets penetration, it is extremely important for the Contracting Authority to have the exclusive rights to use the innovative technological covering cap design in the instant vitamin beverage industry worldwide.

The procurement consists of:

- Exclusive licensing rights for a period of ten (10) years from the date of signing the worldwide agreement in the production, distribution and marketing segment of the granule release cap in a bottle for the preparation of instant vitamin-based granules;
- Exclusive rights over a period of ten (10) years since the signing contract for a worldwide **intellectual property rights** (IP Rights) in terms of knowledge (know-how) which include all information of secret or confidential nature concerning manufacturing procedures and practices for the commercial production of the product (cap), complete technology, specifications, 3D model, including testing procedures relating to the functioning and reliability thereof, drawings, diagrams, test reports and other useful information, including copyright rights that are from patent application and patent (where applicable) and rights coming from improved solutions resulting from the joint activities of the Contracting Authority and the selected Tenderer.

The Tenderer is obligated to submit a **technical description and draft solutions (covering cap) from which it must be clearly apparent that the proposed solution fully meets the minimum required technical details of the procurement** as described in Appendix 6 of this Tender Documentation.

#### Phase 2 and Phase 3 - Contractual research for creating a packaging prototype

The contract for the prototype packaging design will be conducted in two phases. Tenderer is expected to continue cooperating with research and development specialists and the availability of at least two (2) key experts throughout the term of the contract.

The Tenderer is obliged to submit a **statement confirming that he has or will have at his disposal two (2) key experts** who will be available to the Tenderer for the execution of the works that are the subject of the procurement, during the term of the contract.

The Tenderer may rely on the ability of other entities to prove the fulfillment of the selection criteria referred in Article 8, regardless of the legal nature of their relationship, only if these entities provide the services that this ability is looking for. In that case, the Tenderer must prove to the Contracting Authority that he will have the necessary resources at his disposal, for example by accepting the obligations of other entities to make these resources available to the Tenderer.

In the Tenderer statement is obliged to nominate the following key experts:

- **Key Expert 1:** An Expert in the field of product packaging development
- **Key Expert 2:** An Expert in packaging production

The statement must contain:

- the name and surname of the person proposed for the role of the key expert with the indication of the position proposed for the person,
- indication of educational and professional qualifications for each person,
- indication of the jobs the person was doing

The statement **must be stamped and signed by an economic entity authorized representative.**

Attachment to the statement:

- a curriculum vitae of each proposed key expert

Curriculum Vitae of the key expert should provide clearly visible information that are the basis for scoring the offer.

Please note that one person is not allowed to perform more than one key expert function.

**Phase 2 – Industrial research** includes a contractual research to produce a prototype of a lower level packaging, (TRL 4), which is necessary for product testing in laboratory conditions.

Tender is expected to perform the following activities:

- Research of different closure materials and testing their functional application suitable for using in food industry and to be in food contact
- Proposal of the material optimal solution for closure production taking care about closure functionality and environmentally friendship
- Pilot tools closures development, two volumes, two colours, low level development according customer requirements
- Production, QA control and measurements (functionality, TORQUE tests, wall thickness) and delivery closures samples low level development for laboratory testing
- Making necessary prototype closure modification according customer laboratory testing
- Creating bottle technical specification according to the closures specifications
- Bottles pilot tools low level development according the customer requirements for laboratory testing
- Production, QA control and measurements (functionality, sealing tests, wall thickness) and delivery bottles samples low level development for laboratory testing
- Making necessary prototype bottle modification according customer laboratory testing
- Specification different multilayer Al film solutions for application on low level closure samples (for laboratory testing purpose only)
- Making necessary solution for Al film depending on customer laboratory testing
- Repetition of each phase activity till reaching fully closures, Al foils and bottles functionality and quality of samples low level development

This phase must be finished until 31.1.2018., during the process of industrial research until proving the technical feasibility of the new product prototype (TRL 4), carried out at the laboratory level.

Expected results:

Phase 2 - Industrial research should give results in choice of volume and material of the cap in at least two colors, volumes and grammage of PET bottles and selecting and defining the AI film structure.

**Phase 3 – Experimental development** includes a contractual research to produce a prototype of a higher level packaging, development of final product packaging (TRL 8) which is necessary for product testing in industrial / operational conditions. Phase 3 of contractual research is based on the results of Phase 2.

Tender is expected to perform the following activities:

- Production and delivery high level closures prototypes for testing in industrial/operational conditions (testing in minimum quantity delivery)
- Chosen AI film delivery
- Modification on closures prototypes depend on industrial/operational conditions testing
- Production and delivery high level bottles prototypes for testing in industrial/operational conditions (testing in minimum quantity delivery)
- Modification on bottles prototypes depend on operational conditions testing
- Modification on foil prototypes depend on in industrial/operational conditions testing
- Repetition of each single activity till reaching expected closures, AI films and bottles functionality and quality (mechanical functionality and product protection)

This phase must be completed within 6 months, during the experimental development of the new product to the establishment and qualification of the technological system (TRL8), carried out in the industrial / operational environment.

Expected results:

Phase 3 – The experimental development should result in the final prototype of the covering cap suitable for industrial production, final selection of the volume and covering cap material in at least two colors, volume and grammage volume of the PET bottle and by selecting and defining the AI film composition.

The procurement subject is not divided into lots and the tenderers have to submit an offer for the entire procurement subject.

## 2.2 Information on type and quantity of supplies

Subject of procurement is an exclusive rights to use a technological solution for a covering cap and contract research to produce a packaging prototype.

All of the services which are subject of the procurement will be provided at the Contracting Authority's location.

## 2.3 Estimated procurement value

Total estimated value of procurement: 11.702.726, 00 HRK.

Estimated value is expressed in Kunas (HRK) without VAT.

## 2.4 Technical specifications/ job description and all relevant technical details of the procurement subject

The technical component of the procurement subject is described in Appendix 6 „Technical specifications,, of the Procurement Documentation. Appendix 6 specifies the quantity of the procurement subject as well as detailed technical specifications for each item stipulated. For all manufacturers, product types, standards or norms, stipulated in technical specifications, applies „or equivalent“.

## 2.5 Place of delivery of Procurement subject

Place of delivery of supplies is location of the production plant on the following address: Planinska 15, 10000 Zagreb.

## 2.6 Deadline for delivery of Procurement subject

The deadline for delivery of supplies starts upon making an advance payment to the winning Tenderer, wherein the deadline for delivery of Procurement subject is according to the delivery phases:

- Phase 1 – Exclusive licensing rights for the use of technology solution for a plug, deadline: up to 5 working days after contract signature.
- Phase 2 – Industrial research, deadline: 31.01.2018.
- Phase 3 – Experimental development, deadline: 31.07.2018.

The subject of procurement will be considered as delivered on the day when Final acceptance certificate is signed.

As the project co-finances within the Call for submitting project proposals “Increase of the development of new products and services which supervene from research and development activities”, Reference no. KK.01.2.1.01., in case that after the implementation of the first stage of the project, the Intermediate Body Level 2 (HAMAG-BICRO) by verifying finds that it is not possible to implement the second phase of the project and on that basis access to the termination of the Grant Agreement, will result in termination of the contract of this procurement procedure. Upon such termination of the Contract, selected Tenderer shall not be paid an additional fee (compensation for damages, etc.) for termination of the Contract, but only part of the Contract value according to the activities performed until the termination of the Contract.

## 3. FINANCIAL OFFER

Financial offer can be found in the Appendix 5 of the Procurement documentation.

## 4. DEADLINE FOR OFFER SUBMISSION

### Date, time and place for offers submission

Offer, regardless of the means of delivery, must be received by the Contracting Authority, no later than:

**29.06.2017. at 12,00 a.m.**



To the address of the Contracting Authority as indicated in the article 7.3 of this documentation.

The offers received after the deadline for submission will not be subject of evaluation.

## 5. REASONS FOR MANDATORY EXCLUSIONS OF TENDERERS

The Contracting Authority is obliged to exclude Tenderer from the procurement procedure:

- a) if he or person authorized for legal representation is finally sentenced for a criminal offense of participation in a criminal organization, corruption, fraud, terrorism, financing of terrorism, money laundering, child labor or other forms of human trafficking;
- b) if he has not fulfilled all obligation related to the payment of its due tax liabilities and liabilities for social and health insurance, unless the payment of these obligations is not allowed by a special act or is approved deferred payment;
- c) if he is guilty of false presentation and false information providing, which are stated as a condition for exclusion or qualification standards;
- d) if he is bankrupt, insolvent or is being in the process of liquidation, if its assets are being managed by a bankruptcy trustee or the court, if he entered into arrangement with creditors, has suspended its business activities, or is in a similar procedure under the national regulations of the country in which the legal entity is established; or
- e) if he has committed grave professional misconduct which the contracting authority can prove by any means in the previous two years up to the commencement of the public procurement procedure

To determine the circumstances of Section 5, the economic entity submits a statement in the form of Appendix 4 of the Documentation. The statement must be signed by the person legally authorized to represent the economic entity.

The provisions of Section 5 also refer to the Consortium and Subcontractors, i.e. the Tenderer is obliged to prove for all the Consortium members as well as the subcontractors included in the offer that there is no reasons for their exclusion.

## 6. REQUIRED COMPETENCES OF THE TENDERERS

In order to determine conditions and requirements for execution of the contract, potential Tenderers or Consortiums, are obligated to enclose proofs in their tender which prove:

- Professional conditions,
- Economic and financial conditions and
- Technical and professional conditions.

### 6.1 Professional conditions

REQUEST: The tender must be capable for performing professional activities.

As **proof** of fulfillment professional ability the Tenderer must demonstrate **its record into court, craft, professional or other appropriate register of the economic entity's country of incorporation**. The entry in the register is proven by the appropriate certificate, if it cannot be issued in the country of

the seat of the economic entity, the statement with certified signatures of the competent authorities may be delivered instead. Certificate or statement proving the entry in the register must not be older than three months from the date on which procurement process started.

In case of Consortium, the evidence is submitted and circumstances determined by Section 6.1 for each member of Consortium individually.

## 6.2 Economic and financial conditions

REQUEST: The Tenderer must prove it had generated **total annual income for each of the last three recorded financial years**, depending on the date of incorporation or the start of performing economic activities, at least in the amount of 20.000.000, 00 Kuna. In order to determine the eligibility of the offer, the amounts of the offer will be converted into the Kuna (HRK) according to the middle exchange rate of the Croatian National Bank (HNB) valid on the day of publication of the Procurement Notice.

As **proof** of satisfying the condition of financial capability the Tenderer delivers income statement or other appropriate financial statement for each of the last three recorded financial years.

In case of Consortium, all of the Consortium members are obligated to prove (cumulatively) mutual financial capability.

## 6.3 Technical and professional conditions

REQUEST: The Tenderer must prove that in the year in which the procurement procedure (2017.) started and during the five years preceding that year (2012.-2016.) he has duly executed at least three contracts of the same or similar procurement subject, which is considered a field of development contract in the and production of an innovative packaging product for the food industry.

As **proof** of the fulfillment of technical and professional capacity, the tenderer submits a list of significant contracts on delivery of supplies (Annex 7 of the Documentation) carried out in the year in which the procurement procedure commenced (2017.) and during the five years preceding that year (2012.-2016.) which contains the name of the other contracting party, subject of the contract and the date of execution.

As proof of satisfying technical and professional capabilities, Contracting Authority can in any given moment of the procurement procedure, prior to contract signing, demand from the Tenderer submission of certificates of successful contract execution, issued and signed by the counterparty from the contracts stated in Appendix 7. If certificate cannot be acquired, Contracting Authority will accept a signed statement from the Tenderer with proof that the certificate was requested enclosed. The Contracting Authority can directly ask the counterparty the verification of credibility of the delivered certificate.

In case of Consortium, all of the Consortium members are obligated to prove (cumulatively) mutual technical and professional capabilities.

## 7. INFORMATION ON THE OFFER

### 7.1 Content and methodology of the offer

Tenderer shall submit an offer in the original which contains documentation that is arranged, bounded and signed in a designated places by a person legally authorized to represent the tenderer or his or her assignee with mandatory submission of documents proving the authorization.

The offer must consist of at least:

- Completed tender sheet (Appendix 1),
- If applicable, completed information on Consortium of tenderers (Appendix 2),
- If applicable, completed information on Subcontractors (Appendix 3),
- a statement by which the Tender proves that there are no grounds for exclusion (Chapter 5 of the Documentation, Appendix 4),
- Completed financial offer (Appendix 5),
- Required Tenderers competency documents (Section 6 of the Documentation):
  - Evidence of record into court, craft, vocational or other appropriate register of the economic entity's country of incorporation,
  - Income statement or other relevant financial statement for years, 2014, 2015 and 2016,
  - List of contracts on delivery of supplies (Appendix 7).
- technical description and solution design (plug)

The offer must be made in a paper form, printed or written in inerasable ink. When making the offer, Tenderer must comply with the requirements and conditions of this Documentation. Tenderer cannot modify and supplement the text of the Procurement documentation. The cost of preparing and submitting the offer is entirely borne by the tenderer. Tenderers are not entitled to any compensation regarding offer preparation. The offer, together with other appropriate documentation, has to be made in Croatian or English language.

Offering different versions and alternative offers is not allowed.

### 7.2 Rules for submitting the documentation

All the required documents and evidences from Sections 6.1 and 6.2, Tenderers may submit in original, certified or uncertified copies or in the form of electronic print of e-registry of the competent authority.

The other parts of the offer must be submitted in the original. In case of doubt in the veracity of the data in the supporting documents or Tenderer's statements from this section, Contracting Authority can contact the competent authorities for information on the situation of Tenderer, and in the case when Tenderer is based in another country, it may request the cooperation of the competent authorities.

### 7.3 Submission of offers

The offers shall be submitted in a sealed envelope, directly to the Contracting Authority or by postal services to the address: Cedevida d.o.o., Planinska 15, 10000 Zagreb.

An envelope layout proposal with mandatory elements:

<Name and address of the Tenderer>

**CEDEVITA d.o.o.**

Planinska 15, 10000 Zagreb  
Publication reference: Supplies 03

**Procurement subject:**

Exclusive rights to use a technology solution for a plug and contract research to produce a packaging prototype  
- DO NOT OPEN -

Tenderer independently decides which of the stipulated methods of submission he will use and solely bears the risk of potential loss or untimely offer submission. The Contracting Authority will issue a receipt for directly submitted tenders containing information about the The Contracting Authority, the Tenderer, the subject matter and the date and time of receipt of the bid.

#### **7.4 Modification and / or amendment of the bid and waiver of the offer**

The Tenderer can, until the due date for the submission of offers, submit modifications and/or amendments to the offer or waive the offer. Modifications and/or amendments to the offer are submitted in the same manner as the main offer with a mandatory indication that it is a modification and/or amendment to the offer. Tenderer may, until the due date for the submission of offers, withdraw the offer by a written statement until the deadline for submission expires. The written statement shall be submitted in the same manner as the main offer with a mandatory indication that it is offer withdrawal. In case of withdrawal, unopened offer will be returned to the Tenderer.

If an amendment or modification of the offer expresses discount, new financial offer in which discounts are stated must be delivered with revised offer.

#### **7.5 Methodology for determining the price of the offer**

Tenderer delivers the offer with the price in Croatian Kuna (HRK) or in Euros (EUR). The price of the offer shall be written in figures.

The price of the offer is fixed during the term of the procurement contract. If the price of the offer is not expressed in Croatian Kuna (HRK), for comparison purposes of the offers, offer prices will be converted into Croatian Kunas according to the Croatian National Bank middle exchange rate, valid on day of the publication of the procurement notice. The price of the offer must include all costs and discounts.

The Tenderer is obliged to enter price (rounded to two decimal places) for each item of the Financial offer and the total price of the offer, in the way specified by the Financial offer appendix, as well as enter the price of the offer, in the manner as specified in the Tender sheet.

Prior to the submission of the offer, the tenderer is required to study the complete Procurement documentation based on which he will offer the subject of procurement.

#### **7.6 Validity period of the offer**

The validity period of the offer is at least 90 days from the deadline for submission of offers. The Contracting Authority shall reject the offer which validity option is shorter than required. If the

validity period of the offer expires, the Contracting Authority will demand for its extension and for that purpose give an appropriate deadline to the Tenderer. At the request of the Contracting Authority, the Tenderer may extend the period of validity of his offer.

## 7.7 Cost of preparing the offer

The cost of preparing and submitting the offer is entirely borne by the tenderer.

## 8. SELECTION CRITERIA FOR THE OFFERS

Selection criteria for the offer is best value for money.

If two or more valid offers are equally ranked according to the selection criteria, the Contracting Authority shall select the offer received earlier. If Tenderer submits modifications and/or amendments to the offer, the time of delivery is considered the time of delivery of the latest version of the offer.

The Contracting Authority will choose the economically most favorable offer on the basis of the following criteria:

- Price (maximum 60 points) - relative weighting 60%
- Qualifications and competence of key experts (maximum 40 points) – relative weighting: 40%

The methodology of evaluation of tenders, which the Contracting Authority will apply is as follows:

### a) Price (maximum 60 points)

To the Offer with the lowest price (Cmin) without VAT will be allocated a maximum of 60 points. The points (C) for the individual offer (Cp) are calculated by applying the following formula, by rounding the result to two decimal places:

$$C = C_{min}/C_p \times 60$$

C = number of points

Cmin = the lowest price offered in the procurement procedure

Cp = price of the offer which is subject to assessment

### b) Qualifications and competence of key experts (maximum 40 points)

As part of the best value for money criterion, the Contracting Authority will evaluate the qualifications and competencies of the key experts involved in the performance of the contract, since the quality of the engaging experts has a significant impact on the performance level of this contract. Regarding the subject of procurement, the project task that is the subject of the contract, the quality of its execution is largely based on the qualifications and previous experience of the expert who will perform the service.

Qualification and competence points will be awarded according to the following methodology:

KEY EXPERT	CRITERIA	INTERVAL	Points
Key Expert 1: An Expert in the field	Years of work experience	1 - 5	2
		> 6	5

<b>of product packaging development</b>	Years of work experience in the field of product packaging development	1-3	2
		>3	5
	Number of projects where an expert participated in the field of product packaging development	1-2	2
		3-5	5
		>5	10
	<b>Key Expert 2: An Expert in packaging production</b>	Years of work experience	1 - 5
> 6			5
Years of work experience in the packaging development		1-3	2
		>3	5
Number of projects where an expert participated in the field of packaging development		1-2	2
		3-5	5
		>5	10

### Determination of the total number of points for the offer

Total number of points for an individual offer will be calculated as a sum of points awarded for each of the following criteria:

1. Price – maximum 60 points
2. Qualifications and competence of key experts – maximum 40 points

According to above, total number of points will be calculated by the following formula: **Total points = C + K**

gdje je:

**C** – Points awarded for “price” criteria

**K** – Points awarded for „Qualifications and competence of key experts“criteria

As the most favorable Tenderer, Contracting Authority will choose the bid with the highest total number of points awarded.

## **9. PROVISIONS RELATED TO GROUP OF TENDERS (CONSORTIUM)**

Several Tenderers can join together and submit a joint offer, regardless of the way in which their relationship is arranged. The responsibility of the Tenderer from the Tenderer group is commonly shared.

If the Tenderer applies in a form of the Consortium, he is obliged to complete the form in Appendix 2 of the Documentation. Each member of the Group of tenders shall submit a Statement on Appendix 4 to the Documentation for not being any of the exclusion cases (Chapter 5 of the Documentation).

Tenderer who submitted an offer cannot simultaneously participate in multiple offers, individual or joint. In a joint offer there must be indicated which part of a procurement contract (item of expenditure, the quantity) will be performed by an individual member of a consortium.

## 10. PROVISIONS RELATED TO SUBCONTRACTORS

If the Tenderer intends to place a part of the procurement contract to one or more subcontractors, he is obliged to submit the Statement from Appendix 4 of the Documentation for each subcontractor stating that he or she is not in any of the exclusion cases (Chapter 5 of the Documentation) and fill in Appendix 3 of the Documentation, i.e. the Tenderer must state the details of the contractual part of the contract that it intends to grant to the subcontractor.

Subcontractor participation does not affect the responsibility of the tenderer regarding the completion of the procurement contract.

## 11. CONTRACT AWARD OR ANNULMENT DECISION

The Contracting Authority will promptly notify all of the Tenderers about the Contract award decision or Decision of annulment.

Decision on exclusion of the tenderer/Decision on refusal of the offer will be delivered to the Tenderer to which it applies, if applicable.

Based on the review of tenders and tender evaluation, the Contracting Authority is obligated to refuse:

- An offer which is not complete,
- An offer which is contradictory to the stipulations of the Procurement documentation,
- An offer in which the price is not shown in the absolute value,
- An offer which contains errors, shortcomings or uncertainties if those errors, shortcomings or uncertainties are not removable,
- An offer in which, by modifications and/or amendments in accordance with regulations, an error, shortcoming or uncertainty is not removed,
- An offer which does not meet the conditions regarding the procurement subject features, and by that is not meeting the conditions from the Procurement Documentation,
- An offer for which the Tenderer has not, in written form, accepted the correction of the calculation error.

Contracting Authority is in ability to exclude the Tenderer only if the conditions from the Procurement Documentation are not met.

Contracting Authority shall inform, in writing, all of the tenderers on winning Tenderer, enclosing the copy of the Contract award decision and written notice with explanation on rejection of their offer.

After selecting the most favorable offer, the Contracting Authority will sign contract with the winning Tenderer. Procurement contract is concluded under the terms of Procurement documentation and selected offer.

Contracting Authority will cancel the procurement procedure if after the deadline for submission of offers:

- No offers were submitted;
- Has not received a single valid offer;
- After the offer refusal there is not a single valid offer

If there are grounds for annulment of the procurement procedure, the Contracting Authority will immediately issue the annulment decision containing:

- Procurement subject (or LOT of procurement) for which the annulment decision is made;
- Explanation of the annulment decision;
- Deadline in which the new procurement procedure will be initiated for the same or similar procurement subject, if applicable;
- Date of annulment and signature of the authorized person.

and will without delay submit the annulment decision to the economic entities who submitted their offers.

The Contracting Authority will without delay publish a notice on procurement procedure annulment on the web site: <http://www.cedevita.com/eu-projekt.html>.

## 12. DEADLINE, METHOD AND THE CONDITIONS OF PAYMENT

Payment is conducted in accordance with the Contract with the winning Tenderer on the Tenderer's and the members' of the Consortium bank account, if applicable, in the following way:

- Total value for Phase 1 - Exclusive licensing rights for the use of a technology solution for the plug for signing the contract with the selected;
- Total value for Phase 2 after completion of contract research for Phase 2;
- Total value for Phase 3 after completion of contract research for Phase 3.

Contracting Authority agrees to pay the invoices within 14 days of receipt of the invoices.

As the project co-finances within the Call for submitting project proposals "Increase of the development of new products and services which supervene from research and development activities", Reference no. KK.01.2.1.01., in case that after the implementation of the first stage of the project, the Intermediate Body Level 2 (HAMAG-BICRO) by verifying finds that it is not possible to implement the second phase of the project and on that basis access to the termination of the Grant Agreement, will result in termination of the contract of this procurement procedure. Upon such termination of the Contract, selected Tenderer shall not be paid an additional fee (compensation for damages, etc.) for termination of the Contract, but only part of the Contract value according to the activities performed until the termination of the Contract.

## 13. APPENDIXES

Appendix 1 – Tender sheet

Appendix 2 – Information on Consortium

Appendix 3 – Information on subcontractors

Appendix 4 – Statement

Appendix 5 – Financial offer

Appendix 6 – Technical specifications

Appendix 7 – List of contracts regarding delivery of supplies