

Project "*Reinventing the Wheel - Agile Integrated Technological and Green Transition of the STARCO Beli Manastir into a Leading Regional Lean and Green Steel Forming Factory*" received a grant from the **Norwegian financial mechanism** within the **Business Development and Innovation Croatia Programme 2014 - 2021**.

In accordance with the funding regulation, all documents in the procurement process and the award procedure within the framework of the project "*Reinventing the Wheel - Agile Integrated Technological and Green Transition of the STARCO Beli Manastir into a Leading Regional Lean and Green Steel Forming Factory*" can be found on the Project Promotors web site. Based on the PROCUREMENT GUIDELINES FOR PROJECT PROMOTORS AND PROJECT PARTNERS, STARCO Beli Manastir d.o.o. herewith publishes:

INVITATION TO TENDER FOR WORKS CHEMICAL PLANT BUILDING ADAPTATION

Contract number: 2023/364026

Procurement number: 2023/364026 – P11

1. GENERAL INFORMATION/BACKGROUND

The Project "*Reinventing the Wheel - Agile Integrated Technological and Green Transition of the STARCO Beli Manastir into a Leading Regional Lean and Green Steel Forming Factory*" is supported by the Norway Grants as part of the Programme on Business Development and Innovation operated by Innovation Norway. To achieve the aim of the project – procurement of necessary equipment and works, there will be several tender procedures held in accordance with the Procurement guidelines for project promotors and project partners by the publication of the procurement notice – INVITATION TO TENDER, and it will be available at the Project Promotor's web page: <https://starco.com/tender>, at the Project Operator's web page <https://www.innovasjon Norge.no/croatiainnovation/>. In addition, the Invitation to tender will be published in the national newspapers/media.

Questions and answers

No later than four days before the deadline for submission of tenders, economic entities/operators may pose questions and request further clarifications related to this Invitation. All questions, arising from any possible ambiguities in the content of the Invitation, as well as any other communication between the Contracting Authority (STARCO Beli Manastir d.o.o.) and business entities must be exclusively in Croatian or English and Latin script, in writing, via electronic mail to the address of the nominated contact person as indicated in this Invitation. The Contracting Authority must respond to all requests for clarification and additional information related to the Invitation. Answers to all questions will be made available by the Contracting Authority on the same website where the Invitation was published. The Contracting Authority will allow for sufficient time

to prepare the tenders. If, during this phase, the need to correct any part of the Invitation arises, it will be transparently and simultaneously published on the website (at the same place where the original documentation was published). In the event that the invitation has to be modified and corrected, the deadline will be proportionally extended, counting from the day of publication of the corrigendum.

Conflict of interest

There are no economic entities with which the Contracting Authority has a conflict of interest at the time of publication of this Invitation.

Project Financing

This project is financed within the Programme "Business Development and Innovation Croatia" led by Innovation Norway for EEA and Norway Grants 2014 - 2021. The implementation of this procurement procedure is part of the envisaged project activities.

1.1 INFORMATION ON CONTRACTING AUTHORITY/PROJECT PROMOTOR

PROJECT PROMOTOR: STARCO Beli Manastir d.o.o.

ADDRESS: Osječka 1a, 31300 Beli Manastir, Croatia

PERSONAL ID (OIB): 80334990436

VAT ID: HR80334990436

TEL +385 31 710001

EMAIL: info.hr@starco.com

Contact Person / Kontakt osoba

NAME: Mr Dejan Adler, Supply Chain Manager

TEL: +385 91 3710113

EMAIL: dejan.adler@starco.com

2. INFORMATION ON THE SUBJECT MATTER OF PROCUREMENT

2.1. DESCRIPTION OF THE SUBJECT MATTER OF PROCUREMENT

The subject matter of this procurement is covering 1 project line for the project "*Reinventing the Wheel - Agile Integrated Technological and Green Transition of the STARCO Beli Manastir into a Leading Regional Lean and Green Steel Forming Factory*".

Other details pertaining to this procurement procedure are enclosed in the Annexes Main Design (Glavni projekt) and Bill of Quantities (Troškovnik).

2.2. TECHNICAL SPECIFICATIONS OF THE SUBJECT MATTER OF PROCUREMENT

Technical specifications of the subject matter of procurement are contained in the annex Main design and Bill of quantities; product types, standards or other features mentioned in the specification are references, but “equivalent” features from the Tenderer are also accepted.

Evidence of equivalence must be provided by the Tenderer in the context of the tender using suitable means, such as submitted technical specifications, technical data, and the like.

The quantities are shown in the Bill of Quantities / Financial Offer and must not be changed during the preparation of the bid.

The work must be carried out in accordance with the applicable regulations in the field of construction, as well as other national regulations (environmental protection, labour, etc.).

The bidder is obliged to tender and perform the subject of procurement in accordance with all the conditions stated in this Invitation, applicable regulations, and in accordance with the rules of the profession.

The price of the tender includes all related costs, i.e., direct costs related to the subject of procurement. All installed equipment must be new and unused. All equipment that is supplied, installed, and set up must comply with its quality and design with the applicable regulations and standards of the competent authorities, or the standards prescribed by the European Union.

2.3. PRICE TERMS & POSSIBLE MODES OF TENDER (SINGLE OR GROUPED)

The procurement subject is not divided into procurement groups.

The entire procurement subject must be tendered.

The bid price must be expressed in an absolute amount in **EUR** (with two decimal places). The unit price remains unchanged throughout the contract execution. All costs and discounts are included in the tendered price excluding VAT. VAT/Tax must be declared separately. A VAT/Tax clause must be specified.

The Bill of quantities must be filled out on the original template without any changes, corrections, or copying of the original text (see Annex: Bill of quantities). The bidder must fill in all unit prices and total prices.

Deletion or addition of items is not allowed.

The bidder must tender the complete procurement subject, as required by the Invitation to Submit Bids, and fill in all items/characteristics in the Bill of quantities.

2.4. TARGET BUDGET / ESTIMATED VALUE

Estimated value is: 71.000 EUR (without VAT)

3. CAPACITY CRITERIA / KRITERIJI ZA ODABIR GOSPODARSKOG SUBJEKTA – UVJETI SPOSOBNOSTI

3.1. LEGAL AND PROFESSIONAL CAPACITY

Every economic entity participating in this procurement procedure must prove its registration in a judicial, craft, professional, or other appropriate register in the country of its registered office.

The ability of the economic entity to engage in professional activities is demonstrated by an extract from a judicial, craft, professional, or other appropriate register maintained in the country of its registered office. The relevant proof must be submitted with the bid by all economic entities in the bid. The proof must not be older than 3 (three) months from the date of publication of the Invitation to Submit Bids.

The bidder may provide the requested proof in its original form, as a certified copy, or as an uncertified copy. An uncertified copy also includes an uncertified printout of an electronic document.

After ranking the bids according to the selection criterion (lowest price) and before making the decision on the selection, the Contracting Authority may request the submission of originals or certified copies of all the requested documents from the most advantageous bidder with whom it intends to conclude a procurement contract. If an economic entity has submitted certain documents in the bid in their original form or as certified copies, they are not obliged to submit them again. The ability as specified in this point must be demonstrated individually for all economic entities in the bid.

3.2. TECHNICAL AND PROFESSIONAL CAPACITY

The Tenderer must submit the List of references (delivered supplies) (at least 2 references) which are same or similar to the subject matter of procurement in the year 2023 and the 5 years preceding, in the amount of at least of the estimated value of this procurement procedure (covered with 1 reference or 2 references total). The list of references should contain: the title of the delivered supplies (contract), title of contracting authority, period of execution, amount of delivered supplies executed.

3.3. RELIANCE ON THE ABILITY OF OTHER ECONOMIC ENTITIES

In the procurement procedure, an economic operator/Tenderer (or Consortium) can rely on capacity of other entities, regardless of legal nature of their relations, in order to prove the fulfilment of the required selection criteria.

In the procurement procedure, an economic operator/Tenderer can rely on the capacity of other entities to prove the fulfilment of criteria related to technical capacity, only if these entities will perform works or provide services for which this capacity is required (in line with the Directive on Public Procurement).

If the economic entity relies on the capacity of other entities, it must prove to the Contracting Authority that it will have all necessary resources available for the execution of the contract, for example by accepting the obligation of other entities to make these resources available to the economic entity (e.g. Commitment Letter or Technical Cooperation Agreement).

The Contracting Authority is obliged to check whether other entities on whose capacity the Tenderer relies, meet the relevant selection criteria.

4. DELIVERY AND PAYMENT TERMS

4.1. LOCATION and DURATION

Project Promotor, Factory STARCO Beli Manastir d.o.o., Osječka 1a, 31300 Beli Manastir, Croatia.

Time for execution of works: December 2023-February 2024

4.2. DELIVERY TERMS

N/A

4.3. PAYMENT TERMS

The payment terms are:

- 30% on order placement, no later than 30 days after order placement,
- 60% payment will be made according to the each progress certificate. It must be approved by the supervisory engineer. Calculations are made according to the executed works and according to the unit prices from the Bill of quantities.
- 10% payment after final inspection and signing of commissioning acceptance, no later than 30 days after signing of commissioning acceptance

5. TENDER INFORMATION

5.1. TENDER CONTENT

When preparing the tender, the Tenderer must comply with the requirements and conditions of this tender. The Tenderer may not change or add to the text of the Invitation in a way that changes the content of the annexes signed by the legal representative. All costs of preparing the tender are at the expense of the Tenderer.

The tender must contain:

- **Tender Submission Sheet** signed by the authorized representative (annex)
- Obligatory Template for **Bill of quantities/Financial offer** properly filled in according to the instructions (and additional technical documentation, catalogues, etc, if available) signed by an authorized representative (attachment).
- Extract from the **Court Register**
- **Commitment Letter** or **Agreement of Technical Cooperation (if applicable)**
- **List of References** /List of the Delivered Supplies which is same or similar to the subject matter of procurement (free format) containing: the title of the contract/project, contracting authority, amount and period/date of delivery

5.2. LANGUAGE OF THE TENDER

Bill of Quantities is submitted in Croatian. Tender Submission Sheet should be submitted in original (content is obligatory.)

5.3. TENDER SUBMISSION

The complete tender must reach the Contracting Authority at the address of the contracting authority in a sealed envelope or via email address **by the deadline for Tender submission**. Incomplete tenders may be excluded from the evaluation.

The sealed envelope must indicate:

On the front :

STARCO Beli Manastir d.o.o.
Osječka 1a, 31300 Beli Manastir, Croatia

Subject matter of procurement: TENDER FOR WORKS CHEMICAL PLANT BUILDING ADAPTATION

On the back:

Name and address of the Tenderer, personal ID No. (OIB)
Naziv i adresa ponuditelja, OIB

Email submission:

Must be sent to: dejan.adler@starco.com

Subject matter of procurement: TENDER FOR WORKS CHEMICAL PLANT BUILDING ADAPTATION

5.4. DEADLINE AND METHOD OF TENDER SUBMISSION

The tender must be received by the Contracting Authority, in a sealed envelope, at the address of the Contracting Authority, no later than **19/12/2023** at 15:00 Central European Time.

The Tenderer independently determines the manner of tender submission and bears the risk of possible loss or untimely tender submission.

Tender received after the deadline for tender submission will not be subject to evaluation of tenders. Opening of tender is not public.

The Contract in writing will be concluded with the successful tender no later than 30 days after the Award Decision.

5.5. AMENDMENT AND/OR AMENDMENT OF THE TENDER AND CANCELLATION OF THE TENDER

The Tenderer may submit an amendment and/or supplement to the tender by the end of the submission deadline. The Tenderer is obliged to submit the amendment/supplement to the tender in the same way as the basic tender with a mandatory indication that it is an amendment/supplement. If the Tenderer changes the tender during the submission deadline, the tender is considered received at the time of receipt of the last amendment. Corrections in the tender must be made in such a way that they are visible and transparent. Corrections must be confirmed with the signature and stamp of an authorized person of the business entity, along with the date. The Tenderer may withdraw from the submitted tender by a written statement until the deadline has expired. The written statement is submitted in the same way as the tender with the mandatory indication that it is a withdrawal from the tender. Tenderers do not have the right to amend their tenders after the deadline has expired. Part/parts of the tender received after the deadline will not be opened, but will be returned unopened to the business entity that submitted them.

5.6. TENDER VALIDITY

The validity period must be at least **3 (three) months from the expiry of the deadline for submission of tenders.**

The tender is binding on the Tenderer until the tender expires, and at the request of the Contracting Authority, the Tenderer can extend the tender's validity period. The request for the extension of the validity period of the tender and the response of the Tenderer must be exclusively in writing. The Tenderer may reject the request for extension of the validity period. If the Tenderer agrees to the request to extend the validity period of the tender, the Tenderer cannot change the tender.

5.7. QUALITY GUARANTEE

Quality guarantee must be delivered no longer than 10 days after signing the contract, in the form of bank guarantee / debenture or cash deposit of 10% of the total contract value for up to 2 years.

6. EVALUATION OF TENDER

After the deadline for the submission of bids, the Evaluation Committee shall evaluate the content of submitted tenders in relation to the conditions of the Invitation. In the evaluation procedure, the Contracting Authority may invite the Tenderers to clarify or complete the documents requested in this Invitation to remove omissions, errors, deficiencies or ambiguities that may be removed, according to the conditions specified in the next point of this Invitation.

After the review and evaluation of the tenders, the valid tenders are ranked according to the award criteria. If two or more valid tenders are equally ranked according to the tender award criteria, the Contracting Authority will choose the tender that was received earlier.

7. CLARIFICATION OF TENDERS

If the information or documentation that should have been submitted by the business entity is incomplete or incorrect or appears to be so, or if certain documents are missing, the Contracting

Authority may, respecting the principles of equal treatment and transparency, during the review and evaluation of bids, require the relevant business entities to supplement, clarify, complete or submit the necessary information or documentation within an appropriate period, which must not be shorter than 5 (five) days.

Submitting, supplementing, clarifying or completing the documents requested for the purpose of assessing the existence of the grounds for exclusion and fulfilment of the eligibility conditions is not considered a change in the tender.

The Contracting Authority can also ask for clarifications regarding the documents requested in the part that refers to the criteria for selecting the tender or the tendered subject of procurement, whereby the mentioned procedure may not lead to any negotiations regarding the criteria or the tendered subject of procurement (it may not result in modifications to the tender).

The Contracting Authority's actions related to the clarification and completion of tenders, that is, the Contracting Authority's requests and actions, must be in accordance with the principles of equal treatment and transparency.

7.1. ARITHMETICAL ERRORS

If the tender contains a calculation error, the Contracting Authority is obliged to ask the Tenderer to accept the correction of the calculation error, and the Tenderer is obliged to respond within 5 (five) days from the date of receipt of the request.

8. TENDER AWARD CRITERION

Tender Awarding Criteria is the lowest price.

The Contracting Authority, based on the results of the review and evaluation of the tenders, and based on the criteria prescribed in this Invitation, will produce an Award or Cancellation Decision and Notice.

After ranking the tenders, and before bringing the Award Decision, the Contracting Authority may ask the most favourable Tenderer with whom it intends to enter into a Procurement Agreement to deliver the originals or certified copies of one or more documents requested in the Invitation to tender. If the Tenderer has already submitted certain documents in the tender, the Tenderer is not obliged to submit it again.

If the Tenderer whose tender is the most economically advantageous tender does not submit all the requested originals or certified copies of documents within the specified period and/or does not prove that it still meets the conditions set by the Contracting Authority, the Contracting Authority can exclude such Tenderer or reject the tender. Then the CA will re-rank the tenders according to the selection criteria.

The deadline for making a decision on award or cancellation is 30 (thirty) days from the date of expiry of the deadline for submission of tenders.

The Contracting Authority will notify tenderers in writing about the results of Procurement Procedure. The Award or Cancellation Decision will be published by the Contracting Authority on the website.

Contracting Authority must provide possibility to unsuccessful Tenderers to have an insight into the procurement documentation three (3) days after notification on the results of tendering has been made available to Tenderers.

9. CONFIDENTIALITY OF DATA

In the procurement procedure, an economic entity may, on the basis of a law, other regulation or a general act, mark certain information as a secret, including technical or trade secrets and confidential features and requests for participation. If the business entity has marked some information as secret, it is obliged to state the legal basis on which the information was marked as secret.

The economic entity **may not mark as secret the following**: the price of the tender, cost list, catalogue, information related to the criteria for selecting the tender, public documents, extracts from public registers and other data that must be made public according to a special law or by-law, or must not be marked as secret.

The customer may not disclose information received from economic entities that they have marked as secret based on the law, other regulation or general act, including technical or trade secrets and confidential features of tenders.

Pursuant to this Invitation, evidence of Tenderer 's capacity, all required documents are available to public and there is no possibility or need to mark this as trade secret.

10. CONTRACT MODIFICATIONS

It is possible, in exceptional cases, to modify the contract provisions only in case of unforeseeable circumstances (i.e. circumstances which the careful Contractor could not predict and had no influence), which must be substantiated by the applicable evidence (e.g. exceptionally, it is possible to extend the delivery deadline).

11. TERMINATION OF THE CONTRACT

The Contracting Authority has the right to terminate this Contract according to the provisions of the currently valid Croatian Civil Obligations Act.

12. LEGAL REMEDIES

In line with the Procurement guidelines, in case unsuccessful tenderer(s) believe their tender(s) has /have been unjustifiably rejected, or incorrectly scored, they may submit an appeal to the Fund Operator electronically (using the following email address: cro.innovation@innovationnorway.no), within five (5) days from being notified. The Appeal must be written in English, appropriately substantiated and supported by evidence, as appropriate. At the same time, a copy of appeal must be sent to the Contracting Authority, which must send the entire package of Procurement Documents to the Fund Operator immediately, and may provide its counter-arguments to the Fund Operator within five (5) days from the receipt of the copy of appeal. Based on the analysis of the procurement documentation, and arguments of both parties, the Fund Operator makes the decision within ten (10) days from which appeal has been submitted. The Fund Operator's decision is final. In case no appeal has been received within five days from notifying the tenderers, the Contracting Authority may proceed with issuing of a purchase order or signing of the contract with the successful tenderer.