

A. INSTRUCTIONS TO TENDERERS / NAVODILA PONUDNIKOM

PUBLICATION REF.: 430-8/2012 / ŠTEVILKA OBJAVE: 430-8/2012

In submitting a tender, the tenderer accepts in full and without restriction the special and general conditions governing the contract as the sole basis of this tendering procedure, whatever its own conditions of sale may be, which it hereby waives. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified will lead to the rejection of the tender. No account can be taken of any reservation in the tender as regards the tender dossier; any reservation may result in the immediate rejection of the tender without further evaluation.

/ S predložitvijo ponudbe ponudnik v celoti in brez pridržkov sprejme posebne in splošne pogoje, ki urejajo to naročilo, kot izključno osnovo tega postopka javnega naročila, ne glede na to, kakšni so njegovi lastni pogoji prodaje, ki se jim s tem odpove. Od ponudnikov se pričakuje, da pozorno preučijo vsa navodila, obrazce, pogodbene določbe in specifikacije iz te razpisne dokumentacije ter ravnajo v skladu z njimi. Če ponudnik do določenega roka ne predloži ponudbe z vsemi zahtevanimi informacijami in dokumentacijo, bo njegova ponudba zavržena. V ponudbi ni mogoče upoštevati nikakršnih odstopanj glede zahtev razpisne dokumentacije; v tem primeru bo ponudba nemudoma zavržena brez nadaljnega ocenjevanja.

These Instructions set out the rules for the submission, selection and implementation of contracts financed under this call for tenders, in conformity with the provisions of the Practical Guide to contract procedures for EU external actions, which is applicable to the present call (available on the Internet at this address: http://ec.europa.eu/europeaid/work/procedures/index_en.htm). / V teh navodilih so določena pravila za predložitev, izbiro in izvedbo naročil, financiranih v okviru tega javnega razpisa, skladno z določbami Praktičnega priročnika za postopke naročil za zunanje ukrepe EU, ki se uporablja za ta razpis (na voljo na naslednjem internetnem naslovu: http://ec.europa.eu/europeaid/work/procedures/index_en.htm).

1 Supplies to be provided / Blago, ki ga je treba dobaviti

- 1.1 The subject of the contract is the supply, delivery, installation and commissioning by the Contractor of the following goods: / Predmet naročila je dobava, dostava, vgradnja in usposobitev za zagon, naslednjega blaga s strani izvajalca:

LED lamps with 8 W - 48 W of total power; modularity – option to replace LED modules without replacing whole housing of the lamp; colour temperature in range from 4000 K to 4200 K and with minimum lifetime of 60 000 working hours; max. weigh 5 kg, with sensors for recording characteristic data, with two-way wireless communication and with reducing

power ability; Flexibility: option to modify optics for usage of one lamp for illumination of different areas; automatics and control at one place (Control Centre) – sensor - with sensors for recording characteristic data, with two-way wireless communication and with reducing power ability. The total number of lamps is 152. / LED svetilke z nazivno močjo 8 W - 48 W; modularnost – možnost menjave LED modulov brez menjave celotnega ohišja svetilke; barvo svetlobe v razponu od 4000 K do 4200 K in življenjsko dobo min. 60 000 ur; teža svetilke do 5 kg; s senzorji za merjenje karakterističnih podatkov, z brezžično dvostransko komunikacijo in možnostjo regulacije moči. Prilagodljivost: možnost prilagajanja optike za uporabo ene svetilke za osvetljevanje različnih površin; Avtomatika in krmiljenje iz ene točke (center nadzora) – senzorji za merjenje karakterističnih podatkov, z brezžično dvostransko komunikacijo in možnostjo regulacije moči; skupno število svetilk je 152 kosov.

Removal of existing lamps and installation of new LED lamps on a way to enable two-way wireless communication with GIS software, to which new lamps must send characteristic data, and from which lamps can get power regulation commands; cable for wiring the lamps and replacing wiring in poles, 4 x 1,5 mm² height up to 8 m wiring the lamps and replacing wiring in poles; replacing adjustable consoles for new lamps, 13 pcs; fine material for every light position (screws, nuts, insulating tape, etc.), 152 pcs and testing of new installed system, which includes: electrical test, checking illumination characteristics of new lighting, checking and testing of wireless communication between lamps and PC (Personal Computer), testing characteristic data (defined in the technical specification) delivery to remote PC / Demontaža obstoječih svetilk in montaža LED svetilk na način, da se omogoči dvosmerna brezžična komunikacija z GIS software-om, kateremu morajo svetilke pošiljati karakteristične podatke in iz njega pridobivati ukaze za regulacijo moči; kabel za ožičenje svetilk in zamenjava dovodnih kablov v kandelabrih, 4 x 1,5 mm² do višine 8 m; zamenjava konzolnih adapterjev na drogovi, 13 kos; drobn material po stojnem mestu (vijaki, matice, izolirni trak, ipd.), 152 kos in preverjanje izvedenih del, ki vključuje: preverjanje električnih instalacij, preverjanje svetlobnotehničnih karakteristik nove razsvetljave, preverjanje brezžične komunikacije med svetilkami in PC-jem, preverjanje pošiljanja karakterističnih podatkov definiranih v tehničnih specifikacijah.

Municipality of Radenci area, DDP¹, 30 days from the date of signing the Contract / na področje Občine Radenci, DDP¹, 30 dni od podpisa pogodbe.

- 1.2 The supplies must comply fully with the technical specifications set out in the tender dossier (technical annex) and conform in all respects with the drawings, quantities, models, samples, measurements and other instructions. / Dobave blaga morajo biti popolnoma skladne s tehničnimi specifikacijami iz razpisne dokumentacije (tehnična priloga) in v vseh vidikih ustrezati načrtom, količinam, modelom, vzorcem, meritvam in drugim navodilom.
- 1.3 Tenderers are not authorised to tender for a variant in addition to the present tender. / Ponudniki ne smejo predložiti dodatne ponudbe za variantno rešitev.

2 Timetable / Časovni raspored

| | DATE / DATUM | TIME* / URA* |
|---|---|-----------------------------------|
| Clarification meeting / site visit / Informativni sestanek / ogled lokacije | Not applicable / Ni predvideno | Not applicable / Ni predvideno |
| Deadline for request for any clarifications from the Contracting Authority / Rok, v katerem ponudnik lahko zahteva kakršna koli pojasnila s strani naročnika | 12 th June 2012 / 12. junij 2012 | 13:00 |
| Last date on which clarifications are issued by the Contracting Authority / Zadnji dan, ko naročnik daje pojasnila | 22 nd June 2012 / 22. junij 2012 | - / - |
| Deadline for submission of tenders / Rok za predložitev ponudb | 2 nd July 2012 / 2. Julij 2012 | 11:00 |
| Tender opening session / Odpiranje ponudb | 2 nd July 2012 / 2. julij 2012 | 12:00 |
| Notification of award to the successful tenderer / Uradno obvestilo o oddaji naročila izbranemu ponudniku | Till 5 th August 2012 / Najkasneje do 5. avgust 2012 ^δ | - / - |
| Signature of the contract / Podpis pogodbe | Till 15 th August 2012 / Najkasneje do 15. avgust 2012 ^δ | - / - |

* All times are in the time zone of the country of the Contracting Authority / * Vsi časovni podatki se nanašajo na časovni pas države naročnika.

^δ Provisional date / ^δ Okvirni datum



3 Participation / Sodelovanje

- 3.1 Participation in tendering is open to all legal persons participating either individually or in a grouping (consortium) or tenderers which are established in a the Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the IPA programme under which the contract is financed. All works, supplies and services must originate in one or more of these countries. The participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed. / Na razpis se lahko pod enakimi pogoji prijavijo vse pravne osebe bodisi samostojno ali v skupini (konzorciju) ponudnikov iz držav članic EU ter držav ali ozemelj regij, ki jih pokrivajo in/ali pooblašča specifični instrumenti programa IPA, v okviru katerega je financirano naročilo. Vse gradnje, dobave blaga in storitve morajo izvirati iz omenjenih držav. Sodelujejo lahko tudi mednarodne organizacije. Sodelovanje fizičnih oseb je neposredno urejeno s specifičnimi instrumenti, ki se uporabljajo za program, v okviru katerega je financirano naročilo.
- 3.2 These terms refer to all nationals of the said states and to all legal entities, companies or partnerships constituted under, and governed by, the civil, commercial or public law of such states and having their statutory office, central administration or principal place of business there. A legal entity, company or partnership having only its statutory office there must be engaged in an activity which has an effective and continuous link with the economy of the state concerned. / Ta določila veljajo za vse državljane omenjenih držav in vse pravne osebe, podjetja ali partnerstva, ki so ustanovljena in vodena v skladu s civilnim, gospodarskim ali javnim pravom teh držav in imajo v njih svoj statutarni sedež, glavno upravo ali glavno poslovno enoto. Pravna oseba, podjetje ali partnerstvo, ki ima v določeni državi le svoj sedež, mora v gospodarstvu te države tudi aktivno in stalno delovati.
- 3.3 These rules apply to: / Pravila veljajo za:
- a) tenderers / ponudnike;
 - b) members of a consortium / člane konzorcija;
 - c) any subcontractors. / vse podizvajalce.
- 3.4 Natural persons, companies or undertakings falling into a situation set out in section 2.3.3 of the Practical Guide to contract procedures for EU external actions are excluded from participation in and the award of contracts. Tenderers must provide declarations to the effect that they are not in any of these exclusion situations. The declarations must cover all the members of a joint venture/consortium. Tenderers who have been guilty of making false declarations may also incur financial penalties and exclusion in accordance with section 2.3.4 of the Practical Guide. / Fizične osebe, družbe in podjetja, ki so v kateri od

situacij, navedenih v oddelku 2.3.3 Praktičnega priročnika za postopke naročil za zunanje ukrepe EU, ne morejo sodelovati na razpisu in pri dodelitvi naročil. Ponudniki morajo predložiti podpisano izjavo, da niso v nobeni od izključitvenih situacij. Treba je predložiti tudi izjave vseh članov mešane družbe/konzorcija. Ponudniki, ki so podali lažne izjave, bodo izključeni in kaznovani z denarno kaznijo, skladno z oddelkom 2.3.4 Praktičnega priročnika.

The exclusion situation referred to above also applies to any subcontractor. Whenever requested by the Contracting Authority, the tenderer/contractor shall submit a declaration from the intended subcontractor that it is not in one of the exclusion situations. In case of doubt on this declaration of honour, the Contracting Authority shall request documentary evidence that the sub-contractor is not in a situation of exclusion. / Zgoraj omenjeni primer za izključitev velja tudi za vse podizvajalce. Ponudnik/izvajalec mora na zahtevo naročnika predložiti izjavo predvidenega podizvajalca, da slednji ni v nobeni od situacij za izključitev. Če naročnik dvomi v tako zapriseženo izjavo, lahko zahteva dokazila, da podizvajalec ni v nobeni od izključitvenih situacij.

- 3.5 To be eligible for participation in this tender procedure, tenderers must prove to the satisfaction of the Contracting Authority that they comply with the necessary legal, technical and financial requirements and have the means to carry out the contract effectively. / Ponudniki lahko na razpisu sodelujejo samo, če naročniku uspejo dokazati, da izpolnjujejo ustrezne pravne, tehnične in finančne zahteve in da imajo ustrezna sredstva za učinkovito izvedbo naročila.
- 3.6 If the offer includes subcontracting, it is recommended that the contractual arrangements between the tenderer and its subcontractors include mediation, according to national and international practices, as a method of dispute resolution. / Če ponudba vključuje podizvajanje, je priporočljivo, da pogodbeni dogovori med ponudnikom in njegovimi podizvajalci dopuščajo reševanje morebitnih sporov z mediacijo, skladno z državno in mednarodno prakso.

4 Origin / Poreklo blaga

- 4.1 Unless otherwise provided in the contract, supplies must originate in a Member State of the European Union or a country covered by the IPA programme. The origin of the goods must be determined according to the Community Customs Code or the international agreements to which the country concerned is a signatory. / Če v naročilu ni določeno drugače, mora dobavljeno blago izvirati iz države članice Evropske unije ali države, ki je vključena v program IPA. Poreklo blaga se določi v skladu s Carinskim zakonikom Skupnosti ali mednarodnimi sporazumi, ki jih je zadevna država podpisala.
- 4.2 When submitting its tender, the tenderer must state expressly that all the goods meet the requirements concerning origin and must state the countries of origin. It may be asked to provide additional information in this connection. / Ob predložitvi ponudbe mora ponudnik

izrecno navesti, da vse blago izpolnjuje zahteve glede porekla, navesti pa mora tudi države porekla. Na zahtevo mora predložiti podrobnejše informacije v zvezi s tem.

5 Type of contract / Vrsta pogodbe

unit-price / cena na enoto.

6 Currency / Valuta

Tenders must be presented in euro¹. / Ponudbe morajo biti v evrih.

7 Lots / Delitev na sklope

- 7.1 The tenderer may submit a tender for one lot. / Ponudnik lahko predloži ponudbo za ensklop.
- 7.2 Each lot will form a separate contract and the quantities indicated for different lots will be indivisible. The tenderer must offer the whole of the quantity or quantities indicated for each lot. Under no circumstances must tenders for part of the quantities required be taken into consideration. If the tenderer is awarded more than one lot, a single contract may be concluded covering all those lots. / Vsak sklop bo tvoril ločeno naročilo in količine, navedene za različne sklope, bodo nedeljive. Ponudnik mora ponuditi celotno količino ali količine, navedene za vsak sklop. Nikakor ni dovoljeno upoštevati ponudb samo za del zahtevanih količin. Če se ponudniku dodeli več sklopov, se lahko sklene pogodba, ki zajema vse dodeljene sklope.
- 7.3 A tenderer may include in its tender the overall discount it would grant in the event of some or all of the lots for which it has submitted a tender being awarded. The discount should be clearly indicated for each lot in such a way that it can be announced during the public tender opening session. / Ponudnik lahko v svojo ponudbo vključi celoten popust, ki bi ga odobril, če bi bil izbran za nekatere ali vse sklope, za katere je predložil ponudbo. Popust naj se za vsak sklop jasno navede, in sicer tako, da se lahko navede ob javnem odpiranju ponudb.
- 7.4 Contracts will be awarded lot by lot, but the Contracting Authority may select the most favourable overall solution after taking account of any discounts offered. / Naročila bodo

¹ The currency of tender shall be the currency of the contract and of payment. / Valuta ponudbe je valuta naročila in plačila.

oddana po sklopih, vendar lahko naročnik upošteva ponujene popuste in nato izbere najugodnejšo celostno rešitev.

8 Period of validity / Čas veljavnosti

- 8.1 Tenderers shall be bound by their tenders for a period of 90 days from the deadline for the submission of tenders. / Ponudniki se s svojimi ponudbami zavezujejo za obdobje 90 dni od roka za predložitev ponudb.
- 8.2 In exceptional cases and prior to the expiry of the original tender validity period, the Contracting Authority may ask tenderers in writing to extend this period by 40 days. Such requests and the responses to them must be made in writing. Tenderers that agree to do so will not be permitted to modify their tenders and they are bound to extend the validity of their tender guarantees for the revised period of validity of the tender. If they refuse, without forfeiture of their tender guarantees, their participation in the tender procedure will be terminated. / V izjemnih primerih in pred potekom prvotnega obdobja veljavnosti ponudb lahko naročnik pisno zaprosi ponudnike, da veljavnost svojih ponudb podaljšajo za 40 dni. Če ponudniki ugodijo prošnji, so dolžni ustrezno podaljšati veljavnost svojih jamstev za resnost ponudbe, vendar pa ponudbe ne smejo kakor koli drugače spreminjati. Če se s podaljšanjem ne strinjajo, bodo iz razpisnega postopka izločeni, brez zapadlosti jamstev za ponudbo.
- 8.3 The successful tenderer will be bound by its tender for a further period of 60 days. The further period is added to the validity period irrespective of the date of notification. / Izbrani ponudnik se s svojo ponudbo zavezuje za obdobje nadaljnjih 60 dni od prejema obvestila o izboru.

9 Language of offers / Jezik ponudb

- 9.1 The offers, all correspondence and documents related to the tender exchanged by the tenderer and the Contracting Authority must be written in the language of the procedure which is English. Tenderer may submit its bid in english and slovene language (bi-lingual bid). / Ponudbe, celotna korespondenca in dokumenti v zvezi s ponudbo, ki si jih ponudnik izmenja z naročnikom, morajo biti napisani v jeziku, ki je uporabljen v razpisnem postopku, ki je angleščina. Ponudnik lahko poleg v angleškem jeziku ponudbo predloži hkrati še v slovenskem jeziku (dvojezična ponudba).

If the supporting documents are not written in one of the official languages of the European Union, a translation into the language of the call for tender must be attached. Where the documents are in an official language of the European Union other than the one of the procedure, it is however strongly recommended to provide a translation into the language of the call for tenders, in order to facilitate the evaluation of the documents. / Če dokazila niso v enem od uradnih jezikov Evropske unije, se ponudbi priloži prevod v jezik javnega

razpisa. Če so dokazila v uradnem jeziku Evropske unije, ki ni jezik razpisnega postopka, se močno priporoča, da ponudnik predloži prevod v jezik javnega razpisa in tako poenostavi ocenjevanje dokazil.

10 Submission of tenders / Predložitev ponudb

- 10.1 Tenders must be received before the deadline specified in 10.3. They must include all the documents specified in point 11 of these Instructions and be sent to the following address: / Ponudbe morajo vključevati vse dokumente, navedene v 11. točki teh navodil. Na spodnji naslov morajo prispeti pred rokom, določenim v točki 10.3:

Občina Radenci, Radgonska cesta 9, 9252 Radenci, Slovenia / Občina Radenci, Radgonska cesta 9, 9252 Radenci, Slovenija

If the tenders are hand delivered, they should be delivered to the following address / Če se ponudbe oddajo osebno, jih je potrebno oddati na naslov:

Občina Radenci, Radgonska cesta 9, 9252 Radenci, Slovenia, monday-thursday till 15:00 and friday till 13:00. / Občina Radenci, Radgonska cesta 9, 9252 Radenci, Slovenija, ponedeljek-četrtek do 15:00 in petek do 13:00.

Tenders must comply with the following conditions: / Ponudbe morajo izpolnjevati te pogoje:

- 10.2 All tenders must be submitted in one original, marked "original", and in one copy signed in the same way as the original and marked "copy". / Vse ponudbe morajo biti predložene v enem originalu, označenem „original“, in v eni kopiji, označeni s „kopija“. Original in kopija morajo biti podpisane.
- 10.3 All tenders must be received at Občina Radenci, Radgonska cesta 9, 9252 Radenci, Slovenia before the deadline date and time, 2nd July 2012 at 11:00 CET, by registered letter with acknowledgement of receipt or hand-delivered against receipt signed by representative of Slovenske Konjice Municipality. / Vse ponudbe morajo prispeti na naslov Občina Radenci, Radgonska cesta 9, 9252 Radenci, Slovenija do datuma in ure, 2. julij 2012 ob 11:00, s priporočeno pošto ali osebno, za kar se izda potrdilo o prejemu, ki ga podpiše predstavnik Občine Radenci.
- 10.4 All tenders, including annexes and all supporting documents, must be submitted in a sealed envelope bearing only: / Vse ponudbe, z vsemi zahtevanimi prilogami in dokazili, je treba predložiti v zapečateni ovojnici, na kateri so navedeni samo:
- a) the above address; / zgornji naslov;
 - b) the reference code of this tender procedure, 430-8/2012; / referenčna številka tega razpisnega postopka, 430-8/2012;

- c) where applicable, the number of the lot(s) tendered for; / število sklopa(ov) ponudbe, kadar gre za ponudbo v sklopih;
- d) the words "Not to be opened before the tender opening session" in the language of the tender dossier. / besede „Ne odpiraj pred uradnim odpiranjem ponudb“ v jeziku razpisne dokumentacije;
- e) the name of the tenderer. / naziv ponudnika.

The technical and financial offers must be placed together in a sealed envelope. The envelope should then be placed in another single sealed envelope/package, unless their volume requires a separate submission for each lot. / Finančna ponudba mora biti v zaprti ovojnici skupaj s tehnično ponudbo. Ovojnico se nato vstavi v drugo večjo ovojnico/zavoj, razen če je dokumentacija tako obsežna, da je treba vsak sklop predložiti ločeno.

11 Content of tenders / Vsebina ponudb

All tenders submitted must comply with the requirements in the tender dossier and comprise: / Vse predložene ponudbe morajo biti v skladu z zahtevami razpisne dokumentacije in vsebovati:

Part 1: Technical offer: / 1. del: Tehnična ponudba:

- a detailed description of the supplies tendered in conformity with the technical specifications, including any documentation required, including if applicable the service of installation and commissioning and after-sales service / točen tehnični opis blaga, ki je predmet razpisa, vključno z vsemi tehničnimi specifikacijami, ki so zahtevane v razpisni dokumentaciji. Ponudnik mora k blagu priložiti tudi ustrezna navodila za montažo in zagon;

The technical offer should be presented as per template (annex II+III*, the contractor's technical offer) completed when and if necessary by separate sheets for details. / Tehnično ponudbo je treba predstaviti po predlogi (priloga II+III*, tehnična ponudba izvajalca), po potrebi pa se lahko dopolni s podrobnostmi na ločenih listih.

Part 2: Financial offer: / 2. del: Finančna ponudba:

A financial offer calculated on a basis of DDP² for the supplies tendered / Finančna ponudba, izračunana na osnovi DDP za ponujeno dobavo in montažo blaga ter kontrola izvedenih del:

² DDP (delivered duty paid) / DDU (delivered duty unpaid) - Incoterms 2000 International Chamber of Commerce - <http://www.iccwbo.org/incoterms/id3040/index.html> / DDP (dobavljeno, dajatve plačane) /

This financial offer should be presented as per template (annex IV*, budget breakdown), and if necessary completed by separate sheets for the details. / To finančno ponudbo je treba predstaviti po predlogi (priloga IV*, razčlenitev stroškov) in jo po potrebi dopolniti s podrobnostmi na ločenih listih.

- An electronic version of the financial offer / Elektronska različica finančne ponudbe

Part 3: Documentation: / 3. del: Dokumentacija:

To be supplied following templates in annex*: / Predložijo se te predloge iz priloge*:

- The “Tender Form for a Supply Contract”, duly completed, which includes the tenderer’s declaration, point 7, (from each member if a consortium): / Ustrezno izpolnjeni „Razpisni obrazec za naročilo blaga“, ki vključuje izjavo ponudnika, 7. točka, (vseh članov, če gre za konzorcij):
- The details of the bank account into which payments should be made (financial identification form) (Where the tenderer has already signed another contract with the European Commission, it may provide instead of the financial identification form either its financial identification form number or a copy of the financial identification form provided on that occasion, unless a change occurred in the meantime.) / Podatki o bančnem računu, na katerega se nakaže sredstva (obrazec za finančno identifikacijo). Če je ponudnik že sklenil kakšno pogodbo z Evropsko komisijo in se podatki medtem niso spremenili, lahko namesto obrazca za finančno identifikacijo predloži številko ali kopijo obrazca za finančno identifikacijo, ki ga je predložil takrat.
- The legal entity file and the supporting documents (Where the tenderer has already signed another contract with the European Commission, it may provide instead of the legal entity sheet and its supporting documents either its legal entity number or a copy of the legal entity sheet provided on that occasion, unless a change in its legal status occurred in the meantime.) / Datoteka s podatki o pravni osebi in dokazila (če je ponudnik že sklenil kakšno pogodbo z Evropsko komisijo in se njegov pravni status medtem ni spremenil, lahko namesto datoteke in dokazil posreduje številko ali kopijo datoteke, ki je bila predložena takrat.)

To be supplied on free formats: / Predloži se v prosti obliki:

- A description of the warranty conditions, which must be in accordance with the conditions laid down in Article 32 of the General Conditions. / Opis garancijskih pogojev, ki morajo biti v skladu s pogoji, določenimi v členu 32 „Splošnih pogojev“.

DDU (dobavljeno, dajatve niso plačane) – Incoterms 2000, Mednarodna gospodarska zbornica – <http://www.iccwbo.org/incoterms/id3040/index.html>

- A statement by the tenderer attesting the origin of the supplies tendered (or other proofs of origin). / Izjava ponudnika, ki potrjuje poreklo ponujenega blaga (ali druga dokazila o poreklu).
- Duly authorised signature: an official document (statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the company/joint venture/consortium is duly authorised to do so. / Podpis uradno pooblašene osebe: javna listina (statut, pooblastilo, notarski zapis itn.), ki dokazuje, da je oseba, ki se podpiše v imenu podjetja/mešane družbe/konzorcija, za to ustrezno pooblašena.
- Tenderer statement that all experts will be available, which also bounds them to inform contractor if they get any other job during contract activities. / Izjava ponudnika, da bodo naročniku na voljo njegovi strokovnjaki iz področja, ki je predmet tega javnega razpisa. Prav tako mora pogodbeni partner obvestiti investitorja v primeru, da dobijo v sklopu izvajanja projekta morebitne druge posle.

Remarks: / Opombe:

Tenderers are requested to follow this order of presentation. / Ponudniki naj pri predstavitvi upoštevajo ta vrstni red.

Annex* refers to templates attached to the tender dossier. These templates are also available on: http://ec.europa.eu/europeaid/work/procedures/index_en.htm / Priloga* se nanaša na predloge, ki so priložene razpisni dokumentaciji, na voljo pa so tudi na spletnem mestu: http://ec.europa.eu/europeaid/work/procedures/index_en.htm.

12 Pricing / Oblikovanje cen

- 12.1 Tenderers will be deemed to have satisfied themselves, before submitting their tender(s), as to (its)(their) correctness and completeness, to have taken account of all that is required for the full and proper execution of the contract and to have included all costs in their rates and prices. / Ponudniki izpolnijo zahteve glede pravilnosti in popolnosti, če pred predložitvijo svoje ponudbe upoštevajo vse, kar se zahteva za popolno in pravilno izvedbo naročila, ter v cene in tarife vključijo tudi vse stroške.
- 12.2 Depending on whether the supplies proposed are manufactured locally or are to be imported into the country of the Beneficiary, Tenderers must quote, by lot, unit (and overall) prices for their tenders on one of the following bases: / Odvisno od tega, ali se predložena ponudba nanaša na dobave blaga, ki se proizvaja lokalno, ali pa je predmet uvoza v državo upravičenca, morajo ponudniki za svoje ponudbe, po sklopih, navesti ceno na enoto (in celotno ceno) glede na naslednje:
- a) for supplies manufactured locally, unit and overall prices must be quoted for delivery to the place of destination and in accordance with the above conditions, excluding all domestic taxation applicable to their manufacture and sale; / Če gre za

lokalno proizvedeno blago, je treba navesti cene na enoto in celotne cene za dostavo v namembni kraj, in sicer v skladu z zgoraj navedenimi pogoji, hkrati pa iz cen izključiti domače dajatve, ki se uporabljajo za obdavčitev proizvodnje in prodaje;

- b) for supplies to be imported into the country of the Beneficiary, unit and overall prices must be quoted for delivery to the place of destination and in accordance with the above conditions, excluding all duties and taxes applicable to their importation and VAT, from which they are exempt. / Če gre za blago, uvoženo v državo upravičenca, je treba navesti cene na enoto in celotne cene za dostavo v namembni kraj, in sicer v skladu z zgoraj navedenimi pogoji, hkrati pa iz cen izključiti vse carine in dajatve, ki se nanašajo na uvoz blaga in DDV, iz katerih so izvzete.

12.3 Whatever the origin of the supplies, the contract is exempt from stamp and registration duties. / Ne glede na poreklo dobave, pogodba ni predmet plačila kolkovin in pristojbin za registracijo.

12.4 The prices for the contract are fixed and not subject to revision, unless otherwise stipulated in the Special Conditions. / Cene v ponudbi so fiksne in se jih naknadno ne sme popravljati, razen če ni v Posebnih pogojih predvideno drugače.

13 Additional information before the deadline for submission of tenders / Dodatne informacije pred rokom za oddajo ponudb

The tender dossier should be clear enough to preclude the need for tenderers to request additional information during the procedure. If the Contracting Authority, either on its own initiative or in response to a request from a prospective tenderer, provides additional information on the tender dossier, it must send such information in writing to all other prospective tenderers at the same time. / Razpisna dokumentacija bi morala biti dovolj jasna, da ponudnikom med samim postopkom ni treba zahtevati dodatnih informacij med samim postopkom. Če naročnik, na lastno pobudo ali na zahtevo morebitnega ponudnika, v zvezi z razpisno dokumentacijo ponudi dodatne informacije, jih sočasno pisno posreduje vsem zainteresiranim ponudnikom.

Tenderers may submit questions in writing to the following address up to 21 days before the deadline for submission of tenders, specifying the **publication reference and the contract title**: / Ponudniki lahko do 21 dni pred rokom za oddajo ponudb pisno zahtevajo dodatna pojasnila, pri čemer morajo navesti **naslov naročila in referenčno številko dokumenta**:

Davorin Zamuda
Občina Radenci, Radgonska cesta 9, 9251 Radenci, Slovenija
Fax / Faks: +386 2 566 96 20
davorin.zamuda@radenci.si .

The Contracting Authority has no obligation to provide clarifications after this date. / Po tem datumu naročnik ni več dolžan posredovati pojasnil.

Any clarification of the tender dossier will be published on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and www.radenci.si at the latest 11 days before the deadline for submission of tenders. / Vsa pojasnila v zvezi z razpisno dokumentacijo bodo objavljena najkasneje 11 dni pred rokom za predložitev ponudb, in sicer na spletnem mestu EuropeAid na naslovu <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> in www.radenci.si.

Any prospective tenderers seeking to arrange individual meetings with either the Contracting Authority and/or the European Commission during the tender period may be excluded from the tender procedure. / Vsak morebiten ponudnik, ki se bo v razpisnem obdobju poskusil ločeno sestati z naročnikom in/ali Evropsko komisijo, je lahko izključen iz razpisnega postopka.

14 Clarification meeting / site visit / Informativni sestanek / ogled lokacije

14.1 No clarification meeting / site visit planned. Visits by individual prospective tenderers during the tender period cannot be organised.] / Informativni sestanek / ogled lokacije ni predviden. Obiski posameznih potencialnih ponudnikov v razpisnem obdobju ne morejo biti organizirani.

15 Alteration or withdrawal of tenders / Sprememba ali umik ponudb

15.1 Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders referred to in Article 10.1. No tender may be altered after this deadline. Withdrawals must be unconditional and will end all participation in the tender procedure. / Ponudniki lahko s pisnim obvestilom spremenijo ali umaknejo svoje ponudbe pred iztekom roka za predložitev ponudb, ki je naveden v členu 10.1. Po tem roku ponudb ni dovoljeno spreminjati. Umik mora biti brezpogojen in bo končal vsakršno nadaljnje sodelovanje v postopku javnega naročila.

15.2 Any such notification of alteration or withdrawal must be prepared and submitted in accordance with Article 10. The outer envelope must be marked 'Alteration' or 'Withdrawal' as appropriate. / Vsako tako obvestilo o spremembi ali umiku je treba pripraviti in predložiti v skladu s členom 10, zunanjo ovojnico pa ustrezno označiti s »sprememba« ali »umik«.

15.3 No tender may be withdrawn in the interval between the deadline for submission of tenders referred to in Article 10.1 and the expiry of the tender validity period. Withdrawal of a tender during this interval may result in forfeiture of the tender guarantee. / V obdobju od roka za predložitev ponudb iz člena 10.1 pa do preteka veljavnosti ponudbe ni dovoljeno

umakniti nobene ponudbe. Če ponudnik umakne ponudbo v tem času, se lahko unovči garancija za resnost ponudbe.

16 Costs of preparing tenders / Stroški priprave ponudb

No costs incurred by the tenderer in preparing and submitting the tender are reimbursable. All such costs will be borne by the tenderer. / Stroški, nastali pri pripravi in predložitvi ponudbe, se ponudniku ne povrnejo, ampak jih krije sam.

17 Ownership of tenders / Lastništvo ponudb

The Contracting Authority retains ownership of all tenders received under this tender procedure. Consequently, tenderers have no right to have their tenders returned to them. / Naročnik ostane lastnik vseh ponudb, ki jih prejme v tem postopku javnega naročila, zato ponudniki nimajo pravice do vračila svojih ponudb.

18 Joint venture or consortium / Mešana družba ali konzorcij

- 18.1 If a tenderer is a joint venture or consortium of two or more persons, the tender must be single with the object of securing a single contract, each person must sign the tender and will be jointly and severally liable for the tender and any contract. Those persons must designate one of their members to act as leader with authority to bind the joint venture or consortium. The composition of the joint venture or consortium must not be altered without the prior consent in writing of the Contracting Authority. / Če je ponudnik mešana družba ali konzorcij dveh ali več oseb, je treba predložiti eno ponudbo, da bo mogoče skleniti eno pogodbo. Ponudbo podpišejo vsi člani mešane družbe ali konzorcija, ki bodo tako solidarno odgovorni za ponudbo in eventualno pogodbo. Enega izmed svojih članov imenujejo za vodjo, ki je pooblaščen, da v njihovem imenu sklepa zavezujoče dogovore. Sestave mešane družbe ali konzorcija se ne sme spreminjati brez predhodnega pisnega dovoljenja naročnika.
- 18.2 The tender may be signed by the representative of the joint venture or consortium only if it has been expressly so authorised in writing by the members of the joint venture or consortium, and the authorising contract, notarial act or deed must be submitted to the Contracting Authority in accordance with point 11 of these Instructions to Tenderers. All signatures to the authorising instrument must be certified in accordance with the national laws and regulations of each party comprising the joint venture or consortium together with the powers of attorney establishing, in writing, that the signatories to the tender are empowered to enter into commitments on behalf of the members of the joint venture or consortium. Each member of such joint venture or consortium must provide the proof required under Article 3.5 as if it, itself, were the tenderer. / Ponudbo lahko podpiše predstavnik mešane družbe ali konzorcija, vendar samo, če so ga za to izrecno pisno pooblastili člani mešane družbe ali konzorcija. Pooblastilno pogodbo, notarski zapis ali

listino je treba predložiti naročniku skladno z 11. točko teh navodil ponudnikom. Vsi podpisi na pooblastilu morajo biti overovljeni v skladu z nacionalnimi zakoni in predpisi vsakega od članov mešane družbe ali konzorcija, skupaj z izjavo odvetnika, ki potrjuje, da lahko sklepajo dogovore v imenu drugih članov mešane družbe ali konzorcija. Vsak član take družbe ali konzorcija mora predložiti dokazilo, zahtevano v členu 3.5, kot da je ponudnik vsak od njih.

19 Opening of tenders / Odpiranje ponudb

- 19.1 The opening and examination of tenders is for the purpose of checking whether the tenders are complete, whether the requisite tender guarantees have been furnished, whether the required documents have been properly included and whether the tenders are generally in order. / Ponudbe se odpre in pregleda, da se ugotovi, ali so popolne, ali so priložene zahtevane garancije za resnost ponudb, ali so vsi dokumenti pravilno podpisani in ali so ponudbe na splošno v redu.
- 19.2 The tenders will be opened in public session on 2nd July 2012 at 12:00 CET at Občina Radenci, Radgonska cesta 9, 9252 Radenci by the committee appointed for the purpose. The committee will draw up minutes of the meeting, which will be available on request. / Odpiranje ponudb bo potekalo javno dne 2. julij 2012 ob 12:00 na Občini Radenci, Radgonska cesta 9, 9252 Radenci in ga bo izvedla za to imenovana komisija. Komisija bo pripravila zapisnik sestanka, ki bo na zahtevo javno dostopen.
- 19.3 At the tender opening, the tenderers' names, the tender prices, any discount offered, written notifications of alteration and withdrawal, the presence of the requisite tender guarantee (if required) and such other information as the Contracting Authority may consider appropriate may be announced. / Na odpiranju ponudb se objavi imena ponudnikov, ponujene cene in morebitne popuste, pisna obvestila o spremembah in umikih ponudb, prisotnost predpisane garancije za resnost ponudb (na zahtevo) in druge informacije, ki se naročniku zdijo primerne.
- 19.4 After the public opening of the tenders, no information relating to the examination, clarification, evaluation and comparison of tenders, or recommendations concerning the award of the contract can be disclosed until after the contract has been awarded. / Po javnem odpiranju ponudb ni dovoljeno razkriti nobenih podatkov, povezanih s pregledovanjem, pojasnjevanjem, ocenjevanjem in primerjanjem ponudb ali s priporočili glede dodelitve naročila, vse dokler naročnik ne izbere ponudnika.
- 19.5 Any attempt by a tenderer to influence the evaluation committee in the process of examination, clarification, evaluation and comparison of tenders, to obtain information on how the procedure is progressing or to influence the Contracting Authority in its decision concerning the award of the contract will result in the immediate rejection of its tender. / Če ponudnik poskusi kakor koli vplivati na komisijo pri pregledu, pojasnjevanju, ocenjevanju

in primerjavi ponudb, da bi pridobil informacije o tem, kako postopek napreduje, ali če poskusi vplivati na naročnikovo izbiro ponudnika, se njegovo ponudbo takoj izloči.

- 19.6 All tenders received after the deadline for submission specified in the procurement notice or these instructions will be kept by the Contracting Authority. The associated guarantees will be returned to the tenderers. No liability can be accepted for late delivery of tenders. Late tenders will be rejected and will not be evaluated. / Vse ponudbe, prejete po izteku roka za predložitev, ki je naveden v obvestilu o naročilu ali v teh navodilih, bo hranil naročnik, s ponudbami povezana jamstva pa bodo vrnjena ponudniku. Naročnik ni odgovoren za nepravočasno dostavo ponudb. Ponudbe, ki ne bodo pravočasno prejete, bodo zavrjene in ne bodo ocenjene.

20 Evaluation of tenders / Ocenjevanje ponudb

- 20.1 Examination of the administrative conformity of tenders / Pregled administrativne ustreznosti ponudb

The aim at this stage is to check that tenders comply with the essential requirements of the tender dossier. A tender is deemed to comply if it satisfies all the conditions, procedures and specifications in the tender dossier without substantially departing from or attaching restrictions to them. / Cilj te faze je preveriti, ali ponudbe izpolnjujejo bistvene zahteve razpisne dokumentacije. Ponudba se šteje za ustrezno, če izpolnjuje vse pogoje, postopke in specifikacije v razpisni dokumentaciji, ne da bi bistveno odstopala od njih ali jih omejevala.

Substantial departures or restrictions are those which affect the scope, quality or execution of the contract, differ widely from the terms of the tender dossier, limit the rights of the Contracting Authority or the tenderer's obligations under the contract or distort competition for tenderers whose tenders do comply. Decisions to the effect that a tender is not administratively compliant must be duly justified in the evaluation minutes. / Znatna odstopanja ali omejitve so tiste, ki vplivajo na obseg, kvaliteto ali izvedbo naročila, se zelo razlikujejo od pogojev, navedenih v razpisni dokumentaciji, omejujejo naročnikove pravice ali ponudnikove pogodbene obveznosti ali izkrivljajo konkurenco ponudnikov, katerih ponudbe ustrezajo pogojem. Odločitev o administrativni neustreznosti ponudb je treba ustrezno utemeljiti v zapisniku o ocenjevanju.

If a tender does not comply with the tender dossier, it will be rejected immediately and may not subsequently be made to comply by correcting it or withdrawing the departure or restriction. / Če ponudba ne izpolnjuje zahtev iz razpisne dokumentacije, jo bo komisija takoj zavrnila. Odstopanj in pomanjkljivosti take ponudbe ni mogoče naknadno odpraviti.

20.2 Technical evaluation / Tehnično ocenjevanje

After analysing the tenders deemed to comply in administrative terms, the evaluation committee will rule on the technical admissibility of each tender, classifying it as technically compliant or non-compliant. / Po analizi ponudb, za katere ocenjevalna komisija meni, da izpolnjujejo administrativne pogoje, bo komisija odločala o tehnični sprejemljivosti takih ponudb in jih razdelila na tehnično ustrezne ali neustrezne.

The minimum qualifications required (see selection criteria in Procurement Notice point 16) are to be evaluated at the start of this stage. / Na začetku te faze se preveri, ali ponudba izpolnjuje minimalne zahteve (glej merila za izbor v 16. točki obvestila o naročilu).

Where contracts include after-sales service and/or training, the technical quality of such services will also be evaluated by using yes/no criteria as specified in the tender dossier. / Če naročilo vključuje poprodajne storitve in/ali usposabljanje, se oceni tudi tehnična kakovost teh storitev, pri čemer se uporabi merilo „da/ne“, kot je določeno v razpisni dokumentaciji.

20.3 In the interests of transparency and equal treatment and to facilitate the examination and evaluation of tenders, the evaluation committee may ask each tenderer individually for clarification of its tender including breakdowns of prices, within a reasonable time limit to be fixed by the evaluation committee. The request for clarification and the response must be in writing, but no change in the price or substance of the tender may be sought, offered or permitted except as required to confirm the correction of arithmetical errors discovered during the evaluation of tenders pursuant to Article 20.4. Any such request for clarification must not distort competition. Decisions to the effect that a tender is not technically compliant must be duly justified in the evaluation minutes. / Zaradi načela transparentnosti in enake obravnave ponudnikov, pa tudi zaradi hitrejšega pregledovanja in ocenjevanja ponudb, lahko ocenjevalna komisija od vsakega ponudnika posebej zahteva, da v razumnem roku, ki ga določi sama, pojasni svojo ponudbo, vključno z razčlenitvami cen. Zahteva za pojasnilo in odgovor morata biti v pisni obliki. V nobenem primeru ni dovoljeno zahtevati, ponuditi ali dovoliti kakršnega koli spreminjanja cene ali vsebine ponudbe, razen če gre za potrditev popravkov računskih napak, ki so bile ugotovljene pri ocenjevanju ponudb skladno s členom 20.4. Nobena zahteva po pojasnilu ne sme negativno vplivati na konkurenčnost. Odločitve o tehnični neustreznosti ponudb je treba ustrezno utemeljiti v zapisniku o ocenjevanju.

20.4 Financial evaluation / Finančno ocenjevanje

- a) Tenders found to be technically compliant shall be checked for any arithmetical errors in computation and summation. Errors will be corrected by the evaluation committee as follows: / Če so ponudbe ocenjene kot tehnično ustrezne, se preveri,

ali je pri izračunavanju in seštevanju morda prišlo do računskih napak. Ocenjevalna komisija zneske popravi, in sicer:

- where there is a discrepancy between amounts in figures and in words, the amount in words will be the amount taken into account; / kjer se znesek v številkah razlikuje od zneska z besedo, se upošteva znesek, ki je izpisan z besedo;
 - except for lump-sum contracts, where there is a discrepancy between a unit price and the total amount derived from the multiplication of the unit price and the quantity, the unit price as quoted will be the price taken into account. / kjer gre za odstopanje med ceno na enoto in celotnim zneskom (ki ga izračunamo tako, da pomnožimo ceno in količino), se upošteva cena za enoto, razen v primeru pogodb s pavšalnimi zneski.
- b) Amounts corrected in this way will be binding on the tenderer. If the tenderer does not accept them, its tender will be rejected. / Popravljeni zneski bodo za ponudnika obvezujoči. Če ponudnik popravkov ne sprejme, se njegova ponudba zavrne.

20.5 Variant solutions / Variantne rešitve

Variant solutions will not be taken into consideration. / Variantne rešitve ne bodo upoštevane.

20.6 Award criteria / Merila za oddajo

The sole award criterion will be the price. The contract will be awarded to the lowest compliant tender. / Edino merilo za oddajo naročila je cena. Naročilo bo oddano ponudniku, ki predloži ustrezno ponudbo z najnižjo vrednostjo.

21 Signature of the contract and performance guarantee / Podpis pogodbe in jamstvo za izvedbo naročila

- 21.1 The successful tenderer will be informed in writing that its tender has been accepted (notification of award). Before the Contracting Authority signs the contract with the successful tenderer, the successful tenderer must provide the **documentary proof** or statements required under the law of the country in which the company (or each of the companies in case of a consortium) is established, to show that it does not fall into the exclusion situations listed in section 2.3.3 of the Practical Guide to contract procedures for EU external actions. This evidence or these documents or statements must carry a date, which cannot be more than 1 year before the date of submission of the tender. In addition, a statement shall be furnished stating that the situations described in these documents have not changed since then. / Izbrani ponudnik bo pisno obveščen, da je bila njegova ponudba sprejeta (obvestilo o dodelitvi naročila). Preden naročnik sklene pogodbo z uspešnim ponudnikom, mora izbrani ponudnik predložiti **pisna dokazila** ali izjave, ki se zahtevajo po zakonu države, v kateri je podjetje (ali vsako od podjetij, če gre za konzorcij)

ustanovljeno, in tako dokazati, da ni v nobeni od izključitvenih situacij, navedenih v oddelku 2.3.3 Praktičnega priročnika za postopke naročil za zunanje ukrepe EU. Od datuma na tem dokazilu, dokumentih ali izjavah, pa do roka za oddajo ponudb, ne sme miniti več kot leto. Poleg tega mora izjava vključevati navedbo, da se situacije, opisane v teh dokumentih, medtem niso spremenile.

- 21.2 The successful tenderer shall also provide evidence of the financial and economic standing and the technical and professional capacity according to the selection criteria for this call for tender specified in the procurement notice, point 16. The documentary proofs required are listed in point 2.4.11 of the Practical Guide to contract procedures for EU external actions. / Uspešni ponudnik mora predložiti tudi dokazila o finančnem in poslovnem stanju in tehnični ter strokovni sposobnosti skladno z merili izbora, ki veljajo za ta javni razpis in so določena v 16. točki obvestila o naročilu. Zahtevana pisna dokazila so navedena v točki 2.4.11 Praktičnega priročnika za postopke naročil za zunanje ukrepe EU.
- 21.3 If the successful tenderer fails to provide the documentary proof or statement or the evidence of the financial and economic standing and the technical and professional capacity within 15 calendar days following the notification of award or if the successful tenderer is found to have provided false information, the award will be considered null and void. In such a case, the Contracting Authority may award the tender to the next lowest tenderer or cancel the tender procedure. / Če uspešni ponudnik ne zagotovi pisnega potrdila, dokazila ali izjave o finančnem in poslovnem stanju in tehnični in strokovni sposobnosti v 15 dneh po obvestilu o dodelitvi naročila ali če se ugotovi, da je predložil lažne podatke, bo naročilo razveljavljeno in neveljavno. V tem primeru lahko naročnik prekliče razpisni postopek ali pa naročilo odda naslednjemu cenovno najugodnejšemu ponudniku.
- 21.4 The Contracting Authority reserves the right to vary the specified quantities within a range of 20%. The total value of the supplies may not rise or fall as a result of the variation in the quantities by more than 25% of the tender price at the time of contracting and during the validity of the contract. The unit prices used in the tender shall be applicable to the quantities procured under the variation. / Naročnik si pridržuje pravico do spreminjanja količine, in sicer v razponu 20%. V času sklepanja pogodbe in med veljavnostjo ponudbe sme celotna vrednost dobav zaradi spreminjanja količine varirati za največ 25% pogodbene cene. Cene na enoto, ki so navedene v ponudbi, veljajo tudi za dobavo spremenjene količine blaga.
- 21.5 Within 30 days of receipt of the contract already signed by the Contracting Authority, the selected tenderer must sign and date the contract and return it, with the performance guarantee (if applicable), to the Contracting Authority. On signing the contract, the successful tenderer will become the Contractor and the contract will enter into force. / V 30 dneh od prejema pogodbe, ki jo je naročnik že podpisal, mora to pogodbo podpisati in datirati tudi izbrani ponudnik in jo, skupaj z garancijo za dobro izvedbo (če je primerno),

vrniti naročniku. Ob podpisu pogodbe uspešen ponudnik postane izvajalec in pogodba začne veljati.

- 21.6 If it fails to sign and return the contract and any financial guarantee required within 30 days after receipt of notification, the Contracting Authority may consider the acceptance of the tender to be cancelled without prejudice to the Contracting Authority's right to seize the guarantee, claim compensation or pursue any other remedy in respect of such failure, and the successful tenderer will have no claim whatsoever on the Contracting Authority. / Če izbrani ponudnik v 30 dneh od prejema obvestila o izboru posredovane pogodbe ne podpiše in je skupaj z zahtevanim finančnim jamstvom ne vrne naročniku, lahko naročnik izbiro razveljavi, kar pa ne vpliva na njegovo pravico do zasega garancije, odškodnine ali povrnitve škode, nastale z razveljavitvijo. S tem izbrani ponudnik izgubi vsakršno pravico do uveljavljanja morebitnih zahtevkov pri ponudniku.
- 21.7 The performance guarantee referred to in the General Conditions is set at 10% of the amount of the contract and must be presented in the form specified in the annex to the tender dossier. It will be released within 45 days of the issue of the final acceptance certificate by the Contracting Authority, except for the proportion assigned to after-sales service. / Garancija za dobro izvedbo, omenjena v Splošnih pogojih, znaša 10% pogodbenega zneska in mora biti predložena v obliki, ki je določena v prilogi razpisne dokumentacije. Naročnik bo jamstvena sredstva sprostil v 45 dneh po izdaji potrdila o končnem prevzemu, z izjemo deleža, ki se nanaša na poprodajne storitve.

22 Ethics clauses / Etični kodeks

- 22.1 Any attempt by a candidate or tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the committee or the Contracting Authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its candidacy or tender and may result in administrative penalties. / Vsak poskus kandidata ali ponudnika, da bi pridobil zaupne podatke, sklenil nezakonite sporazume s konkurenti ali vplival na komisijo ali naročnika med pregledovanjem, pojasnjevanjem, ocenjevanjem in primerjanjem ponudb, privede do zavrnitve kandidature ali ponudbe, lahko pa se izreče tudi administrativna kazen.
- 22.2 Without the Contracting Authority's prior written authorisation, a Contractor and its staff or any other company with which the Contractor is associated or linked may not, even on an ancillary or subcontracting basis, supply other services, carry out works or supply equipment for the project. This prohibition also applies to any other projects that could, owing to the nature of the contract, give rise to a conflict of interest on the part of the Contractor. / Brez naročnikovega predhodnega pisnega dovoljenja izvajalec in njegovo osebje ali katero koli podjetje, ki mu je izvajalec pridružen ali na katerega je vezan, ne sme izvajati drugih storitev, opravljati del ali dobavljati opreme za projekt, tudi če gre za

pomožne storitve ali podizvajanje. Ta prepoved velja tudi za druge programe ali projekte, ki bi zaradi narave naročila lahko vodili do navzkrižja izvajalčevih interesov.

- 22.3. When putting forward a candidacy or tender, the candidate or tenderer shall declare that it is affected by no conflict of interest and has no equivalent relation in that respect with other tenderers or parties involved in the project. Should such a situation arise during execution of the contract, the Contractor must immediately inform the Contracting Authority. / Ob predložitvi kandidature ali ponudbe kandidat ali ponudnik izjavi, da ni predmet kakršnih koli navzkrižnih interesov in da ni v nikakršni posebni povezavi z drugimi ponudniki ali pogodbenicami, vključenimi v projekt. Če med izvajanjem naročila pride do take situacije, mora izvajalec o tem nemudoma obvestiti naročnika.
- 22.4 The Contractor must at all times act impartially and as a faithful adviser in accordance with the code of conduct of its profession. It shall refrain from making public statements about the project or services without the Contracting Authority's prior approval. It may not commit the Contracting Authority in any way without its prior written consent. / Izvajalec mora vedno ravnati nepristransko in kot zvest svetovalec v skladu z etičnim kodeksom, ki velja za njegov poklic. Vzdrži se dajanja javnih izjav o projektu ali storitvah brez predhodne odobritve naročnika. Naročnika ne sme k ničemer zavezati brez predhodnega pisnega soglasja.
- 22.5 For the duration of the contract the Contractor and its staff shall respect human rights and undertake not to offend the political, cultural and religious mores of the beneficiary state. In particular and in accordance with the legal basic act concerned, tenderers who have been awarded contracts shall respect core labour standards as defined in the relevant International Labour Organisation conventions (such as the Conventions on freedom of association and collective bargaining; Abolition of forced and compulsory labour; Elimination of forced and compulsory labour; Abolition of child labour). / V času veljavnosti pogodbe izvajalec in njegovo osebje spoštujeta človekove pravice in se zavezuje, da ne bosta kršila političnih, kulturnih in verskih običajev države upravičenke. Ponudniki, ki so jim bila dodeljena naročila, morajo skladno z zadevnim osnovnim pravnim aktom še posebej spoštovati pglavitne delovne standarde ustreznih konvencij Mednarodne organizacije dela (npr. konvencij o svobodi združevanja in pravici do kolektivnega pogajanja, o odpravi prisilnega in obveznega dela, o odpravi diskriminacije glede na zaposlitev in poklic ter o odpravi dela otrok).
- 22.6 The Contractor may accept no payment connected with the contract other than that provided for therein. The Contractor and its staff must not exercise any activity or receive any advantage inconsistent with their obligations to the Contracting Authority. / Izvajalec ne sme sprejeti nobenega plačila, povezanega z naročilom, razen tistega, ki je v pogodbi določeno. Izvajalec in njegovo osebje ne smeta izvajati nobenih aktivnosti ali koristiti kakršnih koli ugodnosti, ki so v neskladju z njunimi obveznostmi do naročnika.

- 22.7 The Contractor and its staff shall be obliged to maintain professional secrecy for the entire duration of the contract and after its completion. All reports and documents drawn up or received by the Contractor shall be confidential. / Izvajalec in njegovo osebje se zavezuje, da bosta ohranila poslovne skrivnosti ves čas veljavnosti pogodbe in po njeni izpolnitvi. Vsa poročila in dokumenti, ki jih sestavi ali prejme izvajalec, so zaupni.
- 22.8 The contract shall govern the Contracting Parties' use of all reports and documents drawn up, received or presented by them during the implementation of the contract. / Pogodba ureja, kako naj pogodbenici uporabljata vsa poročila in dokumente, ki jih sestavita, prejmeta ali predložita med izvajanjem naročila.
- 22.9 The Contractor shall refrain from any relationship likely to compromise its independence or that of its staff. If the Contractor ceases to be independent, the Contracting Authority may, regardless of injury, terminate the contract without further notice and without the Contractor having any claim to compensation. / Izvajalec se vzdrži vsakega razmerja, ki bi utegnilo ogroziti njegovo neodvisnost ali neodvisnost njegovega osebja. Če ne uspe zadržati te neodvisnosti, sme naročnik prekiniti pogodbo brez predhodnega obvestila in brez odškodninske odgovornosti ne glede na škodo.
- 22.10 The Commission reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process and if the Contracting Authority fails to take all appropriate measures to remedy the situation. For the purposes of this provision, "corrupt practices" are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or implementation of a contract already concluded with the Contracting Authority. / Komisija si pridržuje pravico, da začasno prekine ali razveljavi financiranje projekta, če odkrije kakršno koli podkupovanje v kateri koli fazi oddaje naročila in če naročnik ne sprejme vseh ustreznih ukrepov, da bi uredil razmere. V tej določbi je „korupcija“ ponujanje podkupnine, daril, premij ali provizij kateri koli osebi kot spodbuda ali plačilo, da izvede dejanje ali da se vzdrži dejanja v zvezi z oddajo naročila ali izvajanjem naročila, ki je že sklenjeno z naročnikom.
- 22.11 All tenders will be rejected or contracts terminated if it emerges that the award or implementation of a contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a recipient who is not clearly identified or commissions paid to a company which has every appearance of being a front company. / Če se izkaže, da je oddaja ali izvedba naročila sprožila neobičajne komercialne izdatke, bodo vse ponudbe zavrnjene ali vse pogodbe prekinjene. Neobičajni komercialni izdatki so provizije, ki niso navedene v pogodbi ali ne izhajajo iz ustrezno sklenjene pogodbe, ki se nanaša na naročilo, provizije, ki se ne plačujejo za kakršno koli dejansko in pravno upravičeno storitev, provizije,

ki se pošiljajo v davčno zatočišče, provizije, ki se plačajo prejemniku, ki ni jasno identificiran, ali provizije, plačane družbi, ki ima vse značilnosti navidezne družbe.

22.12 The Contractor undertakes to supply the Commission on request with all supporting documents relating to the conditions of the contract's execution. The Commission may carry out whatever documentary or on-the-spot checks it deems necessary to find evidence in cases of suspected unusual commercial expenses. / Izvajalec se zaveže, da bo Komisiji na zahtevo predložil vsa dokazila, povezana s pogoji izvajanja naročila. Komisija lahko opravi kakršno koli preverjanje dokumentov ali preverjanje na kraju samem, za katerega meni, da je potrebno, da bi v primeru domnevnih neobičajnih komercialnih izdatkov našla dokaze.

22.13 Contractors found to have paid unusual commercial expenses on projects funded by the EU are liable, depending on the seriousness of the facts observed, to have their contracts terminated or to be permanently excluded from receiving EU funds. / Če se ugotovi, da je izvajalec za projekte, ki jih financira EU, porabil neobičajno veliko denarja, bodo pogodbe z njim prekinjene ali pa v prihodnje ne bo več upravičen do sredstev EU, odvisno od resnosti ugotovljenih dejstev.

22.14 The Contracting Authority reserves the right to suspend or cancel the procedure, where the award procedure proves to have been subject to substantial errors, irregularities or fraud. Where such substantial errors, irregularities or fraud are discovered after the award of the Contract, the Contracting Authority may refrain from concluding the Contract. / Naročnik si pridržuje pravico, da začasno ustavi ali prekliče razpisni postopek, če se izkaže, da je med postopkom prišlo do večjih napak, nepravilnosti ali goljufije. Če se to ugotovi šele po oddaji naročila, lahko naročnik odstopi od pogodbe.

23 Cancellation of the tender procedure / Razveljavitev razpisnega postopka

In the event of a tender procedure's cancellation, tenderers will be notified by the Contracting Authority. If the tender procedure is cancelled before the tender opening session the sealed envelopes will be returned, unopened, to the tenderers. / Če bo javni razpis razveljavljen, bo naročnik o tem pisno obvestil ponudnike. Če bo razveljavljen pred odpiranjem katere koli ponudbe, bodo zapečatenе ovojnice neodprte vrnjene ponudnikom.

Cancellation may occur where: / Do razveljavitve lahko pride, kadar:

- the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all; / je razpisni postopek neuspešen, torej če ni bila prejeta nobena kakovostno in finančno ustrezna ponudba ali če sploh ni bilo odziva;
- the economic or technical parameters of the project have been fundamentally altered; / se ekonomski in tehnični parametri projekta bistveno spremenijo;

- exceptional circumstances or force majeure render normal implementation of the project impossible; / je zaradi izjemnih okoliščin ali višje sile normalno izvajanje projekta nemogoče;
- all technically compliant tenders exceed the financial resources available; / vse tehnično ustrezne ponudbe presegajo razpoložljiva finančna sredstva;
- there have been irregularities in the procedure, in particular where these have prevented fair competition; / so ugotovljene nepravilnosti v postopku, zlasti kadar to onemogoči lojalno konkurenco;
- the award is not in compliance with sound financial management, i.e. does not respect the principles of economy, efficiency and effectiveness (e.g. the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate with regard to the price of the market. / Dodelitev naročila ni v skladu z načelom dobrega finančnega upravljanja, torej ne spoštuje načela gospodarnosti, učinkovitosti in uspešnosti (npr. cene, ki jih predlaga ponudnik, kateremu bo naročilo oddano so objektivno nesorazmerne v primerjavi s cenami na trgu).

In no event shall the Contracting Authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if the Contracting Authority has been advised of the possibility of damages. The publication of a procurement notice does not commit the Contracting Authority to implement the programme or project announced. / Naročnik v nobenem primeru ne odgovarja za kakršno koli škodo, niti za izgubo dobička, ki je kakor koli pogojena z razveljavitvijo razpisnega postopka, tudi če je bil seznanjen z možnostjo nastanka škode. Objava obvestila o javnem naročilu naročnika ne zavezuje k izvedbi napovedanega programa ali projekta.

24 Appeals / Pritožbe

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further section 2.4.15 of the Practical Guide. / Če ponudniki menijo, da so bili zaradi napake ali nepravilnosti v postopku oddaje naročila oškodovani, se lahko pritožijo. Več o tem preberite v oddelku 2.4.15 Praktičnega priročnika.