



Co-funded by
the European Union



Implemented by:



Date: 20. 11. 2024
Number: 2024-2

TO ALL TENDERERS!

INVITATION TO TENDER

Dear Sir / Madam,

Regional Dialogue (RD), RD Office in Slovenia, Kalce 5J, 1370 Logatec, Slovenia (hereinafter referred to as "Contracting authority"), hereby invite you to submit a tender in response to this invitation to tender for **"Conducting corruption and integrity risk assessments (CIRA) in selected sectors and improving conflict of interest managing systems"**.

Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions, and specifications contained in this Invitation to Tender (hereinafter referred to as the 'tender documentation' or 'the documentation'). Failure to submit a tender containing all the required information and documentation within the deadline specified below will lead to the rejection of the tender. No account can be taken of any remarks in the tender relating to the tender documentation, which may result in the immediate rejection of the tender without further evaluation.

Tenders must be submitted no later than 27 November 2024, until 11:00 a.m. CET, in the manner published in this tender documentation. Tenders received after this deadline will be rejected.

All costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

All tenderers will be informed in writing of the results of this tender procedure.

More detailed instructions on how to submit a tender and the technical specifications are given below.

REGIONAL DIALOGUE
Katja Geršak

INSTRUCTIONS TO TENDERERS FOR THE PREPARATION OF THE TENDER

1. CONTRACTING AUTHORITY	4
2. SUBJECT OF THE TENDER	4
3. METHOD OF AWARD	4
4. DEADLINE AND METHOD OF OFFER SUBMISSION	4
5. OPENING OF THE TENDERS	5
6. LEGAL BASIS	5
7. BASIC RULES FOR ACCESS, NOTICES AND EXPLANATIONS CONCERNING THE TENDER DOCUMENTS	6
7.1 ACCESS TO THE TENDER DOCUMENTATION	6
7.2 NOTICES AND EXPLANATIONS CONCERNING THE TENDER DOCUMENTATION	6
8. ELIGIBILITY	6
8.1 DETERMINATION OF ELIGIBILITY TO PARTICIPATE IN THE PROCUREMENT PROCEDURE AND SUPPORTING DOCUMENTS	6
8.1.1 <i>Grounds for exclusion</i>	7
8.1.2 <i>Conditions of eligibility for professional activities</i>	8
8.1.3 <i>Conditions for participation as regards technical and professional competence</i>	9
8.1.4 <i>Personnel requirements or capability</i>	10
9. CRITERIA FOR THE SELECTION	10
10. TENDER	12
10.1 TENDER DOCUMENTATION	12
10.2 PREPARATION OF THE OFFER	12
10.2.1 <i>Proof of compliance with the requirements of the technical specifications</i>	12
10.2.2 <i>Form »Invoice«</i>	12
10.3 OTHER PROVISIONS FOR THE PREPARATION OF THE TENDER	13
10.3.1 <i>Joint tender</i>	13
10.3.2 <i>Participation of subcontractors</i>	13
10.3.3 <i>Variant tenders</i>	14
10.3.4 <i>The language of the tender</i>	15
10.3.5 <i>Preparation and submission of the tender</i>	15
10.3.6 <i>Validity of the tender</i>	15
10.3.7 <i>Tender costs</i>	15
10.3.8 <i>Confidentiality</i>	15
10.3.9 <i>Anti-corruption provision</i>	15
11. NOTIFICATION OF THE AWARD DECISION	15
12. WITHDRAWAL FROM THE PERFORMANCE OF THE PROCUREMENT PROCEDURE/CONTRACT	15
13. CONTRACT	16

1. CONTRACTING AUTHORITY

This procurement procedure is carried out by:

REGIONALNI DIALOG, Zavod za organizacijo prireditve in raziskovanje

Kalce 5J

1370 Logatec

Identification number: 3456765000

Tax number: SI 32476728

2. SUBJECT OF THE TENDER

Subject of the tender: Conducting corruption and integrity risk assessments (CIRA) in selected sectors and improving conflict of interest management systems.

The detailed specification of the subject of the tender is set out in the document "Technical specifications".

3. METHOD OF AWARD

On the basis of the conditions and criteria set out in the tender documents, the contracting authority will select the tenderer with whom it will conclude the contract. A model of the contract to be concluded with the selected tenderer is enclosed as an annex to the tender documentation.

4. DEADLINE AND METHOD OF OFFER SUBMISSION

The deadline for submission of tenders is 27 November 2024, until 11:00 a.m. CET

Tenders received after this deadline will be marked as 'untimely' and rejected.

The tenderers shall send their tenders to the following e-mail address:
application@regionaldialogue.org

In response to the e-mail sent, tenderers will receive an automated message confirming only that the e-mail has been received by the contracting authority.

The tender **must be submitted in "zip" format and must not exceed 25MB**. If the tenderer's tender exceeds the required format, the tenderer may submit the tender in several parts, clearly indicating that the tenderer is submitting the tender in several parts to the Contracting Authority.

Before submitting their tender, **tenderers must encrypt it with a password of their choice**. In this way, the Contracting Authority ensures equal treatment of tenders and prevents the possibility of abuse resulting from the premature opening of tenders.

The Contracting Authority shall not be liable for any damage caused to a tenderer as a result of the tenderer's failure to encrypt its tender in the manner specified in this point of the tender documentation. Tenders received will be opened after the deadline for submission of tenders.

After the deadline for the submission of tenders has expired, tenderers may send the Contracting Authority the password to access the tender themselves, to the same e-mail address used to submit their tender. If the tenderers do not send the password to the contracting authority on their own initiative, the contracting authority will invite them to do so after the deadline for the submission of tenders. The

invitation will be sent by the Contracting Authority to the e-mail address through which the tenderer submitted its tender. If the tenderer does not provide the password within 72 hours even after the request of the Contracting Authority, the Contracting Authority will exclude the tender from the public procurement procedure.

Once a tender has been submitted, it is binding for the period stated in the tender, unless the tenderer withdraws or modifies it before the deadline for submission of tenders.

If the tenderer withdraws its tender, the tender shall be deemed not to have been submitted. If the tenderer modifies its tender, the Contracting Authority shall take into account the last tender submitted.

5. OPENING OF THE TENDERS

The opening of tenders is public. The opening of tenders will be conducted by the evaluation committee of the Contracting Authority.

After the opening of tenders, the evaluation committee of the Contracting Authority will announce the names of the tenderers, the tender prices and any other details it deems appropriate.

The Contracting Authority will keep a record of the opening, which will be sent to all tenderers who have submitted a tender in time. The Contracting Authority will send the record of the opening of tenders to the tenderers to the same e-mail address from which their tender was sent to the Contracting Authority.

6. LEGAL BASIS

The contracting authority carries out the procurement procedure on the basis of the applicable law and the regulatory acts governing public procurement and the area which is the subject of the procurement, i.e. the Republic of Slovenia.

The Contracting Authority undertakes to treat tenderers fairly and equally throughout the procurement process.

The Contracting Authority also undertakes to comply with the principles of transparency, cost-effectiveness, open competition, non-discrimination and confidentiality throughout the whole public procurement process:

The **principle of transparency** requires open, clearly comprehensible and verifiable procurement behaviour. Compliance with transparent procedures helps, for instance, to prevent corruption and other undesirable behaviour.

The **principle of cost-effectiveness** aims to ensure that the resources available to the Contracting Authority and to tenderers are used economically, efficiently and effectively, thereby ensuring the most advantageous cost-benefit ratio.

The **principle of competition** ensures effective competition by enabling those who are eligible to tender for the provision of advisory services or standard general services.

The **principle of non-discrimination** requires that all tenderers taking part in a tender procedure are always treated equally and that equal competition must be ensured. Terms of reference and specifications must not be tailored to individual tenderers or products. If some tenderers know more about a particular tender procedure than other potential tenderers, the Contracting Authority must ensure that the knowledge gaps on the part of the latter are closed.

The principle of confidentiality obliges all parties to protect confidential information. It applies in particular to confidential information contained in the tender and to other business and commercial secrets. Confidentiality makes it possible to organise a competitive procedure that is fair and transparent.

The investment is co-financed by Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) from the funds of German Federal Ministry for Economic Cooperation and Development (BMZ) and The European Commission.

7. BASIC RULES FOR ACCESS, NOTICES AND EXPLANATIONS CONCERNING THE TENDER DOCUMENTS

7.1 ACCESS TO THE TENDER DOCUMENTATION

Tenderers can obtain the tender documentation on the website of the Contracting Authority (<https://regionaldialogue.org>) and on the Facebook (<https://www.facebook.com/regionaldialogue.org/>) and LinkedIn (<https://www.linkedin.com/company/regionaldialogue/>) pages.

Access to the tender documentation is free of charge.

7.2 NOTICES AND EXPLANATIONS CONCERNING THE TENDER DOCUMENTATION

Communication with tenderers on questions relating to the subject-matter of the contract and the preparation of the tender shall be in writing only. Tenderers may address their questions to the Contracting Authority by e-mail to info@regionaldialogue.org, clearly referencing »Questions regarding tender *Conducting corruption and integrity risk assessments (CIRA) in selected sectors and improving conflict of interest management systems*« in the subject line.

The Contracting Authority will consider a request for clarification of the tender documentation or any other question relating to the contract to be timely if it is submitted via e-mail no later than 23 November 2024 at the latest by 11:00 a.m. CET to the Contracting Authority.

The Contracting Authority will not respond to requests for clarification or other questions relating to the contract made after this deadline.

The Contracting Authority will publish the answers to the tenderers' questions on its website <https://regionaldialogue.org>.

The Contracting Authority may amend or supplement the tender documentation. Such amendments and supplements will be issued by the Contracting Authority in the form of addenda to the tender documentation. Each addendum to the tender documentation shall become an integral part of the tender documentation. The questions and answers published on the Contracting Authority's website shall also be considered as part of the Tender dossier.

8. ELIGIBILITY

8.1 DETERMINATION OF ELIGIBILITY TO PARTICIPATE IN THE PROCUREMENT PROCEDURE AND SUPPORTING DOCUMENTS

The tenderer must comply with all the conditions set out in this point.

Before awarding the tender, the contracting authority shall require the tenderer to whom it has decided to award the tender to provide supporting documents (certificates, declarations) to prove that the grounds for exclusion referred to in point 8.1.1 of these tender documentation do not exist and that the conditions for participation referred to in points 8.1.2 to 8.1.4 of these tender documentation are fulfilled, if the contracting authority has any doubts as to the veracity of the tenderer's declarations.

The economic operator may also provide its own evidence that the grounds for exclusion referred to in point 8.1.1 of this tender documentation do not exist and that the conditions for participation referred to in points 8.1.2 to 8.1.4 of this tender documentation are fulfilled. The contracting authority reserves the right to verify the authenticity of the documents submitted with the signatory.

If the tenderer is not established in the Republic of Slovenia and is unable to obtain and submit the required documents because the country in which the tenderer is established does not issue such documents, they may be replaced by a sworn declaration, or, if the country in which the tenderer is established does not provide for such a declaration, by a declaration of a specific person made before a competent judicial or administrative authority, a notary or a competent professional or trade organisation in the person's country of origin or in the country in which the tenderer is established.

For joint tenders and tenders with subcontractors, it is also necessary to comply with points 10.3.1 (Joint tender) and 10.3.2 (Participation of subcontractors) of these Instructions.

8.1.1 Grounds for exclusion

- 1. The economic operator or a person who is a member of the administrative, management or supervisory body of the economic operator or who has the power of representation, decision-making or control therein has not been the subject of a final judgment for criminal offences under the Criminal Code (Official Gazette of the Republic of Slovenia, No. 50/12 - officially consolidated text, 6/16 - rev, 54/15, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21 and 105/22 - ZZNŠPP; hereinafter referred to as: KZ-1) or for comparable offences handed down by foreign courts.**

If the economic operator is in the situation referred to in the above paragraph, it may provide the contracting authority, no later than the deadline for the submission of tenders, with evidence that it has taken sufficient measures to prove its reliability despite the existence of grounds for exclusion.

PROOF REQUIRED:

- The completed form "Declaration for legal persons as economic operator" or "Declaration for natural persons as economic operator" for all economic operators in the tender (including subcontractors and operators whose capacity the tenderer intends to use).**

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

- 2. The economic operator must comply with the compulsory levies and other non-monetary obligations in accordance with the law governing the financial administration, which are collected by the tax authority in accordance with the rules of the country in which it is established or with the rules of the country of the contracting authority. An economic operator shall be deemed to have fulfilled the obligation referred to in the preceding sentence if, at the time of the deadline for the submission of tenders or applications, it has unpaid outstanding obligations amounting to EUR 50 or more. The economic operator must have submitted, by the closing date for the submission of applications or tenders, all withholding tax returns in respect of income from employment for the three years preceding the closing date for the submission of applications or tenders.**

PROOF REQUIRED:

- The completed form "Declaration for legal persons as economic operator" or "Declaration for natural persons as economic operator" for all economic operators in the tender (including subcontractors and operators whose capacity the tenderer intends to use).**

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

3. **On the date of the deadline for the submission of tenders, the economic operator must not be entered in the register of economic operators with secondary sanctions of exclusion from public procurement procedures in the Republic of Slovenia.**

PROOF REQUIRED:

- The completed form "Declaration for legal persons as economic operator" or "Declaration for natural persons as economic operator" for all economic operators in the tender (including subcontractors and operators whose capacity the tenderer intends to use).

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

4. **The economic operator has not been found by a competent authority of the Republic of Slovenia or of another Member State or of a third country, during the last three years before the expiry of the time-limit for the submission of tenders or applications, to have committed at least two infringements relating to remuneration for work, working time, rest periods, the performance of work on the basis of contracts governed by civil law, despite the existence of the elements of an employment relationship, or the employment of undeclared workers, for which it has been fined for an offence in one or more decisions which have become final and binding.**

If the economic operator is in the situation referred to in the preceding paragraph, it may provide the contracting authority, no later than the time limit for the submission of tenders, with evidence that it has taken sufficient measures to prove its reliability, despite the existence of grounds for exclusion.

PROOF REQUIRED:

- The completed form "Declaration for the economic operator" for all economic operators in the tender (including subcontractors and operators whose capacity the tenderer intends to use).

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

8.1.2 Conditions of eligibility for professional activities

1. **The tenderer must be entered in one of the professional or trade registers kept in the country in which the economic operator is established.**

PROOF REQUIRED:

- The completed form "Declaration of eligibility to pursue a professional activity" for all economic operators in the tender (including subcontractors and operators whose capacity the tenderer intends to use).

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

2. **The tenderer competing as a natural person must meet the following eligibility conditions:**

- The tenderer must be a legal adult, aged 18 years or older;

- The tenderer must have full legal capacity to enter into contracts and fulfill contractual obligations;
- The tenderer possesses a valid residency permit or work authorization for the jurisdiction;
- The tenderer has the necessary qualifications, licenses, or certifications related to the services or goods to be provided, as specified in the tender documentation;
- The tenderer has sufficient financial stability and resources to complete the project or service requirements outlined in the tender;
- The tenderer is not under suspension or disqualification from participating in tender processes due to poor performance in previous projects or services;
- The tenderer has a record of satisfactory performance and compliance in past contracts.

PROOF REQUIRED:

- **The completed form "Declaration of eligibility for natural persons" for all economic operators in the tender (including subcontractors and operators whose capacity the tenderer intends to use).**

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

8.1.3 Conditions for participation as regards technical and professional competence

1. **The tenderer and the staff nominated¹ in the tender have successfully carried out (meaning in terms of quantity and quality in accordance with the contract) at least one (1) reference during the last five (5) years, before the date of publication of this tender invitation, which included all of the following:**

- **advisory work in corruption risk assessments (CIRA) in the anti-corruption or criminal justice sector and;**
- **implementation of anti-corruption controls, regulatory compliance and ethical risk mitigation strategies in the anti-corruption or criminal justice sector and;**
- **advisory work on legislative and organizational measures implementing international anti-corruption standards, such as the United Nations Convention Against Corruption (UNCAC), the OECD Anti-Bribery Convention or relevant ISO standards (e.g. ISO 37001 Anti-Bribery Management Systems), and;**
- **training of governmental anti-corruption and criminal justice sector actors on regulatory compliance and corruption risk mitigation and;**
- **at least one year of continuing expert engagement with the relevant stakeholders in the anti-corruption area (ACA, PGO, LEA, etc.) in Uzbekistan.**

The requirements referred to in the above bullet points may have been carried out in the context of one or more reference and by one or more of the personnel named in the tender.

Compliance with the above conditions must be proven both for the tenderer (or other entities participating in the tender) and for the personnel named in the tender.

Economic operators in a tender may jointly fulfil the condition. The economic operator providing the reference will have to have actually participated in the performance of the contract, to the extent that it provides the reference. The personnel nominated in the tender will have to actually participate in the performance of the contract, to the extent that it provides the reference of the nominated personnel.

¹ A Personnel nominated under the condition set out in point 8.1.4.2 of the tender invitation.

PROOF REQUIRED:

- **Completed "Certificate of Reference" form, validated by the certifier of reference (for all entities in the tender that provide a reference and for each nominated personnel in the tender that provides a reference), except when tenderer is applying as a natural person;**
- **Completed "Certificate of Reference of personnel" form, validated by the certifier of reference (for each nominated personnel in the tender that provides a reference).**

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition. The tenderer is not required to submit a signed reference for contracts where Regional Dialogue was the Contracting Authority. In this case, the tenderer indicates this fact in the end of the form instead of the signature from the certifier, stating the details of the relevant projects (name, timeline, subject, etc.) that enable the Contracting Authority to verify the stated facts.

8.1.4 Personnel requirements or capability

1. **The tenderer must nominate in the tender at least 1 staff member who has attained a Doctorate degree in the field of public policy, governance, laws or related fields.**

Economic operators in a tender may jointly fulfil the condition.

The nominated personnel must be employed by or have another contractual relationship with one of the entities participating in the tender, unless the tenderer is applying as a natural person.

PROOF REQUIRED:

- **The completed form "Nominated personnel data".**

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

2. **All staff nominated in the tender must have at least a C1 level of English and Russian at all three levels (understanding, speaking, writing) according to the Common European Framework of Reference for Languages (CEFR).²**

The tenderers may jointly fulfil this condition.

PROOF REQUIRED:

- **The completed form "Nominated personnel data".**

The Contracting Authority reserves the right to request additional supporting evidence from tenderers for the purpose of verifying this condition.

9. CRITERIA FOR THE SELECTION

Selecting the most advantageous tenderer will be based on a combination of the following criteria, taking into account both the quality of past performance and the price offered:

1. Past performance quality (65%)

Tenderers will be evaluated based on past references that demonstrate relevant continuous engagement with Uzbek governmental stakeholders in the subject area (ACA, PGO, LEA etc.) in the past. References showing continuous engagement in Uzbekistan for a longer period will receive the highest score (65 %), with shorter engagements scored on a proportional scale as explained below.

² <http://europass.cedefop.europa.eu/sl/resources/european-language-levels-cefr>

2. Tender price (35 %)

The price proposed by tenderers (in EUR including VAT) will be evaluated based on its competitiveness and reasonableness in relation to the Contracting Authority's budget. The lowest price offered will receive the highest score (35 %), with higher-priced offers scored on a proportional scale, where the scores decrease incrementally based on deviation from the lowest bid.

Explanation of criteria:

The most advantageous tender will be the tender which obtains the highest number of points according to the criteria set out below:

- **Criteria 1: 'Past performance quality' (maximum 65 points),**
- **Criteria 2: 'Total tender price in EUR including VAT' (maximum 35 points).**

Explanation of criteria 1:

The minimum amount of continuous engagement in Uzbekistan in the relevant area for this tender shall be at least 1 year.

A tenderer showing a period of continuous engagement in Uzbekistan more than 3 months than the one required (i.e. 1 year and 3 months of continuous engagement in Uzbekistan) will be awarded 20 points under this criteria.

A tenderer showing a period of continuous engagement in Uzbekistan more than 6 months than the one required (i.e. 1 year and 6 months of continuous engagement in Uzbekistan) will be awarded 40 points under this criteria.

A tenderer showing a period of continuous engagement in Uzbekistan more than 12 months than the one required (i.e. 2 years of continuous engagement in Uzbekistan) will be awarded 65 points under this criteria.

Explanation of criteria 2:

The number of points for criteria 2 is calculated as follows:

Number of points per tender = (the lowest total tender price in EUR incl. VAT of the tenders received/total tender price in EUR incl. VAT of the tender evaluated)*35.

**The total tender price in EUR incl. VAT shall be taken as the "Total Price (in EUR incl. VAT)" as derived from the tender (form 'Invoice') of each tenderer.*

In the event of a tie in the final scoring, the Contracting Authority will award the contract to the tenderer with the highest score in terms of past performance quality (criteria nr. 1).

A tender that does not comply with the technical requirements and/or conditions set out in this Tender Invitation cannot be selected as the most advantageous tender.

10. TENDER

10.1 TENDER DOCUMENTATION

The tender documentation consists of the following documents:

1. Completed form »**Tender offer**«
2. Completed form »**Invoice**«
3. Completed form »**Declaration for legal persons as Economic Operator**« or »**Declaration for natural persons as Economic Operator**«
4. Completed form »**Declaration of eligibility to pursue a professional activity**« or »**Declaration of eligibility for natural persons**«
5. Completed form »**Consent of subcontractor**« (in case the tenderer is subcontracting and the subcontractors request so)
6. Completed form »**Certificate of Reference**«
7. Completed form »**Certificate of Reference of personnel**«
8. Completed form »**Nominated personnel data**«
9. **Authorisation to sign the tender** (in case of a joint tender) - the tenderer encloses its own form

All forms submitted must be completed, stamped and signed (where required) by an authorised person. The documents prepared in this way shall be scanned and submitted by the tenderer in pdf. format.

Documents may be electronically signed with a qualified electronic signature.

The tenderer shall only enclose in the tender the documents referred to in this point. After examination of the tenders, if there is any doubt as to the veracity of the tenderer's declarations, the contracting authority shall ask the successful tenderer to provide supporting evidence as indicated in the individual conditions required or the grounds for exclusion.

The tenderer submitting a tender guarantee, guarantees under criminal and material liability, that all the information and documents provided in the tender are true and that the documents annexed to the tender correspond to the original. Failing this, the tenderer shall be liable to the contracting authority for any damage suffered.

Tenderers shall bear all costs relating to the preparation, submission and presentation of their tender, including the cost of any financial collateral and any other costs which they may incur in connection with the procedure for selecting the economically most advantageous tenderer.

10.2 PREPARATION OF THE OFFER

10.2.1 *Proof of compliance with the requirements of the technical specifications*

The subject of the tender must meet at least the minimum technical requirements set out in the technical specifications which form an integral part of these tender documentation.

10.2.2 *Form »Invoice«*

The tenderer must indicate the final tender price (with VAT) in the Form »Invoice«, as only this price will be considered in the ranking of the tender evaluation criteria.

The tenderer must offer all the positions in the Invoice, taking into account the technical specifications set out in this tender documentation.

Tender prices must be expressed in euro (EUR) and must include all the elements of which they are composed, including taxes and possible discounts. Value of the added tax must be shown separately.

Any increase in the tax rate shall be borne by the selected tenderer (contractor) and shall not affect the gross prices.

The tenderer shall fill in all positions in the Invoice to no more than two decimal places.

If the tenderer does not enter a price for a particular position, it shall be deemed not to have offered the position in question and thus not to have complied with all the requirements of the tender documentation.

If the tenderer enters a price of EUR zero (0), he shall be deemed to be offering that particular position free of charge.

The tenderer may not modify the content of the invoice.

The price quoted, including VAT, must include all discounts and costs. If the tenderer gives a discount, it must be included in the final tender price and not shown separately. Discounts not indicated in the prescribed manner will not be taken into account.

In the event that the Contracting Authority, in the course of the examination and evaluation of tenders, finds that there are manifest errors of calculation, the Contracting Authority shall request the tenderer to agree to the correction of the error of calculation. The contracting authority may also, with the written agreement of the tenderer, correct the incorrect VAT rate to the correct one.

10.3 OTHER PROVISIONS FOR THE PREPARATION OF THE TENDER

10.3.1 *Joint tender*

If the tender is submitted by a group of tenderers, the required information on the joint tender, as set out in the 'Tender offer' form, must be provided in the tender.

In the event that a group of tenderers submits a joint tender, each tenderer must meet all the conditions set out in point 8.1.1. and 8.1.2. All tenderers in the joint tender must individually submit the documents relating to the proof of the abovementioned conditions.

The conditions set out in points 8.1.3. and 8.1.4. may be fulfilled by the tenderers cumulatively. The documents relating to the proof of these conditions shall be submitted by any tenderer in the joint tender.

All tenderers in a joint tender must complete the 'Declaration for an economic operator' form for each tenderer individually, giving all the information requested.

The 'Invoice' form shall be submitted by all the tenderers acting jointly (one form signed by at least one of the tenderers acting jointly).

In the event that such a group of tenderers is selected to perform the contract in question, the contracting authority may require the submission of a joint performance act (for example, a cooperation agreement) specifying the tasks and responsibilities of the individual tenderers for the performance of the contract.

Nevertheless, the tenderers shall be jointly and severally liable to the contracting authority.

10.3.2 *Participation of subcontractors*

In the event that the tenderer will subcontract the performance of the contract, the tenderer must provide the required information on subcontractors in the "Tender offer" form.

All subcontractors must complete the 'Declaration for the economic operator' form individually and provide all the information requested.

If the subcontractor has grounds for exclusion or does not fulfil the relevant conditions for participation set out in point 8.1.1. and 8.1.2. of these instructions, the contracting authority shall reject the subcontractor and require its replacement.

The conditions set out in points 8.1.3. and 8.1.4. may be fulfilled by the tenderers cumulatively.

The tenderer must provide, for each subcontractor, the same evidence of compliance with the conditions set out in the preceding sentence as that which it must provide for itself, except in the case of conditions which already require proof to be provided by the subcontractor.

If the tenderer is going to subcontract the contract, the tender must:

- identify all subcontractors and each part of the contract that it intends to subcontract,
- the contact details and legal representatives of the proposed subcontractors,
- a completed 'Declaration for the economic operator' form for each of the subcontractors; and
- attach the subcontractor's request for direct payment, if the subcontractor so request.

During the performance of the contract, the successful contractor will be required to notify the contracting authority of any changes to the information referred to in the preceding paragraph and to send information on any new subcontractors that it subsequently intends to include in the performance of the contract within a maximum of five days of the change. In the event of the inclusion of new subcontractors, the main contractor will be required to forward, together with the notification, the information and documents referred to in the second, third and fourth indents of the preceding paragraph.

The Contracting Authority will reject any subsequently nominated subcontractor:

- if it has grounds for exclusion as set out in Section 9.1 of these Tender documentation, and require a replacement,
- if this could affect the performance of the contract,
- if the new subcontractor does not fulfil the conditions set out in this Tender documentation (for subcontractors).

Only if the subcontractor requests direct payment shall direct payment to the subcontractor be considered mandatory and the obligation shall be binding on both the contracting authority and the main contractor. Where a tenderer intends to carry out a contract with a subcontractor requiring direct payment in accordance with this Article, it shall:

- the main contractor shall authorise the contracting authority in the contract to pay the subcontractor directly, on the basis of an invoice or situation certified by the main contractor,
- the subcontractor shall provide an agreement whereby the contracting authority, in place of the tenderer, shall pay the subcontractor's claim against the tenderer,
- the main contractor shall attach to its invoice or statement the invoice or statement of the subcontractor which it has previously approved.

For those nominated subcontractors who do not request direct payment, the Contracting Authority shall require the main contractor to send to it, not later than 60 days after payment of the final invoice or invoice, a written declaration by the main contractor and a written declaration by the subcontractor that the subcontractor has received payment for the work carried out.

The successful tenderer shall be fully responsible to the contracting authority for the performance of the contract.

10.3.3 Variant tenders

Variation tenders are not allowed.

10.3.4 The language of the tender

The tenderer shall submit the documents constituting the tender documentation in English. The Contracting authority reserves the right to require the submission of translations certified by a court interpreter. In any event, the costs of translation shall be borne by the tenderer.

10.3.5 Preparation and submission of the tender

The tenderer shall submit the tender documentation in the manner specified in point 4 of this tender documentation.

10.3.6 Validity of the tender

The offer must be valid for at least 60 days from the deadline for submission of tenders.

In exceptional circumstances, the Contracting Authority may require tenderers to extend the period of validity of their tenders for a specified additional period.

10.3.7 Tender costs

All costs associated with the preparation and submission of the tender shall be borne by the tenderer.

10.3.8 Confidentiality

The contracting authority may not disclose information provided to it by an economic operator and marked as a business secret, except in the case of information which is specified in this tender invitation as being public, or in the case of information which the contracting authority is required to disclose by public authorities, law enforcement authorities, the project financier, etc., and which the contracting authority is obliged to disclose for legitimate reasons. The Contracting Authority will inform the tenderer of any request made by the aforementioned authorities.

The Contracting Authority will ensure the protection of information which, in accordance with the provisions of the law governing the protection of personal data and the protection of classified information in the Republic of Slovenia, is considered to be personal or classified information.

10.3.9 Anti-corruption provision

During the procurement procedure, the contracting authority and the tenderers may not initiate or carry out any action which would prejudice the selection of a particular tender or which would result in the contract not entering into force or not being performed.

Lobbying of any kind in public procurement procedures shall be prohibited.

11. NOTIFICATION OF THE AWARD DECISION

The contracting authority will publish the signed award decision on its website. The decision shall be deemed to have been served on the date of its publication on the website.

All tenderers who submit a tender will also be informed in writing of the outcome of the public procurement procedure.

12. WITHDRAWAL FROM THE PERFORMANCE OF THE PROCUREMENT PROCEDURE/CONTRACT

After the award decision has been reached and published, the contracting authority may, until the contract has been signed, withdraw from the performance of the public procurement procedure on the grounds that the subject of the public procurement procedure is no longer needed or that the contracting authority no longer has the means to provide it, or that the contracting authority has reasonable grounds

to suspect that the subject of the contract has been or may be the result of a criminal offence, or that other exceptional circumstances have arisen which were beyond the contracting authority's control and foreseeable, and which have made it impossible to carry out the public procurement procedure with the successful tenderer. In this case, the contracting authority will inform the tenderers in writing of its decision and of the reasons for which it is withdrawing from the performance of the public procurement procedure.

13. CONTRACT

Pursuant to Article 14(6) of the Act on the Protection of Competition,³ the selected tenderer is obliged to submit, at the request of the contracting authority, before signing the contract, a declaration or information on the participation of natural and legal persons in the ownership of the selected tenderer, as well as on the economic entities which, in accordance with the provisions of the Companies Act,⁴ are deemed to be related companies to the selected tenderer. If the tenderer makes a false declaration or provides false information concerning the above-mentioned facts, the contract shall be null and void.

If the contracting authority so requests, the successful tenderer will be required, during the procurement procedure or in the performance of the contract, to provide information within eight (8) days (unless agreed otherwise) of receipt of the request, on:

- its founders, partners, shareholders, limited partners or other owners and the ownership interests of those persons;
- the economic entities which, in accordance with the provisions of the Companies Act, are deemed to be related companies.

The successful tenderer must sign and return the contract to the contracting authority within eight (8) working days (unless agreed otherwise) of receipt of the signed contract by the contracting authority.

Before signature, the contract will be adjusted in substance depending on whether the successful tenderer submits a joint tender, declares the participation of subcontractors, etc.

³ *Integrity and Prevention of Corruption Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 69/11 – official consolidated version, 158/20, 3/22 and 16/23).*

⁴ *Companies Act – ZGD-1 (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 65/09 – official consolidated version, 33/11, 91/11, 32/12, 57/12, 44/13, 82/13, 55/15, 15/17, 22/19, 158/20, 18/21, 18/23 and 75/23).*