

Pursuant to Article 35. paragraph 1. item 10) of the Agreement on the confirmation of the continuity of air navigation services in the airspace of Serbia and Montenegro / Agreement on the confirmation of the continuity of the provision of air services in the airspace of Montenegro and Serbia (II Ov. No. 2164/2012 of 25 April 2012, OU.SD no. 282/2 of 25 April 2012), Article 146. of the Public Procurement Law of the Republic of Serbia („Official Gazette of the Republic of Serbia”, No. 91/19), Guide to Procurement for projects financed by the European Investment Bank, Finance Contract between the European Investment Bank and Serbia and Montenegro Air Traffic Services SMATSA Iic, No. SUS.00-65/567 dated 25 April 2018, Report on the procurement procedure, No. SUS.00-65/374 dated 29 November 2021 and the European Investment Bank’s “non-objection” to the selection of the successful tenderer, issued on 13 December 2021 (register No. SUS.00-65/392 dated 13 December 2021), at the session held on 21 December 2021, the Supervisory Board, has brought the following

DECISION ON CONTRACT AWARD

in an international open procedure for the procurement of

Procurement and implementation of a CCTV system,

Tender No. SUS-CCTV-2021

Project: SMATSA Upgrade of System for Air Navigation – SUSAN Programme

CONTRACT IS AWARDED to the Bidder: SMART BUILDING TECHNOLOGIES LLC, 7 Radoja Dakica, Zemun, 11080 Belgrade, SERBIA, Register Number: 20939141, in all aspects in accordance with the submitted Independent Bid No. SUS.00-65/363 dated 10 November 2021.

The total offered contract price is **EUR 440,968.00** without VAT in the Republic of Serbia i.e. RSD 51,850,913.60 at the official middle exchange rate of the National Bank of Serbia on the date that is 10 days before the date set for the opening of bids (31 October 2021, 1 EUR = 117.5843 RSD).

JUSTIFICATION

1. SUBJECT AND ESTIMATED VALUE OF PROCUREMENT

The subject of procurement are the goods - Procurement and implementation of a CCTV system.

The name and designation from the Common Procurement Vocabulary (CPV): 32235000-9 - Closed-circuit surveillance system.

The estimated value of the procurement is RSD 59,000,000.00 excluding VAT which is levied in the Republic of Serbia.

Procurement is foreseen in the Contracting Authority's Procurement Plan for 2021, No. NAB.00-80/55 dated 15/03/2021 in the part of Procurement to which the Procurement Law of the Republic of Serbia does not apply under point 1. Procurement and implementation of a CCTV system, and is initiated in accordance with the Request for Initiating the Procurement Procedure, No. CNS.00-65/152 dated 16/04/2021. The funds for the procurement in question have been secured from euro loan financing, in accordance with the Finance Contract concluded with the European Investment Bank - EIB (hereinafter referred to as "the Bank"), No. SUS.00-65/567 dated 25/04/2018 in the amount of EUR 500,000.00.

The official median exchange rate of the National Bank of Serbia on the date that is 10 days before the date set for the opening of bids (31/10/2021) is EUR 1 = RSD 117.5843.

2. TYPE AND METHOD OF IMPLEMENTATION OF THE PROCUREMENT PROCEDURE

The Contracting Authority has implemented an international open procedure procurement in accordance with the rules established by the Bank's Guide to Procurement for projects financed by the Bank, in accordance with Article 11, paragraph 1, point 2, of the Public Procurement Law ("Official Gazette of the Republic of Serbia", No. 91/91) and in accordance with the Finance Contract, No. SUS .00-65/567 dated 25/04/2018.

The procedure was initiated by the Decision on Initiating the Procedure, HUM.00-65/165 dated 07/05/2021.

The Contracting Authority received a no further comments letter via e-mail from the Bank regarding the Tender Documents on 08/09/2021 (the document is registered under number SUS.00-65/304 dated 08/09/2021).

The International Invitation for Bids was published on 28/09/2021 in the "Official Journal of the European Union", and on the Contracting Authority's homepage, and in the "Official Gazette of the Republic of Serbia", on 05/10/2021. The deadline for the submission of bids was 10/11/2021 until 10:00 a.m.

The number of potential bidders who have purchased the Tender Documents is three (3).

3. RECEIPT AND OPENING OF BIDS

The procedure for the opening of bids was carried out at the premises of the Contracting Authority's headquarters at Trg Nikola Pasić 10, Belgrade, immediately upon the expiry of the deadline for the submission of bids, on 10/11/2021, at 10:30 a.m., whereof the Minutes of the Bid Opening were prepared, No. SUS.00-65/362 dated 10/11/2021, and the Correction of technical error in Minutes of the Bid No. SUS.00-65/369 dated 23/11/2021.

Within the deadline, which was 10/11/2021, at 10:00 a.m., one (1) bid was received at the seat of the Contracting Authority's address, as follows:

No.	Name of the Bidder (submission method, name and address, Bid registry number, date and time of receipt of bid)	TIN	Registration number	Total offered price without and with VAT in the Republic of Serbia (amount)
1.	<p align="center">Independent Bid</p> <p>Smart Building Technologies Ild 7 Radoja Dakica, Zemun, 11080 Belgrade, SERBIA</p> <p>Registry No. 4837/2021 of 10/11/2021, at 09:18 a.m.</p>	108141659	20939141	<p>EUR 440,968.00 excluding VAT, EUR 529,161.60 including VAT Which amounts RSD 51,850,913.60 excluding VAT, RSD 62,221,096.32 including VAT</p>

There were no untimely bids.

The bid opening was public, in the presence of authorized representatives of the Bidders who have submitted written authorizations to attend the bid opening procedure.

4. DETECTED CONFLICT OF INTERESTS AND SUBSEQUENT MEASURES TAKEN IN THAT REGARD

No conflict of interest was detected in the respective procedure.

5. DETERMINATION OF RESPONSIVENESS OF BIDS

The Procurement Committee conducted the expert evaluation of bids in order to determine whether the delivered bids meet the requests from the Tender Documents, according to point (24), Section VII of the Tender Documents.

Independent Bid of the Bidder Smart Building Technologies doo, registered with Contracting Authority under registry number SUS.00-65/363 of 10/11/2021

In the course of the expert evaluation of the Bid, the Procurement Committee established the following facts:

1. The bid was timely, submitted on 10/11/2021, at 9:18 a.m, before the deadline for the submission of bids;
2. When submitting bids, the bidder submitted evidence of fulfillment of the required criteria for qualitative selection of the business entity, i.e., it submitted evidence that it is registered in the register of bidders, as well as appropriate required evidence for financial, business and technical and professional capacity. Based on the above, in the expert evaluation procedure, the Procurement Committee didn't have, in accordance with item (26) i. Chapter VII of the Tender Documents, to requires the bidder to submit the above evidence of fulfillment of the criteria for qualitative selection of the business entity. The bidder has proven that it meets the following criteria for the qualitative selection of the business entity:
 - 2.1. regarding the grounds for exclusion, as defined in Chapter III of the Tender Documents, as follows:
 - that it and its legal representative in the period of the previous five years from the expiration of the deadline for submission of tenders, have not been convicted,

unless the final judgment establishes another period of prohibition of participation in the procurement procedure, for the following:

- (1) a criminal offense committed as a member of an organized criminal group and the criminal offense of association for the purpose of committing criminal offenses;
 - (2) a criminal offense of abuse of position of a responsible person, criminal offense of abuse in connection with procurement, criminal offense of receiving bribes in performing economic activity, criminal offense of giving bribes in performing economic activity, criminal offense of abuse of official position, criminal offense of trading in influence, criminal offense of receiving bribes and the criminal offense of giving bribes, the criminal offense of fraud, the criminal offense of unfounded obtaining and use of credit and other benefits, the criminal offense of fraud in performing economic activities and the criminal offense of tax evasion, the criminal offense of terrorism, the criminal offense of public incitement to commit terrorist acts, the criminal offense of recruitment and training for committing terrorist acts and the criminal offense of terrorist association, the criminal offense of money laundering, the criminal offense of terrorist financing, the criminal offense of human trafficking and the criminal offense of establishing slavery and transporting persons in slavery;
- that it has paid the due taxes and contributions for compulsory social insurance or that it has been granted a deferral of debt payment, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation;
 - by submitting the appropriate Statement on the fulfilment of the criteria for the qualitative selection of the business entity - FORM V-6, as well as proof that it is registered in the Register of Bidders kept by the Business Registers Agency of the Republic of Serbia;
 - that in the period of the previous two years from the expiration of the deadline for submission of the tenders, it has not violated the obligations under the Labour law in application of social and labour law, including collective agreements, and in particular the obligation to pay contracted wages or other compulsory payments, including obligations and national and international standards in the field of environmental protection, health and safety, as well as those contained in any relevant International Labour Organization (ILO) convention, and international agreements on environmental protection, and obligations in accordance with the provisions of international conventions listed in Annex 8 of the Law on Public Procurement
 - by submitting the appropriate statements, i.e., a Statement of compliance with applicable regulations - FORM V-5-1, and a Statement on the environment and social protection - FORM V-5-2;
 - that there is no conflict of interest, in terms of the Law on Public Procurement, which cannot be remedied by other measures, as well as that there is no conflict of interest in accordance with Article 1.5 of the Bank's Procurement Guide, which stipulates that a conflict of interest exists when a situation arises in which the Contracting Authority's impartial and objective functions or respect for competition principles, prohibition of discrimination or equal treatment in the procurement procedure, or in performance of contracts, are jeopardized for reasons involving family members, emotional life, political affiliation or nationality, economic interests or any other common interests. The concept of conflict of interest covers any situation in which the employees of the Contracting Authority who are involved in the conduct of the procedure or may influence the outcome of the procedure, have a direct or indirect, financial, economic or other personal interest that may be considered to compromise their impartiality and independence in the context of the procurement procedure, or performance of the contract;

- by submitting the appropriate Statement on the absence of conflict of interest - FORM V-3;
 - that it did not try to exert an inappropriate influence on the decision-making process of the Contracting Authority, or to obtain confidential information that could give it an advantage in the procurement procedure, or that it did not provide misleading information that may affect decisions concerning the exclusion of the business entity, the selection of the business entity or the award of a contract
 - by submitting the appropriate Statement on the fulfilment of the criteria for the qualitative selection of the business entity - FORM V-6;
 - that neither it, nor anyone, including its directors, employees, agents or subcontractors, if any, acting on his behalf with the appropriate authorization or with the knowledge or consent, or with its support, is not involved, nor will be involved in any illegal actions (as defined by the Bank) in connection with the procurement procedure or in the performance of any works, delivery of goods or performance of services, for the Procurement and implementation of CCTV system and that he undertakes to notify the Contracting Authority if any person from its organization responsible for ensuring compliance with this Statement, becomes aware of any such illegal actions
 - by submitting the appropriate Statement of Integrity - FORM V-4;
- 2.2. regarding the criteria for selection of the business entity, as defined in Chapter III of the Tender Documents, as follows:
- financial capacity - that it does not have a total of more than 30 recorded days of the blocked bank account in the previous 12 months before the announcement of the invitation to submit Bids - by submitting the appropriate Certificate of the National Bank of Serbia;
 - business capacity - that it has delivered and successfully installed to end users at least 3 video surveillance and control systems in the past 5 years, which includes the development of a software application for system control and management, which was developed in accordance with the specific needs of users - by submitting the three appropriate Certificates - Professional references of the previous contracting authority/buyer in the form of the FORM V-7;
 - business capacity - that it has an ISO 9001 certificate which is valid on the day of Tender opening - by submitting the appropriate copy of a valid certificate, with a copy of the accreditation for the certification body which issued the certificate;
 - business capacity - that it is authorized by the manufacturer of recording software and equipment (cameras) offered, for sale, integration and maintenance - by submitting the appropriate Authorizations from the manufacturer of the goods it offers;
 - technical and professional capacity that it has engaged the following persons, who will be in charge of the implementation of the Contract, as follows:
 - one expert with at least five years of experience in managing and implementing projects related to the installation and commissioning of CCTV systems with thermal imaging cameras for business users,
 - one engineer with at least five years of engineering experience in the field of projects related to the installation and commissioning of CCTV systems with thermal imaging cameras, of which at least two years in working with cameras from the same manufacturer as CCTV cameras that are the subject of the Tender,
 - three qualified CCTV system installers, trained to work at height
 - by submitting the appropriate Short work biographies, Copies of the certificates from the manufacturer of cameras and recording systems, as well as appropriate Medical certificate of competency to work at height for all three referred persons;

3. The Bidder offered the validity period of the bid in accordance with the requirements of the Tender Documents - 120 days following the bid opening date;
4. Other forms and required documents have been submitted:
 - Bid Form - V-1,
 - Price structure Form - V-2,
 - Model Contract from Section VI,
 - Specimen Signature Card,
 - Copy of the bid and electronic version of the Bid in PDF format on a USB stick;
5. Evidence that the offered goods and services are in accordance with requirements from technical specification, have been submitted:
 - High Level design (HLD) with requested information,
 - Initial version of the training plan
 - Gantt chart,
 - List of employees, with their CVs,
 - Vendor list with models and manufacturers for the offered equipment,
 - Appropriate Mean Time Between Failures (MTBF) specification for each system component and
 - Appropriate Calculated value of system availability;

In accordance with point (23) i. of Section VI of the Tender Documents, the Procurement Committee sent a Request for additional explanations after bid opening no. SUS.00-65/368 of 17/11/2021. Additional explanations was required for the offered models of panoramic monitors and IP converters from optical connection to RJ45, as well as in terms of peripherals and details related to server and workstation components. In accordance with the request, the bidder submitted all required explanations within the deadline, no. UP 5062/2021 on 23/11/2021, from which it was determined that the offered goods and services are in accordance with the requirements of the Technical Specification.
6. There are no valid evidence of distortion of competition or corruption;
7. There are no identifies shortcomings due to which it is not possible to determine the actual content of the offer;
8. Price offered: The price offered in the amount of EUR 440,968.00 excluding VAT, which amounts RSD 51,850,913.60 excluding VAT in the Republic of Serbia is within the estimated value of the procurement.

6. CONTRACT AWARDING CRITERION

The criterion for the awarding of the contract or the evaluation of bids is the lowest total offered price stated in the Bid Form.

Following the review and expert evaluation of the bids, the Procurement Committee, having applied the award criteria, determined that an acceptable bid has been obtained, namely:

No.	Name of the Bidder	Total bid price in euros
1.	Smart Building Technologies doo, SUS.00-65/363 dated 10/11/2021	EUR 440,968.00 excluding VAT in the Republic of Serbia

7. THE BIDDER WHO IS AWARDED THE CONTRACT

The Procurement Committee declares that the bidder SMART BUILDING TECHNOLOGIES LLC, 7 Radoja Dakica, Zemun, 11080 Belgrade, SERBIA, in the conducted procedure proved that there are no grounds for exclusion, that it meets the criteria for selection of the business entity, and that the bidder's independent bid registered with Contracting Authority under registry no. SUS.00-65/363 dated 10/11/2021, is acceptable and within the estimated value, and proposes to make a decision on awarding the contract to the said Bidder, in accordance with the Guide to Procurement of the European Investment Bank and Article 146. of the Law on Public Procurement of the Republic of Serbia ("Official Gazette of the Republic of Serbia", no. 91/19).

The value of the contract (total offered price) is 440,968.00 euros without VAT in the Republic of Serbia.

Therefore, bearing in mind all stated, including non-objection letter from the Bank issued on 13 December 2021 (register No. SUS.00-65/392 dated 13 December 2021), the Contracting Authority awards the Contract to the stated Bidder, in accordance with the Public Procurement Law of the Republic of Serbia („Official Gazette of the Republic of Serbia”, No. 91/19) and the Guide to Procurement for Projects financed by the Bank.

INSTRUCTION ON LEGAL REMEDY:

Against this decision, a request for protection of rights may be submitted within 10 (ten) days from the day of receipt of this decision, pursuant to Article 214. Paragraph 3. of the Public Procurement Law of the Republic of Serbia („Official Gazette of the Republic of Serbia”, No. 91/19) and Article 2. of the Amendment Agreement in Relation to the Finance Contracts 23.761, 24.745, 25.002, 25.198, 25.497, 25.610, 25.872, 81.657 and 82.640, concluded between Republic of Serbia and the European Investment Bank („Official Gazette of the Republic of Serbia – International treaties”, No. 11/17 and „Official Gazette of the Republic of Serbia”, No. 67/19 – Authentic interpretation of the Law).

The request is to be submitted electronically to the Contracting Authority and the Republic Commission for Protection of Rights in Public Procurement Procedures, or in writing, by direct delivery or registered mail to the Contracting Authority, in which case the applicant is obliged to copy request for submission to the Republic Commission.

PRESIDENT OF THE SUPERVISORY BOARD



This Decision shall be submitted to Bidder, to the following e-mail address, and published on the Contracting Authority's website, within three (3) days from the date of its adoption:

- Smart Building Technologies doo, e-mail: ninoslav.stanojevic@sbt.rs