

Based on Art. 9. Law on communal activities ("Official Gazette of the Republic of Serbia", No. 88/2011, 104/2016 and 95/2018), Art. 22. and Art. 35. of the Law on Public-Private Partnership and Concessions (Official Gazette of the Republic of Serbia No. 88/2011, 15/2016 and 104/2016, (here-in-after referred to as: **LPPPC**), and Article 10, paragraph 1, item 5 and Article 23, paragraph 3, Item 1 of the Municipal Statute ("Official Gazette of the Municipality of Zabari" No. 7/2008, 3/2013, 4/2014, 7/2014, 10/2015, 6/2017)

MUNICIPALITY OF ŽABARI
Kneza Miloša Street No. 103
12374 ŽABARI

Officially announces

PUBLIC INVITATION

**Number: 2 / 2018– an open procedure for awarding a public contract
on PPP with elements of concession**

**With
regard to**

**collection of bids aimed at awarding communal related activities pertaining to
collection, transport and disposal of municipal waste from the area of the municipality
of Zabari**

- 1.** A public call is herewith made for collecting bids for selection of the most favorable bidder for awarding public services aimed at **collecting, transport and disposal of municipal waste from the area of the Municipality of Zabari**, for the period of 10 (ten) years, in accordance with Art. 35-41 of the LPPPC.
- 2.** The right to submit bids under the public invitation is regulated by Article 14. of the LPPPC, and such a right have all domestic and foreign physical or legal entities which are registered for activity concerning collecting, transporting and depositing municipal waste and which meet the conditions defined by the Law on Communal Activities, the Law on Waste Management and other applicable legal regulations pertaining to this matter.
- 3.** Communal activities of collecting, transporting and disposal of municipal waste from the municipality of Žabari will include:
 - 17 local communities with a current population of 10,906 inhabitants (for the year of 2013) of which 4,872 are on a temporary work in abroad. A list of population will be more closely regulated (according to the 2011 census); the total number of households comes to 3,404.

- Health center and ambulances in 6 local communities, two primary schools with 15 regional schools, preschool with facilities at two locations.
- 4. Communal activities pertaining to collection, transport and disposal of communal waste is to be awarded for a period of 10 years or (120 months) and will be regulated more closely by the public contract on awarding the public utility services.
- 5. On the basis of bookkeeping, financial, personnel, technical and legal normative documentation, a Bidder is obliged to prove his personal, professional, technical, personnel and financial capability for performing communal activities to be awarded.

The offer must include:

- name and headquarters of a domestic or a foreign physical or legal person with data on the person authorized for representing and with all the necessary information (telephone number, fax, etc.) for the purpose of direct communication;

- proof that the applicant is registered with the competent authority, or registered with the appropriate register (Article 75, paragraph 1, item 1 of the Public Procurement Law (here-in-after referred to as PPL));

- evidence that the tenderer and his legal representative have not been convicted of any criminal offense as a member of an organized criminal group, that he/she has not been convicted of criminal offenses against the economy, environmental offenses, the criminal act of receiving or giving bribes (paragraph 1, item 2 of the PPL);

- proof that the tenderer has settled the mature taxes, contributions as well as other public expenditures in accordance with the regulations of the Republic of Serbia or a foreign country in case it has its seat in the territory of a foreign country (Article 75, paragraph 1, item 4 of the PPL);

- proof that the tenderer has a valid permit issued by the competent authority - Applicable decision on issuing a permit for collection and transport of non-hazardous waste in the territory of the Republic of Serbia and a valid decision on issuing an integrated permit for disposal of non-hazardous waste issued by the competent ministry of the Republic of Serbia (Article 75, item 5 of the PPL);

- proof that the tenderer upon creating his bid has complied with obligations arising from the applicable regulations on occupational safety, employment and working conditions, environmental protection, as well as a proof by which he provides a guarantee that there is no prohibition on his performance of activity being in force at the time of bid submission (Article 75. paragraph 2 of the PPL);

Financial capacity:

- a) It must be proven that the Bidder had operating income over the last three years (2015, 2016 and 2017) in the amount of minimum 54,000,000.00 dinars.
- b) It must be proven that the bidder over the last 3 (three) years (2015, 2016, and 2017), had no reported loss in doing his business.
- c) It must be proven that the Bidder had no registered blockade of his business account over the last 3 (three) years until the date of announcement for submission of bids.

Business capacity:

It must be obvious that over the last three years (2015, 2016 and 2017) he has concluded at least 2 (two) public contracts pertaining to municipal waste collection and at least 2 (two) contracts for transport and disposal of municipal waste originating either from the territory of the city or from the municipality.

Technical capacity:

It has to be obvious that the bidder owns the following machinery:

- Municipal waste collection vehicles
- Containers having volume of 1100 l and 5000 l
- Bins having volume of 120 l and 240 l
- Wheel scale
- Sanitary landfill or a long-term lease agreement for a period of 10 years

A bidder must also have the following certificates:

ISO 9001 - Organization management system in municipal waste management;

ISO 14001 - Environmental management and environmental management system in the field of municipal waste management;

OHSAS 18001 - Management system for organization and management of health and safety at work in the field of municipal waste management.

Financial security instruments by which a bidder will ensure fulfillment of his contractual obligations are as follows:

1. Security instrument for proving the seriousness of his bid - a bank guarantee amounting to 500.000,00 RSD which is to be returned after upon conclusion of a public contract.

2. Security instrument for good performance of work - 2 (two) certified and signed blank bank bills having a "no protest, no cost" clause and which will reflect an amount of 10% of the value of the transaction excluding VAT calculated on an annual basis, registered at the National Bank of Serbia, and bond authorization, signed and certified.

6. Criteria for selection of the most favorable bid are given in the tender documentation, and the most favorable bid will be selected on the basis of the criteria "**economically most favorable bid**", in accordance with Article 85 of the Law on Public Procurement.

Elements of the criteria for selecting the most favorable bid are as follows:

- 1) The offered price for the relevant service for collecting municipal waste as stated in the public procurement;
 - 2) The offered price for the relevant public service pertaining to waste disposal as stated in the public procurement;
7. The deadline for deciding on selection of the most favorable bid, i.e. the decision on annulment of the concession award procedure, **is 30 days** beginning as of the day of expiration of the deadline for submission of bids.
8. Legal protection in the procedure of awarding a public contract is provided in accordance with the law governing public procurement.

The request for protection of the rights can be submitted by Bidder or by any other interested person who has an interest in awarding a contract in a specific public procurement procedure and who has suffered or could have suffered a damage due to the conduct of the contracting authority contrary to the provisions of the Public Procurement Law.

The request for protection of the rights shall be submitted to the Republic Commission and handed over to the Ordering Party.

The procedure for protecting the rights in public procurement procedures is defined by Art. 138 to 167 of the PPL.

9. **The manner of submission of the bid and the deadline**

The bidder shall lodge his offer directly or by mail in a closed envelope or box, closed in such a way that it can be established with certainty that it is open for the first time when opening tenders. On the back of the envelope or on the box indicate the name and address of the tenderer.

In case a bid is submitted by a group of bidders, it must be indicated on the envelope that it is a group of bidders and indicate the names and addresses of all participants in the joint offer.

The offer must be done in the Serbian language.

Deadline for submission of bids is 60 calendar days as of the day of publication of the Public

Invitation in the Official Gazette of the Republic of Serbia ", (No.1 from 11.01.2019.), ending on the 60th day, at 12.00 hours.

Bids shall be submitted personally or by mail, at the following address: Municipality of Zabari, ul. Kneza Miloša 103, 12374 Žabari, with the indication: „Offer for public procurement in an open procedure No. 2/2018, *services* - **"Performing communal activities pertaining to collection, transport and disposal of municipal waste from the territory of the municipality of Žabari"**, - DO NOT OPEN.

10. Place, time and the manner of opening the offers

Public opening of bids will be performed on the last day of the deadline for submission of bids, at 13:00 hours, within the premises of the Municipality of Zabari, street Kneza Miloša 103, 12374 Žabari with the presence of authorized representatives of bidders.

A representative of the bidder may attend the public opening of bids whereat he must have the authorization certified and signed by the responsible person.

11. Contact persons

Contact person: Milena Vasić, e-mail: jn.zabari@gmail.com

MUNICIPALITY OF ŽABARI
No. 404-101 / 2018-01 as of 28.12.2018.

President of the Municipality of Zabari
Jovan Lukic