

Tender documents for public procurement of software license, JN -06

УНИВЕРЗИТЕТ У БЕОГРАДУ  
ФАКУЛТЕТ БЕЗБЕДНОСТИ

Бр. 631/116-21

14. 11. 2022 год.

БЕОГРАД, Ул. Господара Вучића 50, 88

University of Belgrade  
Faculty of Security Studies

## **TENDER DOCUMENTS**

**Public Procurement no:**

**JN-06/2022**

**Subject-matter of the public procurement is the procurement of license - AnyLogic  
Research License - permanent**

### **OPEN PUBLIC PROCUREMENT PROCEDURE**

**Contracting Authority:**

**University of Belgrade – Faculty of Security Studies  
11118 Belgrade, Gospodara Vučića 50**

*October 2022*

Pursuant to Article 93 of the Law on Public Procurement (RS Official Gazette No. 91/19, hereinafter the Law), Article 7 of the Rules on Contents of Tender Documents in Public Procurement Procedures and (RS Official Gazette No. 21/21), the Decision on Initiating Public Procurement Procedure for the Public Procurement in the open procedure of procurement of goods - Procurement of Software Licenses No. JN-06/2022, it is prepared as follows:

## **TENDER DOCUMENTS**

**For public procurement of goods– Procurement of License - AnyLogic Research License –  
permanent  
JN-06/2022  
Open Procedure**

Tender documents comprise:

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Public Procurement Committee:

- Prof. Mladen Milošević, PhD, Chairman
- Prof. Petar Stanojević, PhD, Member
- Danijela Šušnjar, Member
- Prof. Ana Kovačević, PhD, Deputy Chairman
- Prof. Goran Mandić, PhD, Deputy Member
- Ass. Prof. Aleksandra Ilić, PhD, Deputy Member

## **GENERAL PROCUREMENT DATA**

### **Contracting Authority data**

Contracting Authority: University of Belgrade - Faculty of Security Studies

Address: Gospodara Vučića 50, 11118 Belgrade

ID: 07061609

TIN: 101732084

Web site: [www.fb.bg.ac.rs](http://www.fb.bg.ac.rs)

Communication in the procedure shall be carried out through the Public Procurement Web Portal and by e-mail: [milosevic@fb.bg.ac.rs](mailto:milosevic@fb.bg.ac.rs)

### **Type of public procurement procedure**

Public procurement JN-06/2022 is conducted in an open procedure, in accordance with the Law on Public Procurement and is planned by the Public Procurement Plan 2022 - Version 5 of 16 September 2022.

The public invitation for submission of bids and tender documentation are published on the Public Procurement Web Portal <https://jnportal.ujn.gov.rs> and on the website of the contracting authority: [www.fb.bg.ac.rs](http://www.fb.bg.ac.rs).

### **Public procurement subject-matter**

The subject-matter of public procurement JN-06/2022 are the licenses that are necessary for the implementation of the Agreement on Financing the implementation of the Scientific Research Project between the Science Fund and the University of Belgrade – Faculty of Security Studies called Management of New Security Risks-Research and Simulation Development-NEWSIMR&D.

The code from the Common Procurement Vocabulary is: **489000**.

### **Deadline for submission of bids**

Bids for public procurement, procurement of licenses, shall be submitted within 10 days from the day of announcing the Invitation for Submission of Bids and Tender Documents on the Public Procurement Web Portal.

### **Deadline for making a decision on awarding the contract**

The decision on awarding the contract shall be made within 10 days from the day of opening the bids.

### **The purpose of the procedure**

The public procurement procedure is conducted for the purpose of concluding a public procurement contract.



**TECHNICAL CHARACTERISTICS (SPECIFICATION) OF GOODS**

<b>Procurement subject-matter:</b>	Procurement of software license entitled: AnyLogic Research License – permanent – 1 pc
<b>Technical description</b>	Simulation platform for multi-method modelling
<b>Technical requirements:</b>	<ol style="list-style-type: none"><li>1. License for simulation software (with the capability to operate in industrial systems), which has system dynamics, user-friendly libraries and discrete event libraries</li><li>2. Licensed software must include advanced animation capabilities.</li><li>3. Licensed software must have the capacity to import Vensim SD models and convert them to its own simulation environment.</li><li>4. Licensed software solution must be written in the Java programming language.</li></ol>
<b>Requested version:</b>	AnyLogic 8.7.11 (or the latest published version)

**Note:**

- all licenses specified in the specification must be offered,
- the offered licenses must be original and new.



## **CRITERIA FOR QUALITATIVE SELECTION OF A BUSINESS ENTITY AND INSTRUCTIONS ON HOW TO PROVE THE FULFILLMENT OF THESE CRITERIA**

### **1. Grounds for exclusion**

#### **1.1. Final judgment for one or more criminal offences**

Legal grounds: Article 111, paragraph 1, item 1) Law on Public Procurement - the contracting authority shall exclude a business entity from the public procurement procedure if the business entity does not prove that it and its legal representative have not been convicted in the period of the previous five years from the date of expiry of the deadline for submission of bids, i.e. applications, unless there is some other judgment prohibiting the participation in the public procurement procedure due to:

- (1) a criminal offence committed as a member of an organized criminal group and a criminal offence of association for the purpose of committing criminal offences;
- (2) a criminal offence of abuse of position of an official in charge, criminal offence of abuse in connection with public procurement, criminal offence of receiving bribery in the performance of economic activity, criminal offence of offering bribery in the performance of economic activity, criminal offence of abuse of office, criminal offence of influence peddling, criminal offence of receiving bribery and criminal offence of offering bribery, criminal offence of fraud, criminal offence of unjustified obtaining and using loans and other benefits, criminal offence of fraud in economic activities and the criminal offence of tax evasion, criminal offence of terrorism, criminal offence of public incitement to commit terrorist acts, criminal offence of recruitment and training for committing terrorist acts and criminal offence of terrorist association, criminal offence of money laundering, criminal offence of terrorist financing, criminal offence of trafficking in persons and the criminal offence of committing slavery and transporting persons held in slavery.

Manner of proving the fulfilment of the criteria: The business entity shall prepare and submit, together with the application/bid, a statement on the fulfilment of the criteria for qualitative selection of the business entity, confirming that there is no basis for exclusion.

Prior to making a decision in the public procurement procedure, the contracting authority may request from the bidder who submitted economically the most favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic entity.

**It is considered that for an economic entity registered in the Register of Bidders there are no grounds for exclusion from this Article of the Law.**

The absence of this ground for exclusion shall be proven by the following evidence:

- 1) Certificate of the competent Basic Court in whose territory the seat of the domestic legal entity or sole proprietor is, i.e. the seat of the representative office or branch of the foreign legal entity confirming that the bidder has not been convicted in the previous five years from the deadline for submission of bids, unless a final judgment prescribes another period of prohibited participation in the public procurement procedure, for the following criminal offences: criminal offence of tax evasion; criminal offence of fraud; criminal offence of unjustified obtaining and using loans and other benefits; criminal offence of abuse of office; criminal offence of influence peddling; criminal offence of bribery; criminal offence of trafficking in persons (for forms referred to in Article 388, paragraphs 2,3,4,6,8 and 9) and criminal offence of committing slavery and trafficking in persons held in slavery (for forms referred to in Article 390, paragraphs 1 and 2).
- 2) Certificate of the competent Higher Court in whose territory the seat of the domestic legal entity or sole proprietor is, i.e. the seat of the representative office or branch of the foreign legal entity confirming that the bidder has not been convicted in the previous five years from the deadline for submission of bids, unless a final judgment prescribes another period of



prohibited participation in the public procurement procedure for the following criminal offences: criminal offence of abuse of official position if the value of the obtained material gain exceeds RSD 1,500,000.00; criminal offence of trafficking in persons (for forms referred to in Article 388, paragraphs 1,5 and 7); criminal offence of committing slavery and trafficking in persons held in slavery if it was committed against a minor and the criminal offence of receiving bribe.

- 3) Clearance Certificate of the Special Department of the Higher Court in Belgrade for Organized Crime confirming that the legal entity or sole proprietor has not been convicted of any of the following criminal offences: criminal offence of organized crime; criminal act of association for the purpose of committing criminal offences; criminal offence of abuse of office, influence peddling, receiving bribery and offering bribery if the defendant or the person to whom the bribe is given is an official or person in charge performing a function based on election, appointment or by judicial appointment or by the State Prosecutorial Council; economic criminal offences, if the value of material gain exceeds RSD 200,000,000, or if the value of public procurement exceeds RSD 800,000,000 for: criminal offence of abuse in connection with public procurement, criminal offence of receiving bribery in performing economic activities, criminal offence of offering bribery in performing economic activity, criminal offence of fraud in performing economic activity, criminal offence of abuse of office of an official in charge, criminal offence of money laundering - if the assets subject to money laundering originate from all the above criminal offences; criminal offence of terrorism; criminal offence of recruitment and training for terrorist acts and criminal offence of terrorist association.
- 4) Clearance Certificate of the Special Department of Higher Courts in Belgrade, Novi Sad, Niš and Kraljevo for Corruption Fighting, confirming that the legal entity or sole proprietor has not been convicted of any of the following criminal offences: criminal offence of bribery in conducting economic activities; criminal offence of offering bribery in the performance of economic activity; criminal offence of abuse in connection with public procurement; criminal offence of fraud in the performance of economic activity; criminal offence of abuse of office of an official in charge and criminal offence of money laundering.

Legal representatives and natural persons:

- 1) Excerpt from criminal records, i.e. a police clearance certificate issued by the competent police department of the Ministry of the Interior, evidencing that the legal representative or natural person has not been convicted of the following criminal offences: (1) a criminal offence committed as a member of an organized criminal group and a criminal offence of association for the purpose of committing criminal offences; (2) criminal offence of abuse of office of an official in charge, criminal offence of abuse in connection with public procurement, criminal offence of receiving bribery in performing economic activities, criminal offence of offering bribery in performing economic activities, criminal offence of abuse of office, criminal offence of influence paddling, criminal offence of receiving bribery and criminal offence of offering bribery; criminal offence of fraud, criminal offence of unjustified obtaining and use of loans and other benefits, criminal offence of fraud in the performance of economic activity and criminal offence of tax evasion; criminal offence of terrorism, criminal offence of public incitement to commit terrorist acts, criminal offence of recruitment and training for committing terrorist acts and the offence of terrorist association; criminal offence of money laundering, criminal offence of terrorist financing; criminal offence of trafficking in persons and criminal offence of committing slavery and trafficking in persons held in slavery.

The application may be submitted according to the place of birth or the place of residence of a legal representative or natural person. If the bidder has several legal representatives, it is obliged to submit evidence for each of them.



Business entity having a registered office in another country:

If the economic entity has its registered office in another country, the contracting authority shall accept a clearance certificate from criminal records or other appropriate register or, if this is not possible, an appropriate document from the competent judicial or administrative authority in the country where the economic entity has its registered office, the country of which the person is a citizen. If the said evidence is not issued in the country in which the economic entity has its registered office, i.e. the country of which it is a citizen, or if the evidence does not include all data relating to the absence of grounds for exclusion, the economic entity may submit its written statement, under penalty of perjury, certified before a judicial or administrative body, notary public or other competent body of that country, in which it is stated that there are no relevant grounds for exclusion of the economic entity.

## **1.2. Taxes and contributions**

Legal grounds: Article 111, paragraph 1, item 2) - the contracting authority shall exclude the economic entity from the public procurement procedure if the economic entity does not prove that it has paid the due taxes and contributions for mandatory social insurance or that it has been granted a deferral of debt payment by a binding agreement or decision, including all accrued interest and fines.

Manner of proving the fulfilment of the criteria: The business entity shall prepare and submit together with the application/bid, a statement on the fulfilment of the criteria for qualitative selection of the business entity through the Web Portal, confirming that there is no basis for exclusion.

Prior to making a decision in the public procurement procedure, the contracting authority may request from the bidder who submitted the most economically favourable bid to submit evidence of fulfilment of the criteria for qualitative selection of the economic entity.

**It is considered that for an economic entity registered in the Register of Bidders there are no grounds for exclusion from this Article of the Law.**

The absence of this ground for exclusion shall be proven by the following evidence:

- 1) Certificate by the competent tax authority that the bidder has paid due taxes and contributions for mandatory 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.
- 2) Certificate by the competent local self-government unit tax authority that the bidder has settled the due public revenue obligations 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.

A legal entity that is in the process of privatisation, instead of the evidence referred to in items 1) and 2), shall submit a certificate issued by the Privatisation Agency confirming that it is in the process of privatisation.

An economic entity that has its registered office in another country will accept the certificate of the competent authority in the country of the registered office of the economic entity as evidence that there are no grounds for exclusion. If the said evidence is not issued in the country in which the business entity is established, i.e. in the country of which it is a citizen, or if the evidence does not include all data related to the lack of grounds for exclusion, the business entity may submit, instead of evidence, its written statement, under penalty of perjury, certified by a judicial or administrative body, notary public or other competent body of that country, in which it is stated that there are no stated grounds for exclusion of the economic entity.



### **1.3. Obligations in the area of environmental protection, social and labour law**

Legal grounds: Article 111, paragraph 1, item 3) - the contracting authority shall exclude the economic entity from the public procurement procedure if it determines that the economic entity in the period of the previous two years from the expiry of the deadline for submission of bids, applications, violated obligations in the field of environmental protection, social and labour law, including collective agreements, in particular the obligation to pay contracted wages or other obligatory payments, including obligations in accordance with the provisions of international conventions listed in Annex 8 of the Law on Public Procurement.

Manner of proving the fulfilment of the criteria: The business entity shall prepare and submit together with the application/bid, a statement on the fulfilment of the criteria for qualitative selection of the business entity through the Web Portal, confirming that there is no basis for exclusion. The absence of this ground for exclusion is determined by the contracting authority.

### **1.4. Conflict of interest**

Legal grounds: Article 111, paragraph 1, item 4) - the contracting authority shall exclude the economic entity from the public procurement procedure if there is a conflict of interest in terms of the Law on Public Procurement, which cannot be rectified by undertaking any other measures.

Manner of proving the fulfilment of the criteria: The economic entity is obliged to compile and submit with the application / bid a statement on the fulfilment of the criteria for qualitative selection of the economic entity, confirming that there is no basis for exclusion. The absence of this ground for exclusion is determined by the contracting authority.

### **1.5. Undue influence on the procedure**

Legal grounds: Article 111, paragraph 1, item 5) - the contracting authority shall exclude the economic entity from the public procurement procedure if it finds that the economic entity has tried to exert undue influence on the decision-making process of the contracting authority or to obtain confidential information through which it could get an advantage in the public procurement procedure, or has submitted misinformation that may influence decisions concerning the exclusion of an economic entity, the selection of an economic entity or the award of a contract.

Manner of proving the fulfilment of the criteria: The business entity shall prepare and submit together with the application/bid, a statement on the fulfilment of the criteria for qualitative selection of the business entity through the Web Portal, confirming that there is no basis for exclusion. The absence of this ground for exclusion is determined by the contracting authority.

#### **Other grounds for exclusion:**

Pursuant to Article 112 of the Law on Public Procurement, the contracting authority shall exclude an economic entity from the public procurement procedure at any point, if:

- 1) it is determined that the economic entity is in bankruptcy, that it is insolvent or in the process of liquidation, that its assets are managed by the bankruptcy (liquidation) trustee or court, that it made an arrangement with creditors, that it has ceased to carry out its business activity or that it is facing any other similar situation resulting from a similar procedure under national laws and regulations;
- 2) it is determined that a final judgment or decision of another competent body determines the responsibility of the business entity for a severe form of unprofessional conduct that causes doubt regarding its integrity in the previous three years from the deadline for submission of bids or applications, unless by a final judgment or by a decision of another competent authority, some



other period of prohibition of participation in the public procurement procedure has been determined;

- 3) it is determined that in a decision by the competent body for protection of competition it is found that the economic entity has been making arrangements with other economic entities in order to distort competition in the period of the previous three years from the deadline for submission of bids;
- 4) it is determined that there is a distortion of competition due to a previous participation of the economic entity in the preparation of the procurement procedure in terms of Article 90 of the Law on Public Procurement, which cannot be eliminated by other measures;
- 5) it is determined that the economic entity in the period of the previous three years from the date of expiry of the deadline for submission of bids has not fulfilled obligations under previously concluded public procurement contracts or previously concluded concession contract, which resulted in termination of the contract, collection of collateral, damages, etc.;
- 6) it is determined that the economic entity in public procurement procedures in the period of previous three years from the date of expiry of the deadline for submission of bids was submitting false data necessary to verify the grounds for exclusion or criteria for the selection of the economic entity, or that it was unable to provide evidence on fulfilment of criteria for qualitative selection of an economic entity, in case it used the statement provided for in Article 118 of the Law on Public Procurement as a means of proof.

Manner of proving the fulfilment of the criteria: The business entity shall prepare and submit together with the application/bid, a statement on the fulfilment of the criteria for qualitative selection of the business entity through the Web Portal confirming that there is no basis for exclusion. The absence of this ground for exclusion is determined by the contracting authority.

## **2. Criteria for the selection of an economic entity**

The contracting authority has not determined the criteria for the selection of an economic entity in the public procurement procedure relating to: 1) the fulfilment of conditions for performing professional activity; 2) financial and economic capacity and 3) technical and professional capacity.

### **Statement on the fulfilment of the criteria for qualitative selection of an economic entity**

Pursuant to Article 118 of the Law on Public Procurement, the economic entity shall submit in the bid/application, a statement on the fulfilment of the criteria for qualitative selection of an economic entity, which confirms that there are no grounds for exclusion.

**The statement on the fulfilment of the criteria for the qualitative selection of the economic entity shall be completed in an electronic form on the Public Procurement Portal by using the standard form prescribed by the Public Procurement Office.**

If the bid/application is submitted by a group of economic entities, the bid/application shall contain a separate statement of each member of the group of economic entities containing information that there are no grounds for exclusion of that group member and that the group member meets the required criteria for the selection of the economic entity.

If the economic entity intends to entrust a subcontractor with the performance of part of the contract or use the capacities of other entities, it shall submit a separate statement for the subcontractor, i.e. the entity whose capacities it uses, containing information that there are no grounds for excluding the subcontractor, i.e. the entity whose capacities it uses, as well as that the subcontractor or the entity whose capacities it uses meets the required criteria for the selection of the economic entity.

Members of the group, subcontractors or other entities whose capacities are used by the economic entity shall complete their electronic statements individually, and the economic entity can download the completed statement via the Portal and attach it to the bid/application.

Pursuant to Article 119 of the Law on Public Procurement, prior to adopting the decision in the public procurement procedure, the contracting authority is obliged to request evidence of the fulfilment of the criteria for qualitative selection of the economic entity from the bidder who has submitted economically the most favourable bid within a reasonable period of time, but not shorter than five working days, in the form of uncertified copies, for a public procurement whose estimated value is exceeding RSD 5,000,000.

Prior to making the decision in the public procurement procedure, the contracting authority may request evidence of fulfilling the criteria for qualitative selection of the economic entity from the bidder who has submitted economically the most favourable bid, within a reasonable period of time, but not shorter than five working days, in the form of uncertified copies, for a public procurement whose estimated value is equal or less than RSD 5,000,000.

If the bidder who submitted the economically the most favourable bid fails to submit the required evidence within the set timeframe or fails to prove that it fulfils the criteria for qualitative selection of the economic entity, the contracting authority shall reject the bid of that bidder and invite the bidder who submitted the second most favourable bid or suspend the public procurement procedure, if there are reasons for suspension.



## **INSTRUCTIONS TO BIDDERS ON HOW TO PREPARE THE BID**

### **Submission of bid**

**The bid shall be submitted electronically through the Public Procurement Web Portal in accordance with the Article 135 of the Public Procurement Law**

The economic entity submitting the bid shall be registered on the Public Procurement Web Portal.

Within the deadline for submission of bids, the bidder may amend, supplement or revoke its bid, in the manner in which it submitted the original bid.

After the deadline for submission of bids, the bidder may not withdraw or amend its bid/application.

A bidder who has submitted a bid independently may not participate in a joint bid or as a subcontractor at the same time, nor may the same person participate in several joint bids. The contracting authority is obliged to reject all bids submitted contrary to the stated prohibition.

The use of the stamp of the economic entity is not mandatory.

### **Parts of the bid that cannot be submitted electronically**

In the event that part or parts of the bid cannot be submitted electronically through the Public Procurement Web Portal, the economic entity is obliged to, in accordance with Article 45, paragraph 3 of the Public Procurement Law, state in the bid the exact part or parts of the bid it is submitting by non-electronic means.

The part or parts of the bid that cannot be submitted electronically through the Public Procurement Web Portal shall be submitted by the economic entity to the contracting authority by the deadline for submission of bids by mail, courier service or directly, in an envelope or box, closed in such a way that it can be determined with certainty that it is being opened for the first time.

A part or parts of the bid that cannot be submitted by electronic means through the Public Procurement Web Portal shall be submitted by the economic entity to the contracting authority to the following address:

**University of Belgrade - Faculty of Security Studies  
11118 Belgrade  
Gospodara Vučića 50  
Ground floor, Office no. (Archive)**

with the indication: **"Part of the bid for public procurement of software licenses, JN-06/2022 - DO NOT OPEN"**.

When preparing a bid on the Public Procurement Web Portal, the economic entity shall specify a part or parts of the bid that it will submit by non-electronic means.



The name and address of the economic entity should be indicated on the back of the envelope or on the box. In the event that part or parts of the bid are submitted by a group of economic entities, it shall be indicated on the envelope that it concerns a group of economic entities and indicate the names and addresses of all members of the group.

**Part or parts of the bid shall be deemed timely if they are received by the contracting authority within the deadline for submission of bids.**

The contracting authority shall confirm the receipt to the economic entity, i.e. state the date and time of receipt.

The part or parts of the bid that the contracting authority did not receive within the deadline set for the submission of bids /applications, or that was received after the expiry of the day and hour by which bids may be submitted, shall be deemed untimely. The untimely part or parts of the bid will be returned unopened by the contracting authority to the bidder once the procedure of bid opening has been completed, indicating that they were untimely submitted.

#### **Bid submitted together with a subcontractor**

If the bid includes subcontractors, they shall be registered users of the Public Procurement Web Portal, however they do not need to necessarily give consent to the economic entity to submit a bid through the Portal.

An economic entity that intends to entrust the performing of part of the contract to a subcontractor shall state the following for each individual subcontractor:

- 1) data on the subcontractor: name, address, identification number, TIN, name of the contact person;
- 2) data on the part of the contract that will be entrusted to the subcontractor: by subject or by quantity, value or percentage;
- 3) information on whether the subcontractor requires that the contracting authority effectuates payments for the due receivables for the part of the contract that it has executed directly.

The economic entity shall submit a Statement of compliance with the criteria for qualitative selection of the economic entity for each subcontractor in the bid.

#### **Joint bid**

A bid may be submitted by a group of bidders as a joint bid. The contracting authority shall not require from a group of bidders to associate in a particular legal form in order to be eligible to submit a joint bid. The contracting authority may request from the group of bidders to be associated in a certain legal form after the award of the contract, if this is necessary for the implementation of the contract.

On the page of the public procurement procedure on the Public Procurement Web Portal, an economic entity may create a group of economic entities for the purpose of submitting a joint bid.

A member of a group of economic entities submitting a bid shall be authorized to submit a joint bid on behalf of the group. Authorization to submit a bid on behalf of a group of economic entities is given by the members of the group through the Public Procurement Web Portal. All members of the group shall be registered users of the Public Procurement Web Portal.

The bid shall be prepared and submitted by a member of the group authorized to submit a joint bid on behalf of the group of economic entities.

In the case of a joint bid, the data on the members of the group are part of the bid form.



When filling in the bid form of a group of bidders on the Public Procurement Web Portal, the value or percentage of the procurement value shall be stated, as well as the subject-matter or quantity of the procurement subject to be performed by each member of the group according to the agreement. When filling in the application form of a group of candidates, this information shall be stated if known.

All members of the group of economic entities shall fill in the Statement on fulfilment of the criteria for qualitative selection of the economic entity.

### **Completing the bid form**

The bidder shall submit the bid in the Serbian language, or in English, in case of foreign bidders.

The bid shall be submitted electronically, through the Public Procurement Web Portal. The Portal automatically creates a completed bid form based on the data entered by the economic entity on the Portal.

### **Price**

The price shall be expressed in the bid form, in dinars (RSD) or Euros (EUR), in case of a foreign bidder, with and without value added tax, including all costs incurred by the bidder in the implementation of the public procurement concerned.

Any potential discounts to the price shall be included in the total price.

The price is fixed and cannot be changed during the agreement validity.

If the bid indicates an unusually low price that deviates significantly from the market price and raises doubts about the possibility of implementing the public procurement in accordance with the requirements of the contracting authority provided in the procurement documentation, the contracting authority shall, in accordance with Article 143 of the Law on Public Procurement, request from the bidder to explain the price or cost stated in the bid within a reasonable time. The contracting authority may reject the bid only if the submitted explanation and evidence do not provide an adequate explanation for the unusually low bid.

In case there is a calculation error between unit and total price, unit price shall be valid. The contracting authority shall, subject to the bidder's consent, correct calculation errors observed during the consideration of the bid after the completion of the bid opening procedure. If the bidder does not agree with the correction of calculation errors, the contracting authority shall reject such bid as unacceptable.

### **Financial collateral for the fulfilment of contractual obligations**

When concluding the contract, the bidder shall submit to the contracting authority a blank solo bill of exchange and a bill of exchange authorisation for good performance of work in favour of the contracting authority in the amount of 10% of the total contracted value of the public procurement, excl. VAT, with a "no protest" clause, maturity "at sight" and a validity period that is 60 days longer than the validity period of the agreement, with the possible extension of the deadline for fulfilment of contractual obligations resulting in extension of the bill of exchange and bill of exchange authorization for the same number of days.

If the bidder does not submit a bill of exchange for the fulfilment of contractual obligations when concluding the agreement, with the required supporting documentation, the agreement shall not be deemed concluded.



### **Additional information or clarifications regarding public procurement documents**

Pursuant to Article 97 of the Law on Public Procurement, an economic entity may request in writing through the Public Procurement Web Portal additional information or clarifications from the contracting authority regarding procurement documents, whereby it may point out to the contracting authority if it considers that there are deficiencies or irregularities in the procurement documents, no later than on the sixth day before the deadline for submission of bids/applications has expired, for the public procurement whose estimated value is less than the amount of European thresholds.

If the request is submitted in a timely manner, the contracting authority shall publish additional information and clarifications on the Public Procurement Web Portal, without providing information on the applicant, no later than on the fourth day before the deadline for submission of bids/applications has expired.

Possible deficiencies or irregularities of the procurement documents which are not indicated in the stipulated manner may not be the issue of dispute in the procedure of protection of rights.

### **Validity of the bid**

The bid is valid for 60 days from the day of bid opening.

In case of expiry of the Bid validity period the contracting authority is obliged to request from the bidder the extension of the bid validity period in writing.

The bidder who accepts the request for extension of the bid validity period shall not amend the bid.

### **Deadline for submission of bids**

Bids for public procurement of software license AnyLogic Research License - permanent, shall be submitted within 10 days from the day of submission of the invitation to tender through the Public Procurement Web Portal.

### **Bid opening**

The opening of bids will be performed on the same day after the deadline for submission of bids.

The contracting authority did not exclude the public from the bid opening procedure. On the Public Procurement Web Portal, on the procedure page, the bidder can follow the countdown until the opening of bids. After the Portal opens the bids, minutes on the opening of bids is created, which can be downloaded from the procedure page, and at the same time it is sent to the bidders.

### **Clarifications of the bid, form and manner of submitting evidence**

After opening the bids, the contracting authority may request additional explanations that will facilitate the reviewing, evaluating and comparing bids /applications, and it may also perform control (insight) with the bidder or its subcontractor.

If the data or documents submitted by the bidder are incomplete or unclear, the contracting authority may, in compliance with the principles of equality and transparency, within a reasonable period of not less than five days, request from the bidder to submit the necessary information or additional documents through the Public Procurement Web Portal.

### **Protection of confidential data**

Pursuant to Article 38 of the Law on Public Procurement, the contracting authority shall:

- 1) keep as confidential all information that the economic entity made available to the contracting authority in the public procurement procedure and designated as confidential, in compliance with the law governing the protection of business secrets or which constitute classified data within the meaning of the law governing data secrecy as such, including but not limited to technical or business secrets;
- 2) keep as business secret information on economic entities interested in participating in the public procurement procedure and information on submitted applications and bids until the opening of applications, i.e. bids.

The economic entity shall indicate the legal grounds pursuant to which the information is designated as confidential and explain the reason for confidentiality.

The economic entity shall not mark as confidential information the statement and information of the fulfilment of the criteria for qualitative selection of the economic entity, catalogues, the offered price and price elements, as well as other information related to the agreement award criteria and conditions for performance of the agreement.

The contracting authority may disclose to other participants the confidential information communicated by the economic entity concerned only against the approval of the economic entity participating in the public procurement procedure, whereby such approval shall be given for disclosure of specific individual information only and shall not take the form of a general waiver.

#### **Bid preparation costs**

Costs for preparation and submission of a bid shall be born solely by the bidder, who may not request the contracting authority to compensate these costs, pursuant to Article 138 of the Law on Public Procurement.

Exceptionally, where the public procurement procedure was discontinued due to reasons attributable to the contracting authority, the contracting authority shall compensate the costs for producing a sample or a model if they have been created in compliance with the technical specifications of the contracting authority and costs of obtaining the security instruments, provided that the bidder has requested the compensation for such costs in their bid.



## **CRITERION FOR CONTRACT AWARDING**

The criterion for award of contract for the public procurement of software licenses is the most economically favourable bid, the element of the criterion is the **lowest offered price, excluding VAT**.

The ranking of eligible bids is carried out automatically through the Public Procurement Web Portal.

### **Elements of the criterion based on which the contracting authority will award the contract in a situation where there are two or more bids with the same price (spare criteria)**

If two or more bids have the same price, the contract will be awarded to the bidder who offered a shorter delivery term.

If even after the application of the spare criterion there are two or more bids that are equally ranked, the contracting authority shall award the contract to the bidder who will be drawn randomly, in accordance with Article 144 of the Law on Public Procurement.

### **Contract award decision**

After an expert evaluation of the bids, the public procurement committee shall prepare a report on the public procurement procedure. The contracting authority shall make a decision on the award of the contract if it is determined by an expert evaluation of the bid that the conditions for the award of the contract have been met. The contracting authority may award the contract to the bidder whose bid contains the offered price higher than the estimated value of the public procurement.

The decision on awarding the contract shall be made by the contracting authority within 10 days from the expiry of the deadline for submission of bids. The decision on awarding the contract shall be reasoned and contain in particular data from the report on the public procurement procedure and instructions on the legal remedy.

### **Decision to suspend the procedure**

The contracting authority shall make a decision on the suspension of the public procurement procedure, if:

- 1) there are provable reasons which could not have been foreseen at the time of initiating the procedure and which make it impossible to start the procedure;
- 2) there are provable reasons due to which the need of the contracting authority for the subject procurement has ceased, due to which it will not be repeated during the same budget year, i.e. in the next six months;
- 3) circumstances become known due to which, if they had been known earlier, there would have been a significant change in the content of the procurement documents;
- 4) no bid has been submitted;
- 5) no candidate meets the criteria for qualitative selection of an economic entity;
- 6) after reviewing and expert evaluation of bids, determines that all bids are unacceptable.

### **Deadline for concluding the contract**

The contracting authority may conclude a public procurement contract after passing a contract award decision and if, within the time frame set forth by this Law, no request for the protection of rights has been filed or it has been rejected or dismissed by a final decision, as well as if the procedure for the



protection of rights has been suspended.

The contracting authority may conclude a public procurement contract even before the expiry of the deadline for submission of requests for protection of rights if only one bid has been submitted, which is acceptable, in accordance with Article 151 of the Law on Public Procurement.

The contracting authority is obliged to submit the public procurement contract to the bidder within 10 days from the expiry of the deadline for submitting the request for protection of rights.

If the bidder refuses to conclude a public procurement contract, the contracting authority may conclude a contract with the next most favourable bidder.

### **Manner and deadline for submitting requests for protection of rights**

The procedure for protection of bidder's rights is regulated by the provisions of Art. 186 - 234 of the Law on Public Procurement (hereinafter: the Law).

The request for protection of rights may be submitted by an economic entity, i.e. a bidder who was or is interested in being awarded a contract in a specific public procurement procedure and that indicates that due to the contracting authority's actions that are contrary to the provisions of the Law it sustain a damage or could sustain a damage due to the award of the contract contrary to the provisions of the Law (hereinafter: the applicant).

The request for protection of rights is submitted electronically via the Public Procurement Web Portal simultaneously to the contracting authority and the Commission for Protection of Rights of the RS in Public Procurement Procedures (hereinafter: the RS Commission), or in writing, by direct delivery or registered mail to the contracting authority, in case of which the applicant shall submit a copy of the request to the Commission.

The request for protection of rights may be submitted at any point during the entire public procurement procedure, unless otherwise is provided for by the law, and not later than ten days from the date of publication on the Public Procurement Web Portal of the contracting authority's decision terminating the public procurement procedure in accordance with the Law.

The request for protection of rights which disputes the actions of the contracting authority in connection with determining the type of procedure, content of the public invitation and tender documents will be considered timely if received by the contracting authority not later than three days before the deadline for submission of bids or applications.

The request for protection of rights challenging the actions of the contracting authority undertaken after the deadline for submission of bids or applications shall be submitted within ten days from the date of publication of the contracting authority's decision on the Public Procurement Web Portal, that is, from the day of receipt of the decision in cases when publishing on the Public Procurement Web Portal is not provided for by the Law.

After the expiry of the deadline for submitting the request for protection of rights the applicant may not supplement the request by stating the reasons related to the actions that are the subject of dispute in the submitted request or disputing other actions of the contracting authority with which it was or could have been aware before the expiry of the deadline for the submission of the request for the protection of rights, and which he did not indicate in the submitted request.

The request for protection of rights may not challenge the actions of the contracting authority undertaken in the public procurement procedure if the applicant knew or could have known the reasons for its submission before the expiry of the deadline for submission of the request, but the applicant did not submit it before the deadline.

If in the same public procurement procedure a request for protection of rights has been re-submitted by the same applicant, that request may not challenge the actions of the contracting authority that the applicant knew or could have known when submitting the previous request.

The subject-matter of the dispute in the procedure of protection of rights may not comprise potential



deficiencies or irregularities contained in the procurement documents that were not indicated in accordance with Article 97 of the Law.

The contracting authority shall publish a notice on the submitted request for protection of rights on the Public Procurement Web Portal not later than on the day following the day of receipt of the request for protection of rights.

Submission of the request for protection of rights will delay the continuation of the public procurement procedure by the contracting authority until the end of the rights protection procedure.

The request for protection of rights shall contain the data stipulated under Article 217 of the Law.

If the applicant undertakes actions in the procedure through a proxy, along with the request for protection of rights, it shall submit the authorisation for representation in the procedure of protection of rights. The applicant that has a permanent or temporary residence, i.e. a seat abroad, is obliged to appoint a proxy for the receipt of supporting written documents in the Republic of Serbia in the request for protection of rights, stating all data necessary for communication with the designated person.

When submitting the request for protection of rights to the contracting authority, the applicant shall submit proof of payment of the fee from Article 225 of the Law and make reference to the subject request for protection of rights.

Valid proof of payment of the fee, in accordance with the Instructions on payment of the fee for submitting a request for protection of the rights of the Commission is published on the website of the Commission.

**BID PRICE BREAKDOWN FORM - INSTRUCTIONS FOR COMPLETION**  
**JN-06/2022**

	1	2	3
	Price excl. VAT	VAT	Price incl. VAT
License-AnyLogic Research License - permanent_			
<b>1</b>			

**Instructions on how to compete the price structure form**

The price structure form shows the elements of the price structure and bidders are required to fill them in according to the following instructions:

In column 1 the bidder enters the total price excl. VAT for the subject-matter of the procurement;

In column 2 the bidder enters the amount of VAT on the total price;

In column 3 the bidder enters the total price incl. VAT, by adding the amounts given in column 1 and column 2.



**COSTS OF BID PREPARATION FORM JN-06/2022**

In accordance with Article 138 of the Law on Public Procurement, the bidder \_\_\_\_\_, in the open procedure of procurement of goods -software licenses JN-06/2022, shall submit the total amount and breakdown of costs of bid preparation, as presented in the following table:

TYPE OF COST	AMOUNT OF COST IN RSD
<b>TOTAL</b>	

The costs of preparation and submission of the bid shall be born exclusively by the bidder who may not require reimbursement of costs from the contracting authority.

If the public procurement procedure is suspended due to reasons on the part of the contracting authority, the contracting authority shall reimburse the bidder for the costs for producing a sample or model if they have been created in accordance with the technical specifications of the contracting authority and the costs of obtaining security instruments provided the bidder has requested the compensation for such costs in its bid.

**Note: submission of this form is optional**

## MODEL SOFTWARE LICENSE AGREEMENT

### Parties:

1. **University of Belgrade - Faculty of Security Studies, Belgrade**, Gospodara Vučića 50, TIN: 101732084 ID number: 07061609 represented by the Dean, prof. Vladimir Cvetković, PhD (hereinafter: the Contracting Authority), and;
2. \_\_\_\_\_ with headquarters in \_\_\_\_\_, st. \_\_\_\_\_ no. \_\_\_\_\_, TIN: \_\_\_\_\_, ID number: \_\_\_\_\_, represented by the CEO \_\_\_\_\_ (hereinafter: the Bidder), on the other hand

*(if a joint bid has been submitted, please provide information for the group member authorized to sign the public procurement contract)*

### The parties have agreed as follows:

- the Contracting Authority, in accordance with the Law on Public Procurement ("Official Gazette of RS" No. 91/19; hereinafter: LPP) conducted an open procedure JN-06;
- the Contracting Authority made the Decision on awarding the contract (on public procurement) number \_\_\_\_\_ dated \_\_\_\_\_ on the basis of which this public procurement agreement is concluded between the Contracting Authority and the Bidder;
- The Bidder submitted Bid no. \_\_\_\_\_ of \_\_\_\_\_, which is fully approved by the Contracting Authority and forms an integral part of this public procurement agreement (hereinafter: the Bid);

### Based on the meeting of the minds, the Signatories have agreed on the following:

#### Article 1

The parties agree that the subject of this agreement is the procurement of a license -----.

The price and specification of the subject of procurement referred to in par. 1 of this Article are determined according to the accepted Bid submitted by the Bidder.

By signing this Agreement, the Bidder guarantees the ability to deliver the subject of procurement, in all respects according to the accepted Bid.

#### Article 2

This agreement shall enter into force on the date of its signing by both parties and shall be valid until the fulfillment of obligations under this agreement.



### **Article 3**

The total value of this Agreement is RSD \_\_\_\_\_ excluding VAT, or RSD \_\_\_\_\_ including VAT.

VAT (Value Added Tax) will be regulated in accordance with legal regulations in the field concerned, i.e. pursuant to the Law on Value Added Tax ("Official Gazette of RS", No. 84/04, 86/04 - correction, 61/05, 61/07, 93/12, 108/13, 68/14 - other law, 142/14, 83/15, 5/2016 - harmonized RSD amount, 108/2016 and 7/2017, 13/2018 - harmonised RSD amount, 30/2018, 4/2019 - harmonised RSD amount., 72/2019, 8/2020 - harmonised RSD amount and 153/2020).

The price and specification of the subject of procurement determined by the Bid are fixed and cannot be changed during the contract term of validity.

### **Article 4**

The deadline for the delivery of the subject of procurement referred to in Article 1, paragraph 1 hereof is 15 (fifteen) calendar days from the conclusion of this agreement.

Delivery of the procurement subject under the previous paragraph of this Article shall be considered complete after the authorized person of the Contracting Authority has signed the Handover Minutes for the subject of procurement, stating that the delivered subject of procurement, both quantitatively and qualitatively, corresponds to the accepted Bid.

The Contracting Authority shall, notify the Bidder, either by e-mail or other appropriate means, on the signing of the Protocol from the previous paragraph of this Article, after which the Bidder shall submit an invoice in accordance with the regulations governing payment transactions in the Republic of Serbia.

### **Article 5**

If the Bidder is late in fulfilling the contractual obligation from the previous Article, the Contracting Authority is entitled to charge a contractual penalty in the amount of 0.2% of the total contracted price stipulated in Article 3 of the Contract, for each day exceeding the contracted deadline.

The Contracting Authority is entitled to terminate the Agreement with the Bidder even before the amount of the contractual penalty reaches 5% of the total contracted price.

### **Article 6**

Within a maximum period of 5 (five) days after the conclusion of the Agreement, the Bidder shall submit to the Contracting Authority a blank promissory note and a bank draft authorization to guarantee the good performance in Contracting Authority's favour, in the amount of 10% of the total agreed price excluding VAT, including the "without protest" clause, payment "at sight" and the validity period which is 60 days longer than the validity period of this agreement, with a possible extension of the deadline for fulfillment of contractual obligations resulting in the extension of the promissory note and a bank draft authorization for the same number of days.



## **Article 7**

The Contracting Authority shall effectuate the payment after the complete delivery of the subject of procurement, which is confirmed by the Handover Protocol of the subject of procurement, signed by the authorized person of the Contracting Authority.

The deadline for payment is 45 days after the receipt of a duly issued invoice (signed, certified and notified in accordance with applicable regulations of the Republic of Serbia), to the Bidder's account number \_\_\_\_\_, kept with a commercial bank .....

## **Article 8**

In case that, after the conclusion of the agreement, circumstances of a force majeure event that disturb or prevent the fulfilment of obligations defined by the agreement occur, the stipulated deadlines will be extended for the duration of the force majeure event, unless the Contracting Authority decides to terminate the agreement due to the inability or significant impediment to fulfil the obligations to third parties, on which it shall notify the Bidder in writing.

Force majeure means unforeseeable extreme and extraordinary events, occurring beyond the control and influence of the parties to the agreement and which could not have been prevented by the party affected by force majeure.

Floods, earthquakes, fire, political events (war, large-scale riots, strikes), imperative decisions of public authorities (ban on import and export) and the like can be considered force majeure.

The party affected by force majeure shall immediately notify the other party in writing on the occurrence of unforeseen circumstances and provide appropriate evidence.

## **Article 9**

The Agreement ceases to be valid in the following cases:

- by agreement of the parties,
- based on unilateral termination by the Contracting Authority, if the Bidder fails to fulfil or partially fulfils the obligations stipulated by this agreement, or fails to fulfil them within the agreed timeframe, or in accordance with the specified quality requirements;
- in other cases provided for by the law.

In case of termination of the Agreement on any of the provided grounds, the notice period shall be 15 (fifteen) calendar days.

The Parties are obliged to fulfil all due and undisputed obligations within the timeframe referred to in the previous paragraph of this Article.



### **Article 10**

The provisions of the Law on Obligations ("Official Gazette of the SFRY", No. 29/78, 39/85, 57/89 and 45/89 - Decision of the CCY 57/89, "Off. Gazette of the FRY", No. 31/93 and Off. Gazette of the SM", No. 1/2003 - Constitutional Charter and "Off. Gazette of RS" No. 18/2020) and other regulations of the Republic of Serbia regulating this matter shall apply to all matters not regulated by this Agreement.

### **Article 11**

All disputes arising from the implementation of this Agreement shall be settled amicably by the parties.

In case the parties do not reach an agreement, the dispute will be decided by the Commercial Court in Belgrade.

### **Article 12**

This agreement is concluded in 6 (six) identical copies, 3 (three) for the Contracting Authority and the Bidder each.

**Bidder**

**Contracting Authority**

\_\_\_\_\_

*LS.*

*LS.*

\_\_\_\_\_

**Note:** The model agreement shall be submitted to the bidders in order to get acquainted with its content. Bidders are not obliged to fill it in or attach it to the electronic bid.