



GOVERNMENT OF MONTENEGRO

Standard Form
Article 35 of the Law on Public Procurement

Ministry of Economy
No: 01-1397/3
Podgorica, 28th April 2011

Pursuant to Article 35 of the Law on Public Procurement (Official Gazette of the Republic of Montenegro 46/06) the Ministry of Economy announces:

INVITATION

No. 06/11

to
**Public procurement open procedure
for selection of the most economically advantageous tender for
preparation of the Strategy for Sustainable Economic Growth in Montenegro through the
Introduction of Clusters up to 2016**

1. Contracting Authority information:

Contracting Authority: Ministry of Economy	Contact person/s: Ivan Kuzman, Lawyer Tel: 020 482-235 fax: 020 482-232
Address: Rimski trg 46	Postal code: 81000
City: Podgorica	Identification number: 02010780
Telephone: 020/ 482 -235	Fax: 020 / 482-232
E-mail: ivan.kuzman@mek.gov.me	Web-site: www.mek.gov.me

2. Public procurement subject

Preparation of the Strategy for Sustainable Economic Growth in Montenegro through the Introduction of Clusters up to 2016

3. The public procurement does not envisage the conclusion of the framework agreement.

4. Estimated public contract value (including VAT) amounts to EUR 900,000.00:

5. Terms for participation and suitability requirements for tenderers:

Any legal or physical person with experience and qualifications in accordance with the Public invitation and Tender documents are entitled to participate in the public procurement open procedure.

During the public procurement procedure, each tenderer must prove the following:

1. that it neither has the record of criminal convictions for criminal acts referred to in Article 46 of the Law on Public Procurement, nor has been imposed the measure of injunction for the activities that are subject to the public procurement concerned;
2. its business and professional capacity;
3. that it meets all the liabilities related to tax and contributions in due time;
4. its economic-financial capability;
5. its professional – technical and human resources capacity.

The evidence that the requirements referred to in the above item of this paragraph have been met is to be submitted in the form as laid down by Article 51 of the Public Procurement Law:

1. Certificate that the legal entity is not registered in the penal records of the Commercial Court Central Register, pursuant to Article 42 of the Law on liability of legal entities for criminal acts, to be issued by the Commercial Court;
2. Extract from the court, guild, or trade register of the country where the Tenderer is headquartered, or a valid permit or license issued by the relevant authority responsible for professional performance of activities,
 - certificate of registration of the Tenderer-legal entity, to be issued by the Commercial Court,
 - evidence that the legal entity is not under bankruptcy or liquidation – certificate from the Commercial Court or a relevant authority in the country of the headquarters that no bankruptcy or liquidation proceedings have been initiated against the Tenderer (legal entity);
 - evidence that payments to the Tenderer have not been blocked – adequate bank statements, certificate or statement of financial suitability from the Tenderer's banker.
3. Evidence by the administration authority competent for tax affairs and organization of pension and health insurance that the obligation for payment of taxes and contributions has been met, (unified evidence by the Tax Administration on settled liabilities);

4. Statement of accounting and financial condition – income statement and balance sheet, as well as audit report prepared by an authorized auditor, if prescribed by the law regulating accounting and auditing matters – for the last three years, or for the period from the registration date, if the legal person has been registered later.
5. Statement of the Tenderer to hold technical capacity: equipment, devices, means, human resources, capacity, quality assurance.

If the country where the Tenderer is headquartered does not issue the mentioned evidence, such evidence may be replaced by the Tenderer's statement given under criminal and material responsibility, and if the country of Tenderer's headquarters does not have legal provisions related to statements given under criminal and material responsibility, then such statements may be replaced by the Tenderer's statement given before a competent court or administrative authority or notary public.

The proofs must be submitted either original or authenticated copy and can not be older than six months prior to the day of publication of the public invitation.

If the Tenderer fails to submit some of the eligibility proofs specified in the public invitation and the tender documents, its bid shall be rejected as improper.

6. Tender Guarantee

As the Tender Guarantee, the Tenderer shall enclose to the Tender a bank guarantee in the amount of 2% of the total Tender value, which is to be valid for the period of 60 days from the end date determined for submission of tenders.

7. Performance Guarantee

The first ranked Tenderer is obliged to submit a performance guarantee amounting to 5% of the value of its tender, at latest prior to signing of the Contract.

8. Submission of alternative tenders:

Submission of alternative tenders is not allowed.

9. Possibility to engage sub – contractors.

The Tenderer may engage the sub – contractor.

In case the value of sub – contract surpasses 10% of the contract value, the Tenderer shall make sure that its subcontractors or sub-providers of work, also meet the requirements prescribed by the public invitation and the tender documents for subcontractors and/or sub-providers of work.

Rights and obligations of the Tenderer and sub – contractors, or sub – providers shall be defined on the basis of the Contract concluded between them and submitted together with the tender.

The Tenderer shall be fully liable to the Contracting Authority for the execution of the Contract regardless of the number of sub – contractors, or sub – providers.

10. Possibility to submit joint tender.

The Tender may be submitted by a group of tenderers whose liability is joint and several for all obligations specified in the public invitation and execution of the Contract.

In case of submitting joint tender, the Tenderers shall be obliged to submit the Contract on Consortium (being legally binding for all Consortium members) explicitly envisaging:

- that all the members of the Consortium are jointly severally liable for execution of the Contract pursuant to the requirements of the Contract;
- that one of the Consortium member is appointed and authorized to assume liabilities and receive instructions in the name of individual or all consortium members;
- that the implementation of the overall contract, including the payment, shall be made only with the authorized consortium member.

Tenderers submitting the tender within the Consortium shall be obliged to submit proofs on eligibility specified in the public invitation and the tender documents for each individual tender.

11. The criterion for the best tender is:

- 1) most economically advantageous tender
with the following sub-criteria, in the descending order:
- 1) number of points
- 2) number of points

12. Time and place for the review of tender documents (purchase and taking over the tender documents)

Interested Tenderers may take over the Tender documents at the Ministry of Economy - Podgorica, Rimski trg 46, from the contact persons, every business day starting from 29th April 2011, in the period from 10 – 12 PM local time, or the documents may be sent to them by e-mail, upon request.

To purchase the tender documents, it is necessary to pay a non-refundable fee of EUR **200,00** (two hundred euros), to the Montenegro Budget Account No.**832-978-76**, with the indication: (Fee for Tender Documents – Ministry of Economy), and the note for tender documents under Invitation no. 06/11.

Only the tenderers that purchase the Tender documents are entitled to participate.

If tenderers are to pay a non-refundable fee to purchase of Tender documents from abroad, relevant payment instructions shall be provided by the contact person.

13. Time and place for tender submission

Mailroom of the Ministry of Economy, Rimski trg 46, directly or by post, every business day from **31st May 2011, to 12.00 PM.**

14. Time and place for public opening of tenders

Public opening of tenders will take place on **31st May 2011, at 12:30** in the premises of the Ministry of Economy, Rimski trg 42, Podgorica.

15. Deadline for the decision on contract award

- 30 (thirty) days from the tender opening date.

16. Contact person

During the public invitation, interested tenderers may receive all necessary information in reference to this invitation from Mr. Ivan Kuzman, tel. 020 482 235.