



**GOVERNMENT  
MONTENEGRO**

Public Procurement Directorate

**OF STANDARD FORM**

Art. 35 of the Public Procurement Law

**PUBLIC TENDERING FORM**

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

**INVITATION**

no. 02/09

to

**Public procurement open procedure  
for selection of the most economically advantageous tender for  
provision of consultant services in the concession award procedure for exploitation  
of coal from Maoče Basin conditioned by the construction of a thermal power plant of  
the estimated capacity of 500MW**

**1. Contracting Authority information**

|   |   |
|---|---|
| Contracting Authority:<br><b>Ministry of Economy</b>  | Contact person/s:<br><b>Vladan Dubljević<br/>Vesna Bracanović</b>       |
| Address:<br><b>Rimski trg 46</b>  | Postal code:<br><b>81000</b>  |
| City:<br><b>Podgorica</b>   | Identification number:<br><b>02010780</b>                               |
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## 2. Public procurement subject

**Provision of consultant services in the concession award procedure for exploitation of coal from Maoče Basin conditioned by the construction of a thermal power plant of the estimated capacity of 500MW based on the Terms of Reference.**

The public procurement subject is procured as:

- a whole  
 in lots

## 3. Estimated public contract value, including VAT:

EUR 80,000.00 (eighty thousand euros).

## 4. Information on the conclusion of the framework agreement

The public contract envisages the conclusion of the framework agreement:

- yes  
 no

## 5. Terms for participation and suitability requirements for tenderers

Legal and physical persons 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 suspension for the activities that are subject to the public procurement concerned;
2. that it has business and professional capacity;
3. that it meets all the liabilities related to tax and contributions in due time;
4. that it has economic-financial capability

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, with the responsible person (whose name is stated in the text of the certificate) is not registered in the penal records of the Commercial Court Central Register, according 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,
  - notice on the extension of registration, for legal entities that have met the conditions for its issuance, to be issued by the Commercial Court;

- evidence that the legal entity is not under bankruptcy or liquidation – certificate from the Commercial Court or 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. 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 from the registration date, if the legal person has been registered later;
  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 from the registration date, if the legal person has been registered later.

*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.*

#### **6. The criterion for the best tender is:**

- 1) most economically advantageous tender

with the following sub-criteria, in the descending order:

- |                  |                  |    |
|------------------|------------------|----|
| 1) Quality       | number of points | 70 |
| 2) Offered price | number of points | 30 |

#### **7. Time and place for the review of tender documents (purchase)**

Interested tenderers may take over the Tender documents at the Ministry of Economy - Podgorica, Rinski trg 46, from the contact persons, every business day starting from 11 December 2009, from 10:00 to 13:00h or the documents may be sent to them by e-mail, upon request.

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

To purchase the tender documents, it is necessary to pay the non-refundable fee of EUR 100 (one hundred euros), to the Montenegro Budget Account No. 832-978-76, with the indication: Naknada za otkup tenderske dokumentacije (Fee for Tender documents) – Ministarstvo ekonomije (Ministry of Economy), and the note For Tender documents under Invitation no. 02/09.

If tenderers are to pay the non-refundable fee for purchase of Tender documents from abroad, relevant payment instructions may be obtained from the contact persons.

## **8. Time and place for tender submission**

Tenderers may submit their tenders every business day from 10:00 to 13:00h, by and including 28 December 2009, at 13:00 GMT+1, by personal delivery to the mailroom of the Ministry of Economy or by registered mail.

**The Committee shall not consider the tenders received after the expiry of the deadline defined in the above paragraph.**

The tenders are to be delivered in sealed envelopes marked "*Do not open before the official meeting of the Tender Opening and Evaluation Committee / Ne otvaraj prije zvanične sjednice Komisije za otvaranje i vrednovanje ponuda*", for the INVITATION no. 02/09 - provision of consultant services in the concession award procedure for exploitation of coal from Maoče Basin conditioned by the construction of a thermal power plant of the estimated capacity of 500MW based on the Terms of Reference.

## **9. 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.

## **10. Time and place for public opening of tenders**

Public opening of tenders will be conducted on 28 December 2009 at 14:00h GMT+1 in the premises of the Ministry of Economy.

## **11. Deadline for the decision on contract award**

15 days from the tender opening date at latest.

## **12. Amendments to tender documents**

In accordance with Article 42 of the Law on Public Procurement, the Contracting Authority may make amendments to the Tender documents, by no later than five days prior to the expiry of the deadline determined for submission of tenders. The Contracting Authority will deliver the potential amendments to the tender documents to all tenderers that purchase the Tender documents.

## **13. Additional information**

Tenderers may ask for additional information or clarification, in writing, regarding tender preparation, by no later than five days before the expiry of the deadline for the submission of tenders.

## **14. Performance Guarantee**

Pursuant to the provisions of Article 44 of the Law on Public Procurement, the first ranked Tenderer is obliged to submit a performance guarantee for 5% of the value of its tender.

## **15. Contact persons**

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