

ENVIRONMENTAL PROTECTION FUND

Number: 03-426/24-154/2

Place and date: Podgorica, 6th March 2024

Pursuant to Article 144 paragraph 2 of the Law on Public Procurement ("Official Gazette of Montenegro", no. 74/19 and 3/23), the authorized person ENVIRONMENTAL PROTECTION FUND, in the public procurement procedure according to the tender documentation for the procurement of services of an international company with experience in investments and EE, RES, sustainable transport and sustainable waste number 03-426/24-70/3 dated 02.02.2024. on the proposal of the Committee for the implementation of the public procurement procedure, passes

THE DECISION ON THE CANCELLATION OF THE PUBLIC PROCUREMENT PROCEDURE

The public procurement procedure according to tender documentation 03-426/24-70/3 dated February 2, 2024 is cancelled for the reason that no or no correct bid was submitted or the bidders were excluded from the procedure (Article 140 paragraph 1 item 4 of the Law on Public Procurement).

STATEMENT**Data on the public procurement procedure**

Contractor	ENVIRONMENTAL PROTECTION FUND
Headquarters	Podgorica
Address	Ulica Slobode br 2
Number and date of the tender documentation	03-426/24-70/3 on 02.02.2024.
Type of procedure	Open procedure
Item type	Services
Procedure code	67694
Description of the subject of procurement	An international company with experience in both EE and RES investments, sustainable transport and sustainable waste
CPV code	90713000 - Environmental consulting services

The subject of public procurement is procured	In total
Estimated value of the public procurement as a whole / by lots	EUR 126,811.58

Reasons for annulment of the procedure

DATA ON OPEN OFFERS

Bidder's name	Offer code	Date and time of submission	Total price
EXERGIA ENERGY AND ENVIRONMENT CONSULTANTS SA	97521	20.2.2024. at 7:20 p.m	109,610 euros

WITH OFFER DELIVERED¹:

EXERGIA ENERGY AND ENVIRONMENT CONSULTANTS SA	Statement of the business entity	Yes
	Offer guarantee	Yes
	Evidence for valuation of the offer	Yes
	Agreement on joint performance	No
	Evidence of the quality of the procurement object and evidence of the fulfillment of other conditions stipulated in the tender documentation, which are not included in the statement of the business entity	Yes

¹Specify in accordance with the requested tender documentation

OFFER GUARANTEE

Bidder's name	Name of the issuer of the guarantee and Number and date of issue of the guarantee	Warranty information		Offer guarantee in accordance with the tender documentation (yes/no)
EXERGIA ENERGY AND ENVIRONMENT CONSULTANTS SA	Alpha Bank 20.02.2024.	Method of delivering the guarantee	Scanned offer guarantee submitted through the Electronic System (CEJN), with a call to the guarantee from December.	No. The offer guarantee was not submitted in the manner established by the tender documentation.
		The amount of the bid guarantee	/	The guarantee does not contain the amount in accordance with the tender documentation.
		Warranty validity date	/	The guarantee does not have a guarantee validity date in accordance with the tender documentation.

STATEMENT OF BUSINESS ENTITY

Bidder's name	The statement of the business entity was correctly made (Yes/No)	The statement of the business entity contains all the requested information and data (Yes/No)
EXERGIA ENERGY AND ENVIRONMENT	No	No

CONSULTANTS SA		
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Bidder's name	The statement of the business entity contains grounds for exclusion from Article 108 and 110 of the Public Employment Law (Yes no)	If the answer is yes, explain
EXERGIA ENERGY AND ENVIRONMENT CONSULTANTS SA	Yes	<i>Article 108 of the Law on Public Procurement stipulates that the contracting authority excludes the business entity from the public procurement procedure if it determines that it has not submitted the statement of the business entity or the submitted statement does not contain the requested information and data with the tender documentation or was improperly prepared. The aforementioned bidder submitted a statement of the business entity that was not made in accordance with the Instructions for making this statement. The bidder submitted an independent bid with a subcontractor. According to the above, the bidder's statement was not made in accordance with the method of submitting the bid, the legal provisions and the instructions accompanying this by-law.</i>

The grounds for mandatory exclusion from the public procurement procedure are prescribed by Article 108 of the Law on Public Procurement in such a way that the contracting authority will exclude a business entity from the public procurement procedure if it determines that, among other things, it has not submitted a statement from the business entity or the submitted statement does not contain the information and data requested tender documentation or was improperly prepared, as well as in the event that it did not submit a bid guarantee or did not submit a bid guarantee in the manner provided for in the tender documentation in accordance with Article 122 par. 2, 3 or 4 of this law, or has submitted a bid guarantee for a lower amount than the requested amount, or that guarantee is invalid.

In view of the aforementioned provision of the Law, and bearing in mind that the bidder EXERGIA ENERGY AND ENVIRONMENT CONSULTANTS SA submitted an independent bid with the bidder, and that along with bid it submitted a Declaration of the business entity that was not made in accordance with the Instructions, which is an integral part of the by-law, it is excluded from the procedure. Namely, the bidder indicated in statement that it submits it both as a bidder and as a subcontractor, he marked the correct answers, but also left optional answers in the statement. All of the above indicates that it was made improperly and contrary to the given instructions.

Also, the submitted guarantee of the offer is not in accordance with the method of delivery established in the tender documentation. Namely, in addition to the obligation to submit a scanned offer guarantee on the electronic system, the bidder is obliged to submit the original of the guarantee directly to the ordering party's archive, which was not made within the deadline set by the tender documentation.

The aforementioned reasons indicate that the bidder in question must, according to the Law, be excluded from the public procurement procedure.

REASONS FOR ANNULMENT OF THE PUBLIC PROCUREMENT PROCEDURE²:
no or no valid bid was submitted or the bidders were excluded from the procedure (Article 140 paragraph 1 point 4 of the Law on Public Procurement)

Instructions on legal protection

The candidate/bidder can file an appeal against this decision to the Commission for the Protection of Rights within 10 days from the date of publication of the decision.

The complaint is submitted through the ordering party, and until the establishment of the EJN, directly or by registered mail in written form, and after the establishment of the EJN electronically via the EJN.

A complaint that is not submitted in the manner provided above will be rejected as inadmissible.

The complainant is obliged to attach to the complaint the proof of payment of the fee for conducting the procedure in the amount of 1% of the estimated value of the public procurement, and a maximum of 20,000.00 euros, to the bank account of the Commission for the Protection of Rights number 530-20240-15 at NLB Montenegro banka AD

The amount of the payment from the previous paragraph is the amount credited to the account of the Commission for the Protection of Rights.

If the subject of the procurement is divided into lots, and the appeal refers only to a certain lot/s, compensation is paid in the amount of 1% of the estimated value of the public procurement of that lot/s.

Instructions for payment of the fee for conducting the procedure by applicants from abroad are available on the Commission for the Protection of Rights website <http://www.kontrola-nabavki.me/>.



**AUTHORIZED PERSON OF THE
CONTRACTOR**

²Remove if applicable

³If the ordering party uses a certified electronic signature, a stamp is not required