

Guidelines of the Agricultural Paying Agency No. 8/2017 on procurement of goods, construction works and services financed from the RDP SR 2014 - 2020 (hereinafter also referred to as „Guideline“) for the purpose of adjustment of uniform rules in the performance of control and financial control of procurement not falling under the scope of Act No. 343/2015 Coll. on public procurement and on amendments and supplements to certain laws (hereinafter also referred to as „PPA“).

TENDER DOCUMENTS

**IN THE CALL FOR APPLICATIONS FOR NON-REFUNDABLE FINANCIAL CONTRIBUTION FROM
THE RURAL DEVELOPMENT PROGRAMME OF THE SLOVAK REPUBLIC 2014 - 2022,
Call number: 65/PRV/2022**

Subject of the contract: **Sorting line for apples**

In Dunajská Lužná, on November 17, 2024

TENDER INSTRUCTIONS AND GENERAL INFORMATION

Identification of the contracting authority:

Business name: **Ovocinárske družstvo BONUM**
Headquarters: Lipnická ulica 3035/162, 900 42 Dunajská Lužná
Represented by: Ing. Peter Turlík, Procurist
ID: 35837829
Contact person: Ing. Peter Turlík
e-mail: turlik@dobryjezko.sk
tel. contact: +421 903 268 008

Address of the website where the Tender Documents can be accessed: <https://josephine.proebiz.com/>

1. Subject of the contract

1.1 The subject of the contract is the procurement of **Sorting line for apples**.

1.2 The detailed specification of the subject of the contract as well as the quantities are given in Annex No. 1 of these Tender Documents. In Annex No. 5 of these Tender Documents, the contracting authority provides a photographic representation of the bins, defined in the specifications of the subject of the contract, which are to be used in the sorting line.

1.3 The subject-matter of the contract is described in its entirety in such a way that it is precisely and clearly specified. If any of the parameters used, or range of parameters, identifies a particular type of product or product of a particular manufacturer, the contracting authority¹ shall permit the substitution of an equivalent product or equivalent technical solution for such product, provided that the equivalent product or equivalent technical solution meets the utility, operational, functional and aesthetic characteristics that are necessary to provide the purpose for which the equipment is intended. For the products, accessories of a particular brand listed in the Annexes to the Call, the tenderer may also submit equivalents of another brand of equal or higher quality.

1.4 Estimated value of the contract **2 376 925,00 EUR excluding VAT**.

1.5 **Place of delivery:** fruit storage Lipnická 3035/162 and Dunajská Lužná 90042 cadastral area Jánošíková parcela No. 181/185.

In Annex No. 4 of these tender documents is included a **technical drawing of the hall**, in which the assembly and location of the sorting line will take place.

1.6 Source of funding:

By submitting the price proposal and its annexes, the potential supplier agrees to the processing of personal data, in accordance with Act of the Slovak republic no. 18/2018 Z.z. on the protection of personal data and amending certain laws and EU and Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46 / EC ("GDPR") for the purposes of this procurement.

1.7 The subject of the contract will be financed from the European Agricultural Fund for Rural Development (hereinafter referred to as „EAFRD“), the state budget and the contracting authority's own resources. The contract relates to a project financed by the European Union: the Rural Development Programme of the Slovak Republic 2014-2020, measure 4.1: Support for investments in agricultural undertakings.

2. The tender shall include

- 2.1 Technical specification - a description of the goods offered, demonstrating compliance with the requirements of the contracting authority for the subject of the contract, supplemented by a technical specification of the goods offered. This specification must show that the minimum required parameters for the subject-matter of the contract are met. The technical specification contains also the price proposal. (Annex no. 1 of the Tender Terms and Conditions).
- 2.2 Proposal of the prospective supplier¹ for the fulfilment of the criterion of the subject of the contract (Annex no. 1 of the Tender Terms and Condition) entered into the JOSEPHINE system. The price proposal must be in writing, must not be older than 3 months from the call to submit a price proposal and must contain a clearly defined subject of delivery of goods, construction works and services. The quotation must be confirmed by the signature of an authorized representative of the potential supplier (statutory body or other authorized person whose eligibility is proved by the recipient by an officially certified power of attorney), must be stamped, if the potential supplier is obliged to use the stamp, it must contain the date of issue (the confirmation of the potential supplier must be given on the page where the summary price calculation is given), it must contain the mandatory annexes.
- 2.3 The technical specification (as per point 2.1) and the price proposal (as per point 2.2) forms Annex no. 1 to these Tender Terms and Conditions. Annex 1 must be signed by the tenderer's authorised representative or a person authorised to act on the tenderer's behalf.
- 2.4 **The detailed technical description** together with a technical drawing or diagram of the machine. The technical description will contain at least a description of the individual parts of the machine and a description of the position on the drawing, a text description of the sorting SW, a text description of the traceability SW and a text description of the machine control. The technical drawing/diagram made on a scale of 1:100, layout and side view in PDF+DWG format, inserted into the technical drawing of the hall (Annex No. 4 of the tender documents) will clearly show the arrangement of individual parts of the line, including entry and exit points, main parts of the line and the flow of apples.
- 2.5 Fulfillment of the conditions of participation proven according to point 4 of these tender documents.
- 2.6 The price proposal must be in writing, must not be older than 3 months from the call to submit.

3. Time limit for submission of tenders

Bids must be received by **27 November 2024 at 10:00 hours**.

4. Conditions of participation of the prospective contractor:

4.1 Conditions of participation of the prospective contractor concerning personal standing:

- Prospective contractor is authorised to supply goods, works or services to the extent that they correspond to the subject-matter of the contract,

The potential supplier demonstrates compliance with the above conditions by an confirmation from the commercial register, or by a declaration of registration in the list of economic entities together with a valid registration maintained by the Public Procurement Office of Slovak republic or in case of foreign bidders, other equivalent documents providing the supplier's eligibility to supply goods, works or services to the extent that corresponds to the subject of the contract.

- Prospective contractor does not have a ban from participating in public procurement as confirmed by a final decision in the Slovak Republic or in the country of the registered office, place of business or normal residence.

The potential supplier demonstrates compliance with the above conditions by an affidavit (Annex No. 3 of the Tender documents).

¹ For the purposes of these Tender Terms and Conditions, the term prospective supplier, tenderer or tenderer means the same person.

4.2 Conditions for the participation of a potential contractor as regards financial and economic standing and technical or professional capacity:

- **list of completed orders** related to the installation of a sorting line for apples at least for the Evelina, Golden Delicious, Gala, Tessa and Smeralda varieties for the previous 10 years, indicating the customers' business name and telephone/email contact. The submitted list must contain at least two orders related to the installation of a sorting line for apples at least for the varieties Evelina, Golden Delicious, Gala, Tessa and Smeralda.

The potential supplier demonstrates compliance with the above conditions by a list of completed orders according to the preceding paragraph.

4.3 If the prospective contractor has no registered office in the Slovak Republic and the country of its registered office does not issue any of the documents referred to in point 4.1. and 4.2. or does not issue equivalent documents, they may be replaced by an affidavit in accordance with the regulations in force in the country of its registered office.

5. Terms and Conditions

5.1 A Purchase Contract will be concluded with the successful tenderer. The contracting authority shall specify its terms and conditions for the performance of the contract in the contract to be concluded with the successful tenderer.

5.2 The Purchase Contract forms Annex 2 of the Tender Documents. By submitting a tender, the tenderer agrees to the contractual terms and conditions set out by the contracting authority in Annex 2 to these Tender Terms and Conditions.

5.3 The contracting authority shall consider the contractual terms and conditions set out in Annex 2 of these Tender Terms and Conditions to be unchangeable, except for changes in the formalities of the contract and such changes that would favour the position of the contracting authority (the buyer) over the successful tenderer (the seller) (to the detriment of the successful tenderer). **The Purchase contract with required annexes will be submitted only by the winning contractor after receiving the notice of evaluation of the procurement and the invitation to conclude the Purchase Contract.**

5.4 The seller undertakes to deliver the entire object of purchase to the buyer **no later than June 1st, 2025.**

6. Submission and content of the tender

6.1 Tenders will be submitted electronically to the JOSEPHINE system, located at <https://josephine.proebiz.com>.

6.2 A registered tenderer shall log into the system using its eID or passwords that it has acquired during the authentication process.

6.3 The authenticated registered tenderer, after logging into the JOSPEHINE system, selects the contract in question in the „My Procurement“ tab and enters its tender in the designated form for the receipt of tenders, which can be found in the tenders tab.

6.4 The registered tenderer's proposed total price for the procurement must be quoted to 2 decimal places in EUR excluding VAT and entered in the JOSEPHINE system. The tender submitted via JOSEPHINE must be accompanied by the required scanned documents and the documents constituting the content of the tender required by these Tender Documents, which must be valid and up-to-date at the time of submission of the tender.

NOTICE

A registered tenderer's tender submitted after the deadline for submission of tenders will not be opened

electronically, which means that it will not be included in the evaluation. For this reason, the contracting authority recommends that registered tenderers do not wait until the last moments before the deadline for submission of tenders to submit their tender and that they submit their tender in good time in advance.

7. Validity (binding effect) of the tender

Binding offers are not required.

8. Amendments and modifications to, and withdrawal of, the tender

The registered tenderer may amend, modify or withdraw the tender submitted before the expiry of the time limit for the submission of tenders. The amendment or modification of the tender may be made via the JOSEPHINE web application functionality within a reasonable time before the expiry of the time limit for the submission of tenders. When amending or withdrawing a tender, the registered tenderer shall proceed in the same way as when the initial tender was submitted (by clicking on the „Download tender“ button and submitting a new tender).

9. Cost of the offer

All expenses associated with the preparation and submission of the tender shall be borne by the successful tenderer, without any claim, financial or otherwise, against the contracting authority, even if the contracting authority does not accept any of the tenders submitted or cancels the procurement procedure.

10. Language of the offer

The registered tenderer shall submit its tender in Slovak or Czech. If it includes a document or document drawn up in a foreign language, it shall be submitted together with an official literal translation thereof; this shall not apply to documents and documents drawn up in the Czech language. The tender must be submitted in legible and reproducible form. If the candidate delivers a document in a language other than Slovak or Czech, the contracting authority will provide an official translation of the documents. The Contracting Authority also accepts documents that have been delivered bilingually (documents prepared in the Slovak language and at the same time in the English language within one comprehensive document).

11. Bid security

A bid security is not required.

12. Variant solution

It is not possible to submit an alternative solution. If a variation is included in the tender, it will not be included in the evaluation and will be considered as if it had not been submitted. Only the requested solutions will be evaluated.

13. Conditions for cancelling the procurement procedure used

The contracting authority may cancel the procurement procedure used in accordance with the provisions of the Guidelines.

14. Publication and provision of Tender Documents

14.1 A prospective contractor may submit only one tender. The registered tenderer shall submit a tender in electronic form within the time limit for the submission of tenders in accordance with the requirements set out in these Tender Documents.

- 14.2 The tender shall be drawn up electronically and entered into the JOSEPHINE system located at the website <https://josephine.proebiz.com/>.
- 14.3 The electronic tender is entered by filling in the tender form and uploading the required documents and documents in the JOSEPHINE system located at the following web address <https://josephine.proebiz.com/>.
- 14.4 The tender submitted via the JOSEPHINE system must be accompanied by the required scanned documents (the recommended format is „PDF“) and the completion of an electronic form corresponding to the proposal for fulfilling the criterion set out in the Tender Documents.
- 14.5 If the prospective contractor has not drawn up the tender itself, it shall indicate in the tender the person whose services or materials it has used in drawing up the tender. The data to be provided by the registered tenderer shall include the name and surname, business name or business name, residence address, registered office or place of business and identification number, if any, allocated to the tenderer.
- 14.6 In the event that the prospective contractor submits a paper tender, the contracting authority will disregard it.
- 14.7 A tender, for the purposes of the award of this contract, is an expression of the free will of the prospective contractor to provide the contracting authority with the specified performance in return for consideration, subject to the conditions laid down by the contracting authority without specifying its own particular conditions.
- 14.8 A prospective contractor may submit only one tender. A prospective contractor cannot be a member of a group of suppliers submitting a tender in the same procurement procedure (in a specific call). The contracting authority shall exclude a registered tenderer who is also a member of a group of suppliers.

15. Communication and explanation

- 15.1 The contracting authority will communicate with the shortlisted tenderers through the JOSEPHINE communication interface, this communication method applies to all communications and submissions between the contracting authority and the shortlisted tenderers throughout the procurement process.
- 15.2 Delivery rules - a mail is deemed to have been delivered to the registered tenderer when the addressee has an objective opportunity to acquaint itself with its contents, i.e. as soon as the mail is in its possession. In the JOSEPHINE system, the moment of delivery shall be deemed to be the moment of transmission in the JOSEPHINE system, in accordance with the functionality of the system.
- 15.3 If the sender of the consignment is the contracting authority, the registered tenderer will be immediately sent information that there is a new consignment/message for the contract in question to their designated contact email (entered when registering in the JOSEPHINE system). The registered tenderer will log in to the system and the content of the communication - consignments, messages – will be displayed in the communication interface of the contract. The registered tenderer can view the entire history of its communication with the contracting authority in the communication interface.
- 15.4 If the sender of the information is a registered tenderer, after logging into the system and the contract in question, it can send messages and the necessary attachments to the contracting authority via the communication interface. Such a dispatch shall be deemed to have been received by the contracting authority as soon as it has been sent in the JOSEPHINE system in accordance with the functionality of the system.
- 15.5 The contracting authority shall give registered tenderers unrestricted and direct access by

electronic means to the Tender Documents and to any supplementary documents. The Tender Documents and any clarification or completion of the Tender Documents or clarification of the requirements set out in the call for quotations, the conditions for participation in the procurement, the information document or other supporting documentation shall be published by the contracting authority as electronic documents on the contracting authority's profile by means of a link to the JOSEPHINE system.

16. Explanation of the Tender Documents

- 16.1 The address of the website where the Tender Documents can be accessed is: <https://josephine.proebiz.com/>.
- 16.2 In case of any ambiguity or need for clarification of the requirements and conditions of participation in the procurement procedure, as specified in the notice of the call for tenders and/or the Tender Documents, other supporting documentation and/or other documents provided by the contracting authority within the time limit for the submission of tenders, any tenderer or registered tenderer may request clarification, this via the communication interface of the JOSEPHINE system.
- 16.3 The contracting authority shall provide clarification of the information necessary for the preparation of the tender or for demonstrating compliance with the conditions of participation to all registered tenderers who are notified via the communication interface of the JOSEPHINE system. All the information necessary for the preparation of the tender will be available here.
- 16.4 Submissions and documents related to the application of the review procedures shall be exchanged between the contracting authority and the tenderers/registered tenderers via the JOSEPHINE communication interface.

17. General information about the JOSEPHINE web application

- 17.1 For the purposes of this procurement, JOSEPHINE is the software for the computerisation of public procurement. JOSEPHINE is a web-based application on the domain <https://josephine.proebiz.com>. In order to use JOSEPHINE smoothly, it is necessary to use one of the supported Internet browsers:
- Microsoft Internet Explorer version 11.0 and higher,
Mozilla Firefox version 13.0 and higher or
Google Chrome.
- 17.2 The tenderer may request clarification of the information given in the contract notice, the Tender Documents or any other supporting documentation via the JOSEPHINE communication interface, in accordance with the communication rules set out above.
- 17.3 The contracting authority shall immediately notify any tenderer of any clarification of the information given in the contract notice, the Tender Documents or any other supporting documentation, provided that the clarification is requested sufficiently in advance, but not later than six days before the expiry of the time limit for the submission of tenders.
- 17.4 The response to the request for clarification will be published in the JOSEPHINE web application next to the documents relating to this contract. The reply to the request for clarification will be deemed to have been received at the time of publication on the JOSEPHINE web application. The contracting authority will send a message to all known tenderers on the day of publication.
- 17.5 The contracting authority shall extend the time limit for the submission of tenders accordingly if clarification of the information necessary for the preparation of the tender is not provided within the time limit referred to in this point, even though it has been requested sufficiently in advance,

or a substantial change is made in the documents necessary for the preparation of the tender.

- 17.6 The final price, which will be the contract price, must include all expenses incurred by the tenderer in connection with the execution of the contract and in accordance with the requirements set out in the purchase contract (Annex 2 to these Tender Documents).
- 17.7 The tenderer shall set its price on the basis of its free choice. The price must include all costs connected with the performance of the contract, including all related services and charges. Before submitting its tender, the tenderer must take into account everything that is not necessary for the full and proper performance of the contract, including in its prices all costs connected with the performance of the contract.

18. Opening of tenders (for a specific call)

- 18.1 The tenders will be opened electronically in expected term the 27 of November 2024.
- 18.2 The place where tenders can be accessed „online“ is the web address <https://josephine.proebiz.com/> and the same tab as for the submission of tenders.
- 18.3 All accesses to that „on-line“ environment by contractors will be logged by the JOSEPHINE system and will be part of the protocols in that procurement.
- 18.4 Only the tenderer whose tender has been submitted within the time limit for submission of tenders may participate in the online access to tenders.

19. Evaluation of tenders

- 19.1 The contracting authority shall first evaluate the tenders submitted in the light of the evaluation criteria (quotations submitted) and then the fulfilment of the requirements for the subject-matter of the contract by the tenderer ranked 1st in the order. In the event that the first ranked tenderer fails to meet the requirements of the contract, the contracting authority shall evaluate the fulfilment of the requirements of the second ranked tenderer and so on.
- 19.2 Communication between the tenderer/tenderers and the contracting authority/tender evaluation committee during the evaluation of tenders will be electronic, via the JOSEPHINE communication interface. The tenderer must provide the contracting authority with a written explanation/addendum to the tender on request via the designated JOSEPHINE communication interface.
- 19.3 The contracting authority shall notify the tenderer, via the JOSEPHINE communication interface, that it has been excluded or that its tender has been excluded, stating the reason and the time limit within which a statement of objection may be received.

20. Criteria for evaluating tenders and rules for their application

Tenders will be evaluated on the basis of the criteria set out in these Tender Documents. The criterion for evaluating tenders shall be **the lowest price**. The price must be quoted in euro excluding VAT, VAT and price in euro including VAT and rounded to no more than 2 decimal places. The price shall be the price for the entire contract in EUR excluding VAT.

21. Information on the result of the evaluation of tenders and conclusion of the contract

The contracting authority shall inform the successful tenderer of the result of the evaluation of the tenders via the JOSEPHINE communication interface and invite it to conclude the contract.

22. Cooperation and conclusion of the contract

- 22.1 The contracting authority shall conclude a contract with the successful tenderer in accordance

with the Guidelines. The contract concluded shall not be inconsistent with the Tender Documents and the tender submitted by the successful tenderer.

22.2 The successful tenderer and its subcontractors who are required to be entered in the register of public sector partners must be entered in the register of public sector partners before the purchase contract is signed.

23. Specific conditions relating to the performance of the contract.

23.1 The contracting authority specifies the following special conditions related to the performance of the contract. In order to demonstrate their fulfilment, the contracting authority shall require the successful tenderer (the seller) to submit to the contracting authority, within 5 working days of receipt of a written request for the provision of the necessary assistance for the conclusion of the contract, the following documents and documents in the following manner:

- Electronically via the JOSEPHINE communication interface in the form of originals or certified photocopies (.pdf format):

23.1.1. A list of all subcontractors with the identification data of the subcontractor, the subject of the subcontract and details of the person authorised to act for each subcontractor in the scope of name and surname, address of residence, date of birth.

23.1.2. For each subcontractor, the successful tenderer shall also provide proof of authorisation for the relevant performance of the subject-matter of the contract and proof of registration in the register of public sector partners, if such registration is required by law for such subcontractor;

23.1.3. If no subcontractors are used, the successful tenderer shall submit an affidavit stating that no subcontractors have been used.

23.1.4. Scan of completed and signed contract including all relevant attachments.

- In writing by post or other delivery service to the address of the contracting authority: Lipnická 3035/162, 900 42 Dunajská Lužná.

23.1.5. Completed and signed purchase contract in 4 copies with the validity of the original including all relevant annexes (copies);

23.1.6. Failure to submit the documents and documents referred to in Article 4 of these Tender Terms and Conditions shall be considered by the contracting authority as a breach of the successful tenderer's obligation to provide the contracting authority with the necessary cooperation for the conclusion of the contract.

23.1.7. The contracting authority appeals to the tenderers to proceed responsibly to the provision of assistance for the signing of the contract, in particular, to ensure timely registration in the Register of Public Sector Partners (pursuant to Act No. 315/2016 Coll. on the register of public sector partners and on amendments and additions to certain laws, as amended (hereinafter referred to as the „Act on the Register of Partners“), or to verify registration in the Register of Public Sector Partners pursuant to § 22 of the Act on the Register of Partners, both in relation to themselves as a contractor and in relation to subcontractors to whom this obligation applies pursuant to the Act on the Register of Partners.

24. Final provisions

When carrying out this procurement procedure, the contracting authority will proceed in accordance with the Guidelines of the Agricultural Payment Agency No. 8/2017 on the procurement of goods, works and services financed from the RDP SR 2014 - 2020, or other generally binding legal regulations.

25. Attachments

The annexes to these Tender Documents comprise:

- Annex No. 1: Technical specification and price proposal
- Annex No. 2: Template of the Purchase contract
- Annex No. 3: Template of the Affidavit
- Annex No. 4: Technical drawing of the hall
- Annex No. 5: Types of bins