

NAROČNIK:

Holding Slovenske elektrarne d.o.o.
Koprska ulica 92, 1000 Ljubljana

CONTRACTING AUTHORITY:

Holding Slovenske elektrarne d.o.o.
Koprska ulica 92, 1000 Ljubljana

DOKUMENTACIJA V ZVEZI Z ODDAJO JAVNEGA NAROČILA:

»Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev«

za oddajo javnega naročila po postopku pogajanj z objavo]

PUBLIC PROCUREMENT AWARD DOCUMENTATION:

»Introduction of a comprehensive optimisation system for electricity generation and ancillary services«

for the award of a public tender after the negotiations procedure with a notice

NASLOV PROJEKTA

»Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev«

VRSTA JAVNEGA NAROČILA

Javno naročilo storitev

INTERNA NAROČNIKOVA ŠTEVILKA POSTOPKA

JN 001/2020

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CONTRACTING AUTHORITY'S INTERNAL PROCEDURE NUMBER

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1. POVABILO ZINTERESIRANIM PONUDNIKOM K SODELOVANJU

Naročnik Holding Slovenske elektrarne d.o.o., Koprška ulica 92, 1000 Ljubljana (v nadaljevanju: naročnik) vse

1. INVITATION TO COOPERATION FOR INTERESTED TENDERERS

The contracting authority Holding Slovenske elektrarne d.o.o., Koprška ulica 92, 1000 Ljubljana (hereinafter: the contracting authority) informs all interested tenderers that

zainteresirane ponudnike obvešča, da razpisuje javno naročilo »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev«, ki je po vsebini javno naročilo storitev. Zainteresirani ponudniki, ki izpolnjujejo vse naročnikove pogoje, pri njih niso prisotni razlogi za izključitev ponudbe ter izpolnjujejo vse tehnične zahteve naročnika lahko oddajo svojo ponudbo v skladu z navodili, podanimi v tej dokumentaciji v zvezi z oddajo javnega naročila (v nadaljevanju: dokumentacija).

V dokumentaciji bo naročnik v obeh fazah postopka za prijavitelj oziroma ponudnik uporabljal izraz ponudnik, za prijavo oz. ponudbo pa izraz ponudba oz. pri referenčnih pogojih tudi prijava.

2. OZNAKA IN PREDMET JAVNEGA NAROČILA

Oznaka dokumentacije v zvezi z oddajo naročila: JN 001/2020

Predmet: »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev«

Kratek opis predmeta javnega naročila:

Skupina HSE si s ciljem čim večje učinkovitosti poslovanja prizadeva izkoristiti sinergije širokega spektra svojih proizvodnih zmogljivosti. Obratovalne in stroškovne lastnosti posameznih proizvodnih enot se namreč med seboj razlikujejo, zato je mogoče z ustrezno kombinacijo proizvodnih voznišnih redov doseči tehnično in/ali ekonomsko učinkovitejšo proizvodnjo. Glede na večanje intenzitete in zahtevnosti vodenja proizvodnje naročnik želi procese planiranja proizvodnje električne energije in nujenja sistemskih storitev podpreti z ustreznim sistemom optimizacije proizvodnje električne energije in nujenja sistemskih storitev na način, da bo celovito podprl povezane procese trženja, planiranja obratovanja in tudi procesov vzdrževanja (optimizacija obdobja remontov in revizij proizvodnih kapacitet), projekcij poslovanja in scenarijskih analiz za potrebe investicij (v nadaljevanju: sistem optimizacije proizvodnje). Sistem optimizacije proizvodnje mora z operativnega vidika predstavljati dodano vrednost v smislu nujenja podpore odločitvam, ki morajo zaradi vedno večje dinamike na trgih električne energije in potreb elektroenergetskega sistema oz. okolščin obratovanja biti hitre in takšne, da minimizirajo operativne napake.

Predmet javnega naročila zajema:

1. nabava in implementacija sistema optimizacije proizvodnje v Skupini HSE (v nadaljevanju: implementacija sistema);
2. vzdrževanje sistema optimizacije proizvodnje v Skupini HSE v obdobju sedmih (7) let po končnem

they are announcing a public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services«, which is a public procurement of services in terms of content. Interested tenderers who meet all the conditions of the client with no present reasons for excluding the offer, and who meet all the technical requirements of the client, may submit their offer in accordance with the instructions provided in this documentation regarding the award of the public procurement (hereinafter: documentation).

In the documentation, the contracting authority will use the term tenderer in both phases of the procedure for the applicant or tenderer, and they will use tender for the application or offer, and also application under the reference conditions.

2. CODE AND SUBJECT OF THE PUBLIC TENDER

Documentation label regarding the award of a public procurement: JN 001/2020

Subject: »Introduction of a comprehensive optimisation system for electricity generation and ancillary services«

Short description of the subject of the public procurement:

The HSE Group strives to take advantage of the synergies of a wide range of its production facilities with the aim of maximizing business efficiency. The operational and cost characteristics of individual production units differ from each other, so it is possible to achieve technically and / or economically more efficient production with an appropriate combination of production schedules. Given the increasing intensity and complexity of production management, the contracting authority wants to support the processes of planning electricity production and provision of ancillary services with an adequate system for optimisation of electricity generation and provision of ancillary services in a way that will fully support related trading, operation planning and maintenance processes (optimisation of overhaul and revision time slots for production infrastructure), business projections and scenario analyses for the needs of investments (hereinafter: production optimisation system). From the operational point of view, the production optimisation system must represent added value in terms of providing support to operational decisions that, due to the growing dynamics in the electricity markets and the needs of the electricity system or operating conditions, must be rapid and such as to minimise operational errors.

The subject of the public procurement includes:

1. purchase and implementation of the production optimisation system in the HSE Group (hereinafter: system implementation);
2. maintenance of the production optimisation system in the HSE Group for a period of seven (7) years after the final acceptance of the system by the

<p>prevzemu sistema s strani naročnika (v nadaljevanju: vzdrževanje sistema);</p> <p>3. tehnično podporo sistemu optimizacije proizvodnje v Skupini HSE v obdobju sedmih (7) let po končnem prevzemu sistema s strani naročnika (v nadaljevanju: tehnična podpora sistemu).</p> <p>Implementacija sistema zajema nakup in implementacijo sistema optimizacije proizvodnje, vključno z dodelavo in vse potrebno za vzpostavitev in uspešen zagon sistema, tj. vse faze izvedbe implementacije sistema, ki vključuje načrtovanje, razvoj, izvedbo, kontrole, teste, izobraževanja naročnikovih strokovnjakov in vse drugo kot razvidno iz dokumentacije, vključno z vsemi potrebnimi licencami.</p> <p>Vzdrževanje sistema vključuje vse prilagoditve in posodobitve, potrebne zaradi sprememb, povezanih s stojno opremo ali operacijskim sistemom, spremembami zakonodaje, ugotovljenimi varnostnimi in drugimi pomanjkljivostmi. Vzdrževanje sistema vključuje torej vse aktivnosti, ki zagotavljajo varno in uspešno delovanje sistema optimizacije proizvodnje v skladu z vsemi predvidenimi oz. implementiranimi funkcionalnostmi sistema in vzdrževanje vseh potrebnih morebitnih licenc.</p> <p>Tehnična podpora pomeni angažiranje izvajalca na poziv naročnika v primerih, ko želi naročnik izvesti naknadne spremembe na sistemu ali za razširitev obstoječih funkcionalnosti oz. implementacijo novih.</p> <p>Naročnik Holding Slovenske elektrarne d.o.o. (HSE) je nosilec ključnih procesov planiranja in trženja proizvodnje električne energije ter predstavlja stičišče procesov proizvodnih družb Skupine HSE, zato se implementacija sistema po tem javnem naročilu zagotavlja tako naročniku HSE, kot tudi naročnikovim odvisnim družbam: Dravske elektrarne Maribor d. o. o. (DEM), Soške elektrarne Nova Gorica d. o. o. (SENG) ter Termoelektrarni Šoštanj d. o. o. (TEŠ), ter morebitnim novim družbam, ki bi postale del Skupine HSE po izvedeni implementaciji sistema. Pri TEŠ se upošteva tudi vpliv proizvodnje/zalog premoga Premogovnika Velenje d.o.o. (PV). Družba HSE - Energetska družba Trbovlje d.o.o. (HSE EDT) je sicer del Skupine HSE in je kot taka prikazana v slikah in tabelah v nadaljevanju, vendar trenutno ni zajeta v predmet javnega naročila.</p> <p><u>Opis naročnika</u></p> <p>Naročnik je obvladujoča družba Skupine HSE, ki je ena od dveh največjih skupin s področja elektroenergetike v Sloveniji in največji proizvajalec električne energije v</p>	<p>contracting authority (hereinafter: system maintenance);</p> <p>3. technical support to the production optimisation system in the HSE Group for a period of seven (7) years after the final acceptance of the system by the contracting authority (hereinafter: technical support to the system).</p> <p>The implementation of the system includes the purchase and implementation of the production optimisation system, including finishing and everything necessary for the establishment and successful start-up of the system, i.e. all phases of the implementation of the system, including planning, development, implementation, controls, testing, training of the contracting authority's experts and everything else as evidenced by the documentation, including all necessary licences.</p> <p>System maintenance includes any adjustments and updates required due to changes related to the hardware or operating system, changes in legislation, identified security and other deficiencies. The maintenance of the system therefore includes all activities that ensure the safe and successful operation of the production optimisation system in accordance with all planned or implemented system functionalities and maintenance of all necessary possible licences.</p> <p>Technical support means engaging the contractor at the request of the contracting authority in cases where the contracting authority wants to make subsequent changes to the system or expand existing functionalities or implement new ones.</p> <p>Contracting authority Holding Slovenske elektrarne d.o.o. (HSE) is the holder of key processes of electricity production planning and trading and represents the junction of processes of production companies of the HSE Group, therefore the implementation of the system under this public procurement is provided to both the contracting authority HSE and the contracting authority's subsidiaries: Dravske elektrarne Maribor d. o. o. (DEM), Soške elektrarne Nova Gorica d. o. o. (SENG) and Termoelektrarna Šoštanj d. o. o. (TEŠ), and any new companies that would become part of the HSE Group after the implementation of the system. Considering TEŠ includes also taking into account the impact of coal production/stockpile of Premogovnik Velenje d.o.o. (PV). Company HSE - Energetska družba Trbovlje d.o.o. (HSE EDT) is part of the HSE Group and is shown as such in the figures and tables below but is not currently covered by the subject of the public procurement.</p> <p><u>Description of the contracting authority</u></p> <p>The contracting authority is the controlling company of the HSE Group, which is one of the two largest groups in the electricity sector in Slovenia and the largest producer of</p>
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Sloveniji. Lastno proizvedeno električno energijo Skupina HSE prodaja kupcem na domačem in evropskem veleprodajnem trgu, z električno energijo in z vsemi njenimi izvedenimi in povezanimi produkti pa tudi trguje na različnih energetskih borzah po vsej Evropi. Z uravnoteženim proizvodnim portfeljem Skupina HSE predstavlja ključni steber zanesljivosti delovanja elektroenergetskega sistema in doseganje ciljev Slovenije na področju obnovljivih virov energije. Skupina HSE je največji proizvajalec električne energije iz obnovljivih virov v Sloveniji, saj povprečno 48% proizvodnje zagotavlja iz obnovljivih virov energije. Preostali del električne energije v skupini HSE se proizvede iz konvencionalnih virov, razpolaga z lastnimi primarnim energetskim virom – lignitom. Elektrarne Skupine HSE so daljinsko upravljane in vodene preko centra vodenja HSE in podrejenih centrov vodenja odvisnih družb HSE. Dejavnost Skupine HSE zajema področje upravljanja z energijo in okoljem ter obvladovanje s tem povezanih procesov in tveganj.

Podrobnejša specifikacija naročila je razvidna iz tehničnih specifikacij - tehničnega dela dokumentacije (v nadaljevanju: tehnični del).

3. NAČIN ODDAJE JAVNEGA NAROČILA

Oddaja predmetnega naročila se v skladu s 45. členom Zakona o javnem naročanju (Uradni list RS, št. 91/15 in 14/18; v nadaljevanju ZJN-3) izvede po postopku pogajanj z objavo.

Postopek javnega naročila bo naročnik izvedel v treh (3) fazah.

- A. V prvi fazi morajo prijavitelji do roka, določenega za oddajo ponudbe, predložiti dokumente ponudbe s tabelo »pričakovanih funkcionalnosti sistema«. Naročnik bo na podlagi predloženih dokumentov v prvi fazi ocenjeval sposobnost v pred kvalifikaciji ter izbral največ pet (5) ponudnikov, ki se bodo uvrstili v drugo fazo na podlagi kriterijev, določenih v točki 5.1 tehničnega dela.
- B. V drugi fazi morajo uvrščeni prijavitelji do roka, ki bo določen naknadno, izvesti Proof of Concept (v nadaljevanju: PoC) tj. izkazati tehnične rešitve glede na naročnikove zahteve v tehničnem delu dokumentacije. Naročnik bo v tej fazi preverjal izpolnjevanje tehničnih pogojev, se po potrebi pogajal o izvedbi zahtev iz tehnične razpisne dokumentacije in priznal sposobnost ponudniku za uvrstitev v tretjo fazo.

electricity in Slovenia. HSE Group sells own electricity production to customers in the domestic and European wholesale market, while also trading in electricity and all its derivative and related products at energy exchanges throughout Europe. With a balanced production portfolio, the HSE Group represents a key pillar of the reliability of the operation of the electricity system and the achievement of Slovenia's goals in the field of renewable energy sources. The HSE Group is the largest producer of electricity from renewable sources in Slovenia, providing an average of 48% of production from renewable energy sources. The remainder of electricity production in the HSE Group is derived from conventional sources; the company has its own primary energy source - lignite. The HSE Group's power plants are remotely controlled and operated through HSE's control centre and subordinated control centres of HSE's subsidiaries. The activity of the HSE Group primarily comprises the management of energy and the environment and the management of related processes and risks.

A more detailed specification of the order can be seen in the technical specifications - the technical part of the documentation (hereinafter: the technical part).

3. METHOD OF THE AWARDING OF THE PUBLIC TENDER

In accordance with Article 45 of the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/15 and 14/18; hereinafter ZJN-3), the awarding of a public tender in question is carried out after the negotiations procedure with a notice.

The public procurement procedure will be carried out by the contracting authority in three (3) phases.

- A. In the first phase, tenderers must submit tender documents with a table of "expected system functionalities" by the deadline set for the submission of the tender. Based on the submitted documents, the contracting authority will assess the pre-qualification capacity in the first phase and select a maximum of five (5) tenderers which will be included in the second phase based on the criteria set out in point 5.1 of the technical part.
- B. In the second phase, the successful tenderers must complete the Proof of Concept (hereinafter: PoC) by the deadline to be determined i.e. demonstrate technical solutions in accordance with the contracting authority's requirements in the technical part of the documentation. In this phase, the contracting authority will check the fulfilment of the technical conditions and, if necessary, negotiate the implementation of the requirements from the technical tender documentation, and recognise the ability of the tenderer to be included in the third phase.

<p>C. V tretji fazi bo naročnik pridobil ponudbene vrednosti in izvedel cenovna pogajanja.</p> <p>Prijavitelj/ponudnik mora prijavo/ponudbo izdelati v slovenskem ali angleškem jeziku. Če bo naročilo oddano tujemu izvajalcu, bo pogodba sklenjena v slovenskem in angleškem jeziku in v primeru razhajanj bo veljala slovenska verzija.</p> <p style="text-align: center;">***</p> <p>Povzetek potek celotnega trifaznega postopka javnega naročila:</p> <ul style="list-style-type: none"> - predložitev ponudb v prvi fazi postopka; - odpiranje ponudb (prijav) v prvi fazi postopka, ki v skladu z ZJN-3 ni javno; - pregled ponudb (prijav) s strani strokovne komisije naročnika v prvi in drugi fazi postopka: <ul style="list-style-type: none"> • prva faza: ugotavljanje sposobnosti in odločitev o priznanju sposobnosti ponudnikov za uvrstitev v drugo fazo (PoC), • druga faza: ugotavljanje sposobnosti in odločitev o priznanju sposobnosti ponudnikov za uvrstitev v tretjo fazo postopka; - poziv na predložitev ponudb v tretji fazi postopka; - javno odpiranje ponudb v tretji fazi postopka; - pregled in ocenitev ponudb s strani strokovne komisije naročnika v tretji fazi postopka; - cenovna pogajanja; - ponovna ocenitev ponudb s strani strokovne komisije naročnika po cenovnih pogajanjih; - odločitev o oddaji javnega naročila. <p>4. PREDLOŽITEV PONUDBE IN ODPIRANJE</p> <p><u>Prva faza postopka</u></p> <p>Vsi zainteresirani ponudniki oddajo ponudbo preko sistema e-JN https://ejn.gov.si. Za oddano ponudbo se šteje ponudba, ki je v informacijskem sistemu e-JN označena s statusom »active«. Ponudba naj bo sestavljena v skladu z navodili, zapisanimi v tej dokumentaciji.</p> <p><u>Druga faza postopka</u></p> <p>Ponudniki, ki se jim bo v prvi fazi priznala sposobnost in bodo uvrščeni v drugo fazo postopka, bodo morali s testi funkcionalnosti dokazati izpolnjevanje pogojev za možnost sodelovanja pri izvedbi PoC, v skladu z roki, ki bodo določeni</p>	<p>C. In the third phase, the contracting authority will obtain tender values and conduct price negotiations.</p> <p>The applicant/tenderer must prepare the application/ tender in Slovene or English. If the public tender is awarded to a foreign contractor, the contract will be concluded in Slovene and English and in case of discrepancies, the Slovene version will apply.</p> <p style="text-align: center;">***</p> <p>Summary of the entire three-phase public procurement procedure:</p> <ul style="list-style-type: none"> - submission of tenders in the first phase of the procedure; - opening of tenders (applications) in the first phase of the procedure which according to ZJN-3 is not public; - review of tenders (applications) by the expert commission of the contracting authority in the first and second phase of the procedure: <ul style="list-style-type: none"> • first phase: assessment of eligibility and decision on recognition of the eligibility of tenderers for inclusion in the second phase (PoC), • second phase: assessment of eligibility and decision on recognition of the eligibility of tenderers for inclusion in the third phase; - a call for tenders in the third stage of the procedure; - public opening of tenders in the third stage of the procedure; - review and evaluation of tenders by the expert commission of the contracting authority in the third phase of the procedure; - price negotiations; - re-evaluation of tenders by the expert commission of the contracting authority after price negotiations; - decision on awarding public procurement. <p>4. SUBMISSION OF TENDER AND OPENING</p> <p><u>The first phase of the procedure</u></p> <p>All interested tenderers submit their tenders via the e-JN system https://ejn.gov.si. A tender shall be deemed submitted if it is designated as “active” in the e-JN information system. The tender should be drawn up in accordance with the instructions set out in this documentation.</p> <p><u>The second phase of the procedure</u></p> <p>Tenderers who are recognised in the first phase and are to be included in the second phase of the procedure will be required to prove by functional tests that they meet the conditions for participation in the implementation of PoC, in accordance with the deadlines to be determined and in</p>
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<p>naknadno in v skladu z navodili, zapisanimi v tej dokumentaciji.</p> <p><u>Tretja faza postopka</u></p> <p>Ponudniki, ki se jim bo v prvi in drugi fazi priznala sposobnost in bodo uvrščeni v tretjo fazo, oddajo ponudbo preko sistema e-JN https://ejn.gov.si. Rok za predložitev ponudbe bo naveden v povabilu k oddaji ponudbe, s katerim bo naročnik pozval ponudnike da oddajo ponudbo za tretjo fazo postopka.</p> <p>Naročnik bo na podlagi pogojev in meril, določenih v tej dokumentaciji, izbral ponudnika, s katerim bo sklenil pogodbo.</p> <p>5. ROK IN NAČIN PREDLOŽITVE PONUDBE</p> <p>Ponudniki morajo ponudbe v prvi in tretji fazi predložiti v informacijski sistem e-JN na spletnem naslovu https://ejn.gov.si v skladu z informacijami/navodili v predelku »Ponudnik« (v nadaljevanju: Navodila za uporabo e-JN), ki so del te dokumentacije in objavljeni na spletnem naslovu https://ejn.gov.si.</p> <p>Ponudnik se mora pred oddajo ponudbe registrirati na spletnem naslovu https://ejn.gov.si, v skladu z Navodili za uporabo e-JN. Če je ponudnik že registriran v informacijski sistem e-JN, se v aplikacijo prijavi na istem naslovu.</p> <p>Uporabnik ponudnika, ki je v informacijskem sistemu e-JN pooblaščen za oddajanje ponudb, ponudbo odda s klikom na gumb »Oddaj«. Informacijski sistem e-JN ob oddaji ponudb zabeleži identiteto uporabnika in čas oddaje ponudbe. Uporabnik z dejanjem oddaje ponudbe izkaže in izjavi voljo v imenu ponudnika oddati zavezujočo ponudbo (18. člen Obligacijskega zakonika). Z oddajo ponudbe je le-ta zavezujoča za čas, naveden v ponudbi, razen če jo uporabnik ponudnika umakne ali spremeni pred potekom roka za oddajo ponudb.</p> <p>Ob prijavi mora ponudnik v aplikaciji navesti svoj elektronski naslov, preko katerega bo prejemal obvestila informacijskega sistema e-JN.</p> <p>Ponudba se šteje za pravočasno oddano, če jo naročnik prejme preko sistema e-JN najkasneje do ure in datuma, ki je razviden iz e-JN. Za oddano ponudbo se šteje ponudba, za katero je ponudnik prejel e-potrdilo o oddaji - v naročnikovem sistemu je ponudba vidna kot aktivna.</p>	<p>accordance with the instructions set forth in this documentation.</p> <p><u>The third phase of the procedure</u></p> <p>Tenderers who are recognised in the first and second phase and are to be included in the third phase shall submit a tender through the e-JN system https://ejn.gov.si. The deadline for submission of tenders will be stated in the invitation to tender, with which the contracting authority will invite tenderers to submit a tender for the third stage of the procedure.</p> <p>Based on the conditions and criteria set out in this documentation, the contracting authority will select the tenderer with whom they will conclude the contract.</p> <p>5. DEADLINE AND METHOD OF SUBMISSION OF TENDER</p> <p>The tenderers must submit their tenders in the first and third phases to the e-JN information system at the web address https://ejn.gov.si in accordance with the information/instructions in the »tenderer« section (hereinafter: Instructions on the use of e-JN), which is part of these documents and published at https://ejn.gov.si.</p> <p>Before submitting a tender, tenderer must register at https://ejn.gov.si in accordance with the Instructions on the use of e-JN. If a tenderer has already registered in the e-JN information system, they should log in to the application at the same address.</p> <p>The tenderer's user, authorised in the e-JN information system to submit bids, shall submit the tender by clicking the "ODDAJ" (SUBMIT) button. Upon the submission of the tender, the e-JN information system will record the user's identity and the time the tender was submitted. When submitting the bid, the user declares and expresses the intention to submit a binding tender in the name of the tenderer (Article 18 of the Code of Obligations). After the submission, the tender shall remain binding for the period determined in the tender unless the user withdraws or changes it before the expiry of the tender submission deadline.</p> <p>When registering, the tenderer must state in the application their e-mail address, through which they will receive notifications from the e-JN information system.</p> <p>A tender shall be deemed submitted on time if the contracting authority receives it through the e-JN at the latest by the deadline, shown at e-JN. The submitted tender is considered to be the tender for which the tenderer received the e-confirmation of submission - in the contracting authority's system the tender is visible as active.</p>
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<p>Naročnik lahko po svoji presoji podaljša rok za oddajo ponudb. V takem primeru bo spremembo roka za oddajo ponudb objavil na portalu javnih naročil in posledično v informacijskem sistemu e-JN.</p> <p>Ponudnik lahko do roka za oddajo ponudb svojo ponudbo umakne ali spremeni. Če ponudnik v informacijskem sistemu e-JN svojo ponudbo umakne, se šteje, da ponudba ni bila oddana in je naročnik v sistemu e-JN tudi ne bo videl. Če ponudnik svojo ponudbo v informacijskem sistemu e-JN spremeni, je naročniku v tem sistemu odprta zadnja oddana ponudba.</p> <p>Po preteku roka za predložitev ponudb, ponudbe ne bo več mogoče oddati.</p> <p>Naročnik ponudnike opozarja, da naj si pravočasno zagotovijo vse potrebno za elektronsko oddajo ponudbe v informacijskem sistemu e-JN, predvsem poskrbijo za pravočasno registracijo. Odgovornost ponudnika je, da si zagotovi vse potrebno za pravočasno elektronsko oddajo ponudb. V izogib kasnejšim težavam naročnik prosi ponudnike, da preverijo v informacijskem sistemu e-JN ali je oddana ponudba v statusu »active«.</p> <p>Naročnik ponudnike obvešča, da bo rok za predložitev ponudb v tretji fazi postopka sedem (7) dni od datuma, ko bo naročnik ponudnikom, ki jim je priznal sposobnost v prvi in drugi fazi postopka, poslal povabilo k predložitvi ponudb.</p> <p>6. ČAS IN KRAJ ODPIRANJA PONUDB</p> <p>Odpiranje ponudb prve faze postopka skladno z določili ZJN-3 ni javno.</p> <p>Za tretjo fazo postopka bo naročnik ponudnike obvestil o točnem datumu in uri javnega odpiranja ponudb v povabilu k oddaji ponudbe po informacijskem sistemu e-JN, s katerim bo ponudnike pozval za predložitev ponudb v tretji fazi postopka po informacijskem sistemu e-JN. Odpiranje ponudb v tretji fazi postopka bo potekalo avtomatično v informacijskem sistemu e-JN, ravno tako tudi odpiranje noveliranih ponudb v posamezni fazi cenovnih pogajanj.</p> <p>Odpiranje poteka tako, da informacijski sistem e-JN samodejno ob uri, ki je določena za javno odpiranje ponudb, prikaže podatke o ponudniku, o variantah, če so bile zahtevane oziroma dovoljene ter omogoči dostop do .pdf dokumenta, ki ga ponudnik naloži v sistem e-JN pod razdelek »Predračun«. Javna objava se avtomatično zaključi po</p>	<p>The contracting authority may, at their discretion, extend the deadline for submission of tenders. In such a case, they will publish the change in the deadline for submission of tenders on the public procurement portal and consequently in the e-JN information system.</p> <p>Tenderers may withdraw or amend their tenders before the tender submission deadline. If a tenderer withdraws their tender from the e-JN information system, the tender is deemed not submitted, and the contracting authority will not see it in the e-JN information system. If a tenderer amends their tender in the e-JN information system, the last submitted tender is open in the e-JN information system for the contracting authority.</p> <p>Tenders may not be submitted after the submission deadline.</p> <p>The contracting authority warns tenderers to ensure in time everything necessary for the electronic submission of tenders in the e-JN information system, in particular to ensure timely registration. It is the responsibility of the tenderer to ensure the provision of everything necessary for the timely electronic submission of the tender. In order to avoid later problems, the contracting authority asks the tenderers to check in the e-JN information system whether the submitted tender has an "active" status.</p> <p>The contracting authority informs the tenderers that the deadline for submission of tenders in the third phase of the procedure will be seven (7) days from the date when the contracting authority sends an invitation to submit tenders to tenderers who have been recognised in the first and second stages of the procedure.</p> <p>6. TIME AND PLACE OF OPENING OF TENDERS</p> <p>The opening of tenders for the first phase according to ZJN-3 is not public.</p> <p>For the third phase of the procedure, the contracting authority will inform the tenderers of the exact date and time of the public opening of tenders in the invitation to submit a tender using the e-JN information system, inviting tenderers to submit tenders in the third phase of the procedure using the e-JN information system. The opening of tenders in the third phase of the procedure will take place automatically in the e-JN information system, as well as the opening of amended tenders in an individual phase of price negotiations.</p> <p>At the opening, the e-JN information system automatically displays at the time determined for public opening of tenders the information on a tenderer and on variants if required or permitted, and enables access to the PDF file uploaded by a tenderer in the e-JN system under the tab "Predračun" (Quotation). The public announcement is</p>
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preteku časa javne objave, ki velja v informacijskem sistemu e-JN. Ponudniki, ki so oddali ponudbe, imajo te podatke v informacijskem sistemu e-JN na razpolago v razdelku »Zapisnik o odpiranju ponudb«.

Ker gre za večfazni postopek, bo ponudnik izpolnjen obrazec Predračun predložil v tretji fazi postopka javnega naročila (v prvi fazi se obrazec ne izpolni in ne odda).

7. POGAJANJA

Naročnik bo izvedel pogajanja po potrebi o izpolnjevanju tehničnih zahtev v okviru PoC (druga faza) in pogajanja o ponudbeni vrednosti (tretja faza).

Naročnik bo v prvi in drugi fazi po prejemu ponudb in izvedbi PoC na podlagi analize ponudb za sodelovanje priznal sposobnost ponudnikom, ki bodo izpolnjevali pogoje javnega naročila in jih povabil k oddaji cenovne ponudbe (Ponudbeni predračun).

V tretji fazi bodo s sposobnimi ponudniki izvedena cenovna pogajanja – en ali več krogov, upošteva se navedeno v tej dokumentaciji. Način in vsebino cenovnih pogajanj bo naročnik opredelil v povabilu k pogajanju v skladu s pravili informacijskega sistema e-JN. Po izvedenih cenovnih pogajanjih bo naročnik ocenjeval ponudbe v skladu z merili iz dokumentacije.

Če se ponudnik ne bo odzval na naročnikovo povabilo na cenovna pogajanja in ne bo predložil nove oziroma končne ponudbe, bo naročnik v postopku pogajanj kot končno ponudbo upošteval ponudnikovo zadnjo predloženo ponudbo.

Ponudbo ponudnika, ki bi svojo ponudbeno vrednost zvišal, bo naročnik izločil iz postopka oddaje javnega naročila.

Naročnik bo po oddaji ponudb v tretji fazi presodil, koliko krogov pogajanj bi bilo glede na vse okoliščine smiselno izvesti. Naročnik bo ponudnike pred zadnjim oz. edinim krogom pogajanj o ponudbeni vrednosti obvestil, da gre za zadnji oz. edini krog pogajanj. Naročnik bo tako na podlagi končnih ponudbenih cen po izvedenih cenovnih pogajanjih opravil končno razvrstitev ponudnikov. ž

automatically completed after the expiration of the public announcement time valid in the e-JN information system. Bidders who have submitted bids shall have access to this information in the e-JN information system in the »Zapisnik o odpiranju ponudb« (Minutes of tender opening) section.

As this is a multi-phase procedure, the tenderer will submit the completed Quotation form in the third phase of the public procurement procedure (in the first phase the form remains unfilled and not submitted).

7. NEGOTIATIONS

The contracting authority will carry out negotiations, if necessary, on the fulfilment of technical requirements within the PoC (second phase) and negotiations on the offer value (third phase).

In the first and second phase, after receiving the tenders and implementing the PoC, the contracting authority will recognise the ability of tenderers who meet the conditions of the public procurement on the basis of the analysis of tenders and invite them to submit a price tender (Quotation).

In the third phase, price negotiations will be conducted with eligible tenderers - one or more rounds, taking into account what is stated in this documentation. The method and content of price negotiations will be defined by the contracting authority in the invitation to negotiations in accordance with the rules of the e-JN information system. After the price negotiations, the contracting authority will evaluate the tenders in accordance with the criteria set out in the documentation.

If the tenderer does not respond to the contracting authority's invitation to price negotiations and does not submit a new or final tender, the contracting authority will consider the tenderer's last submitted tender as their final tender in the negotiation procedure.

The tenderer who increases their tender value will be excluded from the public procurement procedure by the contracting authority.

Following the submission of tenders in the third phase, the contracting authority will assess, based on all circumstances, how many rounds of negotiations will be performed. The contracting authority will inform the tenderers before the final or the only round of negotiations regarding quotation value that this will be the final or only round of negotiations. The contracting authority will thus, on the basis of the final offer prices, perform the final classification of the tenderers after the price negotiations.

8. TEMELJNA PRAVILA ZA DOSTOP, OBVESTILA IN POJASNILA V ZVEZI Z DOKUMENTACIJO

8.1 DOSTOP DO DOKUMENTACIJE (JAVNI IN ZAPRTI DEL)

Dokumentacijo ponudniki dobijo na spletni strani naročnika na naslovu <http://www.hse.si> in/ali preko portala javnih naročil in/ali TED portala (<http://ted.europa.eu>), razen tehničnega dela s še dvema dokumentoma, opisano v nadaljevanju.

Zaradi zaščite posebno občutljivih informacij naročnik skladno z drugim odstavkom 61. člena ZJN-3 celotne dokumentacije ne more javno objaviti. Za del dokumentacije, ki jo je potrebno proučiti za sodelovanje v postopku oddaje javnega naročila ter pri pripravi ponudbe za izvedbo javnega naročila, velja, da je skladno s predpisi, ki urejajo poslovanje naročnika, poslovna skrivnost, saj vsebuje pomembnejše podatke o delovanju oz. poslovanju naročnika in družb v njegovi skupini in bi njihovo razkritje utegnilo škodovati naročniku. Zaradi navedenega javno ni objavljen tehnični del oz. tehnične specifikacije s priloženo tabelo »pričakovane funkcionalnosti sistema« ter tudi obrazec Specifikacije storitev po posameznih postavkah oziroma lista cen (celotni predračun) in vzorec pogodbe (v nadaljevanju vse skupaj: tehnični del ali tudi zaprti del).

Zaprti del dokumentacije lahko pridobijo le potencialni ponudniki, ki pod kazensko in materialno odgovornostjo izjavijo, da so razvijalci programske opreme, ki se uporablja za optimizacijo proizvodnje električne energije ter da isto programsko opremo tudi komercialno tržijo (izjava je del Obrazca za prevzem zaupne dokumentacije). Ponudniki dodatno predložijo javno dostopne komercialne prezentacije/tiskovine ali »whitepaper-je« za svoje produkte oz. predložijo delujoče spletne povezave do le-teh, ki so javno dostopne.

Naročnik bo za zaprti del dokumentacije posredoval ponudniku po e-pošti na e-naslov, ki je naveden v Obrazcu za prevzem zaupne dokumentacije, v roku treh (3) delovnih dni od dneva, ko naročnik prejme pravilno izpolnjen in podpisan Obrazec za prevzem zaupne dokumentacije iz priloge št. 14 (ter ponudnikove javno dostopne komercialne prezentacije/tiskovine ali whitepaper-je za njegove produkte oz. ponudnikove delujoče spletne povezave do le-teh, ki so dostopne javno), link in geslo za dostop do zaprtega dela dokumentacije.

Dokumentacija je potencialnim ponudnikom brezplačno dostopna v javnem delu na spletni strani naročnika oz. preko portala javnih naročil (v nadaljevanju: javni del

8. BASIC RULES FOR ACCESS, NOTICES AND EXPLANATIONS REGARDING THE DOCUMENTATION

8.1 ACCESS TO DOCUMENTATION (PUBLIC AND CLOSED PART)

Tenderers can obtain the documentation on the contracting authority's website at <http://www.hse.si> and/or through the Public Procurement Portal and/or the TED Portal (<http://ted.europa.eu>), except for the technical part with two other documents, described below.

Due to protection of particularly delicate information, the contracting authority cannot publish the entire documentation publicly in accordance with the second paragraph of Article 61 of the ZJN-3. The part of the documentation that requires examination for participation in the public procurement procedure and in the preparation of the tender for the implementation of the public procurement is considered a business secret of the contracting authority in accordance with the regulations governing the contracting authority's operations, the business of the contracting authority and the companies in its group and their disclosure could be detrimental to the contracting authority. Due to the above, the technical part or technical specifications with the attached table "expected functionality of the system" as well as the form Specifications of services by individual items or price list (full estimate) and a sample contract (hereinafter all together: technical part or also the closed part) is also not publicly available.

The closed part of the documentation can only be obtained by potential tenderers who declare under criminal and material liability that they are developers of software used to optimise electricity production and that they also market the same software commercially (the statement is part of the Collection of Confidential Documentation Form). Tenderers must additionally submit publicly available commercial presentations/printed matter or "white papers" for their products or provide publicly available working web links to them.

The contracting authority will send for the closed part of the documentation to the tenderer by e-mail to the e-mail address specified in the Collection of Confidential Documentation Form within three (3) working days from the day the contracting authority receives the duly completed and signed Collection of Confidential Documentation Form from Appendix no. 14 (and the tenderer's publicly available commercial presentations/ printed matter or white papers for its products or the tenderer's active web links to those that are publicly available), link and password for access to the closed part of the documentation.

The documentation is accessible to potential tenderers free of charge in the public part through the public section of the contracting authority or through the public procurement portal (hereinafter: public part of the documentation), and

dokumentacije), zaprti del pa je po predhodni najavi zahteve za posredovanje na voljo pri naročniku.

Prezem zaprtega dela potencialni ponudniki predhodno naročijo na elektronskem naslovu javna.narocila@hse.si najpozneje do 10.09.2020 do 15:00 ure s posredovanjem izpolnjenega in podpisanega Obrazca za prevzem zaupne dokumentacije iz priloge št. 14.

V primeru podpisa obrazca iz Priloge št. 14 po pooblastilu mora obrazcu biti priloženo tudi pooblastilo.

Zaprtega dela ni dovoljeno kopirati, tiskati ali kako drugače distribuirati in uporabljati za druge namene kot za pripravo in oddajo ponudbe.

8.2 OBVESTILA IN POJASNILA V ZVEZI Z DOKUMENTACIJO

Komunikacija s ponudniki o vprašanih v zvezi z vsebino naročila in v zvezi s pripravo ponudbe poteka preko portala javnih naročil ali za zaprti del po v tej dokumentaciji predpisanem načinu.

Naročnik bo v zvezi z javnim delom dokumentacije na oz. preko portala javnih naročil posredoval dodatna pojasnila oz. odgovoril na vprašanja v zvezi z naročilom najpozneje šest (6) dni pred iztekom roka za oddajo ponudb pod pogojem, da je bila zahteva za dodatna pojasnila oz. odgovore posredovana pravočasno do dne 25.09.2020 do 12.00 ure.

Ponudniki morajo dodatna pojasnila, ki se nanašajo na zaprti del te dokumentacije zahtevati na naročnikov e-mail javna.narocila@hse.si in ne smejo vprašanja zastaviti preko portala javnih naročil. V kolikor bi bilo vprašanje potencialnega ponudnika iz zaprtega dela zastavljeno na portalu javnih naročil, je podana materialna in kazenska odgovornost potencialnega ponudnika.

Naročnik bo vsem kontaktnim osebam ponudnikov, ki so za dvig zaprtega dela podpisali Obrazec za prevzem zaupne dokumentacije, po elektronski pošti na naslov, ki bo naveden v Obrazcu za prevzem zaupne dokumentacije, posredoval dodatna pojasnila v zvezi z zaprtim delom najpozneje šest (6) dni pred iztekom roka za oddajo ponudb pod pogojem, da bo zahteva za dodatna pojasnila iz zaprtega dela posredovana na naročnikov e-mail javna.narocila@hse.si pravočasno do dne 25.09.2020 do 12.00 ure.

Na opisan način iz zgornjih odstavkov lahko ponudniki zaprosijo za vse dodatne informacije, ki niso vsebovane v

the closed part is available from the contracting authority by prior request.

Potential tenderers pre-order the takeover of the closed part at the e-mail address javna.narocila@hse.si no later than 10.09.2020 by 15:00, by submitting a completed and signed Collection of Confidential Documentation Form from Appendix no. 14 .

If the form from Appenix no. 14 is signed under authorisation, it must be accompanied by an authorisation.

It is not permitted to copy, print or distribute in any other manner the closed part or use it for purposes other than the preparation and submission of the tender.

8.2 NOTIFICATIONS AND EXPLANATIONS RELATED TO THE DOCUMENTATION

Communication with tenderers regarding issues related to the content of the public procurement and in connection with the preparation of the tender takes place through the public procurement portal or, for the closed part, in the manner prescribed in this documentation.

The contracting authority shall submit additional clarifications or respond to questions related to the tender in connection with the public part of this documentation on and via the public procurement portal no later than six (6) days before the deadline for submission of tenders, provided that the requests for additional clarifications or responses are submitted in a timely manner before 25.09.2020 until 12.00.

The tenderers should request additional explanations **regarding the closed part of this documentation** using the email of the contracting authority javna.narocila@hse.si and **should not submit these questions through the public procurement portal**. If a question is submitted by a tenderer regarding the closed part by way of the public procurement portal, material and penal responsibility is imposed on the potential tenderer.

The contracting authority will submit all additional explanations regarding the closed part of the documentation to all the contact persons of the tenderers who signed the Collection of Confidential Documentation Form to an email account stated in the Collection of Confidential Documentation Form within six (6) days before the expiration of the deadline for submitting tenders on the condition that the request for additional explanations from the closed part be submitted to the email of the contracting authority javna.narocila@hse.si before 12.00 on 25.09.2020.

Further to the above paragraphs, tenderers may request all additional information in this manner that is not included in any public registers or otherwise publicly available, and

<p>nobenem javnem registru ali drugače javno dostopni, in podatke, ki so po predpisih ali internih aktih naročnika osebni podatki ali poslovna skrivnost.</p> <p>Na zahteve za pojasnila oziroma druga vprašanja v zvezi z naročilom, zastavljena po tem roku, naročnik ne bo odgovarjal.</p> <p>Naročnik sme v skladu s 67. členom ZJN-3 spremeniti ali dopolniti dokumentacijo v zvezi z oddajo javnega naročila. Tovrstne spremembe in dopolnitve oz. informacije, ki jih posreduje naročnik gospodarskim subjektom na portalu javnih naročil ali prek njega ter po določenem sistemu za zaprti del, se štejejo za spremembo, dopolnitev ali pojasnilo dokumentacije, če iz vsebine informacij izhaja, da se z njimi spreminja ali dopolnjuje dokumentacija ali če se s pojasnilom odpravlja dvoumnost navedbe v tej dokumentaciji. Vsaka informacija in/ali pojasnilo postane sestavni del dokumentacije. Kot del dokumentacije štejejo tudi vprašanja in odgovori, objavljeni na portalu javnih naročil in po določenem sistemu za zaprti del.</p> <p>Na podlagi 36. člena ZJN-3 postopek javnega naročanja poteka v slovenskem jeziku.</p> <p>9. UGOTAVLJANJE SPOSOBNOSTI</p> <p>9.1 UGOTAVLJANJE SPOSOBNOSTI ZA SODELOVANJE V POSTOPKU ODDAJE JAVNEGA NAROČILA IN DOKAZILA</p> <p>Ponudnik mora biti sposoben in usposobljen za izvedbo/dobavo storitev iz dokumentacije (podrobnosti tehničnih pogojev so razvidne v tehničnem delu te dokumentacije) po veljavnih standardih, tehničnih predpisih in zakonodaji ter v okviru zahtevanega dobavnega roka.</p> <p>Za skupne ponudbe in ponudbe s podizvajalci je potrebno upoštevati še točki 12.3.1 (Skupna ponudba) in 12.3.2 (Ponudba s podizvajalci) te dokumentacije.</p> <p>Vsak gospodarski subjekt, za katerega je določeno izpolnjevanje kakršnegakoli pogoja, mora oddati svoj ESPD obrazec v delu, ki je zanj aktualen. ESPD obrazec v .xml obliki je naročnik predpripravil na slovenskem obrazcu in je del dokumentacije.</p> <p>Gospodarski subjekt lahko dokazila o neobstoju razlogov za izključitev iz točke 9.1.1 te dokumentacije in dokazila o izpolnjevanju pogojev za sodelovanje iz točke 9.1.2 te dokumentacije predloži tudi sam. Naročnik si pridržuje</p>	<p>information that is a personal or a business secret according to the regulations or internal acts of the contracting authority.</p> <p>The contracting authority will not respond to requests for clarifications or other questions related to the order that are submitted after this deadline.</p> <p>Pursuant to Article 67 of the ZJN-3, the contracting authority may amend or supplement the documentation related to the awarding of a public tender. Such changes and additions or information provided by the contracting authority to business entities on or through the public procurement portal and under a specific system for closed part shall be deemed to be an amendment, supplement or clarification of the documentation if the content of the information indicates that it alters or supplements the dossier or clarifies the ambiguity of the statement in this documentation. Any information and/or explanation becomes an integral part of the documentation. Questions and answers published on the public procurement portal and, according to a certain system for the closed part, are also considered as part of the documentation.</p> <p>As per Article 36 of the ZJN-3, the public procurement processes are conducted in the Slovenian language.</p> <p>9. QUALITATIVE SELECTION</p> <p>9.1 DETERMINING THE ABILITY TO PARTICIPATE IN THE PROCEDURE OF THE AWARDING OF A PUBLIC TENDER AND THE EVIDENCE THEREOF</p> <p>The tenderer must be able and qualified to perform/supply of services from the documentation (details of technical conditions can be seen in the technical part of this documentation) according to applicable standards, technical regulations and legislation and within the required delivery time.</p> <p>For joint tenders and tenders with subcontractors, it is necessary to take into account points 12.3.1 (Joint tender) and 12.3.2 (Tender with subcontractors) of this documentation.</p> <p>Each business entity that must meet any criteria should submit their ESPD form in the section that is relevant to them. The ESPD form in .xml format was prepared by the contracting authority on the Slovenian form and is part of the documentation.</p> <p>A business entity may also independently submit evidence demonstrating that the reasons for exclusion do not apply to it as referred to in point 9.1.1 of this documentation and evidence on fulfilment of the conditions for participation as referred to in point 9.1.2 of this documentation. The</p>
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pravico do preveritve verodostojnosti predloženih dokazil pri podpisniku le-teh.

Naročnik bo pred oddajo javnega naročila od ponudnika, kateremu se je odločil oddati predmetno naročilo, zahteval, da predloži dokazila (potrdila, izjave) kot dokaz neobstoja razlogov za izključitev iz točke 9.1.1 te dokumentacije in kot dokaz izpolnjevanja pogojev za sodelovanje iz točke 9.1.2 te dokumentacije (npr. veljaven certifikat, ustrezno izjavo – kjer je izjava zahtevana, referenco, če je zahtevana, ki mora biti potrjena s strani izdajatelja reference ...).

Kadar se kot dokazilo prilagajo izpisi iz spletnih strani mora biti razviden datum izpisa in veljavnost dokazil. Iz izpisa mora biti tudi razvidno iz katere spletne strani je bilo dokazilo pridobljeno. Vsak pogoj mora biti ustrezno dokazan (podprt z dokazili iz katerih je razvidno izpolnjevanje pogoja).

Če ESPD ne vsebuje podatkov o brezplačnem neposrednem dostopu do nacionalnih baz podatkov (spletni naslov baze podatkov, podatke za identifikacijo, če je to potrebno, in soglasje, da pridobi dokazilo naročnik), kjer lahko naročnik pridobi potrdila ali druge potrebne informacije, je ponudnik dolžan na poziv naročnika v roku, ki ga določi naročnik, predložiti dokazila ali druge listinske dokaze, ki izkazujejo izpolnjevanje postavljenih pogojev.

9.1.1 Razlogi za izključitev

Pod pojem gospodarski subjekt sodijo:

- ponudnik,
- vsi partnerji v skupni ponudbi,
- vsi podizvajalci in
- vse osebe, katerih zmogljivosti se uporablja.

Naročnik bo iz sodelovanja v postopku javnega naročanja izključil gospodarski subjekt, če pri preverjanju v skladu s 77., 79. in 80. členom ZJN-3 ugotovi ali je drugače seznanjen, da zanj obstaja katerikoli od razlogov za izključitev, naveden v tej točki dokumentacije, in lahko tudi iz ostalih razlogov, ki jih določa zakon.

Naročnik opozarja, da lahko v skladu s 6. točko 75. člena ZJN-3 iz sodelovanja v postopku predmetnega javnega naročila izključi gospodarski subjekt tudi v nekaterih ostalih primerih, ne glede na to, ali je takšno izključitev predvidel v dokumentaciji.

Če država, v kateri ima tuj gospodarski subjekt svoj sedež, ne izdaja zahtevanih dokazil ali če ti ne zajemajo vseh primerov dokazil, ki so zahtevana, lahko tuj gospodarski subjekt da zapriseženo izjavo. Če ta v državi, v kateri ima tuj

Contracting Authority reserves the right to verify the authenticity of the submitted evidence with the relevant signatories.

Prior to the awarding of the public tender, the contracting authority will require the tenderer, to whom it has decided to award the public tender in question, to provide evidence (certificates, declarations) as evidence of non-exclusion from point 9.1.1 of this documentation and as evidence of eligibility for point 9.1.2 of this documentation (e.g. a valid certificate, an appropriate statement - where a statement is required, a reference, if required, to be certified by the issuer of the reference...).

When extracts from websites are attached as evidence, the date of the extract and the validity of the evidence must be evident. The statement must also show from which website the evidence was obtained. Each condition must be duly substantiated (supported by evidence showing compliance with the condition).

If the ESPD does not contain data on free direct access to national databases (database web address, identification data, if necessary, and consent to obtain proof from the contracting authority) wherein the contracting authority may obtain certificates or other necessary information, the tenderer is obliged to submit evidence or other documentary evidence demonstrating fulfilment of the set conditions within the period specified by the contracting authority at the request of the contracting authority.

9.1.1 Reasons for exclusion

The term business entity includes:

- tenderer,
- all partners in a joint tender,
- all subcontractors and
- all persons whose facilities are used.

The contracting authority will exclude business entity from participating in the public procurement process if it determine or are otherwise informed in accordance with Articles 77, 79, and 80 of ZJN-3 of any reason for entity's exclusion from this item of the documentation or of any other reasons if so specified by the legislation.

The contracting authority points out that, in accordance with Item 6 of Article 75 of ZJN-3, they may also exclude business entity from the public procurement in some other cases, regardless of whether such exclusion was predicted in the documentation.

If the country in which the foreign business entity is established does not issue the required evidence or if it does not cover all the aspects of evidence required, the foreign business entity may present a sworn statement. If such a declaration is not required in the country where the

gospodarski subjekt svoj sedež, ni predvidena, pa lahko tuj gospodarski subjekt da izjavo določene osebe, dano pred pristojnim sodnim ali upravnim organom, notarjem ali pred pristojno poklicno ali trgovinsko organizacijo v matični državi te osebe ali v državi, v kateri ima tuj gospodarski subjekt sedež.

Neobstoj razlogov za izključitev morajo izkazati naslednji gospodarski subjekti:

- ponudnik,
- vsi partnerji v skupni ponudbi,
- vsi podizvajalci,
- vse osebe, katerih zmogljivosti se uporablja.

Vsi navedeni gospodarski subjekti morajo oddati svoj ESPD obrazec.

Naročnik v predmetnem javnem naročilu na podlagi 75. člena določa razloge za izključitev v nadaljevanju.

1. Če je gospodarski subjekt na dan, ko poteče rok za oddajo ponudb, izločen iz postopkov oddaje javnih naročil zaradi uvrstitve v **evidenco gospodarskih subjektov z negativnimi referencami**.

1. DOKAZILO ZA UGOTAVLJANJE SPOSOBNOSTI: Enotni evropski dokument v zvezi z oddajo javnega naročila – ESPD, ki ga gospodarski subjekt v delu Del III: Razlogi za izključitev, D: Nacionalni razlogi za izključitev, v točki »Nacionalna določba – evidenca z negativnimi referencami« izpolni na spletni strani http://www.enarocanje.si/_ESPD/ ter ga naloži v razdelek ESPD na portalu e-JN

2. DODATNA DOKAZILA ZA TUJ GOSPODARSKI SUBJEKT: Ponudnik mora predložiti neposredno bližnjico do delujoče spletne strani (če evidenca v državi, v kateri ima tuj gospodarski subjekt sedež, obstaja). Če evidenca ne obstaja, pa ponudnik predloži zapriseženo izjavo, opisano v četrtem odstavku točke 9.1.1.

2. Če se je nad gospodarskim subjektom **začel postopek zaradi insolventnosti ali prisilnega prenehanja ali postopek likvidacije**, če njegova sredstva ali poslovanje upravlja upravitelj ali sodišče, ali če so njegove poslovne dejavnosti začasno ustavljene, ali če se je v skladu s predpisi druge države nad njim začel postopek ali pa je nastal položaj z enakimi pravnimi posledicami.

1. DOKAZILO ZA UGOTAVLJANJE SPOSOBNOSTI: Enotni evropski dokument v zvezi z oddajo

foreign business entity has its head office, the tenderer may provide a statement from a designated person to be submitted to the competent judicial or administrative authority, a public notary, or competent professional or trade organisation in the country of origin of this person or in the country where the tenderer has its head office.

The following business entities must present the non-existence of reasons for exclusion:

- tenderer,
- all partners in a joint tender,
- all subcontractors,
- all persons whose facilities are used.

All listed business entities must submit own ESPD forms.

Pursuant to Article 75, the contracting authority is determining below the reasons for exclusion in the public tender.

1. If on the day when the deadline for the submission of tenders expires, the economic entity is excluded from public procurement procedures due to its inclusion in the **register of economic entities with negative references**.

1. EVIDENCE TO DETERMINE ABILITY: European Single Procurement Document - ESPD which the business entity in Part III: Reasons for exclusion, D: National reasons for exclusion, in the item "National provision - records with negative references", must be completed on the website http://www.enarocanje.si/_ESPD/ and uploaded in the ESPD section of the e-JN portal.

2. ADDITIONAL EVIDENCE FOR A FOREIGN BUSINESS ENTITY: The tenderer must provide a direct shortcut to a working website (if the records exist in the country where the foreign business entity is established). If no records exist, the tenderer shall submit a sworn statement as described in the fourth paragraph of point 9.1.1.

2. If **insolvency processes, compulsory wind-up or a liquidation process** have begun against the economic entity, or if its assets or operations are managed by an administrator or court, or if its business operations are suspended, or if a procedure has begun against it according to the regulations of other countries, or a situation with the same legal effects has occurred.

1. EVIDENCE TO DETERMINE ABILITY: European Single Procurement Document - ESPD which the business entity in Part III: Reasons for exclusion,

javnega naročila – ESPD, ki ga gospodarski subjekt v delu Del III: Razlogi za izključitev, C: Razlogi, povezani z insolventnostjo, nasprotjem interesov ali kršitvijo poklicnih pravil, v točkah »Stečaj«, »Insolventnost« in »Položaj, ki je v skladu z nacionalno zakonodajo podoben stečaju« in »Sredstva upravlja stečajni upravitelj« izpolni na spletni strani http://www.enarocanje.si/_ESPD/ ter ga naloži v razdelek ESPD na portalu e-JN.

2. DODATNA DOKAZILA ZA TUJ GOSPODARSKI SUBJEKT:

Ponudnik mora predložiti potrdilo pristojnega organa države, v kateri ima tuj gospodarski subjekt sedež v skladu s predpisi države, kjer ima svoj sedež.

C: Reasons related to insolvency, conflict of interest or breach of professional rules, in the sections "Bankruptcy", "Insolvency" and "Situation similar to bankruptcy under national law" and "Funds managed by the bankruptcy trustee" must be completed on the website http://www.enarocanje.si/_ESPD/ and uploaded to the ESPD section on the e-JN portal.

2. ADDITIONAL EVIDENCE FOR A FOREIGN BUSINESS ENTITY:

The tenderer must submit a certificate from the competent authority of the country in which the foreign business entity is established in accordance with the regulations of the country in which it has its registered office.

9.1.2 Pogoji za sodelovanje glede tehnične in strokovne sposobnosti

Naročnik v predmetnem javnem naročilu na podlagi 76. člena določa pogoje za sodelovanje v nadaljevanju.

1. Ponudnik mora **izkazati ustrezne izkušnje - reference** za izvedbo javnega naročila, in sicer mora imeti najmanj dve (2) referenci/projekta, iz katerih izhaja, da je ponudnik v obdobju zadnjih pet (5) let pred rokom za oddajo prijav izvedel novo implementacijo rešitve ali posodobitev obstoječega sistema oz. rešitve (new releases or new functionalities/functions) za optimizacijo proizvodnje električne energije na sistemu kaskade najmanj treh (3) hidroelektrarn in najmanj ene (1) črpalne hidroelektrarne in najmanj ene (1) termo proizvodne enote, kjer se kot primarno gorivo uporablja premog.

Naročnik ne zahteva, da posamezen referenčni projekt vključuje vse tri skupine proizvodnih objektov, zahteva pa da dva priglašena projekta skupaj (kumulativno) izpolnjujeta zahtevo »sistem kaskade najmanj treh (3) hidroelektrarn in najmanj ene (1) črpalne hidroelektrarne in najmanj ene (1) termo proizvodne enote, kjer se kot primarno gorivo uporablja premog.

Štejejo se le izvedeni in s strani referenčnega naročnika potrjeni/prevzeti projekti. Za prevzem projekta naročnik šteje dan, ko je referenčni naročnik

9.1.2 Conditions for participation in terms of technical and professional capacity

Pursuant to Article 76, the contracting authority shall determine below the conditions for participation in the public tender.

1. The tenderer must **demonstrate relevant experience - references** for the implementation of the public procurement, namely it must have at least two (2) references/projects, from which it follows that the tenderer has in the last five (5) years before the deadline for submission of applications carried out a new implementation of the solution or update of the existing system, solutions (new releases or new functionalities/functions) for optimisation of electricity production on the cascade system of at least three (3) hydropower plants and at least one (1) pumped storage hydropower plant and at least one (1) thermal generation unit where coal is used as the primary fuel.

The contracting authority does not require that an individual reference project includes all three groups of production facilities, but requires that the two notified projects together (cumulatively) meet the requirement "cascade system of at least three (3) hydropower plants and at least one (1) pumped storage hydropower plant and at least one (1) thermal production units where coal is used as the primary fuel.

Only projects performed and approved/taken over by reference contracting authority are considered. The contracting authority considers the acceptance of the project to be the day when the reference

projekt dokončno potrdil/prevzel. Referenčni projekt se šteje za potrjenega/prevzetega, v kolikor je v uporabi pri referenčnem naročniku.

Ponudnik lahko kot referenco prijavi tudi še trajajoče pogodbe (če je npr. pogodba sklenjena za projekt implementacije in vzdrževanja), vendar je takšna referenca ustrezna le, če je ponudnik kot izvajalec projekt v okviru še trajajoče pogodbe v preteklih petih (5) letih pred rokom za oddajo prijav že izvedel, torej implementiral, in je bil projekt s strani ref. naročnika že potrjen/prevzet, vzdrževanje pa je še aktivno.

Ponudnik zgornje referenčne zahteve izpolni s projekti pri različnih referenčnih naročnikih ali z več projekti pri istih referenčnih naročnikih.

ZA KOGA VELJA POGOJ: Pogoj mora izpolniti ponudnik. Skupina ponudnikov postavljeni pogoj izpolni preko kateregakoli člana skupne ponudbe.

DOKAZILO ZA UGOTAVLJANJE SPOSOBNOSTI:

- Enotni evropski dokument v zvezi z oddajo javnega naročila – ESPD, v delu IV: Pogoji za sodelovanje, a: Skupna navedba za vse pogoje za sodelovanje na spletni strani http://www.enarocanje.si/_ESPD/ ter ga naloži v razdelek ESPD na portalu e-JN in
- seznam referenčnih poslov na obrazcu priloga št. 9.

POJASNILO: Naročnik bo izpolnjevanje pogoja za vsako posamezno referenco preverjal s pomočjo referenčnih potrdil (priloga št. 13) ali drugih enakovrednih dokazil, iz katerih bo razvidno izpolnjevanje referenčnega pogoja (končni obračun del, izvedbena pogodba ali/in podobno).

Referenčno potrdilo ali druga enakovredna dokazila mora potrditi naročnik referenčnega projekta. Referenčni naročnik je tisti naročnik, ki je ponudniku naročil in financiral izvedbo referenčnih del.

Reference, ki ne bodo vpisane v obrazec v prilogi št. 13 in potrjene s strani referenčnih naročnikov na predpisanem obrazcu ali na potrdilu ali drugih enakovrednih dokazilih, ki po vsebini vsebujejo vse

contracting authority has finally confirmed/accepted the project. The reference project is considered to be confirmed/taken over if it is in use with the reference contracting authority.

The tenderer may also include ongoing contracts as a reference (if, for example, the contract is concluded for an implementation and maintenance project), but such reference is appropriate only if the tenderer already executed or implemented it as a contractor of the project under an ongoing contract five (5) years before the submission of applications, and the project has already been confirmed / taken over by the reference contracting authority, and the maintenance is still ongoing.

The tenderer meets the above reference requirements with projects from different reference contracting authorities or with several projects from the same reference contracting authority.

TO WHOM THE CONDITION APPLIES: The provider must meet this condition. A group of providers meets the condition through any member of a joint tender.

EVIDENCE TO DETERMINE ABILITY:

- European Single Procurement Document – ESPD, in part IV: Conditions for participation, a: Common statement for all conditions for participation on the website http://www.enarocanje.si/_ESPD/ and upload it to the ESPD section on the e-JN portal and
- list of referential businesses on the Appendix no. 9.

CLARIFICATION: The contracting authority will verify the fulfilment of the condition for each individual reference with the help of Implementation reference certificates (Appendix No. 13) or other equivalent evidence which show the fulfilment of the reference condition (final statement of works, implementation contract or/and the like).

The reference certificate or other equivalent evidence must be certified by the client of the reference project. Referential clients are those clients who procured and financed the execution of referential work from the provider.

References that are not entered in the form in Appendix no. 13 and verified by reference clients on the previously available form or certificate, or in other equal evidence which contains all information

podatke iz predpisanega obrazca, se pri pregledu ponudb ne bodo upoštevale.

Naročnik ponudnikom svetuje, da referenčna potrdila ali druga enakovredna dokazila zagotovijo že pred rokom za oddajo ponudb in jih predložijo k ponudbi.

Naročnik si pridržuje pravico, da zahteva dodatna dokazila o izvedbi predložene reference (kot npr. pogodbo z investitorjem, obračun....) oziroma da navedbe še preveri neposredno pri investitorju.

from this form, will not be considered when assessing the tender.

The contracting authority advises tenderers to provide Implementation reference certificates or other equivalent evidence before the deadline for submission of tenders and to submit them to the tender.

The contracting authority reserves the right to request additional evidence of the implementation of the submitted reference (such as the contract with the investor, settlement, etc.) or to verify the statements directly with the investor.

10. MERILO ZA ODDAJO JAVNEGA NAROČILA

Naročnik bo po odpiranju ponudb pregledal in ugotovil njihovo skladnost z zahtevami iz te dokumentacije. Naročnik lahko zahteva od ponudnika dodatna pojasnila ali dokazila glede ponudbe, ki jih potrebuje kot pomoč pri pregledu in oceni ponudb.

Naročnik odda javno naročilo na podlagi ekonomsko najugodnejše ponudbe, in sicer na podlagi merila končna ponudbena vrednost.

Kot najugodnejši bo izbran ponudnik z dopustno ponudbo, ki bo ponudil najnižjo končno skupno ponudbeno vrednost (brez DDV).

V primeru, da dve dopustni ponudbi ponujata enako skupno ponudbeno vrednost, bo naročnik ponudnika izbral z žrebom. Žreb bo potekal po zaključku pogajanj. Ponudnike bo naročnik pisno obvestil o žrebanju po elektronski pošti, ki so jih navedli kot kontaktni naslov v sistemu e-JN in jim omogočil udeležbo na žrebanju. Žreb bo potekal v prostorih naročnika. Žrebanje bo izvedeno z metanjem kocke med ponudniki, zmagovalec bo tisti ponudnik, ki vrže višjo številko. V primeru enakih števil se žrebanje med takimi ponudniki ponovi do končnega izbora. Ponudnikom, ki bi lahko sodelovali, a ne bodo prisotni na žrebu, bo naročnik predložil zapisnik žrebanja.

11. FINANČNA ZAVAROVANJA

Ponudnik mora za zavarovanje izpolnitve svojih obveznosti naročniku predložiti finančna zavarovanja oz. izjave o izdaji finančnih zavarovanj. Zavarovanja morajo biti brezpogojna, nepreklicna, plačljiva na prvi poziv, unovčljiva v državi naročnika, po vsebini pa ne smejo odstopati od vzorcev

10. CRITERION FOR AWARD OF A PUBLIC TENDER

After opening the tenders, the contracting authority will review and determine their compliance with the requirements of this documentation. The contracting authority may request from the tenderer additional explanations or evidence regarding the tender which are required to assist in the review and evaluation of tenders.

The contracting authority awards the public tender on the basis of the most economically advantageous tender, specifically on the basis of the final tender value criterion.

The most favourable tenderer will be the one with the admissible tender who offers the lowest final total tender value (excluding VAT).

In the event that two admissible tenders offer the same total tender value, the contracting authority will select the tenderer by drawing lots. The draw will take place after the conclusion of the negotiations. The tenderers will be notified in writing about the draw via the e-mail address they have listed as a point of contact in the e-JN system, thus enabling them to participate in the draw. The draw will take place at the contracting authority's premises. The draw will be made by rolling the dice between the tenderers. The winner will be the bidder who rolls the higher number. In the case of identical numbers, the draw process between such tenderers shall be repeated until the final selection. Tenderers who could participate but will not be present at the draw will be provided with the minutes of the draw by the contracting authority.

11. FINANCIAL WARRANTIES

In order to secure the fulfilment of its obligations, the tenderer must submit financial insurances or statements on the issuance of financial collateral. Collateral must be unconditional, irrevocable, payable on first call, redeemable in the country of the contracting authority, and must not

<p>finančnih zavarovanj iz te dokumentacije. Uporabljena valuta mora biti enaka valuti javnega naročila.</p> <p>Na podlagi drugega odstavka 93. člena ZJN-3 ter f) točke 6. odstavka 62. člena ZJN-3 naročnik v postopku predmetnega javnega naročanja določa naslednja obvezna zavarovanja.</p> <p>Pri ponudbi s podizvajalci finančno zavarovanje predloži ponudnik kot glavni ponudnik, pri skupni ponudbi pa nosilec posla.</p> <p>11.1 FINANČNO ZAVAROVANJE ZA DOBRO IZVEDBO POGODBENIH OBVEZNOSTI</p> <p>Izbrani ponudnik je dolžan najkasneje v desetih (10) dneh od sklenitve pogodbe za izvedbo javnega naročila naročniku izročiti bančno garancijo za dobro izvedbo pogodbenih obveznosti v višini 10 % od skupne vrednosti pogodbe, sklenjene med naročnikom in izbranim izvajalcem, povečani za DDV, izračunanem po davčnem sistemu, kateremu je zavezan slediti naročnik; bančna garancija mora biti skladna z vzorcem v prilogi št. 12. Bančna garancija morata veljati še 60 dni po preteku končnega roka za izvedbo vseh pogodbenih obveznosti po sklenjeni pogodbi za izvedbo javnega naročila.</p> <p>V primeru, da ponudnik v ponudbi nastopa skupaj s podizvajalci, mora bančna garancija, ki jo ponudnik izda naročniku za dobro izvedbo pogodbenih obveznosti, kriti tudi obveznosti ponudnika do njegovih podizvajalcev.</p> <p>Naročnik lahko finančno zavarovanje za dobro izvedbo pogodbenih obveznosti unovči, če ponudnik:</p> <ul style="list-style-type: none">- svojih obveznosti do naročnika ne izpolni v skladu s pogodbo za izvedbo javnega naročila v dogovorjeni kvaliteti, količini ali roku ali v skladu z dokumentacijo in ponudbeno dokumentacijo;- naročniku povzroči škodo, ki je ne povrne v roku osem (8) dni po pozivu naročnika;- predčasno odstopi od pogodbe za izvedbo javnega naročila brez krivde naročnika;- brez razloga na strani naročnika povzroči, da naročnik prekine oziroma odstopi od pogodbe za izvedbo javnega naročila;- naročniku poda zavajajoče ali lažne informacije, podatke ali dokumente, zaradi česar mora naročnik javno naročilo razveljaviti ali modificirati;	<p>deviate in content from the samples of financial collateral set out in this documentation. The currency used must be the same as the currency of the public tender.</p> <p>Pursuant to the second paragraph of Article 93 of ZJN-3 and f) point 6 of paragraph 62 of Article 62 of ZJN-3, the contracting authority determines the following compulsory insurances in the public procurement procedure in question.</p> <p>In the case of a tender with subcontractors, the financial security is submitted by the tenderer as the main tenderer, and by the main tenderer in the case of a joint tender.</p> <p>11.1 PERFORMANCE BOND</p> <p>The selected tenderer is obliged to hand over to the contracting authority a bank guarantee for good performance of contractual obligations within ten (10) days after the contract is concluded in the amount of 10 % of the total value of the contract concluded between the contracting authority and the selected contractor, increased by VAT calculated in accordance with the tax system which the contracting authority is obliged to follow; the bank guarantee must comply with the sample in Appendix no. 12. The bank guarantee must be valid for another 60 days after the expiry of the deadline for the performance of all contractual obligations under the concluded contract for the performance of the public procurement.</p> <p>In the event that the tenderer acts together with subcontractors in the tender, the bank guarantee issued by the tenderer to the contracting authority for the good performance of contractual obligations must also cover the tenderer's obligations to his subcontractors.</p> <p>The contracting authority may realise the financial security for the good performance of the contractual obligations if the tenderer:</p> <ul style="list-style-type: none">- fails to fulfil their obligations to the contracting authority in accordance with the contract for the performance of the public procurement in the agreed quality, quantity or deadline or in accordance with the documentation and tender documentation;- causes damage to the contracting authority and does not reimburse it within eight (8) days after the call of the contracting authority;- early withdrawal from the contract for the performance of the public procurement due to no fault of the contracting authority;- without a reason on the part of the contracting authority, causes the contracting authority to terminate or withdraw from the contract for the performance of the public procurement;- provides the contracting authority with misleading or false information, data or documents, thereby forcing the contracting authority to cancel or modify the public
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- v razumno določenem roku na svoje stroške ne odpravi napak in/ali nepravilnosti dobavljenega blaga/izvedenih storitev po pogodbi za izvedbo javnega naročila;
- svojih obveznosti do podizvajalcev, ki sodelujejo pri izvedbi javnega naročila, v celoti ne poravnava.

Ponudnik lahko kot finančno zavarovanje za dobro izvedbo pogodbenih obveznosti predloži tudi zavarovanje zavarovalnice, ki po vsebini ne sme odstopati od vzorca bančne garancije iz te dokumentacije.

Izdajatelj finančnega zavarovanja mora biti sprejemljiv za naročnika. Za naročnika bo sprejemljiv tisti izdajatelj finančnega zavarovanja, ki ima dovoljenje Banke Slovenije za opravljanje bančnih poslov ali bonitetno oceno enako ali višjo od BBB- (Standard & Poor's Financial Services LLC), Baa3 (Moody's Investors Service, Inc.) ali ustreznik.

12. PONUDBA

12.1 PONUDBENA DOKUMENTACIJA

V 17. točki te dokumentacije je v pomoč prikazan Informativni seznam za pripravo ponudbe, vendar je ponudnik sam zavezan oddati ponudbo z vsemi vsebinami, ki jih naročnik zahteva v dokumentaciji.

Naročnik bo pred priznanjem sposobnosti posameznega ponudnika preveril preko dokazil za izpolnjevanje posameznega pogoja z dokumenti in listinami, kot so naštetje za dokazovanje posameznega pogoja ali so predvidene že v ZJN-3.

Naročnik ob predložitvi ponudbe namesto potrdil, ki jih izdajajo javni organi ali tretje osebe, sprejme kot predhodni dokaz Enotni evropski dokument v zvezi z oddajo javnega naročila – ESPD, ki vključuje lastno izjavo, da ni v položaju zaradi katerega je ali bi lahko bil izključen iz sodelovanja v predmetnem postopku javnega naročanja in da izpolnjuje zahtevane pogoje za sodelovanje, hkrati pa zagotavlja ustrezne informacije, ki jih zahteva naročnik. Poleg tega je v ESPD naveden uradni organ ali tretja oseba, odgovorna za izdajo dokazil, vključuje pa tudi uradno izjavo o tem, da bo ponudnik na zahtevo in brez odlašanja sposoben predložiti ta dokazila.

ESPD ponudnik uvozi od naročnika, ga izpolni na spletni strani <http://www.enarocanje.si/ESPD/>.

V kolikor je ponudnik v kakšnem drugem postopku javnega naročanja že predložil ESPD, lahko v tem postopku ponovno uporabi ESPD, ki ga je uporabil v prejšnjem postopku javnega

contract;

- fails to eliminate, within a reasonable period of time, at its own expense, errors and/or irregularities in the goods/services supplied under the contract for the performance of the public contract;
- does not fully settle its obligations to subcontractors involved in the performance of the contract.

The tenderer may also submit insurance of the insurance company as financial security for the good performance of contractual obligations, which may not deviate from the sample of the bank guarantee from this documentation.

The issuer of the financial security must be acceptable to the contracting authority. The contracting authority will be eligible for a financial insurance issuer that has a banking license from the Bank of Slovenia or a credit rating equal to or higher than BBB- (Standard & Poor's Financial Services LLC), Baa3 (Moody's Investors Service, Inc.) or equivalent.

12. TENDER

12.1 TENDER DOCUMENTATION

In point 17 of this documentation, an Information list for the preparation of the tender is shown to assist the tenderer, but the tenderer is obliged to submit the tender with all the contents required by the contracting authority in the documentation.

Prior to the recognition of the ability of an individual tenderer, the contracting authority will verify evidence for the fulfilment of an individual condition using the documents supplied as listed for proving an individual condition or already provided for in ZJN-3.

When submitting a tender, instead of certificates issued by public authorities or third parties, the contracting authority shall accept as preliminary evidence the European Single Contract Document - the ESPD, which shall include its own statement that it is not in a position to or may be excluded from the participation in the public procurement procedure in question and that it meets the required conditions for participation, while providing the relevant information required by the contracting authority. In addition, the ESPD states an official authority or a third party is responsible for the issuance of evidence and also includes an official statement to the effect that the tenderer will be able to provide this evidence on request and without delay.

The ESPD is imported by the bidder from the client and is to be completed on the website <http://www.enarocanje.si/ESPD/>.

If the tenderer has already submitted the ESPD in another procurement procedure, they may re-use the ESPD used in

naročanja, če potrdi, da so informacije v njem še vedno točne ter v kolikor je ESPD iz drugega postopka javnega naročanja po vsebini ustrezen glede na pogoje naročnika iz tega javnega naročila. Naročnik ne bo prevzel nobene odgovornosti za uporabo ESPD, ki ga je ponudnik že uporabil v prejšnjem postopku javnega naročanja.

Naročnik lahko ponudnike kadar koli med postopkom pozove, da predložijo vsa dokazila ali del dokazil v zvezi z navedbami v ESPD, ki niso uradno dostopna v javnih evidencah.

Ponudnik, ki odda ponudbo, pod kazensko in materialno odgovornostjo jamči, da so vsi podatki in dokumenti, podani v ponudbi, resnični. V nasprotnem primeru ponudnik naročniku odgovarja za vso škodo, ki mu je nastala.

Ponudnik, ki v sistemu e-JN oddaja ponudbo, naloži svoj ESPD v razdelek »ESPD – ponudnik«, ESPD ostalih sodelujočih pa naloži v razdelek »ESPD – ostali sodelujoči«. Ponudnik, ki v sistemu e-JN oddaja ponudbo, naloži podpisan ESPD v .pdf obliki ali elektronsko podpisan ESPD v .xml obliki ali nepodpisan ESPD v .xml obliki, pri čemer se v slednjem primeru v skladu Splošnimi pogoji uporabe informacijskega sistema e-JN šteje, da je oddan pravno zavezujoč dokument, ki ima enako veljavnost kot podpisan.

Za ostale sodelujoče ponudnik v razdelek »ESPD – ostali sodelujoči« priloži podpisane ESPD v .pdf obliki, ali v elektronski obliki podpisan .xml.

S podpisom ESPD ponudnik potrdi, da sprejema vsebino vzorca pogodbe (priloga št. 11) in potrjuje resničnost vseh izjav na ostalih priloženih dokumentih v ponudbi.

S podpisom ESPD gospodarski subjekti (sodelujoči ponudniki v primeru skupne ponudbe, gospodarski subjekti, na katerih kapacitete se sklicuje ponudnik in podizvajalci) potrdijo resničnost vseh izjav na ostalih priloženih dokumentih v ponudbi, ki se nanašajo na njihov del ponudbe.

Ponudnik podpiše in v .pdf obliki predloži samo tiste dokumente/priloge, katerih podpis naročnik izrecno zahteva (glej priloge).

12.2 SESTAVLJANJE PONUDBE

the previous procurement procedure in this procedure, provided that they confirm that the information in it is still accurate, and if the ESPD from another public procurement procedure is appropriate in terms of content to the conditions of the contracting authority from this public procurement. The contracting authority will not assume any responsibility for the use of the ESPD that the tenderer has already used in the previous procurement procedure.

The contracting authority can request at any point during the procedure that tenderers submit all supporting documentation or a part thereof related to the statements provided in the ESPD that are not officially available in public records.

A tenderer which submits a tender guarantees under criminal and material liability that all data and documents submitted in the tender are truthful. Otherwise, the tenderer will be held liable to the contracting authority for all damage it may incur.

A tenderer who is submitting a tender in the e-JN system must upload their ESPD under the "ESPD – tender" section, and the ESPD forms of other participants must be uploaded under the "ESPD – other participants" section. A tenderer submitting a tender in the e-JN system may upload a signed ESPD in .pdf form or an electronically signed ESPD form in the .xml format or an unsigned ESPD in .xml format, whereby it is considered in the latter case, as per the General terms and conditions of use of the e-JN information system, that a legally binding document has been submitted, which has the same validity as the signed document.

For other participants, the tenderer must upload signed ESPD forms in the .pdf format or electronically signed .xml files under the "ESPD – other participants" section.

By signing the ESPD, the tenderer confirms that they accept the content of the sample contract (Appendix No. 11) and confirm the truth of all statements on the other attached documents in the tender.

By signing the ESPD, business entities (participating tenderers in the case of a joint tender, entities to whose capacities the tenderer and subcontractors refer) confirm the truth of all statements on other attached documents in the tender relating to their part of the tender.

The tenderer signs and submits in .pdf format only those documents/appendixes whose signing the contracting authority requires (see appendixes).

<p>12.2.1 Dokazila o izpolnjevanju tehničnih zahtev dokumentacije</p> <p>Predmet ponudbe mora izpolnjevati najmanj minimalne tehnične zahteve, navedene v tehničnem delu te dokumentacije.</p> <p>12.2.2 Obrazec »Predračun«</p> <p>Ponudnik mora v Predračunu ponujati vse pozicije, ob upoštevanju tehničnih zahtev te dokumentacije (ponudnik podatke na obrazcu Predračun predloži v tretji fazi postopka javnega naročila).</p> <p>Ponudnik mora izpolniti in predložiti tudi Specifikacijo storitev po posameznih postavkah oziroma listo cen. Ponudnik mora informativno Specifikacijo storitev po posameznih postavkah oziroma listo cen predložiti kot del svoje ponudbe že v prvi fazi postopka javnega naročila, v tretji fazi postopka javnega naročila pa predloži še končno oz. zavezujočo Specifikacijo storitev po posameznih postavkah oziroma listo cen, ki se vrednostno ujema s Predračunom.</p> <p>Vse cene, vsi zmnožki in seštevki ter skupna ponudbena vrednost sklopa morajo biti zaokroženi in prikazani na 2 decimalni mesti natančno v EUR brez DDV.</p> <p>V Specifikacijo storitev po posameznih postavkah oziroma listo cen ponudnik vpiše cene na enoto storitve, vse ostale vrednosti pa se izračunajo na podlagi s strani naročnika vstavljenih matematičnih formul.</p> <p>V kolikor ponudnik pri ceni na enoto vpiše ceno nič (0) EUR oz. pri ceni na enoto ne navede cene, se šteje, da ponuja postavko brezplačno.</p> <p>Ponudnik ne sme spreminjati vsebine specifikacije storitev. Cene v ponudbi morajo biti fiksne (nespremenljive) za ves čas trajanja pogodbe, sklenjene za izvedbo tega javnega naročila, izražene morajo biti v evrih (EUR), vključevati morajo vse davke (razen DDV po davčnem sistemu, kateremu je zavezan slediti naročnik), carine in druge dajatve, vse stroške, potrebne za izvedbo predmeta javnega naročila, vključno s potnimi stroški za izvedbeni kader, ki bo sodeloval pri izvedbi javnega naročila (npr. stroški potovanja, nastanitev, dnevnic za potovanja izven mesta ipd.), ter vse druge stroške potrebne za izvedbo predmeta pogodbe.</p> <p>V kolikor ponudnik ponuja popust, ga mora vključiti v cene in skupno končno ponudbeno vrednost.</p> <p>Ponudnik kot strokovnjak izrecno izjavlja in jamči, da so v ponudbi upoštevana vsa dela in vsi stroški, potrebni za uspešno izvedbo dobav/storitev po javnem razpisu, ter sam</p>	<p>12.2 COMPILING THE TENDER</p> <p>12.2.1 Evidence of compliance with the technical requirements of the documentation</p> <p>The subject of the tender must fulfil at least the minimum technical requirements listed in the technical part of this documentation.</p> <p>12.2.2 "Quotation" form</p> <p>The tenderer must offer all positions in the Quotation form, taking into account the technical requirements of this documentation (the tenderer shall submit the data on the Cost estimate form in the third phase of the public procurement procedure).</p> <p>The tenderer must also fill in and submit the Specification of services by individual items or price list. The tenderer must submit the <u>informative</u> Specification of services by individual items or price list as part of its tender in the first phase of the public procurement procedure, and in the third phase of the public procurement procedure they must also submit the final or a binding Specification of services by individual items or a list of prices that matches the value of the Quotation.</p> <p>All prices, all products and sums and the total tender value thereof must be rounded and shown to 2 decimal places in EUR without VAT.</p> <p>In the Specification of services by individual items or list of prices, the tenderer enters the prices per unit of service, and all other values are calculated on the basis of mathematical formulas inserted by the contracting authority.</p> <p>If the tenderer enters the price of zero (0) EUR or if the unit price does not indicate the price, it is considered to offer the item free of charge.</p> <p>The tenderer must not change the content of the specifications of services. The prices in the tender must be fixed (non-changeable) for the entire duration of the contract, concluded for the execution of this public procurement, they must be in Euro (EUR), they should include all taxes (except VAT in accordance with the tax system which the contracting authority is obliged to follow), customs, and other dues, all expenses required for the execution of the subject of public procurement, including the travel expenses of implementing personnel who will cooperate in the execution of public procurement (i.e. travel costs, accommodation, subsistence costs and similar), and all other expenses required for implementation of the subject of this contract.</p> <p>If the tenderer offers a discount, they must include it in the prices and final total value of the tender.</p>
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<p>nosi breme del in stroškov, ki niso predvideni oz. upoštevani v ponudbi, a so potrebni za izvedbo javnega naročila. Naročnik ne bo izbranemu ponudniku dovoljeval dodatnega zaračunavanja, na kar ponudnik z oddajo ponudbe za ta postopek javnega naročanja tudi izrecno in brezpogojno pristaja.</p> <p>V primeru, da bo naročnik pri pregledu in ocenjevanju ponudb odkril očitne računске napake, bo ravnal v skladu s sedmim odstavkom 89. člena ZJN-3.</p> <p>Ponudniki morajo v tretji fazi (oddaja cenovne ponudbe) razen obrazca Ponudbeni predračun izpolniti tudi tabelo Specifikacijo storitev po posameznih postavkah oziroma listo cen iz priloge dokumentacije.</p> <p>Ponudnik v informacijskem sistemu e-JN v razdelek »Predračun« naloži izpolnjen obrazec »Ponudbeni predračun v .pdf datoteki, ki bo dostopen na javnem odpiranju ponudb, ostale priloge pa naloži v razdelek »Drugi dokumenti«. V primeru razhajanj med podatki v Ponudbenim predračunu - naloženim v razdelek »Predračun«, in Specifikacijo storitev po posameznih postavkah oziroma listo cen (celotnim predračunom) - naloženim v razdelek »Drugi dokumenti«, kot veljavni štejejo podatki v Specifikaciji storitev po posameznih postavkah oziroma listi cen, naloženim v razdelku »Drugi dokumenti«.</p> <p>12.3 DRUGA DOLOČILA ZA PRIPRAVO PONUDBE</p> <p>12.3.1 Skupna ponudba</p> <p>Na podlagi tretjega odstavka 10. člena ZJN-3 lahko v postopku javnega naročanja sodelujejo tudi skupine gospodarskih subjektov, vključno z začasnimi združenji. Skupinam gospodarskih subjektov ni treba prevzeti kakršnekoli pravne oblike. V primeru skupne ponudbe morajo skupni ponudniki določiti nosilca posla, ki je pooblaščen za podpis ponudbe in pogodbe ter za podajanje vseh drugih izjav in podpis drugih dokumentov, povezanih s tem javnim naročilom.</p> <p>Ponudnik mora navesti seznam vseh ponudnikov, s katerimi namerava izvesti predmetno javno naročilo. Ponudnik mora za vsakega ponudnika navesti vsebino njegovega deleža. V takšnem primeru gre za skupno ponudbo. Ponudbi mora ponudnik priložiti za vsakega ponudnika tudi vsa dokazila, če so v tej dokumentaciji za ponudnike zahtevana. Ponudniki, ki oddajo skupno ponudbo se z oddajo skupne ponudbe strinjajo, da za obveznosti nasproti naročniku odgovarjajo vsi skupni ponudniki solidarno in da se vsa plačila naročnika po pogodbah, sklenjenih na osnovi postopkov, izvedenih po tem javnem naročilu, izvedejo preko nosilca posla.</p>	<p>The tenderer explicitly states and guarantees as an expert that the tender includes all works and expenses required for the successful execution of supply/services from the public procurement, and that they will bear the cost of works and expenses that are not predicted or included in the tender, but are still required for execution of the public procurement. The contracting authority will not allow any additional charges to the selected tenderer. By submitting the tender for this public procurement procedure, the tenderer agrees to this explicitly and unconditionally.</p> <p>If the contracting authority finds obvious mistakes in calculation when reviewing and assessing tenders, it will act in accordance with paragraph 7 of Article 89 of the ZJN-3.</p> <p>In the third phase (submission of the price quotation), the tenderers must, in addition to the Quotation form, also complete the table Specification of services by individual items or the list of prices from the appendix to the documentation.</p> <p>The tenderer uploads in the "Quotation" section of the e-JN information system a completed Quotation in .pdf format form, which will be accessible at the public opening of the tender, while other attachments are to be uploaded to the "Other documents" section. In case of discrepancies between the data in the Quotation form - uploaded in the "Quotation" section, and the Specification of Services by individual items or price list) - uploaded in the "Other Documents" section, the data in the Specification of Services by individual items or price list loaded in the "Other documents" section are considered valid.</p> <p>12.3 OTHER PROVISIONS FOR THE PREPARATION OF THE TENDER</p> <p>12.3.1 Joint tender</p> <p>Based on the third paragraph of Article 10 of the ZJN-3, groups of business entities may cooperate in the public procurement processes, including temporary associations. Groups of business entities do not need to enter any legal form. In the case of a joint tender, the joint tenderers must designate a lead partner who is authorised to sign the tender and the contract and to submit all other statements and sign other documents related to this public tender.</p> <p>The tenderer must list all tenderers with whom they intend to execute this public procurement. The tenderer must state the content of their share for each tenderer. In this case, this is a joint tender. The tenderer must attach to the offer all potentially required certificates from this documentation for each tenderer. By submitting a joint tender, the tenderers agree that all joint tenderers are jointly and severally liable for the obligations towards the contracting authority and that all payments by the contracting authority under contracts concluded on the basis of procedures carried out</p>
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<p>Skupina ponudnikom mora predložiti Izjavo o skupnem nastopanju v prilogi št. 5, s katero so opredeljene vloge partnerjev v skupni ponudbi.</p> <p>Ponudbo v tretji fazi postopka bo lahko oddal samo isti ponudnik/ista skupina ponudnikov, ki je v prvi fazi postopka oddala ponudbo. Menjava ponudnikov med fazami ni mogoča. Če bo do nje prišlo, bo naročnik takšno ponudbo izločil iz postopka oddaje javnega naročila kot nedopustno ponudbo.</p> <p>12.3.2 Ponudba s podizvajalci</p> <p>Ponudnik lahko ponudbo predloži sam oziroma s podizvajalci. Ponudba s podizvajalci je ponudba, kjer poleg ponudnika kot glavnega ponudnika nastopajo še drugi gospodarski subjekti (v nadaljevanju: podizvajalci). Podizvajalec je v skladu s 1. odstavkom 94. člena ZJN-3 vsak gospodarski subjekt, ki je pravna ali fizična oseba in za ponudnika, s katerim je naročnik po tem zakonu sklenil pogodbo o izvedbi javnega naročila ali okvirni sporazum, dobavlja blago ali izvaja storitev oziroma gradnjo, ki je neposredno povezana s predmetom javnega naročila.</p> <p>Če bo ponudnik izvajal javno naročilo s podizvajalci, mora v ponudbi:</p> <ul style="list-style-type: none">- navesti vse podizvajalce ter vsak del javnega naročila, ki ga namerava oddati v podizvajanje,- kontaktne podatke in zakonite zastopnike predlaganih podizvajalcev,- priložiti izpolnjene ESPD teh podizvajalcev v skladu z 79. členom ZJN-3 ter- priložiti zahtevo podizvajalca za neposredno plačilo, če podizvajalec to zahteva. <p>Le če podizvajalec, zahteva neposredno plačilo, se šteje, da je neposredno plačilo podizvajalcu obvezno v skladu s tem zakonom in obveznost zavezuje naročnika in glavnega izvajalca. Kadar namerava ponudnik izvesti javno naročilo s podizvajalcem, ki zahteva neposredno plačilo mora:</p> <ul style="list-style-type: none">- glavni izvajalec v pogodbi pooblastiti naročnika, da na podlagi potrjenega računa oziroma situacije s strani glavnega izvajalca neposredno plačuje podizvajalcu,- podizvajalec predložiti soglasje, na podlagi katerega naročnik namesto ponudnika poravnava podizvajalčevo terjatev do ponudnika,- glavni izvajalec svojemu računu ali situaciji priložiti račun ali situacijo podizvajalca, ki ga je predhodno potrdil.	<p>under this public procurement are made through the lead partner.</p> <p>The group of tenderers must submit a Statement of joint performance in Appendix no. 5, which defines the roles of partners in the joint tender.</p> <p>Only the same tenderer/the same group of tenderers who submitted a tender in the first phase of the procedure will be able to submit a tender in the third phase of the procedure. It is not possible to change tenderers between phases. If this occurs, the contracting authority will exclude such a tender from the public procurement procedure as being inadmissible.</p> <p>12.3.2 Tender with subcontractors</p> <p>The tender may submit the tender alone or with subcontractors. A tender with subcontractors is a tender in which, in addition to the tenderer, other economic entities (hereinafter: subcontractors) act as the main tenderer. Pursuant to paragraph 1 of Article 94 of the ZJN-3, a subcontractor is any economic entity that is a legal or natural person and who supplies goods or provides services or construction that is directly related to the subject of the public procurement for the tenderer with whom the contracting authority has concluded a public procurement contract or framework agreement under this Act.</p> <p>If a tenderer performs a public tender related to services with subcontractors, the tender must:</p> <ul style="list-style-type: none">- list all subcontractors and each part of the public contract that they intend to subcontract;- list all contact information and legal representatives of the proposed subcontractors;- include the completed ESPD forms for these subcontractors, pursuant to Article 79 of the ZJN-3, and- include a subcontractor's requirement for direct payment if so requested by the subcontractor. <p>Only if the subcontractor requires direct payment in accordance with this law shall it be deemed that the subcontractor finds the direct payment mandatory and this obligation shall be binding on the contracting authority and the main contractor. When a tenderer intends to carry out a public tender with a subcontractor which has requested a direct payment, they should do the following:</p> <ul style="list-style-type: none">- the main contractor must contractually authorise the contracting authority to make direct payments to the subcontractors on the basis of a confirmed invoice or interim certificate of the main contractor;- the subcontractor must submit its consent, on the basis of which the contracting authority may, in lieu of the tenderer, settle the subcontractor's claim against the tenderer,
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Naročnik si pridržuje pravico v okviru pregleda ponudbe pri priglašenem podizvajalcu preveriti obstoj oz. neobstoj zahteve podizvajalca za neposredno plačilo, enako tudi za primer priglasitve novega podizvajalca v fazi izvedbe pogodbe.

Glavni izvajalec mora med izvajanjem javnega naročila naročnika v skladu s tretjim odstavkom 94. člena ZJN-3 namreč obvestiti o morebitnih spremembah informacij o podizvajalcih in poslati informacije o novih podizvajalcih, ki jih namerava naknadno vključiti v izvajanje javnega naročila, in sicer najkasneje v petih (5) dneh po izvajalčevem angažiranju novega podizvajalca. **V kolikor izvajalec tega ne bo storil, ima naročnik pravico, da za vsako ugotovljeno kršitev izvajalcu zaračuna pogodbeno kazen v višini 25.000 EUR za neobveščanje o posameznem podizvajalcu.**

V kolikor bodo pri podizvajalcu obstajali razlogi za izključitev oziroma ne bo izpolnjeval ustreznih pogojev za sodelovanje iz te dokumentacije, bo naročnik podizvajalca zavrnil in zahteval njegovo zamenjavo.

Če bo izvajalec nove podizvajalce priglasil v fazi izvedbe pogodbe, mora naročniku najkasneje v petih (5) dneh po izvajalčevem angažiranju novega podizvajalca:

- navesti firmo/ime in sedež/naslov novega podizvajalca ter del javnega naročila, ki ga namerava oddati v podizvajanje temu subjektu,
- navesti kontaktne podatke in zakonite zastopnike novo predlaganih podizvajalcev,
- predložiti izpolnjen ESPD novega podizvajalca v skladu z 79. členom ZJN-3 in v primeru izvajanja takega postopka javnega naročila še dokazila o neobstoju razlogov za izključitev ter izpolnjevanju pogojev novega podizvajalca ter
- predložiti zahtevo podizvajalca za neposredno plačilo (vsebuje tudi soglasje podizvajalca, na podlagi katerega naročnik namesto ponudnika poravna podizvajalčevo terjatev do ponudnika), če novi podizvajalec to zahteva.

Noben naknadno angažiran podizvajalec, ki ni bil priglašen že ob oddaji ponudbe, ne sme pričeti z dobavo blaga/izvedbo storitev prej, preden naročnik ne odobri njegovega angažiranja. Naročnik bo podizvajalca potrdil/zavrnil takoj, ko bo preveril izpolnjevanje neobstoja vseh razlogov za izključitev in drugih sorazmernih pogojev, ki veljajo za podizvajalca. Zaradi zamudnosti preverjanja ne/obstoja razlogov za izključitev in drugih pogojev naročnik svetuje, da se za novo angažirane podizvajalce predloži morebitno potrebna dokazila o neobstoju razlogov za

- the main contractor must enclose with their invoice or interim certificate an invoice or interim certificate of the subcontractor that they confirmed beforehand.

The contracting authority reserves the right to verify the existence or non-existence of the request of a subcontractor for direct payment while reviewing the tender of the added subcontractor, and the same applies when including a new subcontractor in the implementation phase of the contract.

The main contractor must submit any potential changes during the public procurement regarding information on subcontractors and submit information about new subcontractors they plan to additionally include in the public procurement process within five (5) days of including a new subcontractor in accordance with the third paragraph of Article 94 of the ZJN-3. **If the contractor does not do this, the contracting authority has the right to charge the contractor with liquidated damages amounting to 25,000 EUR for each discovered violation of failing to provide information about individual subcontractors.**

If the subcontractor has reasons for exclusion or does not meet the appropriate conditions for participation in this documentation, the contracting authority will reject the subcontractor and request their replacement.

If the main contractor adds new subcontractors during the validity of the contract, they must do the following within five (5) days of the tenderer adding a new contractor:

- state the business/name and headquarters/address of the new subcontractor, and the part of public procurement they plan to subcontract to this subject;
- list all contact information and legal representatives of the newly suggested subcontractors;
- submit a completed ESPD of a new subcontractor in accordance with Article 79 of the ZJN-3 and, in the case of such a public procurement procedure, evidence of the absence of reasons for exclusion and fulfilment of the conditions of the new subcontractor, and
- submit the request of the subcontractor for direct payment (consent of the subcontractor named for the contracting authority to directly pay the claims of the subcontractor towards the main contractor) if the new subcontractor requests it.

None of the additionally included subcontractors who have not been notified upon submission of the tender may start supplying goods/services before the contracting authority approves their engagement. The contracting authority will approve/reject the subcontractor immediately after verifying that no reasons for exclusion and other proportional conditions which apply to the subcontractor

izključitev ter o izpolnjevanju pogojev in ne zgolj ESPD obrazca.

Naročnik lahko zavrne predlog za zamenjavo podizvajalca oziroma vključitev novega podizvajalca v primeru, da so podani razlogi za izključitev gospodarskega subjekta, če podizvajalec ne izpolnjuje pogojev, ki jih je naročnik določil za podizvajalce v tej dokumentaciji, ter tudi, če bi to lahko vplivalo na nemoteno izvajanje javnega naročila.

12.3.3 Način nastopanja istega gospodarskega subjekta

Naročnik dopušča, da isti gospodarski subjekt predloži več ponudb, vendar le v kolikor v različnih ponudbah nastopa v različnih vlogah (bodisi kot samostojni ponudnik, bodisi kot partner v skupnem nastopu), medtem ko lahko isti gospodarski subjekt v isti vlogi (bodisi kot ponudnik, bodisi kot partner v skupnem nastopu) odda zgolj eno ponudbo. V primeru, da bo isti gospodarski subjekt predložil več kot eno ponudbo, v kateri bo nastopal v isti vlogi, bodo vse ponudbe tega gospodarskega subjekta izločene iz postopka oddaje javnega naročila. V primeru, da pa isti gospodarski subjekt nastopa v dveh ali več ponudbah v različnih vlogah, bodisi kot ponudnik bodisi kot partner v skupni ponudbi, cenejša ponudba, v kateri nastopa isti ponudnik, po roku za oddajo ponudb ne sme biti umaknjena, sicer bodo vse ponudbe, v katerih nastopa tak ponudnik, izločene iz postopka oddaje javnega naročila.

Gospodarski subjekt lahko kot podizvajalec nastopa v ponudbah različnih ponudnikov.

12.3.4 Variantne ponudbe

Variantne ponudbe niso dopuščene.

12.3.5 Jezik ponudbe

Postopek javnega naročanja poteka v slovenskem jeziku. Vsi dokumenti v zvezi s ponudbo morajo biti v slovenskem jeziku. Ponudnik lahko uporabi v tujem jeziku že uveljavljene tehnične izraze, vendar le v tehničnem delu ponudbe.

Ponudnik mora ponudbo in ostalo dokumentacijo, ki se nanaša na ponudbo, izdelati v slovenskem jeziku. Vse listine, ki so v tujem jeziku, morajo biti prevedene v slovenski jezik, izjemoma lahko naročnik postopa po določilih zadnjega odstavka te točke. Tuji ponudnik jamči za pravilnost prevoda ponudbe v slovenski jezik. Morebitne napake v prevodu gredo izključno v breme ponudnika. V primeru dvoma bo naročnik od ponudnika naknadno zahteval uradni prevod. Stroške prevoda nosi ponudnik.

exist. Due to the long procedure of verifying the non-existence of reasons for exclusion and other conditions, the contracting authority advises that potentially required evidence of the non-existence of reasons for exclusion and other conditions are to be submitted for new subcontractors, and not only the ESPD form.

The contracting authority may reject the proposal for the replacement of the subcontractor or the addition of a new contractor when the reasons for exclusion of a business entity are submitted, if the subcontractor does not meet the conditions the contracting authority has set for subcontractors in this documentation, and if this may affect the proper functioning of public procurement.

12.3.3 Representation of the same business entity

The contracting authority allows that the same business entity may submit several tenders, but only if they are presented in different roles in different tenders (as an independent tenderer or as a partner in a joint tender), while the same business entity may submit only one tender in the same role (as a tenderer or a partner in a joint tender). If the same business entity submits more than one tender in which they will be performing the same role, all tenders of that business entity will be excluded from the public procurement submission process. If the same business entity acts in two or more tenders in different roles, as a tenderer or as a partner in a joint tender, the cheaper tender in which the same tenderer is participating must not be removed after the deadline for submitting tenders; otherwise all tenders with such tenderer will be excluded from the public procurement submission processes.

Business entities may act in the tenders of different tenderers as subcontractors.

12.3.4 Variant tenders

Variant tenders are not permitted.

12.3.5 Language of the tender

The public procurement procedure is conducted in the Slovenian language. All documents related to the tender must be in the Slovenian language. The tenderer may use already established technical terms in a foreign language, but only in the technical part of the tender.

The tender must prepare the tender and other documentation related to the tender in the Slovenian language. All documents that are in a foreign language must be translated into Slovene, exceptionally the contracting authority may proceed in accordance with the provisions of the last paragraph of this point. The foreign tenderer guarantees the correct translation of the tender into Slovenian. Any translation errors are the sole responsibility of the tenderer. In case of doubt, the contracting authority

Ne glede na določbo te dokumentacije, da postopek javnega naročanja poteka v slovenskem jeziku, bo naročnik morebitno dejstvo predložitve ponudbene dokumentacije v tujem jeziku štel kot pomanjkljivost ponudbe zgolj v primeru, če jezika, v katerem je predložen dokument, ne razume. V takšnem primeru bo od ponudnika zahteval, da se del ponudbe, ki ga naročnik ne razume, prevede v slovenski jezik na stroške ponudnika, v razumnem roku, ki bo praviloma znašal pet (5) delovnih dni.

12.3.6 Veljavnost ponudbe

Ponudba mora biti veljavna 270 dni šteto od dneva, ko se izteče rok za oddajo ponudb v prvi fazi postopka.

V izjemnih okoliščinah bo naročnik lahko zahteval, da ponudniki podaljšajo čas veljavnosti ponudb za določeno dodatno obdobje.

12.3.7 Stroški ponudbe

Vse stroške, povezane s ponudbo in predložitvijo ponudbe, nosi ponudnik z izjemo preizkusa PoC, kar je prikazano v zaprtem delu dokumentacije.

12.3.8 Protikorupcijsko določilo in socialna klavzula

V postopku oddaje javnega naročila naročnik in ponudniki ne smejo pričrenjati in izvajati dejanj, ki bi vnaprej določila izbor določene ponudbe, ali ki bi povzročila, da pogodba ne bi pričela veljati oziroma ne bi bila izpolnjena.

Vsakršno lobiranje v postopkih oddaje javnih naročil je prepovedano.

Pogodba je sklenjena pod razveznim pogojem, ki se uresniči v primeru izpolnitve ene od naslednjih okoliščin:

- če bo naročnik seznanjen, da je sodišče s pravnomočno odločitvijo ugotovilo kršitev obveznosti delovne, okoljske ali socialne zakonodaje s strani dobavitelja ali podizvajalca ali
-
- če bo naročnik seznanjen, da je pristojni državni organ pri dobavitelju ali podizvajalcu v času izvajanja pogodbe ugotovil najmanj dve kršitvi v zvezi s:
 - o plačilom za delo,
 - o delovnim časom,
 - o počitki,
 - o opravljanjem dela na podlagi pogodb civilnega prava kljub obstoju elementov delovnega razmerja ali v zvezi z zaposlovanjem na črno,in za kateri mu je bila s pravnomočno odločitvijo ali več pravnomočnimi odločitvami izrečena globa za prekršek,

will subsequently request an official translation from the tenderer. Translation costs shall be borne by the tenderer.

Notwithstanding the provision of this documentation that the public procurement procedure is conducted in the Slovenian language, the contracting authority will consider the potential fact of submitting tender documentation in a foreign language as a deficiency of the tender only if they do not understand the language of the submitted document. In such a case, they will request from the tenderer that the part of the offer that is not understood by the contracting authority is translated to Slovenian at the expense of the tenderer within a reasonable time, usually five (5) workdays.

12.3.6 Validity of the tender

The tender must be valid for 270 days from the day when the deadline for submission of tenders in the first phase of the procedure expires.

In exceptional circumstances, the contracting authority may request that the tenderers extend the validity of the tender for an additional specific period.

12.3.7 Costs of the tender

All costs related to the tender and submission of the tender shall be borne by the tenderer with the exception of the PoC test, which is shown in the closed part of the documentation.

12.3.8 Anti-corruption provision and social clause

In the procedure of awarding of the public procurement, the contracting authority and tenderers must not start or implement acts which would determine the selection of a selected tender in advance, or which would cause the contract to fail to enter into force or not be implemented.

Any lobbying in regard to the procedure of awarding of the public procurement is forbidden.

The contract is entered into under a resolatory condition, which is implemented in one of the following circumstances:

- if the contracting authority is informed that a court has established with a final decision a violation of an obligation from the labour, environmental or social legislation by the supplier or sub-contractor, or
- if the contracting authority is informed that a competent state authority has established at least two violations by the supplier or subcontractor during the implementation of the contract in relation to:
 - o payment for work,
 - o working time,
 - o rest,
 - o performance of work on the basis of civil law contracts despite the existence of elements of a labour relationship or in relation to undeclared employment,

in pod pogojem, da je od seznanitve s kršitvijo in do izteka veljavnosti pogodbe še najmanj šest mesecev oziroma če izvajalec nastopa s podizvajalcem pa tudi, če zaradi ugotovljene kršitve pri podizvajalcu izvajalec ne nadomesti ali zamenja tega podizvajalca na način, določen v skladu s 94. členom ZJN-3 in določili sklenjene pogodbe v roku 30 dni od seznanitve s kršitvijo.

V primeru izpolnitve okoliščine in pogojev iz prejšnjega odstavka se šteje, da je pogodba razvezana trideseti (30) dan po seznanitvi z okoliščino iz predhodnega odstavka.

13. OBVESTILO O ODLOČITVI O ODDAJI NAROČILA

Naročnik bo podpisano odločitev o oddaji javnega naročila objavil na portalu javnih naročil in portalu TED. Odločitev se šteje za vročeno z dnem objave na portalu javnih naročil.

14. ODPSTOP OD IZVEDBE JAVNEGA NAROČILA

Naročnik lahko na podlagi osmega odstavka 90. člena ZJN-3 po sprejemu odločitve o oddaji naročila do sklenitve pogodbe odstopi od izvedbe javnega naročila iz utemeljenih razlogov, da predmeta javnega naročila ne potrebujejo več ali da zanj nima zagotovljenih sredstev ali da se pri naročniku pojavi utemeljen sum, da je bila ali bi lahko bila vsebina pogodbe posledica storjenega kaznivega dejanja ali da so nastale druge izredne okoliščine, na katere naročnik ni mogel vplivati in jih predvideti ter zaradi katerih je postala izvedba javnega naročila z izbranim ponudnikom nemogoča. V tem primeru bo naročnik v svoji odločitvi in o razlogih, zaradi katerih odstopa od izvedbe javnega naročila, pisno obvestil ponudnike.

15. POGODBA

Naročnik ponudnike opozarja, da ne bo omogočil, da bi sestavni del pogodbe postali tudi morebitni splošni pogoji oz. klavzule ali interni ceniki izbranega ponudnika ali proizvajalcev, razen če so tehnične narave in niso v nasprotju z določili te dokumentacije, temveč bo pogodba sklenjena z vsebino, ki bo izhajala iz vzorca pogodbe in v skladu s to dokumentacijo.

and for which it has been fined with a final decision or multiple final decisions, and under the condition that the period between the time when the contracting authority was informed of the violation and the expiry of the contract is at least six months, or if the contractor cooperates with a subcontractor who, despite an established violation by the subcontractor, is not replaced by the contractor in the manner determined in Article 94 of the ZJN-3 and the provisions of concluded contract within 30 days after the contracting authority was informed about the violation.

In the event of fulfilment of the circumstances and conditions referred to in the preceding paragraph, the contract shall be deemed terminated on the thirtieth (30) day after acquaintance with the circumstance referred to previous paragraph.

13. NOTICE ON THE DECISION TO AWARD THE PUBLIC TENDER

The contracting authority will publish the signed decision concerning the awarding of the public tender on the public procurement portal and the TED portal. The decision shall be deemed to be delivered on the date of publication on the public procurement portal.

14. WITHDRAWAL FROM THE EXECUTION OF PUBLIC TENDER

On the basis on paragraph 8 of Article 90 of the ZJN-3, after the decision to award the public contract, the contracting authority may withdraw from the execution of the public contract before the conclusion of the contract for valid reasons, such as that it no longer requires the subject of the public contract, that sufficient funds are not available, or that a reasonable suspicion exists for the contracting authority that the content of the contract was or could be a consequence of a criminal act or that other exceptional circumstances occurred over which the contracting authority had no control and could not predict, and this made the execution of the public contract impossible. In such an instance, the contracting authority will inform the tenderers in writing about their decision to withdraw from the implementation of the public contract.

15. CONTRACT

The contracting authority warns the tenderers that they will not allow the integral part of the contract to become potential general conditions or clauses or internal price lists of the selected tenderer or contractors, unless they are technical in their nature and do not oppose provisions from this documentation, but the contract shall be concluded with

Naročnik bo po sprejeti odločitvi podpisal pogodbo z izbranim ponudnikom po pravnomočno končanem postopku. Pogodba se bo pred podpisom vsebinsko prilagodila glede na to, ali bo izbrani ponudnik predložil skupno ponudbo, prijavil sodelovanje podizvajalcev in podobno.

Izbrani ponudnik je dolžan najkasneje v treh (3) delovnih dneh po prejemu pogodbe v podpis naročniku vrniti podpisano pogodbo, sicer naročnik lahko sklepa, da ponudnik od podpisa pogodbe odstopa. V primeru, ko to zaradi objektivnih okoliščin ni mogoče lahko naročnik na zaprosilo ponudnika privoli v daljši rok.

Pogodba je sklenjena, ko jo podpišejo vse pogodbene stranke.

Za primer, da izbrani ponudnik v zgoraj navedenih rokih ne bo podpisal pogodbe, si naročnik pridržuje pravico, da izbere ponudbo ponudnika, ki se je uvrstila za ponudbo prvotno izbranega ponudnika. V kolikor tudi ta ponudnik odstopi od ponudbe, lahko naročnik pozove k sklenitvi pogodbe naslednjega ponudnika in tako dalje, dokler naročnik ne sklene pogodbe oz. dokler vsi ponudniki ne zavrnejo podpisa pogodbe. Naročnik od ponudnika, ki v roku ne podpiše pogodbe, unovči morebitna finančna zavarovanja za resnost ponudbe in zahteva povračilo vse škode, nastale zaradi takšnega ravnanja izbranega ponudnika. Naročnik si pridržuje tudi pravico sodno iztožiti podpis pogodbe, v kolikor bi bilo to v interesu naročnika.

Naročnik bo ravnal v skladu s prejšnjim odstavkom, če bo to v njegovem interesu, a le pod pogojem, da bo ponudba naslednjega ponudnika dopustna.

15.1 PODATKI O LASTNIŠKI STRUKTURI (USTANOVITELJIH) GOSPODARSKEGA SUBJEKTA

Ponudnik/gospodarski subjekt mora k ponudbi v skladu s 6. odstavkom 14. člena Zakona o integriteti in preprečevanju korupcije (ZintPK-B) predložiti izjavo o:

- svojih lastnikov (fizičnih in pravnih oseb) ter
- z njim povezanih družbah.

Za fizične osebe izjava vsebuje ime in priimek, naslov prebivališča in delež lastništva. V primeru, ko je lastnik d.d., se v izjavi navedejo le imetniki več kot 5% delnic d.d.

the content that shall originate from the contract sample and in accordance with this documentation.

Following the decision, the contracting authority will sign a contract with the selected tenderer after the procedure has been finalised. Prior to signing, the contract will be adjusted in terms of content, depending on whether the selected tenderer will submit a joint tender, register the participation of subcontractors and the like.

The selected tenderer is obliged to return the signed contract to the contracting authority for signing no later than three (3) working days after receiving the contract, otherwise the contracting authority may conclude that the tenderer has withdrawn from signing the contract. In the event that this is not possible due to objective circumstances, the contracting authority may, at the request of the tenderer, consent to a longer period.

Contract is concluded on the day of the signature of both contracting parties.

If the selected tenderer does not sign the contract by the above-stated deadlines, the contracting authority reserves the right to select the tender of a tenderer who ranked after the originally selected tenderer. If this tenderer also withdraws from the contract, the contracting authority may call upon the next tenderer to conclude the contract and so on, until either the contracting authority concludes the contract, or all tenderers decline to sign the contract. The contracting authority shall redeem any financial security for the seriousness of the tender from the tenderer who does not sign the contract within the time limit and shall demand compensation for all damages caused by such conduct of the selected tenderer. The contracting authority reserves the right to sue for the signature of the contract in court if this would be in the interest of the contracting authority.

The contracting authority shall act in accordance with the previous paragraph if this will be in their interest, but only on the condition that the tender of the next provider will be admissible.

15.1 INFORMATION ON OWNERSHIP STRUCTURE (FOUNDERS) OF THE BUSINESS ENTITY

In accordance with paragraph 6 of Article 14 of the Integrity and Prevention of Corruption Act (ZintPK-B), the tenderer/economic entity must submit a statement concerning the following:

- their owners (natural and legal persons), and
- their related companies.

For natural persons, the statement includes first and last names, permanent address, and share of ownership. If a PLC

Naročnik pri pregledu in ocenjevanju ponudbe ne bo izvajal pregleda in ugotavljal ustreznosti predložene izjave o lastniški strukturi (ustanoviteljih) gospodarskega subjekta, ampak bo ustreznost predložene izjave ugotavljal pred podpisom pogodbe.

Naročnik lahko odstopi od izvedbe javnega naročila, če se za ponudnika izkaže, da je povezana oseba z naročnikom ali njegovimi povezanimi osebami. Če bo ponudnik predložil lažno izjavo oziroma bo dal neresnične podatke o navedenih dejstvih, bo to imelo za posledico ničnost pogodbe.

Pogoj mora izpolniti ponudnik, v primeru skupne ponudbe pa vsak partner v skupni ponudbi.

16. PRAVNO VARSTVO

Zahtevek za revizijo, ki se nanaša na vsebino objave in/ali razpisno dokumentacijo, se, razen v primeru iz četrtega odstavka 25. člena Zakonu o pravnem varstvu v postopkih javnega naročanja (Uradni list RS, št. 43/11, s spr.; v nadaljevanju: ZPVPJN), lahko vloži v desetih (10) delovnih dneh od dneva objave obvestila o javnem naročilu ali obvestila o dodatnih informacijah, informacijah o nedokončanem postopku ali popravku, če se s tem obvestilom spreminjajo ali dopolnjujejo zahteve ali merila za izbor najugodnejšega ponudnika iz razpisne dokumentacije ali predhodno objavljenega obvestila o naročilu, vendar ne po roku za prejem ponudb.

Zahtevek za revizijo mora vsebovati vse podatke in dokazila, kot jih določa 15. člen ZPVPJN.

Vlagatelj mora zahtevek za revizijo priložiti potrdilo o plačilu takse v višini **4.000,00 EUR**. Taksa se nakaže na transakcijski račun št. SI56 0110 0100 0358 802, odprt pri Banki Slovenije, Slovenska 35, 1505 Ljubljana, Slovenija – izvrševanje proračuna RS, sklic 11 16110-7111290-XXXXXXLL. Zadnjih osem števil predstavlja številko objave na portalu javnih naročil, pri čemer oznaka X pomeni št. objave obvestila, oznaka L pa označbo leta. V kolikor je številka objave obvestila krajša od šestih znakov, se na manjkajoča mesta spredaj vpiše 0.

Vlagatelj mora vložiti zahtevek za revizijo pri naročniku. Zahtevek za revizijo je treba vročiti po pošti priporočeno s povratnico ali v elektronski obliki, če je overjen s kvalificiranim potrdilom.

17. INFORMATIVNI SEZNAM ZA PRIPRAVO PONUDBE

Zap. št.	DOKUMENTACIJA
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is the owner, stakeholders with 5% or more shares in a PLC are listed in the statement.

When reviewing and evaluating the tender, the contracting authority will not review and determine the adequacy of the submitted statement on the ownership structure (founders) of the economic entity, but will determine the adequacy of the submitted statement before signing the contract.

The contracting authority may withdraw from the performance of the public procurement if the tenderer proves to be a person related to the contracting authority or to persons connected thereto. If the tenderer submits a false statement or provides false information on the aforementioned facts, this shall result in the nullity of the contract.

The condition must be met by the tenderer or each partner in case of a joint tender.

16. LEGAL PROTECTION

The request for revision, which refers to the content of the publication and/or tender documentation, may, except in the case referred to in the fourth paragraph of Article 25 of the Legal Protection in Public Procurement Procedures Act (Official Gazette of the RS, No. 43/11, as amended; hereinafter: ZPVPJN) be submitted within ten (10) workdays from the publication of the public procurement notification or notification on additional information, information on unfinished procedure or amendment if this notification amends or supplements requirements or criteria for selection of the most favourable tenderer from the documentation or previously published notification about procurement.

The request for revision must contain all data and elements stipulated in Article 15 of the ZPVPJN.

The applicant must attach proof of the tax paid in the amount of **EUR 4,000.00** to the request for revision. The fee is paid to the transaction account no. SI56 0110 0100 0358 802 at the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenia – execution of the budget RS, reference 11 16110-7111290-XXXXXXLL. The last eight digits represent the number of the publication on the public procurement portal, whereby X is the number of notification and L indicates the year. If the publication number is shorter than six digits, a 0 is added to the missing places in front.

The applicant must submit a request for review to the contracting authority. The request for a review should be sent by registered mail with a return copy, or in electronic form if verified by a qualified certificate.

1.	Obrazec ponudbe (priloga št. 1).	<p>17. INFORMATIVE LIST FOR TENDER PREPARATION</p> <table border="1"> <thead> <tr> <th>Cons. no.</th> <th>DOCUMENTATION</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Tender proposal form (Appendix No. 1).</td> </tr> <tr> <td>2.</td> <td>Quotation (Appendix No. 2). The tenderer submits the completed Quotation in the third phase of the public procurement procedure.</td> </tr> <tr> <td>3.</td> <td>Specification of services by individual items or price list (Appendix No. 3). The tenderer must submit the <u>informative Specification of services by individual items or price list in the first phase</u> of the public procurement procedure, and in the third phase of the public procurement procedure they must also submit the <u>final or a binding</u> Specification of services by individual items or a list of prices.</td> </tr> <tr> <td>4.</td> <td>Completed ESPD form. The form shall be submitted by each tenderer, the joint tender partner, each subcontractor, each person whose facilities are used and each natural person representing the aforementioned categories. The subcontractor shall submit an ESPD form, whether or not they request direct payment by the contracting authority.</td> </tr> <tr> <td>5.</td> <td>Information on the ownership structure of the business entity (Appendix No. 4). Each tenderer and partner in a joint tender must submit the statement.</td> </tr> <tr> <td>6.</td> <td>Statement of joint (Appendix No. 5). Statement is submitted only in the case of joint tender.</td> </tr> <tr> <td>7.</td> <td>Tenderer's statement - subcontractors (Appendix No. 6). Statement is submitted only in the case of subcontracting.</td> </tr> <tr> <td>8.</td> <td>Consent or authorisation of the contractor and subcontractor (Appendix No. 7). Consent shall be provided in the event that the subcontractor requests direct payment.</td> </tr> </tbody> </table>	Cons. no.	DOCUMENTATION	1.	Tender proposal form (Appendix No. 1).	2.	Quotation (Appendix No. 2). The tenderer submits the completed Quotation in the third phase of the public procurement procedure.	3.	Specification of services by individual items or price list (Appendix No. 3). The tenderer must submit the <u>informative Specification of services by individual items or price list in the first phase</u> of the public procurement procedure, and in the third phase of the public procurement procedure they must also submit the <u>final or a binding</u> Specification of services by individual items or a list of prices.	4.	Completed ESPD form. The form shall be submitted by each tenderer, the joint tender partner, each subcontractor, each person whose facilities are used and each natural person representing the aforementioned categories. The subcontractor shall submit an ESPD form, whether or not they request direct payment by the contracting authority.	5.	Information on the ownership structure of the business entity (Appendix No. 4). Each tenderer and partner in a joint tender must submit the statement.	6.	Statement of joint (Appendix No. 5). Statement is submitted only in the case of joint tender.	7.	Tenderer's statement - subcontractors (Appendix No. 6). Statement is submitted only in the case of subcontracting.	8.	Consent or authorisation of the contractor and subcontractor (Appendix No. 7). Consent shall be provided in the event that the subcontractor requests direct payment.
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3.	Specifikacija storitev po posameznih postavkah oziroma lista cen (priloga št. 3). Ponudnik mora <u>informativno</u> Specifikacijo storitev po posameznih postavkah oziroma listo cen predložiti že v prvi fazi postopka javnega naročila, v tretji fazi postopka javnega naročila pa predloži še <u>končno oz. zavezujočo</u> Specifikacijo storitev po posameznih postavkah oziroma listo cen.																			
4.	ESPD obrazec, ki je izpolnjen. Obrazec predloži vsak ponudnik, partner v skupni ponudbi, vsak podizvajalec, vsaka oseba, katere zmogljivosti se uporablja in vsaka fizična oseba, ki zastopa prej navedene kategorije. Podizvajalec predloži ESPD obrazec ne glede na to ali zahteva neposredno plačilo s strani naročnika ali ne.																			
5.	Izjava gospodarskega subjekta o lastniški strukturi (priloga št. 4). Izjavo predloži vsak ponudnik in vsak partner v skupni ponudbi.																			
6.	Izjava o skupnem nastopanju (priloga št. 5). Izjava se predloži samo v primeru skupnega nastopa.																			
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8.	Soglasje oziroma pooblastilo izvajalca in podizvajalca (priloga št. 7). Soglasje se predloži v primeru ko podizvajalec zahteva neposredno plačilo.																			
9.	Izjava ponudnika – Subjekti, na katerih zmogljivosti se ponudnik sklicuje (priloga št. 8). Izjava se predloži samo v primeru nastopa s subjekti, na katerih zmogljivosti se ponudnik sklicuje.																			
10.	Referenčna izjava (priloga št. 9).																			

	Izjavo predloži ponudnik.		
11.	Izjava o izpolnjevanju kadrovskih pogojev (priloga št. 10) Izjavo predloži ponudnik.	9.	Tenderer's statement – Entities to whose capacities the tenderer refers (Appendix No. 8). The statement shall be submitted only in the case of performance with the entities to whose capacity the tenderer refers.
12.	Zavezujoča izjava ponudnika o predložitvi bančne garancije za dobro izvedbo pogodbenih obveznosti (priloga št. 12).	10.	Reference statement (Appendix No. 9). The tenderer submits the statement.
13.	Ponudnik mora ponudbi priložiti tehnično dokumentacijo sistema/optimizacijskega programa za optimizacijo proizvodnje električne energije, ki ga ponuja, vključno z izpolnjeno tabelo »pričakovanih funkcionalnosti sistema« .	11.	Statement on fulfilling of staff conditions (Appendix No. 10) The tenderer submits the statement.
<p>Tuji gospodarski subjekti predložijo še zahtevana potrdila iz točke 9.1.1. (Razlogi za izključitev) te dokumentacije.</p> <p>Zaželjeno je, da ponudnik dokazila iz točke 9.1.2 priloži v ponudbi.</p> <p style="text-align: center;">* * *</p> <p>Ta splošni javni del dokumentacije, vključno s prilogami (obrazci), pripravljena v angleškem in slovenskem jeziku. V primeru razlik med slovensko in angleško verzijo, obvelja slovenska verzija.</p>		12.	Binding statement of the tenderer on the submission of financial collateral for performance guarantee (Appendix No. 12).
		13.	The tenderer must enclose the technical documentation of the system/optimisation program for optimisation of electricity production that it offers, including the completed table of "expected system functionalities" .
		<p>Foreign economic entities shall also submit the required certificates referred to in point 9.1.1. (Reasons for exclusion) of this documentation.</p> <p>It is desirable that the tenderer encloses the evidence referred to in point 9.1.2 in the tender.</p> <p style="text-align: center;">* * *</p> <p>This general public part of documentation, including appendixes (forms), is concluded in English and Slovenian. In case of potential differences between the Slovenian and English texts, the Slovenian version takes precedence.</p>	

OBRAZEC PONUDBE (prva faza postopka)
TENDER PROPOSAL FORM (first phase of the procedure)

Na osnovi javnega razpisa »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenega na portalu javnih naročil dne _____ pod številko objave _____, dajemo ponudbo, kot sledi:
Based on the public tender »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____ under the publication number _____, we hereby submit a bid as follows:

Številka ponudbe: <i>Tender number:</i>	
Datum: <i>Date:</i>	

PONUDBO ODDAJAMO (ponudnik ustrezno obkroži) / THE BID IS PRESENTED (the tenderer shall circle the appropriate option):

samostojno <i>independently</i>	v skupnem nastopu <i>via a consortium</i>	s podizvajalci <i>through subcontracting</i>	uporaba zmogljivosti drugih subjektov <i>through the use of the capacity of other entities</i>
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PONUDBNIK/VODILNI PARTNER / TENDERER/LEAD PARTNER:

Naziv: <i>Name:</i>	
Matična številka: <i>Registration number:</i>	
št. IBAN za primer nakazila nadomestila za PoC: <i>IBAN number in case of PoC compensation transfer:</i>	

PARTNER V SKUPNI PONUDBI* / PARTNER TO THE JOINT TENDER*:

Naziv: <i>Name:</i>	
Matična številka: <i>Registration number:</i>	

**V primeru, da je partnerjev več, se seznam partnerjev priloži ločeno za prilogo št. 1.*

**In case of several partners, the list of partners shall be attached separately for Appendix No. 1.*

PODIZVAJALEC* / SUBCONTRACTOR*:

Naziv: <i>Name:</i>	
Matična številka: <i>Registration number:</i>	

Naziv: <i>Name:</i>	
Matična številka: <i>Registration number:</i>	

**V primeru, da je podizvajalcev več, se seznam podizvajalcev priloži ločeno za prilogo št. 1.*

**In case of several subcontractors, the list of subcontractors shall be attached separately for Appendix No. 1.*

UPORABA ZMOGLJIVOSTI DRUGIH SUBJEKTOV* / USE OF THE CAPACITY OF OTHER ENTITIES*:

Naziv: <i>Name:</i>	
Matična številka: <i>Registration number:</i>	

Naziv: Name:	
Matična številka: Registration number:	

*V primeru, da je uporabe zmogljivosti drugih subjektov več, se seznam subjektov priloži ločeno za prilogo št. 1.

* In case there is more use of the capacity of other entities, the list of entities shall be attached separately for Appendix No. 1.

PONUDBENI POGOJI / TENDER CONDITIONS:

- Veljavnost ponudbe je 270 dni po roku za oddajo ponudb v prvi fazi postopka.
The validity of the tender is 270 days after the deadline for submission of tenders in the first phase of the procedure.
- Strinjamo se, da naročnik ni zavezan sprejeti nobene od ponudb, ki jih je prejel, da ponudnik in vsi ostali subjekti nosijo vse stroške v zvezi s pripravo ponudbe, in sicer vse stroške v zvezi s sodelovanjem v javnem naročilu ter da v nobenem primeru, niti v primeru odstopa naročnika od oddaje javnega naročila, ponudniku oz. drugemu gospodarskemu subjektu ne bodo povrnjeni nobeni stroški.
We agree that the contracting authority is not obliged to accept any of the tenders received, that the tenderer and all other entities bear all costs related to the preparation of the tender, namely all costs related to participation in the public procurement and that in no case, even in the event of withdrawal of the contracting authority from the award of the public contract, will costs be reimbursed to the tenderer or other business entity.
- Se v celoti strinjamo in sprejemamo pogoje, navedene v tej dokumentaciji, da po njih dajemo svojo ponudbo za izvedbo storitev/dobavo blaga ter da pod navedenimi pogoji pristopamo k izvedbi predmeta javnega naročila;
We fully agree and accept the conditions stated in this documentation, that we submit our tender for the performance of services/supply of goods and that under these conditions we approach the implementation of the subject of the public procurement;
- Ponudnik prevzema odgovornost, da je v sistemu e-JN z njegove strani navedeni e-naslov delujoč in je seznanjen z dejstvom, da naročnik ne prevzema nikakršne odgovornosti za neprejem elektronske pošte na navedeni e-naslov. V trenutku, ko je elektronsko sporočilo preko e-JN ali portala javnih naročil odposlano na navedeni e-naslov, se šteje, da je ponudnik to prejel.
The tenderer assumes responsibility that the e-JN address specified by them in the e-JN system is operational and is aware of the fact that the contracting authority does not assume any responsibility for the non-receipt of e-mails sent to the specified e-mail address. At the moment when the e-mail is sent via e-JN or the public procurement portal to the specified e-mail address, it is considered that the tenderer has received it.
- Skrbno smo pregledali dokumentacijo, s katero je razpolagal naročnik, seznanili smo se z vsemi omejitvami in pogoji izvedbe ter jih upoštevali pri pripravi ponudbe.
We carefully reviewed the documentation available to the contracting authority, became acquainted with all restrictions and conditions of implementation and took them into account when preparing the tender.
- Izjavljamo, da so vse navedbe, ki smo jih podali v ponudbi, resnične, verodostojne in ustrezajo dejanskemu stanju. V primeru, da v času odvijanja javnega naročila pride do kakršnegakoli dogodka, ki vpliva na posredovano dejansko stanje, bomo o tem nemudoma obvestil naročnika.
We declare that all the statements we have indicated in the tender are true, authentic and correspond to the actual situation. In the event that any occurrence during the course of the public procurement affects the submitted factual situation, we will immediately notify the contracting authority.
- Izjavljamo, da v času trajanja celotnega postopka javnega naročila izpolnjujemo vse zahteve slovenske zakonodaje in sprejemamo pristojnost slovenskega sodišča v primeru morebitnih sporov.
We declare that during the entire public procurement procedure we shall meet all the requirements of Slovenian legislation and accept the jurisdiction of the Slovenian court in the event of any disputes.
- Izjavljamo, da imamo zadostne kapacitete za izvedbo tega javnega naročila. Hkrati izjavljamo, da je naše finančno stanje primerno za izvedbo tega javnega naročila, ter da smo zmožni izvesti storitve predmetnega javnega naročila.
We declare that we have sufficient capacity to carry out this public procurement. At the same time, we declare that our financial situation is suitable for the implementation of this public procurement, and that we are able to perform the services of the public procurement in question.
- S podpisom ESPD potrjujemo, da sprejemamo vsebino vzorca pogodbe.
By signing the ESPD, we confirm that we accept the content of the sample contract.

Ponudnik navedeno potrjuje s predložitvijo ESPD obrazca po sistemu e-JN.
The tenderer confirms the above stated by submitting an ESPD form via the e-JN system.

**PREDRAČUN
QUOTATION**

Na osnovi javnega razpisa »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenega na portalu javnih naročil dne _____ pod številko objave _____, dajemo ponudbo, kot sledi:

Based on the public tender »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____ under the publication number _____, we hereby submit a bid as follows:

Naziv ponudnika: <i>Name of the tenderer:</i>	
Številka ponudbe: <i>Tender number:</i>	
Datum: <i>Date:</i>	

SKUPNA PONUDBENA VREDNOST V EUR BREZ DDV * TOTAL TENDER OFFER VALUE IN EUR EXCLUDING VAT *	
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Ponudnik navedeno potrjuje s predložitvijo po sistemu e-JN.
The tenderer confirms the above stated by submission via the e-JN system.

*** Opomba: v primeru, da davčni sistem ponudnika ni skladen z DDV sistemom, v katerem deluje naročnik, in mora ponudnik za izvedbo storitev predmetnega naročila obračunati davščine in/ali druge dajatve (ki si jih naročnik v DDV sistemu Republike Slovenije ne more v celoti povrniti), mora ponudnik take davščine in/ali druge dajatve vključiti v skupno ponudbeno vrednost v EUR brez DDV.**

***Note: if the tax system of the tenderer is not compliant with the VAT system in which the contracting authority operates, and the tenderer must charge taxes and/or other duties for the implementation of the services of the tender in question (which the contracting authority cannot fully reimburse in the VAT system of the Republic of Slovenia), the tenderer must include such taxes and/or other charges in the total tender value in EUR excluding VAT.**

(se izpolnjen predloži v tretji fazi postopka)
(to be submitted in the third phase of the procedure)

**SPECIFIKACIJA STORITEV PO POSAMEZNIH POSTAVKAH OZIROMA LISTA CEN
SPECIFICATION OF SERVICES BY INDIVIDUAL ITEMS OR PRICE LIST**

Se nahaja v zaprtem delu dokumentacije.

This is located in the closed part of the documentation.

Ponudnik mora informativno Specifikacijo storitev po posameznih postavkah oziroma listo cen predložiti že v prvi fazi postopka javnega naročila, v tretji fazi postopka javnega naročila pa predloži še končno oz. zavezujočo Specifikacijo storitev po posameznih postavkah oziroma listo cen, ki se vrednostno ujema s Predračunom.

The tenderer must submit the informative Specification of Services by individual items or price list in the first phase of the public procurement procedure, and in the third phase of the public procurement procedure they must also submit a final or binding Specification of Services by individual items or a price list that matches the value of the Quotation.

PODATKI O LASTNIŠKI STRUKTURI GOSPODARSKEGA SUBJEKTA
INFORMATION ON THE OWNERSHIP STRUCTURE OF THE BUSINESS ENTITY

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenem na portalu javnih naročil dne _____, št. objave _____, in skladu s 6. odstavkom 14. člena Zakona o integriteti in preprečevanju korupcije (ZintPK) Republike Slovenije v nadaljevanju podajamo *Based on the public tender »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____ under the publication number _____ and in accordance with Paragraph 6 of Article 14 of the Integrity and Prevention of Corruption Act (ZintPK) of the Republic of Slovenia, we hereby submit as follows:*

IZJAVO O UDELEŽBI FIZIČNIH IN PRAVNIH OSEB V LASTNIŠTVU GOSPODARSKEGA SUBJEKTA
The statement on the share ownership structure of the business entity

Spodaj podpisani zakoniti zastopnik gospodarskega subjekta (naziv/ime gospodarskega subjekta, matična št., naslov):
The undersigned is a legal representative of the business entity (name of the business entity, registration number, address):

Neposredna in posredna udeležba v lastništvu gospodarskega subjekta:
Direct and indirect participation in ownership of the business entity:

1) Udeležba fizičnih oseb / *Participation of the Natural Persons*

ime in priimek <i>name and surname</i>	naslov prebivališča <i>address</i>	delež lastništva <i>ownership share</i>

2) Udeležba pravnih oseb / *Participation of the Legal Persons*¹

firma <i>company name</i>	sedež <i>registered office</i>	matična št. <i>registration no.</i>	delež lastništva <i>ownership share</i>	lastniki poslovnih deležev/delnic družbe <i>holders of the company shares</i>

3) Udeležba tihih družbenikov v gospodarskem subjektu in lastnikih gospodarskega subjekta / *Participation of silent partners in the business entity and owners of the business entity*

firma /ime in priimek <i>company name/name and surname</i>	sedež/ naslov prebivališča <i>registered office/address</i>	matična št. <i>registration no.</i>	delež lastništva <i>ownership share</i>

¹ Za delniško družbo se navedejo le tisti delničarji, ki so posredno ali neposredno imetniki več kot 5 % delnic oziroma so udeleženi z več kot 5% deležem pri ustanoviteljskih pravicah, upravljanju ali kapitalu delniške družbe.
As a joint stock company only those shareholders of the business entity who directly or indirectly hold more than 5% of the shares or participate in a greater than 5% share in the ownership rights, management or capital of the joint stock company are included in the statement.

- 4) Udeležba gospodarskih subjektov, povezanih z gospodarskim subjektom ali lastniki gospodarskega subjekta – **povezane družbe v gospodarskem subjektu in lastnikih gospodarskega subjekta** / *Participation of the business entities associated with the business entity or with the owners of the business entity – **associated companies in the business entity and in the owners of the business entity***²

Firma Company name	Sedež Registered office	Matična št. Registration no.	Delež lastništva Ownership share

Gospodarski subjekt soglašam, da lahko naročnik to izjavo oz. podatke iz te izjave na zahtevo predloži komisiji za preprečevanje korupcije v skladu s 6. odstavkom 14. člena ZintPK. Naročnik je dolžan varovati izjavo v skladu z Zakonom o varstvu osebnih podatkov.

The business entity hereby agrees that at the request of the Commission for Prevention of the Corruption (Commission) in accordance with Paragraph 6 of Article 14 of the Integrity and Prevention of Corruption Act (ZintPK) the contracting authority is entitled to submit this statement or data from this statement to the Commission for Prevention of Corruption. The contracting authority is under obligation to protect the statement in accordance with the Personal Data Protection Act.

Gospodarski subjekt jamči za aktualnost, pravilnost in točnost podatkov iz te izjave. Če gospodarski subjekt predloži lažno izjavo oziroma da neresnične podatke o navedenih dejstvih, ima to za posledico ničnost pogodbe/okvirnega sporazuma.

The business entity guarantees the topicality, correctness and accuracy of the data presented in this statement. If the business entity submits a false statement or gives false information about the stated facts, this results in the nullity of the contract/framework agreement.

Gospodarski subjekt izrecno jamči, da je v izjavi navedel vse fizične osebe, ki so neposredno ali posredno udeležene v lastništvu gospodarskega subjekta.

The business entity expressly guarantees that all natural persons who are directly or indirectly involved in the ownership of the business entity are indicated in this statement.

Ime in priimek / Name and surname: _____

Funkcija / Position: _____

Podpis / Signature: _____

Dne / On _____

² Glej definicijo povezanih družb v 527. členu Zakona o gospodarskih družbah (Uradni list RS, št. 65/2009-ZGD-1-UPB1 s spremembami).

See definition of associated companies in Article 527 of the Companies Act (Official Gazette of the Republic of Slovenia No. 65/2009-ZGD-1-UPB1 with amendments).

IZJAVA O SKUPNEM NASTOPANJU
STATEMENT OF JOINT PARTICIPATION

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenem na portalu javnih naročil dne _____, št. objave _____, ponudniki v skupnem nastopu, navedeni v nadaljevanju, za nosilca posla imenujemo ponudnika _____ in pooblaščamo njega in odgovorno osebo _____ (ime in priimek, funkcija pri nosilcu posla) za podpis ponudbe in podpis pogodbe z naročnikom.

With regard to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____, publication no. _____, the tenderers in the joint tender, listed below, appoint the tenderer _____ as the lead partner and authorise him and the responsible person _____ (name and surname, function at the lead partner) to sign the tender and sign the contract with the contracting authority.

Ponudniki v skupnem nastopu izjavljamo, da:

In a joint tender, the tenderers declare that:

- smo seznanjeni z navodili ponudnikom in razpisnimi pogoji ter merili za dodelitev javnega naročila in z njimi v celoti soglašamo;
we are acquainted with the instructions to tenderers, the tender conditions and the criteria for the award of the public contract and we fully agree with them;
- se vsa plačila naročnika po pogodbah, sklenjenih na osnovi postopkov, izvedenih po tem javnem naročilu, izvedejo preko nosilca posla;
all payments by the contracting authority under contracts concluded on the basis of procedures carried out under this public procurement shall be made through the contractor;
- smo seznanjeni s plačilnimi pogoji iz dokumentacije.
we are familiar with the payment terms from the documentation.

V skupnem nastopu: (označite ustrezno možnost)

In a joint participation: (tick the appropriate option)

- a) vsak ponudnik posebej nominira svoje podizvajalce;
each tenderer shall nominate his subcontractors separately;
- b) so vsi podizvajalci nominirani preko nosilca posla.
all subcontractors are nominated through the contractor.

Ponudniki v skupnem nastopu izjavljamo, da smo nasproti naročniku neomejeno solidarno odgovorni.

In a joint tender, the tenderers declare that we have unlimited joint and several liability towards the client.

Ponudniki v skupnem nastopu / *Tenderers in a joint tender:*

Ponudnik <i>Tenderer</i>	Natančna navedba vsebine/vrste izvedbe naročila in odgovornosti <i>Precise indication of the content/type of execution of the order and responsibility</i>	Vrednost blaga/storitve ponudnika (v EUR brez DDV) <i>Value of goods/services of the tenderer (in EUR excluding VAT)</i>
		Ponudnik izpolni ta stolpec v tretji fazi postopka javnega naročila. <i>The tenderer supplements this column during the third phase of the public procurement procedure.</i>
		Ponudnik izpolni ta stolpec v tretji fazi postopka javnega naročila. <i>The tenderer supplements this column during the third phase of the public procurement procedure.</i>

Ponudniki v skupnem nastopu navedeno potrjujejo s predložitvijo ESPD obrazca po sistemu e-JN.
In a joint tender, the tenderers confirm the above stated by submitting an ESPD form via the e-JN system.

OPOMBA / NOTE:

V primeru več partnerjev v skupnem nastopu ponudniki obrazec ustrezno dopolnijo ali ga kopirajo.

In the case of several partners in a joint tender, the tenderers supplement or copy the form accordingly.

IZJAVA PONUDNIKA – PODIZVAJALCI
TENDERER'S STATEMENT – SUBCONTRACTORS

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenem na portalu javnih naročil dne _____, št. objave _____,
With regard to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____, publication no. _____,

V nadaljevanju navajamo udeležbo vseh podizvajalcev v tem javnem naročilu / *The participation of all subcontractors in this public procurement is listed below:*

Podizvajalci: naziv, polni naslov, matična številka, davčna številka in transakcijski račun <i>Subcontractors: name, full address, registration number, tax number and transaction account</i>	Vrsta storitve, ki jo izvaja podizvajalec <i>Type of service provided by the subcontractor</i>	Vrednost (v EUR brez DDV) in obseg storitve podizvajalca <i>Value (in EUR excluding VAT) and scope of subcontracted service</i>	Ali zahteva podizvajalec neposredno plačilo (DA / NE) <i>Does the subcontractor request direct payment (YES / NO)</i>
		Ponudnik izpolni ta stolpec v tretji fazi postopka javnega naročila. <i>The tenderer supplements this column during the third phase of the public procurement procedure.</i>	
		Ponudnik ta stolpec izpolni v tretji fazi postopka javnega naročila. <i>The tenderer supplements this column during the third phase of the public procurement procedure.</i>	
		Ponudnik ta stolpec izpolni v tretji fazi postopka javnega naročila. <i>The tenderer supplements this column during the third phase of the public procurement procedure.</i>	

Ponudnik navedeno potrjuje s predložitvijo ESPD obrazca po sistemu e-JN.
The tenderer confirms the above stated by submitting an ESPD form via the e-JN system.

OPOMBA/NOTE:

- *Ta obrazec je potrebno izpolniti le v primeru, če ponudnik nastopa s podizvajalcem. Če ponudnik nastopa z več podizvajalci, se ta obrazec fotokopira.*
This form should only be completed if the tenderer is subcontracting. If the tenderer is subcontracting with several subcontractors, this form must be photocopied.
- ***V primeru ko podizvajalec zahteva neposredno plačilo je potrebno priložiti Soglasje oziroma pooblastilo izvajalca in podizvajalca iz priloge št. 7.***
In the event that the subcontractor requests direct payment, it is necessary to enclose the Consent or authorisation of the contractor and subcontractor from APPENDIX No. 7.

**SOGLASJE OZIROMA POOBLASTILO IZVAJALCA IN PODIZVAJALCA
CONSENT OR AUTHORISATION OF CONTRACTOR AND SUBCONTRACTOR**

Izvajalec / Contractor:: _____
(naziv in naslov izvajalca) / (name and address of the contractor)

Podizvajalec / Subcontractor:: _____
(naziv in naslov podizvajalca) / (name and address of the subcontractor)

**SOGLASJE OZIROMA POOBLASTILO IZVAJALCA IN PODIZVAJALCA
Consent or authorisation of contractor and subcontractor**

Za predmet javnega naročila »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev«
izvajalec pooblašča naročnika in izjavlja naslednje:

For the subject of the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« **the contractor authorises the contracting authority and declares the following:**

- pooblašča naročnika, da bo v primeru, da bo izbran kot najugodnejši ponudnik, naročnik na podlagi potrjenega računa oziroma situacije plačeval opravljeno delo podizvajalcev neposredno podizvajalcem,
that in the event that the contractor is selected as the most favorable tenderer, the contracting authority will pay the performed work of subcontractors directly to subcontractors on the basis of a confirmed invoice or situation,
- izjavlja, da bo v primeru izbora v postopku oddaje javnega naročila v celoti odgovarjal za dela podizvajalcev, ki so navedena v prilogi št. 6,
that in the event of being selected in the procurement procedure, they will be fully responsible for the work of the subcontractors listed in Appendix No. 6,
- izjavlja, da bo svojemu računu oziroma situaciji priložil račune oziroma situacije svojih podizvajalcev, ki jih bo predhodno potrdil.
that they will attach to their account or situation the invoices or situations of their subcontractors, which the contractor will confirm in advance.

Podizvajalec soglašam, da:

As a subcontractor we agree to:

- naročnik naše terjatve do izvajalca (ponudnika, pri katerem bomo sodelovali kot podizvajalec), ki bodo izhajale iz opravljenega dela pri izvedbi predmeta naročila, plačuje neposredno na naš transakcijski račun na podlagi izstavljenih situacij, ki jih je predhodno potrdil izvajalec in bodo priloga računom, ki jih bo izvajalec izstavil naročniku.
- *the contracting authority paying our receivables from the contractor (the tenderer with which we will participate as a subcontractor) arising from the work performed in the execution of the subject of the contract, directly to our transaction account based on issued situations previously confirmed by the contractor and attached to the invoices, which the contractor will issue to the contracting authority.*

Ponudnik in podizvajalec navedeno potrjujeta s predložitvijo ESPD obrazca po sistemu e-JN.
The tenderer and the subcontractor confirm the above stated by submitting an ESPD form via the e-JN system.

OPOMBA/NOTE:

Ta obrazec je potrebno izpolniti in priložiti se samo v primeru zahteve podizvajalca po neposrednem poplačilu.
This form should be completed and attached only in the case of the subcontractor's request for direct payment.

**IZJAVA PONUDNIKA – SUBJEKTI, NA KATERIH ZMOGLJIVOSTI SE PONUDNIK SKLICUJE
TENDERER'S STATEMENT - ENTITIES TO WHOSE CAPACITY THE TENDERER REFERS**

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenem na portalu javnih naročil dne _____, št. objave _____,
With regard to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____, publication no. _____,

V nadaljevanju navajamo udeležbo vseh subjektov, na katerih zmogljivosti se ponudnik sklicuje v tem javnem naročilu / We further list the participation of all entities to whose capacities the tenderer refers in this public procurement:

Subjekt, na katerega zmogljivosti se ponudnik sklicuje: naziv, polni naslov, matična številka, davčna številka in transakcijski račun <i>Entity to whose capacity the tenderer refers: name, full address, registration number, tax number and transaction account</i>	Vrsta del, ki jo izvaja subjekt, na katerega zmogljivosti se ponudnik sklicuje <i>The type of work performed by the entity to whose capacity the tenderer refers</i>	Vrednost (V EUR brez DDV) in obseg del <i>Value (in EUR excluding VAT) and scope of works</i>
		Ponudnik izpolni v tretji fazi postopka javnega naročila. <i>The tenderer supplements during the third phase of the public procurement procedure.</i>
		Ponudnik izpolni v tretji fazi postopka javnega naročila. <i>The tenderer supplements during the third phase of the public procurement procedure.</i>
		Ponudnik izpolni v tretji fazi postopka javnega naročila. <i>The tenderer supplements during the third phase of the public procurement procedure.</i>

Subjekt, na katerega zmogljivosti se ponudnik sklicuje, navedeno potrjuje s predložitvijo ESPD obrazca po sistemu e-JN.

The entity to whose capacity the tenderer refers shall confirm the above stated by submitting an ESPD form via the e-JN system.

OPOMBA/NOTE:

Ta obrazec je potrebno izpolniti le v primeru, če ponudnik nastopa s subjekti na katerih zmogljivosti se sklicuje. Če ponudnik nastopa z več subjekti na katerih zmogljivosti se sklicuje, se ta obrazec fotokopira.

This form should only be completed if the tenderer is participating with the entities to whose capacities it refers. If the tenderer participates with more than one entity to whose capacity it refers, this form must be photocopied.

REFERENČNA IZJAVA
REFERENCE STATEMENT

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenem na portalu javnih naročil dne _____, št. objave _____,
With regard to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____, publication no. _____,

Izjavljamo / We declare

da izkazujemo ustrezne izkušnje - reference za izvedbo javnega naročila, in sicer imamo najmanj dve (2) referenci/projekta, iz katerih izhaja, da smo v obdobju zadnjih pet (5) let pred rokom za oddajo prijav izvedli novo implementacijo rešitve ali posodobitev obstoječega sistema oz. rešitve (new releases or new functionalities/functions) za optimizacijo proizvodnje električne energije na sistemu kaskade najmanj treh (3) hidroelektrarn in najmanj ene (1) črpalne hidroelektrarne in najmanj ene (1) termo proizvodne enote, kjer se kot primarno gorivo uporablja premog.

Naročnik ne zahteva, da posamezen referenčni projekt vključuje vse tri skupine proizvodnih objektov, zahteva pa da dva priglašena projekta skupaj (kumulativno) izpolnjujeta zahtevo »sistem kaskade najmanj treh (3) hidroelektrarn in najmanj ene (1) črpalne hidroelektrarne in najmanj ene (1) termo proizvodne enote, kjer se kot primarno gorivo uporablja premog.

Štejejo se le izvedeni in s strani ref. naročnika potrjeni/prevzeti projekti. Za prevzem projekta naročnik šteje dan, ko je referenčni naročnik projekt dokončno potrdil/prevzel. Referenčni projekt se šteje za potrjenega/prevzetega, v kolikor je v uporabi pri referenčnem naročniku.

Ponudnik lahko kot referenco prijavi tudi še trajajoče pogodbe (če je npr. pogodba sklenjena za projekt implemetacije in vzdrževanja), vendar je takšna referenca ustrezna le, če je ponudnik kot izvajalec projekt v okviru še trajajoče pogodbe v preteklih petih (5) letih pred rokom za oddajo prijav že izvedel, torej implementiral, in je bil projekt s strani ref. naročnika že potrjen/prevzet, vzdrževanje pa je še aktivno.

Ponudnik zgornje referenčne zahteve izpolni s projekti pri različnih referenčnih naročnikih ali z več projekti pri istih referenčnih naročnikih.

that we demonstrate relevant experience – references for the implementation of the public procurement, namely we have at least two (2) references/projects which show that in the last five (5) years before the deadline for submission of applications we carried out a new implementation of the solution or update of the existing system or solutions (new releases or new functionalities/functions) for optimisation of electricity generation on the cascade system of at least three (3) hydropower plants and at least one (1) pumped-storage hydropower plant and at least one (1) thermal generation unit where coal is used as the primary fuel.

The contracting authority does not require that an individual reference project include all three groups of production facilities, but requires that two notified projects together (cumulatively) meet the requirement of "cascade system of at least three (3) hydropower plants and at least one (1) pumped-storage hydropower plant and at least one (1) thermal production unit where coal is used as the primary fuel.

Only performed and approved/accepted projects by the ref. contracting authority are considered. The contracting authority considers the day on which the reference contracting authority has finally approved/accepted the project as the day of acceptance of the project. The reference project is considered to be approved/accepted if it is in use with the reference contracting authority.

The tenderer may also declare ongoing contracts as a reference (if, for example, the contract is concluded for an implementation and maintenance project), but such a reference is appropriate only if the tenderer as a contractor already executed, i.e. implemented, the project within the ongoing contract in the past five (5) years before the submission of applications, and the project has already been approved/accepted by the contracting authority, and the maintenance is still active.

The tenderer fulfils the above reference requirements with projects from different reference contracting authorities or with several projects from the same reference contracting authorities.

REFERENČNI SEZNAM / REFERENCE LIST:

Referenčni naročnik (dejanski uporabnik referenčne storitve/blaga) z navedbo firme in sedeža, kontaktne osebe, njene telefonske številke in elektronske pošte Reference contracting authority (actual user of the reference service/goods) with indication of company and registered office, contact person, their telephone number and e-mail	Opis reference (iz katerega bo razvidno izpolnjevanje referenčnega pogoja) Reference description (which shows compliance with the reference condition)	Datum potrditve/pr evzema projekta Date of project confirmation/ acceptance	Sistem kaskade najmanj treh hidroelektrarn (DA/NE) Cascade system of at least three hydropower plants (YES/NO)	Najmanj ena črpalna hidroelektrarna (DA/NE) At least one pumped-storage hydropower plant (YES/NO)	Najmanj ena termo proizvodna enota, kjer se kot primarno gorivo uporablja premog (DA/NE) At least one thermal production unit where coal is used as the primary fuel (YES/NO)

Ponudnik navedeno potrjuje s predložitvijo ESPD obrazca po sistemu e-JN.
The tenderer confirms the above stated by submitting an ESPD form via the e-JN system.

OPOMBA:/NOTE:

- Ponudnik mora pri posamezni referenci podati vse informacije, iz katerih bo naročnik lahko razbral izpolnjevanje referenčnih zahtev.
In the case of an individual reference, the tenderer must provide all the information from which the contracting authority will be able to deduce the fulfilment of the reference requirements.
- V primeru več referenc ponudnik obrazec ustrezno dopolni ali ga kopira.
In case of several references, the tenderer completes or copies the form accordingly.
- V kolikor ponudnik ni nosilec reference (npr. v primeru skupne ponudbe), je potrebno navesti, kdo je nosilec reference.
If the tenderer is not the holder of the reference (e.g. in the case of a joint tender), it is necessary to state who is the holder of the reference.

**IZJAVA O IZPOLNJEVANJU KADROVSKIH POGOJEV
STATEMENT ON FULFILMENT OF STAFF CONDITIONS**

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenem na portalu javnih naročil dne _____, št. objave _____,
With regard to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____, publication no. _____,

izjavljamo,

- da bomo ves čas trajanja pogodbe zagotavljal kompetentni kader skladno z zahtevami naročnika;
- da vsi priglasi strokovnjaki govorijo slovenski in/ali angleški jezik;
- da bomo zaradi ocenjenega obsega dela in z namenom uspešne, pravočasne in kakovostne izvedbe implementacije sistema za celoten čas izvajanja storitev implementacije sistema razpolagali z najmanj šestimi (6) strokovnjaki oz. izvedbenimi kadri, kar pomeni, da isti izvedbeni kader ne more hkrati nastopati v funkciji večih strokovnjakov. Če je določen izvedbeni kader priglasi v okviru določene kadrovske zahteve, ne more biti priglasi v okviru nobene druge kadrovske zahteve več;
- da bodo vsi kadri sodelovali pri izvedbi storitev po pogodbi v svojstvu (funkciji), v kateri so bili priglasi v ponudbi;
- da bomo za celoten čas izvajanja storitev implementacije sistema zagotavljali:
 - enega (1) strokovnjaka s funkcijo »projektni vodja«, ki mora na rok za oddajo ponudb imeti vsaj pet (5) let izkušenj s projektnim vodenjem pri implementaciji ali posodobitvah primerljivih sistemov kot je predmet naročila,
 - enega (1) strokovnjaka s funkcijo »namestnik projektnega vodje«, ki mora na rok za oddajo ponudb imeti vsaj pet (5) let delovnih izkušenj pri implementaciji ali posodobitvah primerljivih sistemov kot je predmet naročila,
 - najmanj enega (1) strokovnjaka za področje modeliranja proizvodne infrastrukture, ki mora na rok za oddajo ponudb imeti izkušnje pri implementaciji ali posodobitvah vsaj enega primerljivega sistema kot je predmet naročila,
 - najmanj enega (1) strokovnjaka za področje povezovanja z eksternimi sistemi, ki mora na rok za oddajo ponudb imeti izkušnje pri implementaciji ali posodobitvah vsaj enega primerljivega sistema kot je predmet naročila,
 - najmanj enega (1) strokovnjaka za področje uporabniških vmesnikov, ki mora na rok za oddajo ponudb imeti izkušnje pri implementaciji ali posodobitvah vsaj enega primerljivega sistema kot je predmet naročila,
 - najmanj enega (1) strokovnjaka za področje IT/strežniških sistemov, ki mora na rok za oddajo ponudb imeti izkušnje pri implementaciji ali posodobitvah vsaj enega primerljivega sistema kot je predmet naročila.

Ob zgornjih zahtevah bomo zagotovili zadostno število ostalih strokovnjakov, ki bodo sodelovali pri implementaciji sistema. Za izvajanje vzdrževanja sistema in tehnične podpore sistema bomo z namenom, da bomo lahko izvedli storitve strokovno, uspešno in v zahtevanih rokih v celotnem obdobju izvajanja storitev zagotavljali zadostno število visoko usposobljenega izvedbenega kadra.

We declare

- *that we will provide competent staff in accordance with the contracting authority's requirements for the entire duration of the contract;*
- *that all notified experts speak Slovene and/or English language;*
- *that due to the estimated scope of work and with the aim of successful, timely and high-quality execution of the system implementation for the entire period of execution of the system implementation services, we will have at our disposal at least six (6) experts or executive staff, which means that the same executive staff cannot perform the function of several experts at the same time. If particular executive staff members are notified under a particular staff requirement, they may no longer be notified under any other staff requirement;*
- *that all staff will participate in the implementation of services under the contract in the capacity (function) in which they were notified in the offer;*
- *that we will provide for the entire period of execution of the system implementation services:*
 - *one (1) expert with the function of "Project Manager", who must have, at the deadline for submission of the tender, at least five (5) years of experience in project management in the implementation or upgrading of comparable systems as per the subject of the tender,*
 - *one (1) expert with the function of "Deputy Project Manager", who must have, at the deadline for submission of the tender at least five (5) years of work experience in the implementation or updating of comparable systems as per the subject of the tender,*
 - *at least one (1) expert in the field of production infrastructure modeling, who must have, at the deadline for submission of the tender, experience in the implementation or updating of at least one comparable system as per the subject of the tender,*

- at least one (1) expert in the field of interconnection with external systems, who must have, at the deadline for submission of the tender, experience in the implementation or updating of at least one comparable system as per the subject of the tender,
- at least one (1) user interface expert, who must have, at the deadline for submission of the tender, experience in the implementation or updating of at least one comparable system as per the subject of the tender,
- at least one (1) IT/server systems expert who must have, at the deadline for submission of the tender, experience in implementing or updating at least one comparable system as per the subject of the tender.

In addition to the above requirements, we will provide a sufficient number of other experts who will participate in the implementation of the system.

In order to be able to perform the services professionally, successfully and within the required deadlines, we will provide a sufficient number of highly qualified executive staff for the implementation of system maintenance and technical support of the system.

KADROVSKI SEZNAM NA ROK ZA ODDAJO PONUDB / STAFF LIST AT DEADLINE FOR SUBMISSION OF TENDERS:

Zap. št. Ser. no.	Funkcija/področje Function/field	Ime in priimek strokovnjaka Name and surname of the expert	Opis delovnih izkušenj (iz katerega bo razvidno izpolnjevanje naročnikovih zahtev) Description of work experience (which will show compliance with the contracting authority's requirements)	Število let delovnih izkušenj na rok za oddajo ponudb Number of years of work experience at the deadline for submission of tenders
1.	projektni vodja project manager			
2.	namestnik projektnega vodje deputy project manager			
3.	področje modeliranja proizvodne infrastrukture production infrastructure modelling field			/
4.	področje povezovanja z eksternimi sistemi field of connection with external systems			/
5.	področje uporabniških vmesnikov user interface field			/
6.	področje IT/strežniških sistemov IT/server systems field			/

Ponudnik ima pravico zgornji »kadrovski seznam« na rok za oddajo ponudb« tekom izvajanja pogodbe spremeniti. Strokovnjaki morajo v vsakem trenutku izpolnjevati kadrovske zahteve iz dokumentacije naročnika.

The tenderer has the right to change the above "staff list" at the deadline for submission of bids during the implementation of the contract.

Experts must at all times comply with the staff requirements set out in the contracting authority's documentation.

Ponudnik navedeno potrjuje s predložitvijo ESPD obrazca po sistemu e-JN.

The tenderer confirms the above stated by submitting an ESPD form via the e-JN system.

OPOMBA/NOTE:

- Ponudnik mora pri posameznem strokovnjaku podati vse informacije, iz katerih bo naročnik lahko razbral izpolnjevanje kadrovskih zahtev.
The tenderer must provide all the information for each individual expert, from which the contracting authority will be able to understand the fulfilment of the staff requirements.
- V primeru več kadrov ponudnik obrazec ustrezno dopolni ali ga kopira.
In the case of several staff members, the provider completes or copies the form accordingly.

**VZOREC POGODBE
CONTRACT SAMPLE**

Se nahaja v zaprtem delu dokumentacije.
This is located in the closed part of the documentation.

**ZAVEZUJOČA IZJAVA PONUDNIKA O PREDLOŽITVI FINANČNEGA ZAVAROVANJA ZA DOBRO IZVEDBO
POGODBENIH OBVEZNOSTI
BINDING STATEMENT OF THE TENDERER ON THE SUBMISSION OF FINANCIAL COLLATERAL FOR
PERFORMANCE GUARANTEE**

Ponudnik / As a tenderer

se zavezujemo, da
bomo naročniku

(naziv in sedež ponudnika)
(name and registered office of the tenderer)

*we hereby undertake to
provide the contracting
authority*

(naziv in sedež naročnika)
(name and registered office of the tenderer)

v primeru pridobitve javnega naročila »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« predložili bančno garancijo za dobro izvedbo pogodbenih obveznosti v skladu s spodnjim vzorcem. Bančno garancijo bomo predložili v roku 10 dni od sklenitve pogodbe v višini 10% skupne pogodbene vrednosti z DDV, izračunanem po davčnem sistemu, kateremu je zavezan slediti naročnik, in z rokom veljavnosti še 60 dni po preteku končnega roka za izvedbo pogodbenih obveznosti po pogodbi.

with a bank guarantee for performance guarantee in accordance with the sample below, in the event of obtaining a public contract »Introduction of a comprehensive optimisation system for electricity generation and ancillary services«. The bank guarantee will be submitted within 10 days of the conclusion of the contract in the amount of 10% of the total contract value including VAT, calculated according to the tax system, which the contracting authority is obliged to follow, and valid for another 60 days after the deadline for performance guarantee.

Ponudnik navedeno potrjuje s predložitvijo ESPD obrazca po sistemu e-JN.
The tenderer confirms the above stated by submitting an ESPD form via the e-JN system.

Vzorec zavarovanja za dobro izvedbo pogodbenih obveznosti

[Glava s podatki o garantu (banki) ali SWIFT-ključ]

Za: HOLDING SLOVENSKE ELEKTRARNE d.o.o., Koprška ulica 92, 1000 Ljubljana

Datum: [datum]

Številka: [številka garancije]

Garant: [ime in naslov banke v kraju izdaje]

Naročnik: [ime in naslov subjekta, ki naroča garancijo, tj. izvajalec]

Upravičenec: HOLDING SLOVENSKE ELEKTRARNE d.o.o., Koprška ulica 92, 1000 Ljubljana

Osnovni posel: Obveznosti naročnika garancije, ki izhajajo iz pogodbenih obveznosti po Pogodbi št.

Znesek in valuta garancije: _____ EUR (z besedami: _____ eurov).

Listine, ki jih je poleg izjave treba priložiti zahtevi za plačilo in se izrecno zahtevajo v spodnjem besedilu: Nobena.

Jezik v zahtevanih listinah: Slovenski

Oblika predložitve: V papirni obliki (v tiskanem izvodu) s priporočeno pošto (ali katero koli drugo obliko hitre dostave) ali v elektronski obliki s SWIFT sistemom na naslov [SWIFT naslov garanta].

Kraj predložitve: [garant vnese naslov podružnice, kjer se opravi predložitev papirnih listin, ali v primeru elektronske predložitve elektronski naslov, kot je garantov SWIFT naslov]

Dokumentacija v zvezi z oddajo javnega naročila – »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« Documentation related to the awarding of the public procurement – »Introduction of a comprehensive optimisation system for electricity generation and ancillary services«

Rok veljavnosti: [DD.MM.LL]

Stranka, ki mora plačati stroške: [Izvajalec]

Kot garant se s to garancijo nepreklicno zavezuje, da bomo upravičencu izplačali katerikoli znesek do višine zneska garancije (t.j. EUR _____), ko upravičenec predloži ustrezno zahtevo za plačilo v zgoraj navedeni obliki predložitve, podpisano s strani pooblaščenega (-ih) podpisnika (-ov), in skupaj z drugimi listinami, če so zgoraj naštet, ter v vsakem primeru skupaj z izjavo upravičenca, ki je bodisi vključena v samo besedilo zahteve za plačilo, bodisi na ločeni podpisani listini, ki je priložena zahtevi za plačilo ali se nanjo sklicuje, in v kateri je navedeno, v kakšnem smislu naročnik garancije ni izpolnil svojih obveznosti iz osnovnega posla.

Katera koli zahteva na podlagi te garancije mora biti prejeta na datum veljavnosti ali pred njim v kraju predložitve.

Morebitne spore v zvezi s to garancijo rešuje stvarno pristojno sodišče v Ljubljani po slovenskem pravu.

Za to garancijo veljajo Enotna pravila za garancije na poziv (EPGP) revizija iz leta 2010, izdana pri MTZ pod št. 758.

Garant

Draft Performance Guarantee Security

[Guarantor Letterhead (bank) or SWIFT code]

To: HOLDING SLOVENSKE ELEKTRARNE d.o.o., Koprška ulica 92, 1000 Ljubljana

Date: [date]

Number: [guarantee number]

Guarantor: [name and address of the bank at the place of issuance]

Applicant: [name and address of the entity procuring the guarantee, i.e. the Contractor]

Beneficiary: HOLDING SLOVENSKE ELEKTRARNE d.o.o., Koprška ulica 92, 1000 Ljubljana

Underlying Relationship: Obligations of the applicant arising from the contractual obligations under the Contract no.

Guarantee Amount and currency: EUR _____ .00 (in words: _____ euro).

Any documents required in support of demand for payment, apart from the supporting statement explicitly requested in the text below: None.

Language of any so required documents: English.

Form of Presentation: In paper form (hard copy) by registered mail (or any other form of express delivery) or in electronic form using the SWIFT system to the address [SWIFT address of the Guarantor].

Place for Presentation: [the Guarantor to enter the address of the branch where the paper presentation is to be made or, in the case of an electronic presentation, an electronic address such as the Guarantor's SWIFT address]

Date of Validity: [YYYY.MM.DD]

The party liable for the payment of any charges: [Contractor]

The [Guarantor] hereby irrevocably undertakes to pay the Beneficiary any amount up to the Guarantee Amount (i.e. EUR _____) upon presentation of the Beneficiary's written demand for payment in the form as stated above, signed by authorised signatories. Written demand for payment should be submitted together with all other required documents if listed above and in any case together with Beneficiary's declaration either included in the text of the written demand for payment itself or on a separate duly signed document attached to or referring to the written demand for payment and stating the extent to which the Applicant/Contractor has failed to meet its obligations under the underlying relationship.

Any demand under this Guarantee must be received on or before the Date of Validity at the Place of Presentation.

Any disputes relating to this Guarantee shall be resolved by the competent court in Ljubljana, Slovenia, under the Slovenian law.

This Guarantee is subject to the Uniform Rules for Demand Guarantees (URDG) 2010 revision, ICC publication No. 758.

Guarantor

**REFERENČNO POTRDILO O IZVEDBI
IMPLEMENTATION REFERENCE CERTIFICATE**

Ponudnik mora **izkazati ustrezne izkušnje - reference** za izvedbo javnega naročila, in sicer mora imeti najmanj dve (2) referenci/projekta, iz katerih izhaja, da je ponudnik v obdobju zadnjih pet (5) let pred rokom za oddajo prijav izvedel novo implementacijo rešitve ali posodobitev obstoječega sistema oz. rešitve (new releases or new functionalities/functions) za optimizacijo proizvodnje električne energije na sistemu kaskade najmanj treh (3) hidroelektrarn in najmanj ene (1) črpalne hidroelektrarne in najmanj ene (1) termo proizvodne enote, kjer se kot primarno gorivo uporablja premog.

Naročnik ne zahteva, da posamezen referenčni projekt vključuje vse tri skupine proizvodnih objektov, zahteva pa da dva priglašena projekta skupaj (kumulativno) izpolnjujeta zahtevo »sistem kaskade najmanj treh (3) hidroelektrarn in najmanj ene (1) črpalne hidroelektrarne in najmanj ene (1) termo proizvodne enote, kjer se kot primarno gorivo uporablja premog.

Štejejo se le izvedeni in s strani ref. naročnika potrjeni/prevzeti projekti. Za prevzem projekta naročnik šteje dan, ko je referenčni naročnik projekt dokončno potrdil/prevzel. Referenčni projekt se šteje za potrjenega/prevzetega, v kolikor je v uporabi pri referenčnem naročniku.

Ponudnik lahko kot referenco prijavi tudi še trajajoče pogodbe (če je npr. pogodba sklenjena za projekt implemetacije in vzdrževanja), vendar je takšna referenca ustrezna le, če je ponudnik kot izvajalec projekt v okviru še trajajoče pogodbe v preteklih petih (5) letih pred rokom za oddajo prijav že izvedel, torej implementiral, in je bil projekt s strani ref. naročnika že potrjen/prevzet, vzdrževanje pa je še aktivno.

Ponudnik zgornje referenčne zahteve izpolni s projekti pri različnih referenčnih naročnikih ali z več projekti pri istih referenčnih naročnikih.

The tenderer **must demonstrate relevant experience – references** for the implementation of the public procurement, namely they have to have at least two (2) references/projects which show that in the last five (5) years before the deadline for submission of applications they carried out a new implementation of the solution or update of the existing system or solutions (new releases or new functionalities/functions) for optimisation of electricity generation on the cascade system of at least three (3) hydropower plants and at least one (1) pumped-storage hydropower plant and at least one (1) thermal generation unit where coal is used as the primary fuel.

The contracting authority does not require that an individual reference project include all three groups of production facilities, but requires that two notified projects together (cumulatively) meet the requirement “cascade system of at least three (3) hydropower plants and at least one (1) pumped storage hydropower plant and at least one (1) thermal production units where coal is used as the primary fuel.

Only performed and approved/accepted projects by the ref. contracting authority are considered. The contracting authority considers the day on which the reference contracting authority has finally approved/accepted the project as the day of acceptance of the project. The reference project is considered to be approved/accepted if it is in use with the reference contracting authority.

The tenderer may also declare ongoing contracts as a reference (if, for example, the contract is concluded for an implementation and maintenance project), but such a reference is appropriate only if the tenderer as a contractor already executed, i.e. implemented, the project within the ongoing contract in the past five (5) years before the submission of applications, and the project has already been approved/accepted by the contracting authority, and the maintenance is still active.

The tenderer fulfils the above reference requirements with projects from different reference contracting authorities or with several projects from the same reference contracting authorities.

Naziv in naslov referenčnega naročnika:

Name and address of the reference contracting authority:

**IZJAVA - POTRDILO REFERENCE
STATEMENT – REFERENCE CERTIFICATE**

Pod kazensko in materialno odgovornostjo izjavljamo, da je družba
Under criminal and material liability, we declare that the company

_____ (naziv in naslov ponudnika) / (name and
address of the tenderer)
izvedla / performed _____

_____ (opis projekta, ki ustreza referenčni zahtevi naročnika; iz opisa projekta mora biti razvidno, da referenca ustreza naročnikovemu
pogoju) / (description of the project that corresponds to the contracting authority's reference requirement; it must be clear from
the project description that the reference meets the contract authority's condition)

sistem kaskade najmanj treh hidroelektrarn (DA/NE): _____
cascade system of at least three hydropower plants (YES / NO): _____

najmanj ena črpalna hidroelektrarna (DA/NE): _____
at least one pumped storage hydropower plant (YES / NO): _____

najmanj ena termo proizvodna enota, kjer se kot primarno gorivo uporablja premog (DA/NE): _____
at least one thermal production unit where coal is used as the primary fuel (YES / NO): _____

po pogodbi št. _____ z dne _____, ki se je izvajala v obdobju od _____ do _____.
under contract no. _____ of _____, which was carried out in the period from _____ to _____.
(mesec)(leto) (mesec)(leto)
(month) (year) (month) (year)

Projekt se je izvajal v kraju/ih in državi/ah: _____.
The project was implemented in the place(s) and country(ies): _____.

Projekt je referenčni naročnik dokončno potrdil/prevzel dne _____.
The project was finally approved/accepted by the reference contracting authority on _____.

Projekt je bil izveden pravočasno, strokovno, kvalitetno in v skladu z določili pogodbe.
The project was implemented on time, professionally, with quality and in accordance with the provisions of the contract.

Kontaktna oseba referenčnega naročnika, ki jo lahko naročnik kontaktira za preverjanje reference / Contact person of the
reference contracting authority who can be contacted by the contracting authority to check the reference:

IME IN PRIIMEK / NAME AND SURNAME:

naziv pri referenčnem naročniku / title at the reference contracting authority:

e-mail / e-mail address:

mobilni telefon / mobile phone:

Kraj in datum:
Place and date:

Referenčni naročnik:
Reference contracting authority:

Podpis:
Signature:

(s tiskanimi črkami izpišite ime in priimek podpisnika)
(write out the name and surname of the signatory in
block letters)

OPOMBE:/NOTES:

- *Iz zgornjega opisa referenčnega projekta mora biti razvidno, da referenca ustreza naročnikovemu pogoju.
It must be clear from the above description of the reference project that the reference meets the contracting authority's condition.*
- *Gospodarski subjekt predloži referenčno potrdilo po prejemu poziva naročnika k predložitvi referenčnega potrdila.
Zaželjeno je, da ponudnik referenčno potrdilo priloži k ponudbi.
The business entity submits the reference certificate after receiving the call from the contracting authority to submit the reference certificate. **It is desirable that the tenderer attaches the reference certificate to the tender.***

OBRAZEC ZA PREVZEM ZAUPNE DOKUMENTACIJE
FORM FOR COLLECTION OF CONFIDENTIAL DOCUMENTATION

V zvezi z javnim naročilom »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« objavljenim na portalu javnih naročil dne _____, št. objave _____,
With regard to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« published on the public procurement portal on _____, publication no. _____,

Spodaj podpisani _____ (ime in priimek), odgovorna oseba _____ (firma in sedež) za podpis ponudbe in pogodbe v zvezi z javnim naročilom, pod materialno in kazensko odgovornostjo v zvezi s prevzemom zaprtega dela dokumentacije v zvezi z oddajo javnega naročila »Uvedba celovitega sistema za optimizacijo proizvodnje električne energije in sistemskih storitev« izjavljam, da:

I, the undersigned _____ (name and surname), responsible person _____ (company and registered office) for signing the tender and the contract related to the public procurement, under material and criminal liability regarding taking over the closed part of the documentation related to the public procurement »Introduction of a comprehensive optimisation system for electricity generation and ancillary services« declare:

- da smo razvijalec programske opreme, ki se uporablja za optimizacijo dispečiranja proizvodnje električne energije ter da isto programsko opremo tudi komercialno tržimo; k tej izjavi dodatno prilagamo javno dostopne komercialne prezentacije/tiskovine ali whitepaper-je za svoje produkte oz. v nadaljevanju navajamo delujoče spletne povezave do le-teh, ki so dostopne javno:

that we are a developer of software used to optimise the dispatching of electricity generation and that we also market the same software commercially; we additionally attach to this statement publicly available commercial presentations/printed matter or whitepapers concerning our products, or we provide below publicly available working web links to them:

_____.

- bo prevzeta dokumentacija, ki jo sestavljajo tehnična specifikacija s prilogo, Specifikacija storitev po posameznih postavkah oziroma lista cen in vzorec pogodbe (v nadaljevanju vse skupaj: zaprti del dokumentacije), uporabljena izključno in samo za namen priprave ponudbe kot izhaja iz dokumentacije v zvezi z oddajo javnega naročila;
that the accepted documentation, consisting of a technical specification with an appendix, Specification of Services by individual items or price list and a contract sample (hereinafter all: closed part of the documentation), will be used exclusively for the purpose of preparing the offer as indicated in the documentation related to the award of the public contract;

- se zaprtega dela dokumentacije ne bo tiskalo, kopiralo ali kakorkoli drugače distribuiralo in/ali posredovalo drugim fizičnim in/ali pravnim osebam s strani prejemnika, razen morebitnim podizvajalcem ali partnerjem v skupnem nastopu, ki bi sodelovali pri predmetnem javnem naročilu in za katere prevzemamo odgovornost, da bodo varovali zaupno naravo podatkov iz zaprtega dela dokumentacije.

that the closed part of the documentation will not be printed, copied or otherwise distributed and/or forwarded to other natural and/or legal persons by the recipient, except to potential subcontractors or joint tender partners who would participate in the procurement in question and for whom we assume responsibility to protect the confidential nature of the data in the closed part of the documentation.

Link in geslo za dostop do zaprtega dela dokumentacije nam pošljite na e-naslov pooblaščenice osebe _____ (ime in priimek) na e-naslov _____.

Send us the link and password for access to the closed part of the documentation to the e-mail address of the authorised person _____ (name and surname) to the e-mail address _____.

Naročnika obveščamo, da nam morebitna dodatna pojasnila v zvezi s podatki iz zaprtega dela dokumentacije posreduje po elektronski pošti na naslov _____.

We inform the contracting authority that any additional explanations regarding the data from the closed part of the documentation may be sent to us by e-mail to the e-mail address _____.

Prevezemamo odgovornost, da so navedeni elektronski naslovi v tej izjavi delujoči in smo seznanjeni z dejstvom, da naročnik na prevzema odgovornosti za ne prejem elektronske pošte na navedene elektronske naslove.

We assume the responsibility that the e-mail addresses listed in this statement are operational and we are aware of the fact that the contracting authority assumes no responsibility for the non-receipt of e-mails sent to the stated e-mail addresses.

Zavezujemo se, da bomo vsa dodatna pojasnila, ki se nanašajo na zaprti del dokumentacije, zahtevali na naročnikov elektronski naslov javna.narocila@hse.si, in ne bomo vprašanj zastavili preko portala javnih naročil. V nasprotnem primeru prevzemamo materialno in kazensko odgovornost.

We undertake to send requests for all additional explanations relating to the closed part of the documentation to the contracting authority's e-mail address javna.narocila@hse.si, and we will not ask questions via the public procurement portal. Otherwise, we shall assume material and criminal liability.

KRAJ PLACE		POTENCIALNI PONUDNIK POTENTIAL TENDERER ime in priimek odgovorne osebe ponudnika in podpis: <i>name and surname of the responsible person of the tenderer and signature:</i>
DATUM DATE		<hr/> <i>(s tiskanimi črkami izpišite ime in priimek podpisnika)</i> <i>(write out the name and surname of the signatory in block letters)</i>

***TABELA »pričakovanih funkcionalnosti sistema«
TABLE of "expected system functionalities"***

Se nahaja v Excel obliki zaprtem delu dokumentacije.
This is located in Excel form in the closed part of the documentation.