

1 GENERAL

1.1 Name and address of the Contracting Authority:

Bosnia and Herzegovina Directorate of Civil Aviation, V kozarske brigade 18, 78000 Banjaluka

Contracting Authority IDB/JIB: 4403098880005

Phone No: 051/921-222

Fax No: 051/921-520

Website: www.bhdca.gov.ba

E-mail: bhdca@bhdca.gov.ba

1.2 Name of the contact person with the Contracting Authority:

Adnan Hadžić, adnan.hadzic@bhdca.gov.ba

1.3 List of business entities with which the Contracting Authority is in conflict of interest:

There are no business entities with the Contracting Authority which fall within the situations referred to in Article 52 (4) and (5) of the Public Procurement Law (Official Gazette of BIH 39/14 and 59/22) (hereinafter: the Law) and which may appear as participants in this public procurement procedure.

1.4 Ordinal number of the procurement:

The Contracting Authority's 2022 Public Procurement Plan, ref. number: 1-2-07-1-361-2/21, lists the procurement under the ordinal number 19.

The procedure chosen for contract award is a negotiated procedure without publication of a notice and with conclusion of a contract for a period of two years.

1.5 Type of public procurement contract: the procurement in question is a public services contract.

1.6 The estimated value of the public procurement, excluding VAT, for a period of two years is: 34,000.00 BAM.



2 INFORMATION ABOUT THE SUBJECT OF PROCUREMENT

2.1 Subject: A negotiated procedure without publication of a notice – the procurement of maintenance services for the software *Flight Crew Licensing – Medical (FCL-M)* and *Air Traffic Controller Licensing – Medical (ATC-M)*, in accordance with the specification that is an integral part of this tender documentation.

On behalf of the Bosnia and Herzegovina Directorate of Civil Aviation (hereinafter: Contracting Authority) you are hereby invited to submit a tender within the negotiated procedure without publication of a notice for the procurement of maintenance services for the software *Flight Crew Licensing – Medical (FCL-M)* and *Air Traffic Controller Licensing – Medical (ATC-M)*. The public procurement procedure will be carried out in accordance with the Public Procurement Law (Official Gazette of BIH 39/14 and 59/22) (hereinafter: the Law), the applicable by-laws and this tender documentation (hereinafter: TD).

JRJN designation of the procurement subject matter: 72267000-4

JRJN label of the procurement subject matter: Software maintenance and repair services

2.2 The subject matter of the procurement has not been divided into lots.

2.3 The specification of the procurement subject matter:

The subject matter of the procurement is maintenance of the software *Flight Crew Licensing – Medical (FCL-M)* and *Air Traffic Controller Licensing – Medical (ATC-M)*, in accordance with the specification that is an integral part of this tender documentation (Annex 1)

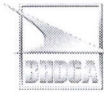
2.4 A tender submission form is an integral part of this tender documentation (Annex 2)

2.5 A tender price form is an integral part of this tender documentation (Annex 3)

2.6 Service provision location: Banja Luka

2.7 The services shall be provided successively, from the day of concluding the Contract, for a period of two years.

2.8 It is envisaged to conclude a contract for a period of two years with one tenderer.



3 CONDITIONS AND EVIDENCE FOR THE QUALIFICATION OF THE TENDERER

The minimal conditions for the qualification of the tenderer, evidenced by the tenderer's statement certified by a competent authority (court, notary or municipal authority):

3.1 Personal ability – Article 45 of the Law

Conditions: No restriction for participation in a public procurement procedure for reasons referred to in Article 45 of the Law.

The Contracting Authority shall reject the tender if:

- a) the candidate/tenderer has been convicted in criminal proceedings by a final judgment for criminal offenses of organised crime, corruption, fraud or money laundering, in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment;
- b) the candidate/tenderer is bankrupt or subject to bankruptcy proceedings, unless there is a valid decision confirming the bankruptcy plan, or is subject to liquidation proceedings or in the process of suspending its business activities, in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment;
- c) the candidate/tenderer has not fulfilled its obligations relating to the payment of pension and disability insurance and of health insurance in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment;
- d) the candidate/tenderer has not fulfilled its obligations relating to the payment of direct and indirect taxes in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment.

Evidence:

In order to prove its compliance with the Personal Ability conditions (Article 45(1) of the Law), the tenderer shall submit, **in its tender**, a statement certified by a competent authority (court, notary or municipal authority) in the form and in the manner laid down by the Public Procurement Agency.

The tenderer shall submit a certificate of the competent court where the tenderer is registered which confirms that no final judgment was rendered in criminal proceedings by which one would be sentenced for any criminal offence referred to in Article 45(1) a) of the Law.

No specific additional verification of the document required in Article 45(2) of the Law shall be required tenderers with headquarters outside of Bosnia and Herzegovina.

3.2 Grave professional misconduct (Article 45(5) of the Law)

It is hereby noted that the tender shall be rejected if the Contracting Authority proves by any means that the tenderer has been guilty of grave professional misconduct committed during the period of three years prior to the onset of the procedure, in

particular, significant and/or repeated faults in performing essential requirements under a contract which led to its early termination, damage or other similar consequences due to the business entity's wrongful intent or negligence of a certain gravity.

3.3 Ability to pursue professional activity – Article 46 of the Law

Tenderers shall submit, in their tenders, proof of their registration in the relevant professional or other registers of the country where they are established, or shall provide a special statement or confirmation from the competent authority proving their right to pursue the professional activity that is relevant to the subject matter of the procurement.

- a) for tenderers from Bosnia and Herzegovina: To prove compliance with the conditions referred to in Article 46 of the Law, the tenderer shall submit a current excerpt from the Court Register or a statement/confirmation by the competent authority confirming that the tenderer has been registered to pursue the activity that is the subject matter of this procurement.
- b) for tenderers with headquarters outside of Bosnia and Herzegovina: a relevant document corresponding to the requirement referred to in Article 46 of the Law, issued by a competent authority, in compliance with the applicable regulations of the country where the tenderer has its principal place of business/country of registration.

The above-mentioned documents shall be recognised in the territory of Bosnia and Herzegovina, regardless of the level of authority that issued them.

The proof shall be submitted as an unverified copy of the original, provided that the issue date of the original is not older than three months as of the expiry of the tender submission period.

In case of failure to submit the above-mentioned documents relating to the ability to pursue professional activity (Article 46 of the Law) or the documents are not submitted in the manner requested above, the tenderer shall be excluded from further participation on the grounds of failure to meet the qualification requirement.

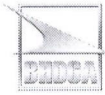
3.4 Technical and professional ability – Article 50 a) of the Law

The tenderer shall provide proof that it has within the last three (3) years completed at least three (3) contracts the character and complexity of which are the same or similar to the subject matter of the procurement as specified in this tender documentation. As proof of compliance with this criterion, a list of major contracts and certificates from other contracting authorities shall be provided in the tender.

3.5 Specific qualification requirements in case a tender is submitted by a group of tenderers

In case a tender is submitted by a group of tenderers:

1. The documents referred to in point 3.1 (Personal ability) and point 3.3 (Ability to pursue professional activity) of this tender documentation shall be submitted/prepared separately for each member of the group of tenderers.



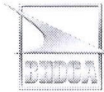
2. Members of a group of tenderers may submit one set/package:
 - a) of the documents referred to in point 3.4 (Technical and professional ability) of this tender documentation,
 - b) and of the other documents required by the tender documentation.

4 TENDER INFORMATION

Tender contents and Tender development

4.1 The tender shall include:

- a) name and headquarters of the tenderer; and for a group of tenderers information about each member of the group of tenderers, as well as a clearly identified member of the group who shall be the authorised representative of the group of tenderers for participation in the public procurement procedure, for communication and for contract conclusion;
- b) a technical specification of services, Annex 1;
- c) a completed tender submission form, Annex 2;
- d) a completed tender price form, Annex 3;
- e) a declaration of acceptance of the terms and conditions of the tender documentation, Annex 4;
- f) a written statement by the tenderer under Article 52 of the Law, Annex 5;
- g) an initialled proposal of the Contract, Annex 6;
- h) a list of confidential information, Annex 7;
- i) Proof issued by the competent authority of the country where the tenderer is registered verifying that the candidate/tenderer has not been convicted in criminal proceedings by a final judgment for criminal offenses of organised crime, corruption, fraud or money laundering, in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment;
- j) Proof issued by the competent authority of the country where the tenderer is registered verifying that the candidate/tenderer is not bankrupt / is not subject to bankruptcy proceedings / is not subject to liquidation proceedings or in the process of suspending its business activity, in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment;
- k) Certificate issued by the competent authority of the country where the tenderer is registered verifying that the tenderer has fulfilled its obligations relating to the payment of social security contributions, including contributions for the pension and disability insurance and for health insurance in compliance with the applicable regulations of Bosnia and Herzegovina or the regulations of its country of establishment;
- l) Certificate issued by the competent authority of the country where the tenderer is registered verifying that the candidate/tenderer has fulfilled its obligations relating



to the payment of direct and indirect taxes in compliance with the applicable regulations of Bosnia and Herzegovina or of its country of establishment;

- m) proof of compliance with the conditions referred to in Article 46 of the Law - a current excerpt from the Court Register or a statement/confirmation by the competent authority confirming that the tenderer has been registered to pursue the activity that is the subject matter of this procurement;
- n) proof of compliance with the conditions referred to in Article 50 of the Law – a list of major contracts and certificates from other contracting authorities, confirming that the tenderer has within the last three (3) years successfully completed at least three (3) contracts the character and complexity of which are the same or similar to the subject matter of the procurement.
- o) tender date;
- p) tender validity period;
- q) the signature of the tender submitter or of the person authorised by power of attorney, the original or a certified copy of which must be enclosed;
- r) the tender must be verified by the stamp of the tender submitter;
- s) a list of the documents included in the tender.

4.2 Service provision location

The service provision location is Banjaluka, at the address of the Contracting Authority.

4.3 Service provision period

The services shall be provided continually for the Contract duration period.

4.4 Contract duration period

The Contract shall be concluded for a period of two years as of its signature by the contracting parties.

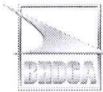
4.5 Tender development

The tenderer shall prepare an initial tender in compliance with the requirements laid down in this tender documentation. Any tender that is not in compliance with the tender documentation shall be discarded as non-responsive.

The tenderer shall bear all costs associated with the preparation and submission of its tender. The Contracting Authority shall not be responsible or liable for these costs.

The tenderer shall submit one original and one copy of its tender.

All sheets of the tender shall be tightly bound, with numerated pages. All sheets of the tender shall be initialled or signed by a person or persons authorised to represent the tenderer. Any amendments to the tender must be legible and initialled by the authorised persons.



The tender, any tender-related documents and the correspondence between the tenderer and the Contracting Authority shall be written in one of the official languages in Bosnia and Herzegovina. The attached documents and printed materials submitted by the tenderer may be written in another, internationally used, language provided that an official translation of the relevant parts is attached in the language in which the tender was written.

The Contracting Authority shall require the tenderer to specify, upon submission of the information to the Contracting Authority, which information are to be considered confidential, on what grounds such information are considered confidential, and for which duration they are to remain confidential. The tender price shall in no case be considered as confidential. The tenderer shall submit a list of information considered confidential (Annex 7 – List of Confidential Information). The Contracting Authority cannot guarantee confidentiality for information not specified in the above described manner.

4.6 Amendment or withdrawal of the tender

The tenderer may amend or withdraw its tender provided that the amendment or withdrawal takes place before the expiry of the tender submission date. The Contracting Authority shall be informed in writing of the amendment or withdrawal of the tender. The notification about the amendment or withdrawal of the tender shall be prepared, sealed and submitted in the same manner as the tender itself; however, the word "TENDER" on the envelope must be replaced with "AMENDMENT OF TENDER" or "WITHDRAWAL OF TENDER".

The amendment or withdrawal of the tender shall be submitted in one copy.

In case of withdrawal of the tender, the tender shall be returned to the tenderer unopened.

4.7 Tender submission

Tenders shall be submitted to the following address:

**Direkcija za civilno vazduhoplovstvo Bosne i Hercegovine
V kozarske brigade 18
78 000 Banja Luka
Bosna i Hercegovina,**

and shall be labelled as «**INITIAL TENDER FOR THE PROCUREMENT OF MEDICAL SOFTWARE MAINTENANCE SERVICES**», Do not open until 12.00h on 15/11/2022.

4.8 Possibility to submit variants

Submission of variants is not permitted.

4.9 Negotiation and submission of the final tender

A committee established by the Contracting Authority shall open the tender and note whether the tender conforms to the requirements of the Contracting Authority specified in the tender documentation.