



**Republic of Serbia
GOVERNMENT OF THE REPUBLIC
OF SERBIA**

TENDER DOCUMENTS

for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016, implemented as a low-value public procurement

Belgrade, July 2016

Pursuant to Articles 39, 39a and 61 of the Law on Public Procurement (RS Official Gazette, Nos 124/2012, 14/2015 and 68/2015, hereinafter: Law) and Article 6 of the Rules on Mandatory Elements of Tender Documents in Public Procurement Procedures and on the Manner of Proving Fulfilment of Requirements (RS Official Gazette, No 86/2015), as well as pursuant to the Decision on Initiating Public Procurement Procedure (05 No 404-5007/2016-1 dated 3 June 2016) and the Decree on Formation of Public Procurement Committee (05 No 02-5008/2016-1 dated 3 June 2016), the following has been prepared:

TENDER DOCUMENTS

for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016, implemented as a low-value public procurement

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Committee:

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Tender documents for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016

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- 10. Aleksandar Simović, alternate
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Tender Documents number 35 pages.

I GENERAL PROCUREMENT DATA

1. Contracting Authority data

Republic of Serbia

Government of the Republic of Serbia

Address: Nemanjina 11, Belgrade

Website of the Contracting Authority: www.mfin.gov.rs

2. Public procurement subject

Subject of public procurement: services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016.

3. Type of public procurement procedure

This public procurement is implemented as a low-value public procurement in accordance with the Law and by-laws governing public procurement.

The Invitation to Bid has been posted on the Public Procurement Portal, the Contracting Authority's website www.mfin.gov.rs and the Portal of Official Bulletins of the Republic of Serbia and Legislation Databases, and has been sent to potential bidders who, to the Contracting Authority's knowledge, have the capacity to execute the procurement.

4. Purpose

The procedure is implemented in order to conclude a framework agreement.

5. Reserved public procurement procedure

This is not a reserved public procurement.

6. Electronic auction

No electronic auction is envisaged.

7. Contact

branko.drceleic@javnidug.gov.rs, Fax: +381 11 2629055

8. Time limit for the Contracting Authority to make the contract award decision

The Contracting Authority will make the contract award decision within 10 (ten) days of the public bid opening.

II PUBLIC PROCUREMENT SUBJECT DATA

1. Description of procurement subject: services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016.

2. Code and description from the Common Procurement Vocabulary: 79110000 – Legal advisory and representation services

3. Description of lots: The procurement is not divided in lots.

4. Framework agreement is concluded with one bidder.

5. Duration of the framework agreement: two years (2016 and 2017)

6. Type of framework agreement: Framework agreement with one bidder. Based on the framework agreement, the Contracting Authority will conclude with the Service Provider the public procurement contract/s, applying the terms laid down in the framework agreement.

III TYPE OF SERVICES, TECHNICAL SPECIFICATION, QUALITY, QUANTITY AND DESCRIPTION OF SERVICES, QUALITY CONTROL AND QUALITY ASSURANCE, PLACE AND TIME OF SERVICE PROVISION

1. Type of services

Services of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017.

2. Technical specification

Technical characteristics of the services are presented in Annex 1 to the Tender Documents.

3. Quality

As set out in the Technical Specification.

4. Quantity and description of services

Services of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, in accordance with the objective needs of the Contracting Authority in the course of 2016 and 2017.

5. Quality control and quality assurance

Quality control of the services provided will be performed by a representative of the Contracting Authority who will assess whether the services provided meet the agreed quality standards.

6. Manner/place and time of service provision

6.1. Time

Successively, based on the written request of the Contracting Authority during 2016 and 2017.

6.2. Place

Based on the written request of the Contracting Authority, in the territories of Europe and North America.

**IV REQUIREMENTS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT
PROCEDURE UNDER ARTICLES 75 AND 76 OF THE LAW AND INSTRUCTIONS ON
PROVING FULFILMENT OF THE REQUIREMENTS**

**1. REQUIREMENTS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT
PROCEDURE UNDER ARTICLES 75 AND 76 OF THE LAW**

MANDATORY REQUIREMENTS

1.1. Eligible to participate in the public procurement procedure is a bidder who fulfills the **mandatory requirements** for participation in the public procurement procedure under Article 75 of the Law. The fulfillment of **mandatory requirements** is proved as follows:

MANDATORY REQUIREMENTS	EVIDENCE
1. The bidder is registered with the competent authority, i.e. entered in the appropriate business register (<i>Article 75, paragraph 1, item 1) of the Law</i>)	DECLARATION (Template for Declaration is given in Section IX of the Tender Documents) , whereby the bidder declares, under full financial and criminal liability, that it fulfils the requirements for participation in the public procurement procedure under Article 75, paragraph 1, items 1)–4) and paragraph 2 of the Law, as defined by these Tender Documents.
2. The bidder and its legal representative have not been convicted of any criminal acts as members of an organised crime group; they have not been convicted of commercial criminal offences, criminal offences against the environment, criminal offences of receiving or offering bribe, criminal offences of fraud (<i>Article 75, paragraph 1, item 2) of the Law</i>)	
3. The bidder has settled due taxes, contributions and other forms of public taxation in accordance with regulations of the Republic of Serbia or a foreign country where its head office is located (<i>Article 75, paragraph 1, item 4) of the Law</i>)	
4. The bidder has fulfilled obligations under applicable regulations concerning safety at work, employment and working conditions, environmental protection, and has not been prohibited from performing an activity by any measure in force at the time of bid submission (<i>Article 75, paragraph 2 of the Law</i>)	

ADDITIONAL REQUIREMENTS

A bidder in this public procurement must fulfil **additional requirements** for participation in the public procurement procedure as defined by these Tender Documents. The fulfillment of **additional requirements** is proved as follows:

ADDITIONAL REQUIREMENTS	EVIDENCE
BUSINESS AND PERSONNEL CAPACITY	
1. The bidder has the necessary business capacity – in the five-year period prior to the date of bid submission, the bidder provided legal advisory services for at least two bond issues in the international financial market for the needs of central authorities of foreign states.	DECLARATION (Template for Declaration is given in Section IX of the Tender Documents) , whereby the bidder declares, under full financial and criminal liability, that it fulfils the additional requirement for participation in the public procurement procedure under Article 76 of the Law, as defined by these Tender Documents, and gives a list of foreign states to whose central authorities it provided legal advisory and representation services regarding the issue of bonds in the international financial market, with the dates and amounts of the relevant bond issues.
2. The bidder has the necessary personnel capacity – on the date of submitting the bid, the bidder has a team of at least five legal advisors or lawyers who will be responsible for executing services which are the subject of procurement.	DECLARATION (Template for Declaration is given in Section IX of the Tender Documents) , whereby the bidder declares, under full financial and criminal liability, that it fulfils the additional requirement for participation in the public procurement procedure under Article 76 of the Law, as defined by these Tender Documents.

2. INSTRUCTIONS ON PROVING FULFILMENT OF THE REQUIREMENTS

- Pursuant to Article 77, paragraph 4 of the Law, the fulfilment of **mandatory requirements** for participation in the public procurement procedure set out in the above mandatory requirements table under number 1, 2, 3 and 4 and of **additional requirements** set out in the above additional requirements table under number 1 and 2 is proved by giving a **DECLARATION (Template for Declaration is given in Section IX of the Tender Documents)**, whereby the bidder declares, under full financial and criminal liability, that it fulfils the requirements for participation in the public procurement procedure under Article 75, paragraph 1, items 1)–4), Article 75, paragraph 2 and Article 76 of the Law, as defined by these Tender Documents.

- The Declaration on the fulfilment of requirements must be stamped and signed by the authorised person of the bidder. If the Declaration is signed by a person not entered in the register as a person authorised for representation, the authorisation to sign must be enclosed with the bid.
- If a bidder is submitting a bid with a subcontractor, in accordance with Article 80 of the Law the subcontractor must fulfil the mandatory requirements under Article 75, paragraph 1, items 1)–4) of the Law. The bidder shall therefore include in its bid the **DECLARATION of subcontractor (Template for Declaration of subcontractor on the fulfilment of requirements under Article 75 of the Law, given in Section IX-a of the Tender Documents)**, stamped and signed by authorised person of the subcontractor.
- If the bid is submitted by a group of bidders, each member of the group must fulfil the mandatory requirements under Article 75, paragraph 1, items 1)–4) of the Law, while additional requirement must be fulfilled by the group as a whole. In that case, it is necessary to submit a **DECLARATION (Template for Declaration of bidder/member of a group of bidders on the fulfilment of requirements under Articles 75 and 76 of the Law, given in Section IX of the Tender Documents)**, stamped and signed by the authorised person of each bidder from the group of bidders.
- The bidder shall immediately inform the Contracting Authority in writing about any change relating to the fulfilment of requirements pertaining to the public procurement procedure occurring before the adoption of the decision or conclusion of the contract, or during contract validity, and shall document such change in the prescribed manner.
- Should the Contracting Authority require the delivery of evidence of the fulfilment of mandatory and additional requirements for participation in the public procurement procedure (all or some), the bidder shall submit as follows:

1) Article 75, paragraph 1, item 1) of the Law, requirement number 1 in the **mandatory requirements** table – **Evidence:**

Legal entities: Certificate from the registry of the Business Registers Agency and/or Certificate from the registry of the relevant Commercial Court;

Entrepreneurs: Certificate from the registry of the Business Registers Agency and/or Certificate from the appropriate registry.

2) Article 75, paragraph 1, item 2) of the Law, requirement number 2 in the **mandatory requirements** table – **Evidence:**

Legal entities: 1) Certificate from the criminal records and/or certificate of a first instance court on whose territory the head office of the domestic legal entity or the representative office or branch of a foreign legal entity is located, confirming that the legal entity has not been convicted of any commercial criminal offences, criminal offences against the environment, criminal offences of receiving or offering bribe, criminal offences of fraud. Note: If the certificate issued by a first instance court does not include data on the criminal offences that are within the competence of the Crime Department of the Higher Court, the bidder shall also submit a **CERTIFICATE ISSUED BY THE HIGHER COURT** on whose territory the head office of the domestic legal entity or the representative office or branch of a foreign legal entity is located, confirming that the legal entity has not been convicted of any commercial criminal offences and criminal offences of receiving bribe; 2) Certificate from the criminal records of the Special Department for Organised Crime of the Higher Court in Belgrade, confirming that the legal entity has not been convicted of any organised crime acts; 3) Certificate from the criminal records and/or certificate of the relevant **police administration of the Ministry of Interior**, confirming that the bidder's legal representative has not been convicted of any commercial criminal offences, criminal offences against the environment,

criminal offences of receiving or offering bribe, criminal offences of fraud, or any organised crime acts (the request may be submitted by place of birth or residence of the legal representative). If the bidder has more than one legal representative, it shall submit evidence for each representative.

Entrepreneurs and natural persons: Certificate from the criminal records and/or certificate of the relevant **police administration of the Ministry of Interior**, confirming that the bidder has not been convicted of any criminal offences as a member of an organised crime group, or of any commercial criminal offences, criminal offences against the environment, criminal offences of receiving or offering bribe, criminal offences of fraud (the request may be submitted by place of birth or residence of the legal representative).

Evidence may not be older than two months prior to bid opening.

3) Article 75, paragraph 1, item 4) of the Law, requirement number 3 in the **mandatory requirements** table – **Evidence:**

Certificate of the Tax Administration of the Ministry of Finance that the bidder has settled due taxes and contributions and certificate of the relevant local government unit that the bidder has settled liabilities on account of local public revenues or a certificate of a competent body confirming that the bidder is in the process of privatisation.

Evidence may not be older than two months prior to bid opening.

4) Business capacity, requirement number 1 in the **additional requirements** table – **Evidence:**

Certificate/s of a contracting authority/beneficiary or other evidence confirming that, in the five-year period prior to the date of bid submission, the bidder provided legal advisory and representation services for at least two bond issues in the international financial market for the needs of central authorities of foreign states (e.g. copies of the bond issue documents or references to the relevant evidence available on websites, etc).

The certificate/s of a contracting authority/beneficiary or other evidence should contain data which unequivocally show that the bidder fulfils the business capacity requirement (data on: contracting authority/beneficiary; bidder who provided the services; that the executed services were legal advisory and representation services regarding bond issue in the international financial market; period when the services were provided and/or dates and amounts of bond issues). The certificate of a contracting authority/beneficiary must be stamped and signed by the authorised person of the contracting authority/beneficiary.

5) Personnel capacity, requirement number 2 in the **additional requirements** table – **Evidence:**

Copies of contracts (full time employment contract, contract on temporary and periodical jobs, service contract, etc) or other evidence which unequivocally shows that on the date of bid submission, the bidder has a team of at least five legal advisors or lawyers (e.g. certificate from the register of the bidders, bar association or another competent authority, etc) who will be responsible for executing services which are the subject of procurement.

- In accordance with Article 78 of the Law, bidders entered in the Register of Bidders kept by the Business Registers Agency are not obliged to submit evidence on the fulfilment of requirements under Article 75, paragraph 1, items 1)–4) of the Law.

- Bidders are not obliged to submit evidence that is publicly available on the websites of the relevant authorities, more specifically:

- bidders entered in the register kept by the Business Registers Agency or other relevant registers in the country of the bidder – do not have to submit the evidence referred to in Article 75, paragraph 1, item 1) of the Law because it is available to the public on the website of the Business Registers Agency (www.apr.gov.rs) or on the website of another relevant register in the country of the bidder, specified by the bidder.

- If the evidence of fulfilment of the requirements is an electronic document, the bidder shall submit a hard copy of the electronic document, in accordance with the law governing electronic documents.
 - If the bidder could not obtain the required documents within the bid submission deadline because they could not have been issued under the regulations of the country where the bidder's head office is located before the bid submission date, and if the bidder submits appropriate evidence thereof along with the bid, the Contracting Authority will permit the bidder to submit the required documents subsequently in a reasonable period.
 - If the country where the bidder's head office is located does not issue the required evidence under Article 77 of the Law, the bidder may submit, instead of evidence, its own written declaration to that effect, given under criminal and financial liability and certified by a court or administrative authority, public notary or other competent authority of that country.
 - If the bidder's head office is located in another country, the Contracting Authority may verify whether the documents proving that the bidder meets the requirements have been issued by the competent authorities of that country.
 - Before making the award decision, the Contracting Authority may request a copy of the evidence of the fulfilment of the requirements from the bidder whose offer was evaluated as the most advantageous, and may also request for inspection the original or a certified copy thereof.
- If the bidder fails to submit the requested evidence in the provided reasonable period which may not be shorter than 5 (five) days, the Contracting Authority will reject its bid as unacceptable.

V CRITERION FOR THE SELECTION OF THE MOST ADVANTAGEOUS BID

1. Criterion for awarding framework agreement:

The Contracting Authority will select the most advantageous bid by applying the criterion of the "economically most advantageous bid".

The evaluation and ranking of bids will be based on the following elements of the criterion:

Elements of the criterion	Weights
Total price offered	90
Years of professional experience of the members of the team of legal advisors or lawyers in providing services which are the subject of procurement	10
Total	100

1. Elements of the criterion: price and professional experience

2.1. Total price offered

90 weights

Total offered price exclusive of VAT will be relevant in the evaluation of bids.

Bid with the lowest total price offered will be assigned 90 weights.

Other bids will be evaluated according to the following formula:

$$\frac{\text{Lowest total price offered} \times 90}{\text{Total price offered}}$$

2.2. Professional experience of the members of the team of legal advisors or lawyers in providing services which are the subject of procurement

10 weights

Bid evaluation regarding this element of the criterion will be done by summing up the years of professional experience of all team members in providing services which are the subject of procurement.

Bid with the highest number of years of professional experience of team members in providing services which are the subject of procurement will be assigned 10 weights.

Other bids will be evaluated according to the following formula:

$$\frac{\text{Offered number of years of professional experience} \times 10}{\text{Highest number of years of professional experience}}$$

3. Elements of the criterion based on which the Contracting Authority will select the most advantageous bid if there are two or more bids with the same weight score or with the same price offered.

If there are two or more bids with the same weight score, the most advantageous bid will be the one that scored more on the criterion element: total price offered.

VI BID TEMPLATE

for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016

1) GENERAL DATA ON THE BIDDER

Bidder's name:	
Bidder's address:	
Bidder's registry number:	
Bidder's tax ID number (TIN):	
Contact person:	
Bidder's e-mail address:	
Telephone number:	
Account number and name of the bank:	
Person authorised to sign the contract - representative:	

2) BID IS SUBMITTED:

A) INDEPENDENTLY
B) WITH A SUBCONTRACTOR
C) AS A JOINT BID

***Note:** Circle the manner of bid submission and enter data on subcontractor if the bid is submitted with a subcontractor or data on all members of the group if the bid is submitted jointly by a group of bidders.*

3) DATA ON THE SUBCONTRACTOR

1)	Subcontractor's name:	
	Address:	
	Registry number:	
	Tax ID number:	
	Contact person:	
	Percentage of the total value of procurement to be executed by the subcontractor:	
	Part of the procurement to be executed by the subcontractor:	
2)	Subcontractor's name:	
	Address:	
	Registry number:	
	Tax ID number:	
	Contact person:	
	Percentage of the total value of procurement to be executed by the subcontractor:	
	Part of the procurement to be executed by the subcontractor:	

Note:

Table "Data on the Subcontractor" is to be completed only by bidders who submit the bid with a subcontractor. If the number of subcontractors exceeds the number of subcontractors in the Table, this template should be copied and submitted for each subcontractor separately.

4) DATA ON PARTICIPANTS IN A JOINT BID

1)	Name of participant in a joint bid:	
	Address:	
	Registry number:	
	Tax ID number:	
	Contact person:	
2)	Name of participant in a joint bid:	
	Address:	
	Registry number:	
	Tax ID number:	
	Contact person:	
3)	Name of participant in a joint bid:	
	Address:	
	Registry number:	
	Tax ID number:	
	Contact person:	

Note:

Table "Data on Participants in a Joint Bid" is to be completed only by bidders who submit a joint bid. If the number of participants in a joint bid exceeds the number of participants in the Table, this template should be copied and submitted for each bidder participating in a joint bid.

5) DESCRIPTION OF PROCUREMENT SUBJECT

Public procurement of services - selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017

Legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, in conformity with the Technical Specification from the Tender Documents		
1.	Unit price of the service per bond issue, if bonds are to be sold to all investors outside the U.S. under Regulation S in conformity with the United States Securities Act of 1933:	RSD/EUR _____ (please mark the currency)
2.	Unit price of the service per bond issue, if bonds are to be sold also to qualified investors from the U.S. in conformity with Rule 144A:	RSD/EUR _____ (please mark the currency)
3.	Total price offered (1 + 2):*	RSD/EUR _____ (please mark the currency)
4.	Professional experience of the members of the team of legal advisors or lawyers in providing services which are the subject of procurement:	Years of professional experience _____
4.	Payment term:	30 calendar days from the day of receipt of the correct invoice, submitted upon bond issue.
5.	Bid validity term (30 days minimum):	_____ days from the day of bid opening.

Bid validity term is: ____ days from the day of bid opening. (minimum 30 days from the day of bid opening)

In _____

Signature of the bidder's authorised person

Date _____

Stamp _____

Note:

The bidder must complete, stamp and sign the Bid Template in confirmation of the accuracy of data specified therein. In case of a joint bid, the group of bidders may decide either to have the Bid Template signed and stamped by all members of the group or to designate one bidder from the group to complete, sign and stamp the Bid Template on their behalf.

VII MODEL FRAMEWORK AGREEMENT

on the provision of legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017

concluded between:

Government of the Republic of Serbia

represented by _____

(hereinafter: Contracting Authority),

on the one part,

and

represented by _____

(hereinafter: Service Provider),

on the other part.

If the Service Provider acts as a group of bidders:

(others from the group of bidders)

Parties to the Framework Agreement agree that:

- the Contracting Authority has implemented in conformity with the Law on Public Procurement (RS Official Gazette, Nos 124/12, 14/2015 and 68/2015) the low-value public procurement procedure – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016, with the aim to conclude a framework agreement with one bidder for a two-year period;

- the Contracting Authority has made the Decision on Concluding Framework Agreement No _____ dated _____ 2016, based on which this Framework Agreement is concluded between the Contracting Authority and the Service Provider;

- the Framework Agreement does not constitute an obligation for the Contracting Authority to conclude a public procurement contract;

- the obligation shall derive from the conclusion of a separate public procurement contract, based on this Framework Agreement.

Subject of the Framework Agreement

Article 1

The subject of this Framework Agreement is determining the terms for the conclusion of separate public procurement contracts, based on this Framework Agreement, for legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market, for 2016 and 2017 (hereinafter: services) to be concluded between the Contracting Authority and the Service Provider, in conformity with the provisions of this Framework Agreement, actual needs of the Contracting Authority and the Technical Specification from the Tender Documents for LVPP 1/2016, and in full compliance with the Service Provider's bid registered in the books of the Contracting Authority as No _____ of _____, which make an integral part of this Framework Agreement.

If the Service Provider engages a subcontractor:

(The Service Provider shall work with the subcontractor _____, Street _____ from _____, who shall execute the procurement in the part: _____.)

Validity of the Framework Agreement

Article 2

This Framework Agreement shall come into force on the day of signing and shall be valid until 31 December 2017.

During the validity period of this Framework Agreement several separate contracts are envisaged to be concluded, depending on the needs of the Contracting Authority.

Value of the Framework Agreement, unit prices and price alteration possibilities

Article 3

Total value of this Framework Agreement is up to RSD 80,000,000.00 exclusive of VAT.

Unit prices of the services stated in the Service Provider's bid are as follows:

- RSD/EUR _____, per bond issue, if bonds are to be sold to all investors outside the U.S. under Regulation S in conformity with the United States Securities Act of 1933;
- RSD/EUR _____, per bond issue, if bonds are to be sold also to qualified investors from the U.S. in conformity with Rule 144A.

Unit prices are fixed and cannot be altered during the validity term of this Framework Agreement.

Unit prices include all the costs (including travel and any other costs that the Service Provider may incur in connection with the provision of services), exclusive of tax.

Terms and manner of concluding separate contracts

Article 4

After concluding this Framework Agreement, when the need for services arises the Contracting Authority shall send a separate public procurement contract for signature to the Service Provider.

The Service Provider undertakes to sign the contract and return it to the Contracting Authority within 20 days of receiving the contract proposal.

The substantive terms of this Framework Agreement shall not be changed by the contracts referred to in this Article.

Manner, place and time of providing services

Article 5

The services will be executed successively, according to the needs of the Contracting Authority during 2016 and 2017, based on the written request of the Contracting Authority, in the territories of Europe and North America.

Payment term

Article 6

Payment term is 30 days from the day of official receipt of the correct invoice, sent upon bond issue.

Service provision

Article 7

The Service Provider shall provide the services with quality and due professional care, based on the concluded separate public procurement contract, in conformity with this Framework Agreement, the Service Provider's bid, Technical Specification from the Tender Documents and the concluded contract, and shall be held liable, as a prudent expert, for the services rendered.

Deficiencies to the services provided

Article 8

The Service Provider shall be fully liable for the quality of the services provided based on the separately concluded contract, in conformity with this Framework Agreement.

Should the Contracting Authority have any complaints regarding the services provided, it shall inform the Service Provider thereof in writing without delay.

The Service Provider shall act upon justified complaints and requests of the Contracting Authority and shall remove at its own cost the indicated deficiencies within a given, appropriate time period.

Justified complaints referred to in the previous paragraph shall be complaints made with a view to ensuring fulfilment of contractual obligations.

Transitional and final provisions

Article 9

The Service Provider shall keep confidential all data necessary for its work, which have been received from the Contracting Authority or learnt in the process of service provision.

In case of breach of confidentiality, the Service Provider shall indemnify the Contracting Authority in full for the loss suffered on that account.

Article 10

Neither contracting party may cede the contract or any right or obligation deriving therefrom to a third party.

Article 11

This Framework Agreement is made in six (6) identical copies, of which three (3) are intended for each contracting party.

For SERVICE PROVIDER

For CONTRACTING AUTHORITY

Notes:

If the bidder is submitting a joint bid or submitting a bid with a subcontractor, the model framework agreement must specify all bidders from the group of bidders or all subcontractors.

In case of a joint bid, the group of bidders may decide either to have the model agreement signed and stamped by all members of the group or to designate one bidder from the group to complete, sign and stamp the model agreement on their behalf.

The model framework agreement represents the content of the framework agreement to be concluded with the selected bidder.

**Technical Specification
for the public procurement of services - selection of advisor providing legal advisory and
representation services regarding the issue of bonds by the Republic of Serbia in the
international financial market for 2016 and 2017, LVPP 1/2016**

Legal advisor shall provide the following services:

- provide advice on the terms of the engagement contract to be concluded between the Republic of Serbia and the Joint Lead Managers in charge of bond issuing in the international financial market;
- provide assistance in preparing and publishing the Prospectus;
- provide necessary assistance regarding bond listing and requirements associated with bond listing;
- review, advise and negotiate bond terms, especially taking into account negative pledges, events of default and any collective action clauses;
- review, advise and negotiate in respect of all the necessary legal documents, including – but not limited to – Subscription Agreement, Fiscal Agency Agreement, Deed of Covenant and Signing and Closing Agenda;
- liaise with representatives of the Ministry of Finance to ensure that the relevant governmental approvals are obtained in good time and that any other requirements of the Joint Lead Managers' counsel (such as legal opinions) are in accordance with market practice;
- participate in the due diligence process and analyses conducted by the Joint Lead Managers in accordance with market practice, with respect to any matters relating to eurobond issue; assist in the preparation of answers of the representatives of state institutions to the questions posed during the due diligence process by the Joint Lead Managers and their counsel, and attend, as needed, meetings and conference calls relating to the due diligence process;
- provide general help in the preparation and realisation of the bond issue in the international market so as to ensure on time the regularity of the entire documentation and the fulfilment of all the other relevant conditions for pricing, as well as for signing and closing of the documentation;
- advice on the legal structuring of the early buyback of the Republic of Serbia's eurobonds issued in the previous period, and prepare the tender offer (or other applicable offer document), and other associated documentation;
- carry out any other tasks required by the Contracting Authority and necessary for the good execution of services.

The bidder shall provide the services with quality and due professional care. The bidder shall be held liable for the services provided as a prudent expert.

Signature of the bidder's authorised person

VIII PRICE STRUCTURE TEMPLATE WITH THE COMPLETING INSTRUCTION

Legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, in conformity with the Technical Specification from the Tender Documents		
1.	Unit price of the service per bond issue, if bonds are to be sold to all investors outside the U.S. under Regulation S in conformity with the United States Securities Act of 1933:	RSD/EUR _____ (please mark the currency)
2.	Unit price of the service per bond issue, if bonds are to be sold also to qualified investors from the U.S. in conformity with Rule 144A:	RSD/EUR _____ (please mark the currency)
3.	Total price (1 + 2):*	RSD/EUR _____ (please mark the currency)

* Total price serves only for the purposes of applying the bid evaluation criteria.

Unit prices include all the costs (including travel and any other costs that the Service Provider may incur in connection with the provision of services), exclusive of tax.

A detailed description of services in accordance with the description of the subject of public procurement in the Technical Specification from the Tender Documents constitutes an integral part of the bid.

In _____

Date _____

Stamp

Signature of the bidder's authorised person

Notes:

Total price must contain all the main elements of the price structure, so that the price offered covers the costs the bidder may incur in the execution of the procurement.

The bidder must complete, sign and stamp the Price Structure Template in confirmation of the accuracy of data specified therein.

In case of a joint bid, the group of bidders may decide either to have the Price Structure Template signed and stamped by all members of the group or to designate one bidder from the group to complete, sign and stamp the Price Structure Template on their behalf.

**IX TEMPLATE FOR DECLARATION OF BIDDER/MEMBER OF A GROUP OF
BIDDERS ON THE FULFILMENT OF REQUIREMENTS UNDER ARTICLES 75 AND 76
OF THE LAW**

In accordance with Article 77, paragraph 4 of the Law, under full financial and criminal liability, as the authorised person of the bidder, I hereby give the following

D E C L A R A T I O N

The bidder _____ (*bidder's name*) in the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016, fulfils all the requirements under Articles 75 and 76 of the Law, i.e. the requirements defined by the Tender Documents for the public procurement:

1) the bidder is registered with the competent authority, i.e. entered in the appropriate register (*Article 75, paragraph 1, item 1) of the Law*);

2) the bidder and its legal representative have not been convicted of any criminal act as members of an organised crime group; they have not been convicted of commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud (*Article 75, paragraph 1, item 2) of the Law*);

3) the bidder has settled due taxes, contributions and other forms of public taxation in accordance with the regulations of the Republic of Serbia or a foreign country where its head office is located (*Article 75, paragraph 1, item 4) of the Law*);

4) in preparing the bid, the bidder has fulfilled obligations under applicable regulations concerning safety at work, employment and working conditions, and protection of the environment, and has not been prohibited from performing economic activity by any measure in force at the time of bid submission (*Article 75, paragraph 2 of the Law*).

The bidder fulfils additional requirements:

1) it has the necessary business capacity:

- the bidder has the necessary business capacity – in the five-year period prior to the date of bid submission the bidder provided legal advisory services for at least two bond issues in the international financial market for the needs of central authorities of foreign states, more specifically:
(Names of central authorities of foreign states, dates and amount of bond issues):

- 1.
- 2.

2) it has the necessary personnel capacity:

- the bidder has the necessary personnel capacity – on the date of submitting the bid the bidder has a team of at least five legal advisors or lawyers (based on a full time employment contract, contract on temporary and periodical jobs, service contract, etc) who will be responsible for executing services that are the subject of procurement.

In _____

Stamp

Signature of the bidder's authorised person

Date _____

***Note:** If the bid is submitted by a group of bidders, the Declaration must be stamped and signed by the authorised person of each bidder from the group.*

IX–a TEMPLATE FOR DECLARATION OF SUBCONTRACTOR ON THE FULFILMENT OF REQUIREMENTS UNDER ARTICLE 75 OF THE LAW

In accordance with Article 77, paragraph 4 of the Law, under full financial and criminal liability, as the authorised person of the subcontractor, I hereby give the following

D E C L A R A T I O N

The subcontractor _____ (*subcontractor's name*) in the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016, fulfils all the requirements under Article 75 of the Law, i.e. the requirements defined by the Tender Documents for the public procurement:

1) the subcontractor is registered with the competent authority, i.e. entered in the appropriate register (*Article 75, paragraph 1, item 1) of the Law*);

2) the subcontractor and its legal representative have not been convicted of any criminal act as members of an organised crime group; they have not been convicted of commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud (*Article 75, paragraph 1, item 2) of the Law*);

3) the subcontractor has settled due taxes, contributions and other forms of public taxation in accordance with the regulations of the Republic of Serbia or a foreign country where its head office is located (*Article 75, paragraph 1, item 4) of the Law*);

4) in preparing the bid, the subcontractor has fulfilled obligations under applicable regulations concerning safety at work, employment and working conditions, and protection of the environment, and has not been prohibited from performing economic activity by any measure in force at the time of bid submission (*Article 75, paragraph 2 of the Law*).

In _____ Stamp Signature of the subcontractor's authorised person

Date _____

Note: If the bidder is submitting the bid with a subcontractor, the Declaration must be stamped and signed by the authorised person of the subcontractor.

X TEMPLATE FOR DECLARATION OF INDEPENDENT BID

In accordance with Article 26 of the Law, _____ (bidder's name) gives:

DECLARATION OF INDEPENDENT BID

I hereby declare, under full financial and criminal liability, that I have submitted the bid in the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016, independently, without any agreement with other bidders or interested parties.

In _____ Stamp Signature of the bidder's authorised person

Date _____

Notes:

Should there be reasonable doubt as to the truthfulness of the Declaration of Independent Bid, the Contracting Authority shall immediately inform the authority in charge of competition protection thereof. The authority in charge of competition protection may impose a measure of prohibition of participating in the public procurement procedure to the bidder, i.e. interested party, if it establishes that the bidder, i.e. interested party has violated competition in the PP procedure, within the meaning of the Law governing competition protection. The measure of prohibition can last up to two years. The violation of competition represents a negative reference, as stipulated in Article 82, paragraph 1, item 2 of the Law.

In case of a joint bid, the Template must be submitted for each participant in the joint bid and each participant must sign and stamp the Template pertaining to it.

XI BID PREPARATION COST TEMPLATE

In accordance with Article 88, paragraph 1 of the Law, the bidder _____
(*bidder's name*), hereby provides the total amount and structure of costs incurred in the bid preparation process:

<i>TYPE OF COSTS</i>	<i>AMOUNT OF COSTS IN RSD/EUR</i>
<i>TOTAL AMOUNT OF BID PREPARATION COSTS</i>	

The costs of bid preparation and submission are borne exclusively by the bidder and cannot be reimbursed by the Contracting Authority.

If the public procurement procedure was cancelled due to reasons relating to the Contracting Authority, the Contracting Authority shall reimburse the bidder for the costs of producing a sample or model, if these were made in compliance with the technical specification of the Contracting Authority, and for the costs of acquiring collateral, provided that the bidder has requested the reimbursement of these costs in its bid.

Note: The submission of this template is not mandatory.

Date:

Stamp

Signature of the bidder's
authorised person

XII TEMPLATE – MEMBERS OF THE LEGAL TEAM TO PROVIDE SERVICES

No.	Members of the legal team (name and surname)	Years of professional experience in providing the services being the subject of procurement
1.		
2.		
3.		
4.		
5.		
6.		
7.		

ENCLOSURES: Copies of contracts based on which team members are engaged or other evidence unequivocally showing the engagement of team members by the bidder (e.g. excerpt from the register of bidders, bar association or other competent authorities, etc) and short biographies of team members, bearing the bidder's stamp and signature of the bidder's authorised person.

NOTE: If a team member needs to be replaced during the validity of the framework agreement (2016 and 2017), the replacement shall take place only subject to prior consent of the Contracting Authority and provided the new team member has at least the same qualifications and experience as the team member he/she is replacing.

Date:

Stamp

Signature of the
bidder's authorised person

XIII TEMPLATE FOR DECLARATION ON LEGAL REPRESENTATIVES

DECLARATION ON LEGAL REPRESENTATIVES

I hereby declare, under full financial and criminal liability, that in conformity with the regulations of the state in which our head office is located, our legal representatives are as follows:

1. _____
2. _____
3. _____

Date:

Stamp

**Signature of the bidder's
authorised person**

XIV INSTRUCTION TO BIDDERS ON HOW TO PREPARE A BID

1. DATA ON THE LANGUAGE OF THE BID

The bid shall be either in Serbian or in English.

2. MANNER OF BID PREPARATION

A bidder shall submit its bid in person or via mail in a sealed envelope or box, sealed in such a manner that it can be established with certainty at bid opening that the bid is being opened for the first time.

The name and address of the bidder should be indicated on the back of the envelope or on the box.

If the bid is submitted by a group of bidders, the writing on the envelope should indicate that it was sent by a group of bidders, stating the names and addresses of all participants in the joint bid.

The bid should be submitted to the address: Ministry of Finance of the Republic of Serbia, Belgrade, Kneza Miloša 20, with the following note: **“Bid for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016 – DO NOT OPEN”**.

A bid shall be considered timely if received by the Contracting Authority by **12.00 noon on 27 July 2016**.

Upon receiving a bid, the Contracting Authority will label the envelope or box containing the bid with the time of receipt and the number and date of the bid by order of receipt. If the bid was submitted in person, the Contracting Authority will give a certificate of receipt to the bidder. The Contracting Authority will state the date and time of the receipt of the bid in the certificate of receipt.

A bid not received by the Contracting Authority within the deadline for bid submission, i.e. a bid received after the date and time specified for bid submission shall be considered untimely and shall be returned unopened after the conclusion of the bid opening procedure, with the note that the bid was not submitted in a timely manner.

The bid must contain:

- Bid template, completed, signed and stamped (Template VI of the Tender Documents);
- Model framework agreement – The bidder will complete the model framework agreement in accordance with the bid, sign and stamp it, confirming that it agrees with the proposal of the model agreement (Template VII of the Tender Documents);
- Price structure template with the completing instruction, completed, signed and stamped (Template VIII of the Tender Documents);
- Template for Declaration of bidder/member of a group of bidders on the fulfilment of requirements under Articles 75 and 76 of the Law (Template IX) and template for Declaration of subcontractor on the fulfilment of requirements under Article 75 of the Law (Template IX–a of the Tender Documents);
- Template for Declaration of independent bid, signed and stamped, given under financial and criminal liability (Template X of the Tender Documents);
- Template – Members of the legal team, with enclosed copies of contracts and/or short biographies of team members, signed and stamped (Template XII of the Tender Documents);
- Template for Declaration on Legal Representatives (Template XIII of the Tender Documents);
- Agreement by which bidders in a group commit to each other and to the Contracting Authority to execute public procurement – if the bid is submitted by a group of bidders.

Tender documents for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016

The templates in the Tender Documents, i.e. data integral thereto, shall be filled out by bidders legibly, and shall be signed and stamped by the authorised person of the bidder.

If the bidders decide that one bidder from the group will sign and stamp the templates in the Tender Documents (except for the templates which involve declaration under financial and criminal liability), this should be defined in the agreement by which bidders in a group commit to each other and to the Contracting Authority to execute the public procurement, which is integral to the joint bid in accordance with Article 81 of the Law.

3. BID OPENING

Public bid opening **will take place at 12.30 pm on 27 July 2016** on the premises of the Ministry of Finance, Belgrade, Kneza Miloša 20. Bid opening will be public and may be attended by any interested person.

Only authorised representatives of bidders may actively participate in the public bid opening procedure.

Prior to public bid opening, bidders' representatives in attendance shall submit to the committee in charge of the Contracting Authority's public procurement written letters of authorisation to prove their capacity, which must be registered with the bidder, stamped and signed by the bidder's responsible person.

4. BID WITH VARIANTS

Submission of a bid with variants is not allowed.

5. METHOD OF AMENDING, SUPPLEMENTING AND WITHDRAWING BIDS

A bidder may amend, supplement or withdraw its bid within the bid submission deadline in the manner specified for bid submission.

The bidder shall clearly designate which part of the bid is amended and/or which documents are added.

The amendment and supplement to or withdrawal of the bid should be delivered to the address **Republic of Serbia, Ministry of Finance, Belgrade, Kneza Miloša 20**, with the following note:

“**Amendment** to the bid for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP No 1/2016 DO NOT OPEN”
or

“**Supplement** to the bid for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP No 1/2016 DO NOT OPEN”
or

“**Withdrawal** of the bid for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP No 1/2016 DO NOT OPEN”
or

“**Amendment and supplement** to the bid for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP No 1/2016 DO NOT OPEN”

The bidder's name and head office shall be indicated on the back of the envelope or on the box. If the bid is submitted by a group of bidders, the writing on the envelope should indicate that it was sent by a group of bidders, stating the names and addresses of all participants in the joint bid.

The bidder may not withdraw or amend its bid after the expiry of the deadline for bid submission.

6. PARTICIPATION IN A JOINT BID OR AS A SUBCONTRACTOR

A bidder may submit one bid only.

A bidder that submitted its bid independently may not at the same time participate in a joint bid or as a subcontractor, nor can any person participate in several joint bids.

The bidder shall state in the Bid template (Template VI of the Tender Documents) in what manner it is submitting the bid, i.e. if it is submitting the bid independently, as a joint bid, or with a subcontractor.

7. BID WITH A SUBCONTRACTOR

If a bidder is submitting the bid with a subcontractor, it shall state in the Bid template (Template VI of the Tender Documents) that it is submitting the bid with a subcontractor, the percentage of the total value of the procurement it will outsource to a subcontractor, which may not exceed 50%, and the part of the procurement that the subcontractor will execute.

The bidder shall state in the Bid template the name and head office of the subcontractor, if it intends to outsource a part of the execution of the procurement to a subcontractor.

If the Contracting Authority and the bidder submitting the bid with a subcontractor conclude a framework agreement, the subcontractor will also be indicated in the framework agreement.

The bidder shall submit evidence of fulfilment of the requirements stated in the Tender Documents for subcontractors in accordance with the instructions proving fulfilment of the requirements (**Template for Declaration of subcontractor on the fulfilment of requirements under Article 75 of the Law, given in Section IX–a**).

The bidder shall be fully accountable to the Contracting Authority for the fulfilment of obligations from the public procurement procedure and fulfilment of contractual obligations, regardless of the number of subcontractors.

At the request of the Contracting Authority, the bidder shall enable the Contracting Authority to access the subcontractor's premises for the purposes of establishing the fulfilment of the requirements.

8. JOINT BID

If the bid is submitted by a group of bidders, basic data on each member of the group of bidders shall be stated in the bid template (Template VI).

Evidence of fulfilment of mandatory requirements under Article 75, paragraph 1, items 1)–4) of the Law shall be submitted for each bidder in a group of bidders.

If a joint bid is submitted, templates in the Tender Documents shall be signed and stamped in the manner envisaged in the Tender Documents, Section **XIV INSTRUCTION TO BIDDERS ON HOW TO PREPARE A BID**.

The bidders in a group of bidders shall bear unlimited joint and several liability towards the Contracting Authority.

Along with its bid, the group of bidders shall submit the agreement by which bidders in a group commit to each other and to the Contracting Authority to execute public procurement. The agreement must contain data on:

- 1) member of the group who will be the leading member of the group and who will submit the bid and represent the group of bidders before the Contracting Authority;
- 2) description of activities that each bidder in the group of bidders will perform in executing the contract.

The agreement also regulates other issues, such as the name of the bidder who will issue the invoice on behalf of the group of bidders and the account to which the payment will be made.

A cooperative may submit a bid independently, in its own name and on behalf of members of the cooperative, or a joint bid on behalf of the cooperative members.

Where a cooperative submits a bid in its own name, for obligations arising from the public procurement procedure and the public procurement contract, both the cooperative and its members shall be liable, in accordance with law.

Where a cooperative submits a joint bid on behalf of its members, members of the cooperative shall have unlimited joint and several liability for obligations in the public procurement procedure and the public procurement contract.

9. PAYMENT METHOD, TERMS AND CONDITIONS, AND OTHER CIRCUMSTANCES ESSENTIAL FOR BID ACCEPTABILITY

9.1. Requirements regarding the payment method, terms and conditions

The payment term is 30 days (thirty), starting from the date of the officially received invoice. Payment shall be made to the bidder's account.

Advance payment is not allowed.

The invoice is issued by the bidder (indicating the number of the contract) on the basis of the document confirming that the service has been provided in conformity with the Contract.

The offered services must comply with the requirements of the Contracting Authority and the defined Technical Specification in all aspects.

The invoice is issued upon the provision of the services, following a bond issue.

9.2. Requirement regarding the bid validity period

The bid validity period may not be shorter than 30 (thirty) days from the bid opening date.

If the bid validity period expires, the Contracting Authority shall request that the bidder extends the bid validity period in writing.

The bidder accepting the request for the extension of the bid validity period may not amend its bid.

10. CURRENCY AND METHOD OF STATING AND EXPRESSING THE PRICE IN THE BID

Prices of the services concerned including all costs may be expressed in dinars or euros, exclusive of tax.

Unit prices are fixed and may not be amended during the validity period of the framework agreement.

If the price in the bid is expressed in euros, the official middle exchange rate of the National Bank of Serbia on the day the bid opening started shall be used for conversion into dinars.

If an abnormally low price is offered in the bid, the Contracting Authority shall act according to Article 92 of the Law.

11. DATA ON THE TYPE, CONTENT, MANNER OF SUBMISSION, AMOUNT AND DEADLINES FOR THE PROVISION OF FINANCIAL COLLATERAL SECURING THE FULFILMENT OF THE BIDDER'S OBLIGATIONS

No financial collateral is required in this procedure given the services that are the subject of the procurement, the market of bidders for this procurement subject, and the fact that payment is made only after the issue of bonds in respect of which legal advisory and representation services are provided.

12. MANNER OF LABELLING CONFIDENTIAL DATA

The Contracting Authority will keep as confidential all data on the bidders that were designated as confidential by the bidder in its bid in accordance with law; it shall refuse to disclose information that would violate the confidentiality of data contained in the bid; it shall keep as a business secret

the names of interested persons, bidders and applicants, as well as data on the submitted bids and/or applications until the opening of bids and/or applications.

Evidence of the fulfilment of mandatory requirements, price and other data in the bid important for the application of evaluation criteria and bid ranking shall not be considered confidential.

All data in the bid, specifically data in the documents marked as confidential by a label “CONFIDENTIAL” in the upper right corner and the signature of the bidder’s authorised person below that label shall be considered confidential by the Contracting Authority.

If only a piece of data in a document submitted with the bid is considered confidential, the confidential piece of data shall be marked by red colour, with the label “CONFIDENTIAL” next to it, while the signature of the bidder’s authorised person shall be located below that label.

The Contracting Authority shall not be accountable for the confidentiality of data not labelled as described above.

13. ADDITIONAL INFORMATION OR CLARIFICATIONS REGARDING BID PREPARATION

An interested person may request from the Contracting Authority additional information or clarifications regarding bid preparation in writing, with the option of notifying the Contracting Authority of potential deficiencies and irregularities in the Tender Documents, by no later than 5 (five) days before the expiry of the deadline for bid submission. Communication in the public procurement procedure shall take place in the manner specified in Article 20 of the Law.

The Contracting Authority shall publish its response on the Public Procurement Portal and its website within 3 (three) days of the date of receipt of a request for additional information or clarifications regarding the Tender Documents. The request for additional information or clarifications regarding bid preparation shall be sent by an interested person with the following note: “**Request for additional information or clarifications regarding the Tender Documents – for the public procurement of services LVPP No 1/2016**” in one of the following ways:

- by mail to the address of the Contracting Authority: Republic of Serbia, Ministry of Finance, Belgrade, Kneza Miloša 20, or by email to: branko.drcelelic@javnidug.gov.rs or to fax: +381 11 2629055.

Requesting additional information or clarifications regarding bid preparation by telephone is not allowed.

If a document in the public procurement procedure was sent by the Contracting Authority or bidder by email, the party that sent the document shall request from the other party to confirm the receipt of such document in the same manner, which the other party is obliged to do when this is needed as proof of delivery.

14. AMENDMENTS AND SUPPLEMENTS TO THE TENDER DOCUMENTS

If the Contracting Authority amends or supplements the Tender Documents during the bid submission period, it shall immediately publish those amendments or supplements on the Public Procurement Portal, its own website and the Portal of Official Bulletins of the Republic of Serbia and Legislation Databases.

If the Contracting Authority amends or supplements the Tender Documents 8 (e i g h t) or fewer days before the expiry of the bid submission deadline, it shall extend the bid submission deadline and publish a notification of extension of the bid submission deadline.

The Contracting Authority may not amend or supplement the Tender Documents after the expiry of the bid submission deadline. The notification of extension of the deadline will be published on the Public Procurement Portal, on the website of the Contracting Authority, and the Portal of Official Bulletins of the Republic of Serbia and Legislation Databases.

15. ADDITIONAL EXPLANATIONS REQUIRED FROM THE BIDDER AFTER BID OPENING AND INSPECTION OF THE BIDDER AND/OR ITS SUBCONTRACTOR

Tender documents for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016

After bid opening, during expert evaluation of bids, the Contracting Authority may request from the bidder additional explanations in writing that will help in the examination, evaluation and comparison of bids, and may also conduct control (inspection) of the bidder and/or its subcontractor (Article 93 of the Law).

If the Contracting Authority deems that additional clarifications are required or that control (inspection) of the bidder needs to be conducted, the Contracting Authority will leave a reasonable period to the bidder to comply with the request of the Contracting Authority, i.e. allow the Contracting Authority to conduct control (inspection) of the bidder and its subcontractor.

Upon conclusion of the bid opening procedure, the Contracting Authority may correct, with the bidder's consent, arithmetic errors detected while examining the bid.

In case of a difference between the unit and total price, the unit price will prevail.

If the bidder disagrees with the correction of arithmetic errors, the Contracting Authority will reject the bid as unacceptable.

16. NEGATIVE REFERENCES – FULFILMENT OF OBLIGATIONS UNDER PRIOR CONTRACTS

The Contracting Authority may reject a bid if it possesses evidence that, over the three years prior to the publishing of the invitation to submit bids, the bidder did the following in a public procurement procedure:

- 1) acted contrary to the prohibition under Articles 23 and 25 of the Law on Public Procurement;
- 2) violated competition;
- 3) submitted false data in the bid or unjustifiably refused to sign an awarded public procurement contract;
- 4) refused to submit evidence and collateral to which it had previously committed in its bid.

The Contracting Authority may reject a bid if it possesses evidence that the bidder did not fulfil its obligations under previously awarded public procurement contracts that related to the same subject of procurement over the period of three years prior to the publishing of the invitation to submit bids.

The evidence may be:

- 1) final court decision or final decision of another competent authority;
- 2) document on executed collateral for securing the fulfilment of obligations in the public procurement procedure or contractual obligations;
- 3) document on the paid contractual penalty;
- 4) complaints of consumers or users that were not rectified within the agreed deadline;
- 5) report by a supervisory authority on works that were not executed in accordance with the project or contract;
- 6) statement on termination of contract due to a failure to observe essential elements of the contract, given in the manner and under conditions prescribed by the law governing contracts and torts;
- 7) evidence of having commissioned persons not named in the bid to execute the public procurement contract as subcontractors or members of the group of bidders;
- 8) other appropriate evidence relevant to the subject of public procurement that relates to the fulfilment of obligations in earlier public procurement procedures or under other previously awarded public procurement contracts.

The Contracting Authority may reject a bid if it possesses a final court decision or final decision of another competent authority that relates to a procedure carried out or a contract concluded by another Contracting Authority, if the public procurement related to the same subject matter.

17. OBSERVING OBLIGATIONS UNDER APPLICABLE REGULATIONS

In its bid, a bidder shall submit a declaration given under criminal and financial liability stating that it fulfilled obligations under applicable regulations on safety at work, employment and working conditions, environmental protection, and that it has not been prohibited from performing an activity by any measure in force at the time of bid submission (Template for Declaration of bidder/member of a group of bidders on the fulfilment of requirements under Articles 75 and 76 of the Law, given in Section IX).

18. USE OF PATENTS AND LIABILITY FOR THE BREACH OF PROTECTED INTELLECTUAL PROPERTY RIGHTS OF THIRD PARTIES

The patent fee and liability for the breach of protected intellectual property rights of third parties shall be borne by the bidder.

19. REASONS FOR REJECTING A BID

The Contracting Authority will reject a bid if it is untimely, inadequate or unacceptable, in accordance with Article 3, items 31), 32) and 33) of the Law on Public Procurement.

The Contracting Authority will also reject a bid if:

- 1) the bidder does not prove that it meets the mandatory requirements for participation;
- 2) the bidder does not prove that it meets the additional requirements for participation;
- 3) the offered bid validity period is shorter than prescribed;
- 4) the bid contains other defects that make it impossible to determine the actual content of the bid or make it impossible to compare to other bids.

20. MANNER AND DEADLINE FOR SUBMITTING THE REQUEST FOR THE PROTECTION OF RIGHTS OF THE BIDDER

The request for the protection of rights shall be submitted to the Contracting Authority, while at the same time a copy shall be submitted to the Republic Commission for the Protection of Rights in Public Procurement Procedures. The request is submitted to the Contracting Authority in person, at the registry office of the Contracting Authority (business hours from 7.30 to 15.30), by e-mail to branko.drcevic@javnidug.gov.rs or by registered mail with a return receipt to the address: Ministry of Finance, Kneza Miloša 20, Belgrade.

The request for the protection of rights may be filed during the entire public procurement procedure against any action of the Contracting Authority, unless otherwise prescribed by the Law.

The request for the protection of rights challenging the type of procedure, the content of the invitation to bid or Tender Documents shall be considered timely if received by the Contracting Authority at least 3 (three) days before the expiry of the deadline for bid submission, regardless of the manner of delivery, and if the claimant informed the Contracting Authority of potential deficiencies and irregularities in accordance with Article 63, paragraph 2 of the Law, which that Contracting Authority failed to remove.

The request for the protection of rights challenging the actions taken by the Contracting Authority before the expiry of the bid submission deadline, submitted after the expiry of the period in which the bidder may challenge the type of procedure, the content of the invitation to bid or the Tender Documents (3 days before the expiry of the bid submission deadline) shall be considered timely if it was submitted before the expiry of the bid submission deadline at the latest.

After making the decision to award the contract or to cancel the procedure, the deadline for the submission of the request for the protection of rights is 5 (five) days from the day the decision was published on the Public Procurement Portal.

The request for the protection of rights contains:

- 1) name and address of the claimant and contact person;
- 2) name and address of the Contracting Authority;

- 3) data on the public procurement which is the subject of the request and/or on the decision of the Contracting Authority;
- 4) violations of regulations governing the public procurement procedure;
- 5) information and evidence proving the violations;
- 6) proof of payment of the fee referred to in Article 156 of the Law;
- 7) claimant's signature.

The request for the protection of rights may not challenge the actions of the Contracting Authority taken in the public procurement procedure if the claimant knew or could have known the reasons for submitting such request before the expiry of the deadline for the submission of the request referred to in Article 149, paragraphs 3 and 4 of the Law on Public Procurement, and the claimant failed to submit it prior to the expiry of that deadline.

If the same claimant again submits a request for the protection of rights in the same public procurement procedure, such request may not challenge the actions of the Contracting Authority of which the claimant knew or could have known at the time of submission of the previous request.

The request for the protection of rights does not stay further activities of the Contracting Authority in the public procurement procedure, in accordance with Article 150 of the Law.

The Contracting Authority will publish a notification of the submission of a request for the protection of rights on the Public Procurement Portal and on its website within 2 (two) days of the date of receipt of the request for the protection of rights.

The claimant shall pay to the budget of the Republic of Serbia a fee of RSD 60,000.00.

Proof of payment of the fee shall be:

Confirmation of payment that contains the following elements:

- (1) it is issued by a bank and contains its stamp;
- (2) it represents proof of payment of the fee, which means that the confirmation must include the information that the payment order in respect of the fee and/or transfer order has been executed, and the date of order execution;
- (3) amount of the fee under Article 156 of the LPP which is being paid – RSD 60,000.00;
- (4) account number: 840-30678845-06;
- (5) payment code: 153;
- (6) reference number: 97 50-016
- (7) purpose: republic administrative fee; LVPP 1/2016 – Contracting Authority Republic of Serbia
- (8) payee: budget of the Republic of Serbia;
- (9) name of the payer and/or name of the submitter of the request for the protection of rights in respect of which the fee payment is executed;
- (10) signature of the bank's authorised person; or

- **Payment order, original copy**, authenticated by the signature of the authorised person and the stamp of the bank or Post Office that contains all the above elements of the confirmation of payment of the republic administrative fee, as well as the name of the submitter of the request for the protection of rights for whom the payment of the republic administrative fee has been executed; or

- **Confirmation issued by the Republic of Serbia, Ministry of Finance – Treasury Administration**, that contains all the above elements, for the submitters of the request for the protection of rights (budget beneficiaries, beneficiaries of funds of mandatory social insurance organisations and other public fund beneficiaries) that have an open account in the appropriate consolidated treasury account system maintained by the Treasury Administration; or

- **Confirmation issued by the National Bank of Serbia**, that contains all the above elements, for submitters of the request for the protection of rights (banks and other entities) with an account with the National Bank of Serbia in accordance with law and other regulations.

21. DEADLINE FOR THE CONCLUSION OF THE FRAMEWORK AGREEMENT

Tender documents for the public procurement of services – selection of advisor providing legal advisory and representation services regarding the issue of bonds by the Republic of Serbia in the international financial market for 2016 and 2017, LVPP 1/2016

The Contracting Authority will make a decision on the conclusion of the framework agreement within 10 days following the bid opening date and will announce that decision within the next three days on the Public Procurement Portal and the website of the Contracting Authority.

The Contracting Authority will deliver the framework agreement for signature to the selected bidder within eight days following the expiry of the deadline for the submission of the requests of the protection of rights.

After concluding the framework agreement, when the need for services arises the Contracting Authority will send a separate public procurement contract for signature to the Service Provider.

The Service Provider is obliged to sign the contract and return it to the Contracting Authority within 20 days of receiving the contract proposal.

Substantive terms of the framework agreement may not be changed by the individual public procurement contracts.