



EU PROJECT PREPARATION FACILITY

PPF-Serbia's perspective for sustainable growth



Ministry of European
Integration

Ministry of Finance
Department for
Contracting and Financing
of EU Funded Projects



This project is funded
by the European Union

Uvod u PRAG – procedure nabavke i osnovni elementi nabavki u projektima finansiranim od strane EU



PRAG

PRAG – Procurement And Grants for European Union external actions –
A Practical Guide (Applicable as of 15 January 2016)

PRAG – Nabavke i donacije za spoljne aktivnosti Evropske Unije –
Praktični vodič (U primeni od 15 januara 2016)

PRAG

- | | |
|--|--|
| <ul style="list-style-type: none">• 2016.0• 2015.0• 2014.0• 2013.2• 2013.1• 2013.0• 2012.0• 2010 (updated March 2011)• 2008 (BUDGET/EDF) | <ul style="list-style-type: none">• 2007 (BUDGET/EDF)• 08/2006 (BUDGET/EDF)• 02/2006 (BUDGET/EDF)• 9th EDF• 2003 (BUDGET)• 2001 (BUDGET)• 1996 7th and 8th |
|--|--|



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Sadržaj

1. Uvod
2. Osnovna pravila
3. Ugovori o uslugama
4. Ugovori o nabavci dobara
5. Ugovori o radovima
6. Donacije
7. Pravni okvir
8. Lista priloga



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Uvod

Praktični vodič objašnjava ugovorne procedure koje se primenjuju na sve ugovore koji se finansiraju i opšteg budžeta EU i ERF.....DCI, ENPI, **IPA II**, EIDHR, itd.

PRAG se ne primenjuje kada EK obavlja nabavke za sopstveni račun, u slučaju humanitarnih katastrofa, kao i.....

Modeli upravljanja

Direktna centralizovana

Indirektna centralizovana

Decentralizovana

Ex-ante

Ex-post

Zajedničko upravljanje

Deljeno upravljanje

Direktan menadžment

Indirektni menadžment

Indirektni menadžment sa Ex-ante

Indirektni menadžment sa Ex-post

Deljeno upravljanje



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Kriterijumi podobnosti

Pravilo o nacionalnosti i poreklu (v. Aneks 2)

- a) EU Member States;
- b) Beneficiaries listed in the Annex I of the IPA II
- c) European Economic Area;
- d) Partner countries and territories covered by ENI Instrument (annex I of ENI Instrument) ;
- e) countries for which Commission has adopted a decision approving the request for reciprocal access to external assistance;

Izuzeci od pravila podobnosti

- Pre započinjanja procedure
- Samo u izuzetnim slučajevima
- Od slučaja do slučaja
- Odobrenje EK

Razlozi za isključenje

- a) it is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;
- b) it has been established by a final judgment or a final administrative decision that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- c) it has been established by a final judgment or a final administrative decision that the economic operator is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the economic operator belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes a wrongful intent or gross negligence, including, in particular, any of the following:

Razlozi za isključenje

- i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
- ii) entering into agreement with other economic operators with the aim of distorting competition;
- iii) violating intellectual property rights;
- iv) attempting to influence the decision-making process of the contracting authority during the procurement procedure;
- v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement procedure;
- d) it has been established by a final judgment that the economic operator is guilty of any of the following:
 - i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests drawn up by the Council Act of 26 July 1995²⁰;
 - ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997²¹, and in Article 2(1) of Council Framework Decision 2003/568/JHA²², as well as corruption as defined in the law of the country where the contracting authority is located, the country



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Razlozi za isključenje

- iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA23;
- iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council24;
- v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA25.respectively, or inciting or aiding or abetting or
- vi) attempting to commit such offences, as referred to in Article 4 of that Framework Decision;
- e) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council26;
- f) the economic operator has shown significant deficiencies in complying with main obligations in the performance of a contract financed by the EU, which has led to its early termination or to the application of liquidated damages or other contractual penalties or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors; it has been established by a final judgment or final administrative decision that the economic operator has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95127.

Administrativne i finansijske kazne

- Za vreme trajanja izrečene kazne - 3, 5 godina
- 2% do 10% dodeljenog ugovora (4%-20%)
- Druge mere



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Drugi bitni elementi

- Vidljivost (https://ec.europa.eu/europeaid/communication-and-visibility-manual-eu-external-actions_en)
- Sukob interesa
 1. Sukob interesa Organa ugovaranja
 2. Težak profesionalni prestup
 3. Učešće u pripremi tenderskih specifikacija i ometanje konkuretnosti
 4. Profesionalni sukob interesa

Drugi bitni elementi

- Principi dodele ugovora
- Zabrana retroaktivnosti nakon isteka ugovora
- Upotreba standardne dokumentacije
- Čuvanje dokumentacije (3, 5, 7)
- Obezbeđena sredstva
- Zaštita životne sredine
- Pristup osoba sa invaliditetom
- Ex post objave korisnika



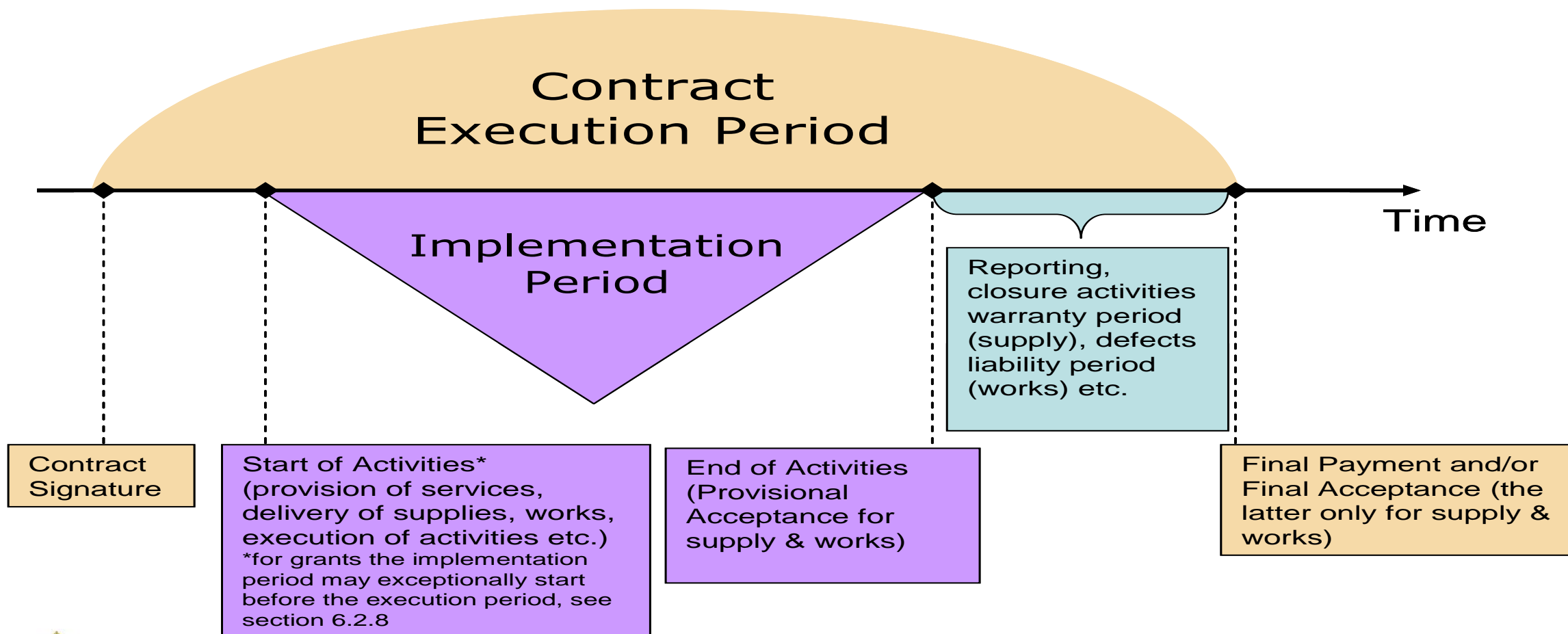
Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Period izvršenja ugovora



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Procedure nabavki

SERVICES	≥ € 300,000 International restricted tender procedure	< € 300,000 but > € 20,000 Framework contracts Competitive negotiated procedure		≤ € 20,000 Single tender ≤ € 2,500 against invoice
SUPPLIES	≥ € 300,000 International open tender procedure	< € 300,000 but ≥ € 100,000 Local open tender procedure	< € 100,000 but > € 20,000 Competitive negotiated procedure	
WORKS	≥ € 5,000,000 International open tender procedure or International restricted tender procedure	< € 5,000,000 but ≥ € 300,000 Local open tender procedure	< € 300,000 but > € 20,000 Competitive negotiated procedure	

Procedure nabavki

- Okvirni ugovori
- Dinamički sistem kupovine
- Konkurentsko pregovaranje



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Kriterijumi izbora i dodele ugovora

- Opšti principi
- Provera finansijskog i ekonomskog kapaciteta
- Provera tehničkog i profesionalnog kapaciteta
- Kriterijumi dodele
 - Najniža cena
 - Najbolji odnos cena-kvalitet



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Poništenje tenderske procedure

- Neuspešna procedura
- Suštinska promena ekonomskih ili tehničkih podataka
- Viša sila
- Neregularnosti tokom procedure
- Neusaglašenost sa “dobrim” finansijskim upravljanjem
- Kako dalje?



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Ostala opšta pravila

- Uslovi angažovanja/tehničke specifikacije
- Proceduralna pravila konsilijacije i arbitraže
- Komisija za ocenu ponuda
 - Sastav
 - Nepristrasnost i povreljivost
 - Odgovornost
- Dodela ugovora



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Međunarodna otvorena tenderska procedura

- Obaveštenje o nabavci se objavljuje u Sl. Glasniku EU
- Tendersku dokumentaciju mogu dobiti* svi ponuđači
- Kriterijumi ocene moraju biti jasno definisani (da/ne):
 - Tehničko iskustvo
 - Finansijski kapacitet
 - Min 30 + 90 dana
 - Ocena
 - Odabir ponuđača
 - Pregovaranje* i dodela



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Otvorena tenderska procedura

- Obaveštenje o nabavci se objavljuje u Sl. Glasniku EU* i u lokalnim medijima
- Tendersku dokumentaciju mogu dobiti* svi ponuđači
- Kriterijumi ocene moraju biti jasno definisani (da/ne):
- Tehničko iskustvo
- Finansijski kapacitet
- Min 60 dana
- Ocena
- Odabir ponuđača
- Pregovaranje* i dodela

Procedura pozivanja bez javnog objavljivanja

- Minimum 3 kvalifikovana ponuđača
- Kriterijumi ocene moraju biti jasno definisani (da/ne):
- Tehničko iskustvo
- Finansijski kapacitet
- Min 30 dana
- Ocena
- Odabir ponuđača
- Pregovaranje i dodela



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Kriterijumi ocene

- Eliminisanje nepodobnih ponuđača
- Provera finansijskog i ekonomskog kapaciteta ponuđača
- Provera tehničkog i profesionalnog kapaciteta ponuđača



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Kriterijumi dodele

- Najniža cena
- Ekonomski najpovoljnija ponuda



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Faze tenderskog postupka

- Prijem i registrovanje ponuda
- Pripremni sastanak
- Otvaranje ponuda
- Ocena ponuda
 - Administrativna usaglašenost
 - Tehnička usaglašenost
- Ocena finansijskih ponuda
- Izbor izvođača

Modifikovanje ugovora

- Kada izmena nije potrebna
 - Stvarno izvedeni radovi
- Administrativni nalog
 - Modifikacije po članu 37
- Adendum ugovora
 - Predmet, rok, cena > 15%, itd.



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Sadržaj tenderske dokumentacije

Deo 1: Uputstvo ponuđačima i obrazac ponude

Deo 2: Ugovor

Deo 3: Tehničke specifikacije

Deo 4: Model finansijske ponude

Deo 5: Projektna dokumentacija i crteži



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Deo 1: Uputstvo ponuđačima i obrazac ponude

Odeljak 1: Uputstvo ponuđačima

Odeljak 2: Obrazac ponude

Dodatak uz ponudu

Odeljak 3: Tenderska garancija

Odeljak 4: Upitnik

Odeljak 5: Tabela administrativne usaglašenosti i Tabela za ocenu

Uputstvo ponuđačima

- Opšti deo
- Tenderska dokumentacija
- Priprema ponuda
- Predaja ponuda
- Ocena ponuda
- Dodela ugovora

Ukupno 31 član*



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Uputstvo ponuđačima

	DATE	TIME*
Clarification meeting	< Date >	< Time >
Site visit	< Date >	< Time >
Deadline for request for any additional information from the Contracting Authority	< 21 days before deadline for tenders >	< Time >
Last date on which additional information are issued by the Contracting Authority	< Date 11 days before deadline for tenders >	-
Deadline for submission of tenders	<Date>	< Time >
Tender opening session	<Date>	< Time >
Notification of award to the successful tenderer	< Date at most 90 days after deadline for tenders > □	-
Signature of the contract	< Date at most 150 days after deadline for tenders > □	-

Primer finansijskih kriterijuma

- Prosečan godišnji obrt ponuđača u prethodne 3 godine mora biti najmanje <EUR/RSD> <.....>
- Mora imati pristup kreditnim i drugim finansijskim instrumentima radi pokrića gotovničkog toka tokom celokupnog trajanja ugovora.
- U svakom slučaju iznos kredita mora biti preko <EUR/RSD> <.....>



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Primer tehničkih kriterijuma

- Mora imati završenih najmanje <X> projekata iste prirode /vrednosti /kompleksnosti uporedive sa radovima na koje se tender odnosi koji su izvedeni u prethodnih < 8 godina od datuma predaje ponuda> Organ ugovaranja zadržava pravo da traži kopije odgovarajućih potvrda o prijemu potpisane od strane.....



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Obrazac ponude

- Identifikacija ponuđača
- Izjava ponuđača
 - Prihvatanje uslova bez ograničenja
 - Predmet
 - Cena
 - Popust (ako postoji)
 - Važnost ponude
 - Garancija za dobro izvršenje posla
 - Ostalo



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Dodatak uz ponudu*

- Tekstualni i numerički podaci
 - Organ ugovaranja i predstavnik izvođača
 - Organ finansiranja
 - Rok i datumi
 - Merodavno pravo i jezik
 - Iznos garancije
 - Penali
 - Osiguranja



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Tenderska garancija

- Iznos tenderske garancije (1%-2%)
- Neopoziva i naplativa na prvi poziv
- Merodavno pravo i sud



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Upitnik

- Obrazac 4.1 Opšte informacije o ponuđaču
- Obrazac 4.2 Organizaciona šema
- Obrazac 4.3 Ovlašćenje
- Obrazac 4.4 Finansijski izveštaji
- Obrazac 4.5
 - a) finansijski identifikacioni obrazac
 - b) obrazac pravnog entiteta



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Upitnik

Obrazac 4.6

- 4.6.1
- 4.6.2
- 4.6.3
- 4.6.4
- 4.6.5
- 4.6.6
- 4.6.7
- 4.6.8
- 4.6.9

Tehničke kvalifikacije

Osoblje

Oprema

Radni plan i program

Prethodno iskustvo

Informacije o JV-konzorcijumu

Istorija sporova

Sistem obezbeđenja kvaliteta

Smeštaj za nadzor

Dodatne informacije



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Deo 2: Ugovor

- Ugovor
- Posebni uslovi ugovora
- Opšti uslovi ugovora
- Garancija za dobro izvršenje posla
- Retenciona garancija
- Avansna garancija

Ugovor

Član 2. Sledeća dokumenta će činiti i biti tumačeni kao deo ugovora, prema sledećem redu prioriteta:

- (a) Ugovor,
- (b) Posebni uslovi,
- (c) Opšti uslovi,
- (d) Predmer i predračun***,
- (e) Tehničke specifikacije,
- (f) Projektna dokumentacija (crteži)
- (g) Ponuda sa dodatkom,
- (h) bilo koji drugi dokument koji čini deo ugovora



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Opšti uslovi ugovora

PRELIMINARY PROVISIONS

- Definitions,
- Law and language of the contract,
- Order of precedence of contract documents,
- Communications,
- Supervisor and Supervisor's representative,
- Assignment,
- Sub-contracting



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Opšti uslovi ugovora

OBLIGATIONS OF THE CONTRACTING AUTHORITY

- Supply of documents,
- Access to site,
- Assistance with local regulations,
- Delayed payments to the Contractor's staff

Opšti uslovi ugovora

OBLIGATIONS OF THE CONTRACTOR

- General obligations,
- Superintendence of the works,
- Staff,
- Performance guarantee,
- Insurance,
- Programme of implementation of tasks,
- Detailed breakdown of prices,
- Contractor's drawings,
- Sufficiency of tender prices,
- Exceptional risks



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Opšti uslovi ugovora

OBLIGATIONS OF THE CONTRACTOR

- Safety on sites,
- Safeguarding adjacent properties,
- Interference with traffic,
- Cables and conduits,
- Setting-out,
- Demolished materials,
- Discoveries,
- Temporary works,
- Soil studies,
- Overlapping contracts,
- Patents and licenses

Opšti uslovi ugovora

COMMENCEMENT AND DELAYS

- Commencement orders,
- Period of implementation of tasks,
- Extension of the period of implementation of tasks,
- Delays in implementation of tasks,
- Modifications,
- Suspension

Opšti uslovi ugovora

MATERIALS AND WORKMANSHIP

- Work register,
- Origin and quality of works and materials,
- Inspection and testing,
- Rejection,
- Ownership of plant and materials



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Opšti uslovi ugovora

PAYMENTS

- General principles,
- Provisional price contracts,
- Pre-financing,
- Retention monies,
- Revision of prices,
- Measurement,



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Opšti uslovi ugovora

PAYMENTS

- Interim payments,
- Final statement of account,
- Direct payments to sub-contractors,
- Delayed payments,
- Payments to third parties,
- Claims for additional payment,
- End date



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Opšti uslovi ugovora

ACCEPTANCE AND DEFECTS LIABILITY

- General principles,
- Tests on completion,
- Partial acceptance,
- Provisional acceptance,
- Defects liability,
- Final acceptance

Opšti uslovi ugovora

BREACH OF CONTRACT AND TERMINATION

- Breach of contract,
- Termination by the Contracting Authority,
- Termination by the Contractor,
- Force majeure,
- Decease

Opšti uslovi ugovora

SETTLEMENT OF DISPUTES

- Settlement of disputes
- Applicable law

FINAL PROVISIONS

- Administrative sanctions,
- Verifications, checks and audits by European Union bodies
- Data protection

Ostalo

- Tehničke specifikacije
- Predmer/pregled cena
- Projektna dokumentacija/cртеži



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Pitanja i odgovori

www.PPF6.rs



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union

Hvala na pažnji!



Ministry of European
Integration

Ministry of Finance Department
for Contracting and Financing of
EU Funded Projects



This project is funded
by the European Union