

METHODOLOGY

for evaluation of proposals in public procurement procedure with announcement using electronic tender, with subject: **Delivery of steel balls for Drum ball mills in FGD under technical specification**, ref. No 18-123-15

I.OBJECTIVE

The objective of this document is to determine the order of opening, verification and evaluation of offers for participation in announced public procurement procedure.

II. COMMITTEE

The committee that shall lead the public procurement procedure is appointed with a Decision of the Contracting Authority, after expiration of proposals submission deadline.

The committee consists of odd number of members, at least five, as one of them must be licensed lawyer and the rest are individuals with necessary professional qualification and practical experience in correspondence with complexity of the procedure.

The Contracting Authority may nominate outside experts as committee members or consultants.

Person who:

- has material interest in execution of the public procurement procedure by certain candidate or participant
- is related with a candidate or participant in the procedure or with its subcontractors, or with members of their managing and control body
- has private interest under the meaning of the Conflict of Interests Prevention and Disclosure Act in assignment of the public procurement procedure,

can not be a committee member or consultant.

Committee members or consultants are obliged to keep in secret the circumstances known by them during their work in the committee.

Committee members or consultants present to the Contracting Authority a sample declaration as per article 35 paragraph 1 from the Public Procurement Act, at their appointment.

The public procurement procedures with announcement have two phases: **phase one** - for preliminary selection of candidates on the basis of submitted documents regularity and compliance with Contracting Authority's requirements, stated in tender documentation, and **phase two** - for negotiation with eligible participants.

PHASE ONE:

III. Technical proposals. Selection of candidates.

In technical quotation participants present all documents required with the invitation for participation, evidencing the conformity with technical demands in specification, together with filled acceptance form for participation in electronic tender.

The appointed by the Contracting Authority committee opens all technical offers on the date and hour set out in invitation for participation, verifies the submitted documents regularity and compliance with Contracting Authority's requirements, stated in tender documentation by preparing a protocol with results from technical offers review. The committee opens price offers of those participants, whose technical offers being approved, in order to accomplish a preliminary evaluation under "best price" criterion.

The committee prepares Protocol 1 with results from offers preliminary evaluation. The reasons for candidates elimination from the public procurement procedure and committee's judgement in this respect should be stated in the protocol.

PHASE TWO:

IV. Invitation for negotiation and electronic tender order.

After preliminary evaluation of offers Contracting Authority **forwards to all approved candidates an invitation for participation in electronic tender**, defining the rules and order for connection to the electronic system /iTender manager/, username and password of the participant, date and time for beginning of electronic tender, the method of electronic tender closing. The invitation requires a submission of electronic offer as well as suggests to participants to present new lower prices.

Each electronic tender starts at the time stated in the invitation. The best offer is nominated under “best price” criterion.

The electronic tender may be governed in consecutive stages: first mandatory stage is “Sealed RFQ” and each subsequent /optional/ stage is “Open RFQ – with timeout” or “Reverse Auction”. After closing of each stage, within an hour, Participants shall receive a notification via email whether a next stage “Reverse Auction” will be conducted as well the date and hour of its start. Participants should confirm in writing their participation in the next stage.

The electronic tender ends when all stages are closed.

In case of submission of a bid that being anomalous/invalid or offer which numerical value is more than 20% favorable against the average price of the rest participants, the committee may request price justification to all the constituent elements of the bid in question, then if no objective reasons provided as per art. 70, para 2 of the Public Procurement Act, rejects such bid or suggests to Contracting Authority a cancellation of the tender under provisions of art. 39 of the Public Procurement Act. In such cases participants in electronic tender have no right to claim a technical mistake issue. All mistakes made by participants reflect, only and exclusively, on their legal effect and may not justify any claim for compensation or indemnification of any kind against it as a result, addressed to Contracting Authority.

V. Candidates ranking

After conduction of electronic tender the committee prepares Protocol 2 where registering committee members, list of participants, results from evaluation and participant’s ranking.

The Contracting Authority nominates for Contractor of the public procurement procedure the participant ranked first on the grounds of art. 73 and art. 74 of the Public Procurement Act.

At contract signing the participant nominated for Contractor presents a well performance bank guarantee at the amount of 3 % of the total contract price as well as all other documents in agreement with the requirements of art. 42 of the Public Procurement Act.