

**J.P. MEĐUNARODNI AERODROM "SARAJEVO" D.O.O.**

Kurta Schorka 36, 71210 Sarajevo, Bosna i Hercegovina

Registровано kod: Općinski sud Sarajevo, MBS 65-01-0419-11; JIB 4200068970001; Carinski broj 200068970001
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Broj protokola:

021-04-7-4851-17/19

JAVNO

DATUM: 30.09.2019

PRIMALAC: KALBACHER MACHINERY GmbH, Kitzbuehel, Austrija

PREDMET: Obavijest: Nabavka robe - Isporuка originalnih rezervnih i usluge interventnog servisa za opremu proizvođača KALBACHER MACHINERY GmbH, Austrija (za period od dvije godine)

Poštovani-a,

Na osnovu člana 71. Zakona o javnim nabavkama ("Službeni glasnik BiH", broj 39/14), obavještavamo vas da je, nakon okončane procedure prikupljanja ponuda za nabavku robe: Isporuка originalnih rezervnih i usluge interventnog servisa za opremu proizvođača KALBACHER MACHINERY GmbH, Austrija (za period od dvije godine), provedene metodom nabavke Pregovarački postupak bez objavljivanja obavještenja o nabavci u Službenom glasniku BiH, na prijedlog Komisije za provođenje postupka nabavke, Odlukom Uprave J.P. Međunarodni aerodrom "SARAJEVO" d.o.o. Sarajevo koja vam se dostavlja u prilogu, prihvaćena vaša ponuda za nabavku predmetne robe.

S poštovanjem,

DOSTAVLJENO:

1. Ponuđaču
2. Upravi Društva
3. Sektoru komercijale
4. Sektoru za PKO poslove
5. Sektoru finansija
6. a/a



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Broj protokola: 02-1-04-7-4851-16/19	JAVNO

Date: 30.09.2019

In accordance with Article 70 of the Law on public procurement („Official gazette BiH“, number 39/14), in connection with Article 21 paragraph (1) item 2) of the Rule Book on procurement of goods, services and works at P.C. "SARAJEVO" International Airport LLC Sarajevo and Article 45 of the Articles of association of the P.C. "SARAJEVO" International Airport LLC Sarajevo, as well as based on a report and recommendation of the Committee for implementation of procurement procedure for: Delivery of original spare parts and provision of repair service for the equipment manufactured by KAHLBACHER MACHINERY GmbH, Austria (for 2-year-long period), appointed by the Decree, number: 02-1-04-7-4851-5/19 of 13.08.2019, the Management of P.C. "SARAJEVO" International Airport LLC Sarajevo, on its 117th session held on 30.09.2019, made the following

DECISION

I

To accept offer of KAHLBACHER MACHINERY GmbH, Kitzbuehel, Austria, for procurement of goods: Delivery of original spare parts and provision of repair service for the equipment manufactured by KAHLBACHER MACHINERY GmbH, Austria, registered at the Ordering party's protocol under the number: 06-04-7-3378-11/19, at the price that cannot exceed the amount of 60.000,00 KM, excluding VAT, for two-year-long period.

II

Upon expiry of the deadline for revision, the Ordering Party will invite the selected Supplier to conclude a contract on procurement of the goods from Item I of this Decision in order to regulate their mutual rights and obligations.

Grounds for decision

Acting in accordance with Articles 17 and 18 of the Law on public procurement, aimed at selection of the most favourable offer for procurement of goods: Delivery of original spare parts and provision of repair service for the equipment manufactured by KAHLBACHER MACHINERY GmbH, Austria (for 2-year-long period), director of P.C. "SARAJEVO" International Airport LLC Sarajevo made a Decision on launching a procurement procedure, number: 02-1-04-7-4851-3/19 of 05.08.2019, and a Decree, number: 02-1-04-7-4851-5/19 of 13.08.2019, on appointing the Committee for implementation of procurement procedure.

Acting in compliance with the mentioned Decision, the Ordering party invited the Supplier KAHLBACHER MACHINERY GmbH, Kitzbuehel, Austria to submit qualifying documents and commercial offer being necessary for implementation of Negotiating procedure, without publishing a Notice on procurement, given the fact that the contract can be awarded only to this Supplier due to essential, demonstrable technical reasons, i.e. the reasons related to protection of exclusive rights. By the deadline for submission of qualifying documents and commercial offer, 04.09.2019, the invited Supplier did not submit his initial offer and requested documentation. Namely, the invites Supplier earlier explained in the e-mail (number: 04-6-04-7-4851-15 of 08.08.2019), that he was not able to submit the requested documentation because it was not worth the trouble of collecting it having in mind the contract value. In further correspondence the Supplier emphasized his successful cooperation with the Buyer for 15 years and for that reason he wants to continue the cooperation and conclude the contract but without obligation to submit the requested documentation (VAT, ID number, Statements in accordance with Articles 45 and 52). After a while the Supplier eventually e-mailed his prices for work of repairmen, Price-list for spare parts, total value of the goods and service while the contract is in force (2 years) that cannot exceed the amount of 60.000,00 KM, according to the Decision PP number: 11/19 of 05.08.2019, and emphasized that the prices from his offer remained the same if compared to the previous years.

The Committee for public procurement analysed the procurement procedure conducted by method of Negotiations with invited Supplier, all the problems that had occurred during the implementation, and concluded that the efforts to get the requested documentation subsequently from the Supplier were justified having in mind the importance of the particular procurement for undisturbed

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functioning of the Airport, and that the Negotiating procedure should be continued with the invited Supplier.

While taking such an attitude, the Committee also took into consideration the attitude of the Agency for public procurement regarding this issue. According to its interpretation heard on public procurement workshops, the Committees should try hard to get necessary documents from invited Supplier, but in case it is impossible, Negotiating procedure still may be continued. The Committee also took into consideration the Buyer's experience so far, especially in dealing with foreign companies, and the problems occurring during implementation of procurement procedures. The Committee concluded that it is justified to evaluate exceptional importance of this particular procurement for Airport operations because of the forthcoming winter season when blades of the ploughs and other spare parts for the machinery of the mentioned Supplier are inevitable. Further, this Supplier is the only authorized repair and maintenance agent for the equipment manufactured by KAHLBACHER MACHINERY GmbH, Austria, and, finally, this particular procurement cannot be realized with any other Supplier.

Kahlbacher Machinery GmbH, Austria, is a reputable company with which the Airport has been concluding and successfully realizing contracts for more than 15 years. For that reason the Committee concluded that the Negotiating procedure with authorized Supplier was conducted in compliance with LPP, given the fact that the contract can be awarded only to this Supplier due to essential, demonstrable technical reasons, i.e. the reasons related to protection of exclusive rights. The Committee suggested the Company's Management to award the contract to the said Supplier as the only repair and maintenance agent for the equipment manufactured by KAHLBACHER MACHINERY GmbH, Austria, at the price of 60.000,00 KM, excluding VAT, for two-year-long period.

The Committee concluded that the submitted tender, in respect of its Price, satisfies all technical requirements for submission of offers and as such is formally – legally correct and acceptable as final.

Given these facts, the Committee recommended the Management of P.C. "SARAJEVO" International Airport LLC Sarajevo to accept offer of the Supplier KAHLBACHER MACHINERY GmbH, Kitzbuehel, Austria for procurement of the following: Delivery of original spare parts and provision of repair service for the equipment manufactured by KAHLBACHER MACHINERY GmbH, Austria (for two-year-long period), and award a contract to this Supplier.

On its 117th session the Management of P.C. "SARAJEVO" International Airport LLC Sarajevo, held on 30.09.2019, reconsidered the Committee's recommendation and after checking the whole Negotiating procedure, decided to accept it.

The Management of P.C. "SARAJEVO" International Airport LLC Sarajevo, in accordance with Article 70 of the Law on public procurement, and in connection with Article 21 paragraph (1) item 2) of the Rule Book on procurement of goods, services and works of P.C. "SARAJEVO" International Airport LLC Sarajevo, made the Decision as in the enacting clause.

ADVICE ON LEGAL REDRESS: Objection against this Decision may be raised to the Office for complaints, via Contracting authority, P.C. "SARAJEVO" International Airport LLC Sarajevo, in a written form, either directly, by e-mail or registered mail, in 3 (three) copies, and not later than in 10 (ten) days after receiving this Decision.

Attachment: Minutes on tender review and evaluation

DELIVERED TO:

1. Company's Management
2. Commercial Sector
3. Sector for legal, personnel and administrative affairs
4. Supplier (co.)
5. Financial Sector (co.)
6. Files

