

**National Tourism Organisation of Serbia**  
Belgrade, Čika Ljubina 8  
**www.serbia.travel**  
**Filing number: 4809/8**  
Date: 06/24/2019  
Public procurement No: OPJN 8/2018

The National Tourism Organisation of Serbia as a Contracting authority, after the conducted public procurement procedure, pursuant to Articles 107 and 108 of the Public Procurement Law ("Official Gazette RS", no 124/2012, 14/15 and 68/15), and the Report on the expert evaluation of tenders dated June 24, 2019, makes a

**DECISION**  
**ON**  
***suspending the proceedings***

The procedure of public procurement of services is suspended: - "Development of Strategic Marketing Plan of Tourism of Serbia 2019-2024".

**E x p l a n a t i o n**

The public procurement procedure was initiated by the decision of the National Tourism Organisation of Serbia, number 4809/1 dated December 28, 2018.

The subject of the public procurement procedure is procurement of services: - "Development of a strategic marketing plan for the tourism of Serbia 2019-2024"

Public procurement serial number OPJN no 8/2018

Type of public procurement procedure: open public procurement procedure

The estimated value of the public procurement is 11,000,000 dinars without VAT on an annual basis.

The tender opening procedure was held on May 30, 2019 beginning at 11:15 am at the premises of the Tourist Organization of Serbia at the address: Belgrade, Čika Ljubina 8

The opening of tenders was led by following members of the Commission:

- 1) Ljiljana Čerović, Head of Tourism Development Service, HE, President / Chair;
- 2) Dragana Pribičević, associate for communication with representatives of the MICE offer, VSS, deputy member
- 3) Vesna Ninić, Head of the Public Procurement, Legal and Personnel Affairs Division, VSS, member  
- Jelena Bogdanović, Public Procurement Officer, VSS, deputy member
- 4) Tamara Rašković, associate for the international tourist market, VSS, deputy member
- 5) Aleksandra Dolapčev, associate for the international tourist market, VSS, member

It is noted that the opening of bids is attended by the representatives of the bidders, based on the provided power of attorney, as follows:

R. no.	Bidder	Representative	Power of attorney no.
1.	„Horwath I Horwath” d.o.o, Grada Vukovara 269a/14, Zagreb	Nikola Mitrović	Dated 05/28/2019

Names of other individuals present:  
- Ivan Vuković (notary)

Timely, i.e. until May 30, 2019 until 11:00 AM, 2 offers were submitted as follows:

Serial number	Bidder's name or code	The number under which the offer is filed at the <u>contracting authority</u>	Date of receipt	Hour of receipt
1.	„Block&Roll” d.o.o, Terazije 45, Belgrade	1766	May 30, 2019	9 h and 55 min
2.	„Horwath i Horwath” d.o.o, Grada Vukovara 269a/14, Zagreb	1773	May 30, 2019	10 h and 36 min

There were no late offers.

The order of opening of bids was according to the time of arrival:

Serial number	Name and head office of the bidder	Dinars/EUR	
		without VAT	with VAT
1.	„Block&Roll” d.o.o, Terazije 45, Belgrade	10.450.000,00 din	12.540.000,00 din
2.	„Horwath i Horwath” d.o.o, Grada Vukovara 269a/14, Zagreb	109.900,00 EUR, 12.963.727,1 din	131.880,00 EUR, 15.556.472,5 din

The middle exchange rate of the National Bank of Serbia on May 30, 2019. for 1 Eur is 117,9593 dinars.

In the process of expert evaluation of tenders, the Public Procurement Commission noted the following:

Bidder "Horwath i Horwath" Ltd. 269a/14 Grada Vukovara, Zagreb:

The bidder "Horwath i Horwath" Ltd., 269a / 14 Grada Vukovara, Zagreb, timely submitted the offer number 1773 dated May 30, 2019 in which the bidder offered a price of EUR 109.900,00 excluding VAT, i.e. EUR 131.880,00 for the services that are the subject of this procurement. Calculated according to the middle exchange rate of the NBS, the offered price is RSD 12,963,727.1 excluding VAT, i.e. RSD 15,556,472.5. including VAT.

Given the estimated value for the procurement of services: - "Development of the strategic marketing plan of tourism of Serbia 2019-2024", of RSD 11,000,000.00, excluding VAT, the Commission proposed that the bid of the bidder "Horwath I Horwath" Ltd., 269a/14 Grada Vukovara, Zagreb should be rejected as unacceptable, because the offered price is higher than the estimated value of the public procurement.



The bidder Block&Roll'' Ltd., 45 Terazije

The bidder Block & Roll Ltd., 45 Terazije, Belgrade timely submitted offer number 1766 dated May 30, 2019, in which the price of RSD 10.450.000,00, excluding VAT, i.e. RSD 12.540.000,00, including VAT, is offered, for the services that are the subject of procurement.

The contracting authority's Request from the Competition Documentation, regarding the additional conditions for participation in the procedure, is that the bidder has relevant references regarding the development of strategic marketing plans of tourism, that is, that he had made at least three strategic marketing plans for tourism destinations (state, region, capital city or city with a minimum of one million inhabitants) from May 2014 until the day of submitting the offer. As evidence of required business capacity, this Bidder has submitted certificates for the implementation of concluded contracts issued by International Communications Partners, which refer to Contract No. 10/2017 dated 11 September 2017, according to which the bidder provided services for the development of a strategic marketing plan for the tourism of the Republic of Serbia in the territory of Albania, China, India and Bosnia and Herzegovina.

The contracting authority, acting in accordance with Article 93, paragraph 1 of the Public Procurement Law, regarding these certificates, sent a request to the bidder for additional clarification, number 4809/5 of 13 June 2019, to declare specifically what business he had been doing with International Communications Partners during the preparation of the Strategic Marketing Plans of Tourism of the Republic of Serbia, pursuant to the Contract 10/2017, dated 11 September 2017, as well as to provide the client with an insight into the contract and strategic marketing plans of tourism of the Republic of Serbia in the territory of Albania, China, India and Bosnia and Herzegovina. In his clarification, the bidder stated that he had been performing the following tasks during the preparation of strategic marketing plans for tourism of the Republic of Serbia for the listed markets:

- Analysis of existing marketing plans for tourism in Serbia for China, Albania, India and BiH
- Defining mechanisms of marketing activities aimed at positioning the Republic of Serbia as a desirable tourist destination
- Development of strategic marketing plans for tourism separately for each: China, Albania, India and Bosnia and Herzegovina
- Development of specific promotional activities for the promotion of the Republic of Serbia
- Development of recommendations for improving marketing plans of tourism in the Republic of Serbia, cost estimation and time frame for realization of promotional activities for promotion of tourism in the Republic of Serbia

In addition to the clarification, the bidder has submitted the contract with International Communications Partners No. 10/2017 dated 29 September 2019, and pointed out that strategic marketing plans, among other things, are a business secret and that they cannot be



given to third parties as such, and that the contracting authority cannot be given strategic marketing plans for that reason.

The contracting authority contacted the bidder with a new request for additional clarification, number 4809/6 dated 20 June 2019, because in the procedure of expert evaluation of the bids, based on the submitted contract and the explanation in the annex, while considering the explanation that the requested documents are a business secret, the contracting authority could not see the relevant facts related to the specific tasks that the Bidder had been performing during the development of the relevant Strategic Marketing Plans of the Republic of Serbia for certain markets.

The contracting authority noted that, since the Strategic Marketing Plans of the Republic of Serbia are the topic, and that the National Tourism Organisation of Serbia was established by the Law on Tourism for performing tourism promotion activities in the Republic of Serbia, coordination of activities of tourist organizations, business and other entities in tourism in the territory of the Republic of Serbia, The Strategic Marketing Plans of Tourism of the Republic of Serbia, developed by the bidder, in accordance with the mentioned agreement, should not remain in the domain of business secrets for NTOS, as a national organization.

On this occasion, the contracting authority pointed out that he was ready to sign a confidentiality statement with all legal consequences in order to enable him to inspect the Strategic Marketing Plans of tourism of the Republic of Serbia for the markets of Albania, China, Bosnia and Herzegovina and India, prepared by the bidder.

In the clarification of the offer from June 20, 2019 the bidder stated that he had made the relevant strategic plans for his client, that on behalf of the client he cannot sign a confidentiality statement, that these strategic plans are the property of the client International Communications Partners, who performed this business for the needs of the state institutions with whom he has signed statements confidentiality, and that this is the reason why these strategic plans cannot be delivered to us.

Considering the aforementioned, with special note regarding the scope of work and jurisdiction of the National Tourism Organisation of Serbia in accordance with the Tourism Act, that the bidder had created the strategy of tourism marketing of the Republic of Serbia, and the contracting authority for the promotion of tourism of the Republic of Serbia as well that he would not sign a confidential offer on behalf of his client, but would oblige the contracting authority to respect the provisions of the business secret agreement, the Commission for the implementation of the public procurement procedure concluded that the bidder, by failing to provide access to the requested documents on the request for additional clarification, did not fulfil the additional requirements, and suggested that the offer of the bidder Block & Roll 'Ltd, 45 Terazije, should be rejected as unacceptable.

In the procedure of expert evaluation, the Commission found that in the public procurement procedure for procurement of services: - "Development of strategic marketing plan of tourism in Serbia 2019-2024" there were two timely submitted offers by the bidder

Horwath i Horwath" Ltd, 269a / 14 Grada Vukovara, Zagreb and the bidder Block & Roll Ltd, 45 Terazije, and there was not one acceptable offer, and suggested that the procedure of the public procurement of services - "Development of the strategic marketing plan of tourism of Serbia 2019-2024" should be suspended.

Pursuant to the aforementioned, based on the facts established in the procedure that no acceptable offer was obtained, a decision was made as in the disposition.

**Legal Remedy:** Against this decision can be filed a request for the protection of rights within 10 days from the day of publishing the decision on the Public Procurement Portal.



**ACTING DIRECTOR**

Marija Labović