

National Tourism Organization of Serbia
Belgrade, No.8 Cika Ljubina Street
www.serbia.travel
Ref. No: 3529/9
Date: 14 January 2019
Public Procurement No: MJN 21/2018

Upon the completion of the low- value public procurement, pursuant to Articles 107 and 108 of the Public Procurement Law ("Official Gazette of the Republic of Serbia," No. 124/2012) and the Tender Evaluation Report, dated 11 January 2019, the National Tourism Organization of Serbia as the Contracting Authority, hereby passes this

DECISION
to award contracts

In the low-value public procurement, MJN No. 21/2018, for the procurement of public relations services on the United Kingdom market for the purposes of the National Tourism Organisation of Serbia, the public services contract is hereby awarded to the Tenderer as follows:

„Rooster Creative LTD”, 207 Waterloo Road, London, UK, SE1 8XD

Explanation

Public procurement No: MJN 21/2018 of public relations services on the United Kingdom market, CPV: 79416000, was launched under the decision No: 3529/1, dated 02 October 2018, of the National Tourism Organization of Serbia.

Type of public procurement procedure: low-value public procurement.
Public procurement value estimated at RSD 3,700,000 exclusive of VAT.

During the implementation of the procedure of small public procurement of public relations services in the UK market, the Decision on termination of procedure No. 3529/6 of 24.10.2018 was adopted. Once the tenderers received the notification about the outcome of tender evaluation, the Tenderer „Rooster Creative LTD”, 207 Waterloo Road, London, UK, SE1 8XD, submitted a review application, whereby partially annulling the low-value public procurement procedure - the tender evaluation part contained in the Tender Evaluation Report and the Suspend Decision No.3529/6 dated 24 October 2018.

Under the decision No: 4-00-1237/2018 dated 4 December 2018, the Republic Commission for the Protection of Rights in Public Procurement Procedures (hereinafter referred to as: the "Commission") approved the submitted review application and partially annulled the low-value public procurement of public relations services on the United Kingdom market – the tender evaluation stage and the Suspend Decision.

The Commission indicated that Article 25 of the Company Law ("Official Gazette of RS" Nos.36/2011, 99/2011, 83/2014-other law, 5/2015 and 44/2018; hereinafter referred to as: the "Company Law") prescribes that a special regulation may not impose an obligation on a company to use its seal in business correspondence and other company documents.

The Republic Commission points out that pursuant to Article 25 of the Company Law, companies may not be imposed an obligation to use their seals; thus the Contracting Authority may not impose an obligation to use seals in the public procurement procedure and seal use may not be a tender evaluation criterion.

The Republic Commission has also pointed out that, in the course of tender evaluation, in accordance with Article 93 (1) of the PPL, when checking whether the submitted evidence on compliance with the additional requirement concerning business capacity from the Tender

The Commission instructed the National Tourism Organisation of Serbia to repeat the tender evaluation stage of the said public procurement procedure.

Acting on the orders of the Commission, the Contracting Authority sent a request for further clarification, since it was not able to conclude based on the certificates submitted for the Croatian National Tourist Office and Visit St.Pete / Clearwater that the certificates had been signed by the authorized officers of the issuer. It requested that all elements stipulated in the form - certificate of execution of concluded contracts (name of certificate issuer, state, city/town, contract number, contract date, signature of the authorized officer of the certificate issuer) be submitted on the memorandum of the certificate issuer. On 3 January 2019, the Tenderer Rooster Creative LTD, 207 Waterloo Road, London, UK, SE1 8XD, submitted the certificates of execution for the Croatian National Tourist Office and Visit St.Pete / Clearwater on the memoranda of certificate issuers with all the elements specified in the Tender Documentation.

Taking into account that the requested certificates were submitted on a memorandum of the issuing body for Croatian National Tourist Office and Visit St.Pete/Clearwater, the National Tourism Organisation of Serbia as the Contracting Authority, acting in the tender evaluation process, notes the following:

This public procurement is for the procurement of public relations services on the UK market, in the low-value public procurement procedure for services, MJN 21/2018, CPV: 79416000 – Public Relations Services, with the value of public procurement estimated at RSD 3,700,000 exclusive of VAT.

Two tenders were received timely, i.e. by 15 October 2018 at 11:00AM, namely:

No.	Tenderer	Registration number and date of the tender with the Contracting Authority	Price exclusive of VAT
1.	Millennium Public Relations ltd, 67 Hopton street, London	3692 9 October 2018 3:10PM	GBP 26,600.00 annually RSD 3,569,241.20 *
2.	Rooster Creative LTD, 207 Waterloo Road, London, UK, SE1 8XD	3775 15 October 2018 10:35AM	EUR 27,900.00 annually RSD 3,298,929.48*

* Amounts were translated to dinars at the middle exchange rate of the National Bank of Serbia applicable on 15 October 2018, namely GBP 1 equals 134.1820 dinars.

* Amounts were translated to dinars at the middle exchange rate of the National Bank of Serbia applicable on 15 October 2018, one euro equals 118.2412 dinars.

There were no untimely tenders.

The Contracting Authority requires in the Tender Documentation that tenderers must comply with the additional requirements for participation in the procedure, i.e. that, in the past five years, the tenderer has concluded minimum three contracts for the provision of public relations services to various national and/or regional tourism organisations and/or tourism organisations of capital cities or relevant tourism promotion organisations. As evidence of compliance with this requirement, the tenderer was requested to provide the filled reference list and the form - certificate of execution of concluded contracts.

The Tenderer „Millennium Public Relations ltd.“, 67 Hopton Street, London, listed three contracts in the reference list as evidence of compliance with the requirements relating to the required references.

The certificate of contract execution for the Meribel area was stamped by the company Revolution, while the certificate of contract execution for the Veneto region was stamped by the company Mailander. In both cases, there is no clear link between the company issuing the certificate of contract execution and the company named as the Tenderer.

The Tenderer „Millennium Public Relations ltd.“, 67 Hopton street, London did not provide the requested evidence, as required by the Tender Documentation, for which reason the tender submitted by this Tenderer is found to contain material deficiencies and is rejected as ineligible in accordance with Article 106 of the Public Procurement Law.

In the tender evaluation procedure, the Commission found the tender submitted by the Tenderer „Rooster Creative LTD“, 207 Waterloo Road, London, UK, SE1 8XD to be eligible.

The Commission proposed that the contract should be awarded to the Tenderer „Rooster Creative LTD“, 207 Waterloo Road, London, UK, SE1 8XD.

The public services contract is awarded to the Tenderer „Rooster Creative LTD“, 207 Waterloo Road, London, UK, SE1 8XD.

On the basis of the facts found in the procedure, it was decided as stated in the operative part of the Decision.

Instructions on legal remedy: A motion for the protection of rights can be submitted against this Decision within 5 days of the date of its publishing on the Public Procurement Portal.



ACTING DIRECTOR
Marija Labovic

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