

Public procurement

Public procurement procedures are conducted through the Electronic Public Procurement Classifieds of the Republic of Croatia ([EOJN RH](#)). EOJN RH enables potential economic operators to register, have access to procurement documents, download procurement documents, communicate with the contracting authority (eg. request for participation, request for clarification), send bids, download Standard form of the single European procurement documentation ([ESPD-form](#)) and upload it, have access to e-Complaint. It allows public buyers to receive requests for clarification, publish contract award notice, etc.

Who can participate in public procurement procedures?

All interested economic operators can be bidders in an open and restricted procedure. The basis of public procurement are the principles of the internal market of the European Union, which regulate the freedom of movement of goods, freedom of establishment and freedom to provide services. Therefore, all bidders who fulfil the conditions prescribed by the procurement documentation can compete in public procurement procedures in Croatia.

The procurement documentation prescribes the criteria for the qualitative selection criteria for economic operator and the criteria for the selection of the bid. Criteria for the selection of an economic operator may relate to the ability to perform professional activities, economic and financial ability, technical and professional ability. The contracting authority is obligated to exclude any economic operator from participation in public procurement procedures if it has been the subject of a conviction by final judgment or hasn't fulfilled obligation relating to the payment of taxes, relating to the payment of pensions and health insurance contributions. Contracting authorities may prescribe additional, justified reasons for exclusion of economic operators from participation. The criteria for selecting the most economically advantageous bid are various and depend on the subject of the procurement, but as a rule it is always the price-quality ratio.

Useful tools for contracting authorities are e-Certis and CPV. [e-Certis](#) is an online repository of certificates, an electronic system of the European Commission that contains a database of evidence submitted in public procurement procedures and the bodies responsible for their issuance in the Member States - it shows what type of information each country requires as evidence. The common procurement vocabulary ([CPV](#)) establishes a single classification system for public procurement aimed at standardizing the references used by contracting authorities and contracting entities to describe procurement contracts. The main benefit of CPV codes is the ability to identify subject of procurement in any EU/EPG country, without the need for translation.

Bid

A bid is a statement of the bidder's will, in writing, that it will deliver goods, provide services or perform works in accordance with the terms and requirements of the procurement documentation. The stipulated text of the bid documents shall not be modified or supplemented. The bid binds the bidder during its term of validity, and at the request of the contracting authority, the bidder may extend the validity of the tender.

Each bid must contain a completed bid sheet, including the binding of the bid (if the bid is submitted by electronic means of communication), a completed bill of quantities, a completed ESPD form, a bid guarantee (if required) and other required documents. The contracting authority may require a bid guarantee from the economic operator, but is obliged to specify in the procurement documentation the type, means and conditions of the guarantee. In doing so, it is not possible to determine exclusively a cash deposit as a guarantee, but it is always allowed as a guarantee. The bid guarantee may not exceed 3% of the estimated value of the procurement.

The bid is submitted via EOJN RH, here you can find useful [instructions](#).

Parts of the bid, such as the bid guarantee and the sample, which cannot be submitted electronically, are named by the bidder and listed in the bid as part of the bid which is not submitted electronically, and are physically delivered to the contracting authority. EOJN RH encrypts the electronic bid in such a way as to disable insight into the bid before the deadline for submission of bids. The bid submitted through the EOJN RH binds the bidder within the validity period of the bid, regardless of whether it is electronically signed or not. The bidder may change his bid or cancel it until the submission of bids deadline. EOJN RH records each timely submitted bid, its change or withdrawal of the bid according to the order of receipt in the register of receipt of bids. Parts of the bid that are not submitted electronically must be submitted before the submission of bids deadline. In that case, the bid is considered submitted at the time of bid submission via the EOJN RH.

Evaluations of tender and contract award

Usually, the contracting authority checks the bid in the following order:

- whether the bid guarantee was delivered, if required, and whether the delivered guarantee is valid
- absence of the grounds for exclusion of the economic operator
- fulfilment of the required selection criteria and, where applicable, fulfilment of the criteria to reduce the number of suitable candidates
- fulfilment of the requirements and conditions connected with the subject of procurement and technical specifications as well as fulfilment of other requirements, conditions and criteria set out in the contract notice and in the procurement documents, taking into consideration variants, where applicable, and
- the computational accuracy of the bid

If during the examination and evaluation of the bid certain information or documentation is incomplete or erroneous or appears to be such or if certain documents are missing, the contracting authority may, by respecting the principle of equal treatment and transparency, require the economic operator concerned to supplement, clarify, complete or provide necessary information or documentation within a reasonable time, no less than five days. However, the bid sheet, bill of quantities and bid guarantee are not considered to be certain missing documents and the contracting authority cannot ask the bidder to submit them during the examination and evaluation of bids.

After reviewing and evaluating the bids, valid bids are ranked according to the bid selection criteria. Based on the bid selection criteria, the contracting authority selects the bid of the bidder who is the most economically advantageous and prepares the minutes on review and assessment in writing. Prior to making a decision in the public procurement procedure, the contracting authority may request the delivery of updated supporting documents, while [in procurement procedures above EU thresholds](#) it is obligatory. An updated supporting document is any document that contains valid information that corresponds to the actual facts at the time of delivery to the contracting authority and proves true what the economic operator has stated in the ESPD form.

Minutes on review and assessment shall be published in the EOJN RH attached to the selection decision or cancellation decision. The contracting authority is obliged to explain each decision.

The selection decision is made within 30 days of the expiration of the submission of bids deadline, unless otherwise prescribed by the procurement documentation. The selection decision or cancellation decision shall be delivered, by the contracting authority, to all participants through the EOJN RH, directly to each individual participant or by public announcement.

e-Appeal - legal protection in public procurement procedures

The legal protection is provided by the State Commission for Supervision of Public Procurement Procedures (hereinafter the "[State Commission](#)"), whose decision are announced publicly on their website. No appeal is allowed against the decision of the State Commission, but the decision can be

challenged in an administrative dispute before the High Administrative Court of the Republic of Croatia.

The right to appeal has any economic operator that has or had a legal interest in obtaining a particular public procurement contract and which has suffered or could suffer damage from the said violation of subjective rights.

The appeal procedure is conducted in the Croatian language. The appeal can be submitted directly via postal service, or via e-Complaint system in the EOJN RH, with the paid fee for initiating the appeal procedure. The fee for the appeal against the procurement documentation is HRK 5.000,00. Other amounts for initiating an appeal procedure depend on the estimated value of the procurement, as follows:

- HRK 5.000,00 for the estimated value of the procurement up to HRK 750.000,00
- HRK 10.000,00 for the estimated value of the procurement from HRK 750.000,01 to HRK 1.500.000,00
- HRK 25.000,00 for the estimated value of the procurement from HRK 1.500.000,01 to HRK 7.500.000,00
- HRK 45.000,00 for the estimated value of the procurement from HRK 7.500.000,01 to HRK 25.000.000,00
- HRK 70.000,00 for the estimated value of the procurement from HRK 25.000.000,01 to HRK 60.000.000,00
- HRK 100.000,00 for the estimated value of the procurement higher than HRK 60.000.000,00.

Competent authority and regulations

Ministry of economy and sustainable development

Radnička cesta 80, 10000 Zagreb

[Info javnabava@mingo.hr](mailto:javnabava@mingo.hr)

[Public procurement act \(NN 120/2016\)](#)

[Regulation on public procurement in the field of defense and security \(NN 19/2018\)](#)

[Ordinance on procurement documentation and bids in public procurement procedures \(NN 65/2017\)](#)

[Ordinance on amendments to the Ordinance on procurement documentation and tenders in public procurement procedures \(NN 75/2020\)](#)

[Ordinance on training in the field of public procurement \(NN 65/2017\)](#)

[Ordinance on supervision over the implementation of the Public Procurement Act \(NN 65/2017\)](#)

[Ordinance on public procurement in diplomatic missions and consular offices of the Republic of Croatia abroad \(NN 69/2017\)](#)

[Ordinance on the procurement plan, contract register, prior consultation and market analysis in public procurement \(NN 101/2017\)](#)

[Ordinance on electronic complaints in public procurement \(NN 101/2017\)](#)

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