**Analysis of the application of non-price-based contract award criteria**

Belgrade, December 2024

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# INTRODUCTORY REMARKS

The Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19, hereinafter referred to as the PPL) in Article 132 stipulates that in the public procurement procedure, the contracting authority awards the contract to the most economically advantageous tender, which it determines based on one of the following criteria:

1. Price, or
2. costs, using a cost-effectiveness approach, such as life cycle costing or
3. the price-quality ratio, or cost-quality ratio, assessed on the basis of criteria elements, including qualitative, environmental and/or social aspects, related to the subject-matter of the public procurement contract.

When implementing each specific public procurement procedure, the contracting authority has the freedom to choose the type of contract award criteria to apply.

There are certain exceptions to this rule, namely:

* The contracting authority may determine the price or cost element in the form of a predetermined price or cost, so that the most economically advantageous tender is determined on the basis of quality criteria.[[1]](#footnote-1)
* When conducting competitive dialogue and innovation partnerships, the contracting authority may only use the price-quality ratio as a criterion for awarding the contract.
* In the case of the award of a public procurement contract for software development services, architectural services, engineering services, translation services or consultancy services, the contracting authority shall determine the most economically advantageous tender on the basis of cost criteria by applying the cost-effectiveness approach or on the basis of the price-quality or cost-quality ratio.[[2]](#footnote-2)

Considering the new legal solutions that have been in effect since 1 January 2024, and which relate to the mandatory application of contract award criteria that are not based solely on price, this analysis provides a comparative presentation of data related to the application of contract award criteria, as an indicator of changes in the behaviour of contracting authorities when conducting public procurement procedures.

In addition to the above, the analysis also contains examples of good practice regarding public procurement procedures conducted by contracting authorities in the Republic of Serbia, in which the contract award criterion was defined based on the price-quality ratio.

# STATISTICAL DATA RELATED TO THE APPLICATION OF CONTRACT AWARD CRITERIA

This part of the analysis presents statistical data regarding the application of contract award criteria not based solely on price[[3]](#footnote-3) for the period from 2020 to 2024.[[4]](#footnote-4)

Statistical data is presented on several different bases, namely:

1. According to the application of criteria of contract award criteria;
2. According to the type of procurement subject-matter;
3. According to the type and activity of the contracting authority;
4. According to CPV mark;
5. According to share of service provision referred to in Article 132, paragraph 3 of the PPL in relation to the total number of public procurement procedures in which a contract award criterion other than price alone was applied
6. ***Application of type of contract award criteria***
7. **Application of contract award criteria that are not based solely on price are multiple.**
8. **Application of contract award criteria not based solely on price according to the type and activity of the contracting authority**

|  |
| --- |
| 2020  |
| Type of contracting authority | **Activity of the contracting authority** | **% ENP that is not based solely on price** |
| Legal entities established for the purpose of meeting needs in the general interest  | Health | 20.98 |
| Legal entities established for the purpose of meeting needs in the general interest  | Housing and utility activities  | 7.37 |
| Bodies of the autonomous province or local self-government units | General public services | 4.91 |
| Social protection  | Ministry or other state bodies, including their regional or local self-government units  | 4.16 |
| Legal entities established for the purpose of meeting needs in the general interest  | Education  | 2.46 |

|  |
| --- |
| 2021 |
| Type of contracting authority | **Activity of the contracting authority** | **% ENP that is not based solely on price** |
| Legal entities established for the purpose of meeting needs in the general interest  | Health | 17.13 |
| Legal entities established for the purpose of meeting needs in the general interest  | Housing and utility activities  | 8.58 |
| Bodies of the autonomous province or local self-government units | General public services | 8.38 |
| Legal entities established for the purpose of meeting needs in the general interest  | Education  | 3.94 |
| Ministry or other state bodies | Defence | 3.12 |

|  |
| --- |
| 2022  |
| Type of contracting authority | **Activity of the contracting authority** | **% ENP that is not based solely on price** |
| Legal entities established for the purpose of meeting needs in the general interest  | Health | 27.22 |
| Bodies of the autonomous province or local self-government units | General public services | 9.47 |
| Legal entities established for the purpose of meeting needs in the general interest  | Housing and utility activities  | 8.32 |
| Sectoral contracting authority | Water supply | 4.74 |
| Legal entities established for the purpose of meeting needs in the general interest  | Education  | 4.16 |

|  |
| --- |
| 2023  |
| Type of contracting authority | **Activity of the contracting authority** | **% ENP that is not based solely on price** |
| Legal entities established for the purpose of meeting needs in the general interest  | Health | 23 |
| Bodies of the autonomous province or local self-government units | General public services | 9 |
| Legal entities established for the purpose of meeting needs in the general interest  | Housing and utility activities  | 7 |
| Sectoral contracting authority | Water supply | 6 |
| Sectoral contracting authority | Production, transmission and distribution of gas and thermal energy  | 4 |

|  |
| --- |
| 2024  |
| Type of contracting authority | **Activity of the contracting authority** | **% ENP that is not based solely on price** |
| Bodies of the autonomous province or local self-government units | General public services | 20.36 |
| Legal entities established for the purpose of meeting needs in the general interest  | Health | 13.46 |
| Legal entities established for the purpose of meeting needs in the general interest  | Housing and utility activities  | 4.51 |
| Legal entities established for the purpose of meeting needs in the general interest  | Education  | 3,56 |
| Ministry or other state bodies | Defence | 2.85 |

Based on the data provided under point 3, it can be concluded that the criterion for awarding contracts that is not based solely on price is most prevalent among contracting authorities operating in the healthcare sector. This is followed by contracting authorities operating in housing and communal services, contracting authorities operating in the general public services sector, while a slightly lower percentage of this type of criterion for awarding contracts is prevalent among contracting authorities operating in the defence, education and water supply sectors.

As for 2024, the data contained in the table refers to the period ending on 11 November 2024, so the final data regarding the application of criteria other than price will be available in the annual public procurement report prepared by the Public Procurement Office.

1. **Application of contract award criteria that are not based solely on price are multiple.**

|  |
| --- |
| Top 5 procurement items by CPV code - 2020 |
| 50400000 - Repair and maintenance services of medical and precision equipment  | 8.51% |
| 50421000 - Repair and maintenance services of medical and precision equipment  | 6.24% |
| 50000000 - Maintenance and repair services | 3.40% |
| 09100000 - Fuels | 2.84% |
| 09000000 - Petroleum products, fuel, electricity and other energy sources | 2.84% |

|  |
| --- |
| Top 5 procurement items by CPV code - 2021  |
| 50421000 - Repair and maintenance services of medical and precision equipment  | 10.31% |
| 09100000 - Fuels | 4.52% |
| 64212000 - Mobile telephony services  | 3.49% |
| 50000000 - Maintenance and repair services | 3.16% |
| 50110000 - Repair and maintenance services of motor vehicles and related equipment  | 2.83% |

|  |
| --- |
| Top 5 procurement items by CPV code - 2022 |
| 50421000 - Repair and maintenance services of medical and precision equipment  | 9.74% |
| 09100000 - Fuels | 4.16% |
| 64212000 - Mobile telephony services  | 3.93% |
| 50000000 - Maintenance and repair services | 3.31% |
| 50110000 - Repair and maintenance services of motor vehicles and related equipment  | 3.22% |

|  |
| --- |
| Top 5 procurement items by CPV code - 2023 |
| 50421000 - Repair and maintenance services of medical and precision equipment  | 8.93% |
| 09100000 - Fuels | 4.58% |
| 50000000 - Maintenance and repair services | 3.41% |
| 64212000 - Mobile telephony services  | 3.13% |
| 50110000 - Repair and maintenance services of motor vehicles and related equipment  | 2.34% |

|  |
| --- |
| Top 5 procurement items by CPV code - 2024 |
| 71320000 - Technical design services  | 5.30% |
| 71242000 - Development of projects and drawings, cost estimation | 4.73% |
| 50421000 - Repair and maintenance services of medical and precision equipment  | 3.76% |
| 71250000 - Architectural, technical and geodetic services  | 3.25% |
| 09100000 - Fuels | 2.97% |

1. **Share of service provision referred to in Article 132, paragraph 3 of the** **PPL in relation to the total number of public procurement procedures in which a contract award criterion other than price alone was applied**
* In 2020, out of a total of 6% of public procurement procedures in which a contract award criterion other than price was applied, 2.43% represented procurement of services under Article 132, paragraph 3 of the PPL;
* In 2021, out of a total of 5% of public procurement procedures in which a contract award criterion other than price was applied, 3.32% represented procurement of services under Article 132, paragraph 3 of the PPL;
* In 2022, out of a total of 4% of public procurement procedures in which a contract award criterion other than price was applied, 2.77% represented procurement of services under Article 132, paragraph 3 of the PPL;
* In 2023, out of a total of 4,46% of public procurement procedures in which a contract award criterion other than price was applied, 2.3% represented procurement of services under Article 132, paragraph 3 of the PPL;
* In 2024, out of a total of 9,57% of public procurement procedures in which a contract award criterion other than price was applied, 45% represented procurement of services under Article 132, paragraph 3 of the PPL. The remaining 55% are procurement subjects for which contracting authorities are not obliged to apply a criterion other than price. A graphical representation of these procurement subjects is given below.

# 3. EXAMPLES OF GOOD PRACTICE

 The remainder of this analysis presents examples of good practice in applying contract award criteria that are not based solely on price.[[5]](#footnote-5)

The following procurement items are in question:

**3.1** **Advisory and legal services in corporate management**

**3.2** **Court expertise service**

**3.4.** **Fuel for motor vehicles**

**3.3** **Service of technical control of technical documentation**

**3.6.** **Translation services for professional literature and author texts**

**3.5.** **Geodetic surveying services**

## 3.1 ADVISORY AND LEGAL SERVICES

##  IN CORPORATE MANAGEMENT

* *General information about the subject of public procurement:*

 The subject-matter of public procurement is the provision of support in the implementation of the process of changing the organizational structure of the contracting authority (energy sector).

 The activities according to the project task are as follows:

* Support in developing an activity plan for the implementation of adopted draft acts on internal organization and systematization of work;
* Support in developing an activity plan for the implementation of the adopted proposal for the job evaluation methodology at the contracting authority;
* Analysis of submitted materials for amending draft acts and providing opinions and guidelines on necessary adjustments in draft acts;
* Updating adopted draft acts on internal organization and systematization of work in accordance with current organizational needs (status changes, changes in the target organizational structure in individual segments of the organization);
* Harmonization of adopted draft acts on internal organization and systematization of work in accordance with the previously mentioned changes;
* Harmonization of the adopted job evaluation methodology proposals with the previously mentioned changes.
* *Selection criteria for an economic operator*

 Within the criteria for selecting an economic operator - educational and professional qualifications (Article 117 of the PPL), the contracting authority stipulated that the bidder must have at least 5 law graduates (1 project manager and 4 project team members) employed, on any basis in accordance with the provisions of the law governing the rights, obligations and responsibilities arising from employment.

* *Contract award criteria*

 In the public procurement in question, the contracting authority will award the contract by applying the criterion of the most economically advantageous tender, which is based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max. 70 weights |
| Project team experience (I) | Max. 30 weights |

**Price (P)**

 The lowest bid value receives the maximum number of weights, while the other bid values ​​are scored relative to the lowest value, according to the following formula:

**P = MinP/O x 70\***

*\*(P = number of price weights, MinP = lowest bid price, O = offer price)*

**Project team experience (I)**

 For this criterion, weighting will be based on the qualifications of the project team that will be engaged in the implementation of the contract (project manager and project team members).

 The evaluation will be carried out according to the following formula:

|  |
| --- |
| PROJECT MANAGER |
| I1 - Years of experience of the project manager  | **Number of weights** |
| No experience in consulting in the energy sector  | 0 weights |
| 1 to 3 years of experience in consulting in the energy sector  | 2 weights |
| 4 to 6 years of experience in consulting in the energy sector  | 6 weights |
| 7 to 9 years of experience in consulting in the energy sector  | 8 weights |
| 10 or more years of experience in consulting in the energy sector | 10 weights |
| Maximum number of weights I1 | **10 weights** |
| I2 – Number of projects of the project manager | **Number of weights** |
| No experience in managing projects to adapt human resources to changes in the business model and organization of a company with more than a thousand employees | 0 weights |
| Managed 1 - 2 projects to adapt human resources to changes in the business model and organization of a company with more than a thousand employees | 2 weights |
| Managed 3 - 5 projects to adapt human resources to changes in the business model and organization of a company with more than a thousand employees | 6 weights |
| Managed 6 - 9 projects to adapt human resources to changes in the business model and organization of a company with more than a thousand employees | 8 weights |
| Managed 10 and more projects to adapt human resources to changes in the business model and organization of a company with more than a thousand employees | 10 weights |
| Maximum number of weights I2 | **10 weights** |
| OTHER MEMBERS OF THE PROJECT TEAM |
| I3 – Experience of other project team members | **Number of weights** |
| 1 project team member with a minimum of 2 years of experience in consulting in the energy sector  | 2 weights |
| 2 project team members with a minimum of 2 years of experience in consulting in the energy sector  | 6 weights |
| 3 project team members with a minimum of 2 years of experience in consulting in the energy sector  | 8 weights |
| 4 project team members with a minimum of 2 years of experience in consulting in the energy sector  | 10 weights |
| Maximum number of weights I3 | **10 weights** |
| Maximum number of weights for criterion I (I1+I2+I3)  | **30 WEIGHTS**  |

**The total number of weights is calculated according to the formula:**

**ENP = P + I**

|  |
| --- |
| **Method of proving this criterion:**In order to evaluate bids based on this criterion, bidders, in addition to stating the name and surname of the person engaged in the bid form, as well as information on whether the person has the required experience, submit the person's employment contract with the bid, as well as evidence confirming the required experience within the criteria for awarding the contract (for example, employer certificates of acquired experience, etc.). |

## 3.2 COURT EXPERTISE SERVICE

* *General information about the subject of procurement:*

 The subject-matter of public procurement is the performance of expert assessments on the territory of the Republic of Serbia in accordance with the rules of the profession and at the request of the client and the preparation of expert findings, opinions and statements for the needs of the client in the fields of architecture, construction, electrical engineering, geodetic, agricultural, forestry, mechanical, surveying, economic and financial professions.

 The service includes:

* preparation of expert findings, opinions and statements based on documentation and case files without going to the field;
* preparation of expert statements of findings and opinions with field visits of 50 to 150 kilometres;
* preparation of expert statements of findings and opinions with field visits over 150 kilometres;
* preparation of multiple findings and opinions after a single field trip of 50 to 150 kilometres;
* preparation of multiple findings and opinions after a single field trip over 150 kilometres;
* supplementary statements, i.e. additions to findings and opinions;
* appearing in court to give an oral statement and give an opinion.

The contractor undertakes to prepare expert findings, opinions and statements within a maximum of 5 days from the date of the written order of the client, if it is prepared on the basis of documentation and case files without going to the field, or within a maximum of 15 days if going to the field.

 Place of performance of the service: territory of the Republic of Serbia.

* *Contract award criteria*

 In the public procurement in question, the contracting authority will award the contract by applying the criterion of the most economically advantageous tender, which is based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max. 90 weights |
| Deadline for preparing expert findings, opinions and statements, including field visits (R) | Max. 10 weights |

**Price (P)**

 The lowest bid value receives the maximum number of weights, while the other bid values ​​are scored relative to the lowest value, according to the following formula:

**P = MinP/O x 90\***

*\*(P = number of price weights, MinP = lowest bid price, O = offer price)*

**Deadline for preparing expert findings, opinions and statements, including field visits (R)**

 In this criterion, the contracting authority gives preference to the offer that provides for a shorter deadline for the preparation of expert findings, opinions and statements, including field visits. The contracting authority has provided for a minimum of 5 days, while the maximum is 15 days from the date of the contracting authority's order.

 The evaluation will be carried out according to the following formula:

|  |
| --- |
| Deadline for preparing expert findings, opinions and statements, including field visits |
| Number of days | **Number of weights** |
| 5-6 days | 10 weights |
| 7-8 days | 6 weights |
| 9-11 days | 4 weights |
| 12-14 days | 2 weights |
| 15 days | 0 weights |
| Maximum number of weights for criterion R | **10 weights** |

**The total number of weights is calculated according to the formula:**

**ENP = P + R**

|  |
| --- |
| **Method of proving this criterion:**In order to evaluate bids based on this criterion, bidders are required to submit a statement with their bid stating the time required to prepare expert analyses, opinions and statements with field visits. |

## 3.3 SERVICE OF TECHNICAL INSPECTION OF TECHNICAL DOCUMENTATION

* *General information about the subject-matter of procurement:*

 The contractor’s obligation is to carry out technical control of the PGD projects for 10 of the client's facilities for the needs of the contracting authority.

 The Contractor is obliged to perform the service in question in accordance with the Law on Planning and Construction (“Official Gazette of the Republic of Serbia”, No. 72/2009, 81/2009 - corrigendum, 64/2010 - decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 - decision of the Constitutional Court, 50/2013 - decision of the Constitutional Court, 98/2013 - decision of the Constitutional Court, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - as amended, and 9/20, 52/2021 and 62/2023), the applicable Rulebook on the content, manner and procedure for the preparation and control of technical documentation according to the class and purpose of the facility (“Official Gazette of the Republic of Serbia”, No. 96/2023) and the Rulebook on the procedure for implementing the unified procedure electronically (“Official Gazette of the Republic of Serbia”, No. 96/2023) and all applicable regulations for this type of work.

 The deadline for execution for each item in the Offer Price Structure Form is 15 days from the written request of the contracting authority. The total deadline for execution for each individual part of the structure form includes the deadline for submission of the preliminary report of the Technical Control (a maximum of 10 calendar days from the date of introduction of the contractor to the work) and the deadline for submission of the final report of the Technical Control and verification of the technical documentation (maximum 5 calendar days from the date of submission of the technical documentation in which the comments of the Technical Control have been acted upon).

 The contractor is obliged to submit two copies in paper version of the preliminary report (a report signed by designers with appropriate licenses who have carried out technical control of individual parts of the project). The final report is signed by the representative of the legal entity, i.e., the entrepreneur.

* *Selection criteria for an economic operator*

 Within the criteria for selecting an economic operator - educational and professional qualifications (Article 117 of the PPL), the contracting authority stipulated that the bidder must have at least 5 law graduates (1 project manager and 4 project team members) employed, on any basis in accordance with the provisions of the law governing the rights, obligations and responsibilities arising from employment.

* one graduate architectural engineer, with licence 300 (321A),
* one graduated civil engineer, with licence 310 (341I),
* one graduate mechanical engineer, with licence 330 (361I),
* one graduate electrical engineer, with licence 350 (351I).
* *Contract award criteria*

 In the public procurement in question, the contracting authority will award the contract by applying the criterion of the most economically advantageous tender, which is based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max. 80 weights |
| Qualifications of the employed person (Q) | Max. 20 weights |

**Price**

 The lowest bid value receives the maximum number of weights, while the other bid values ​​are scored relative to the lowest value, according to the following formula:

**P = MinP/O x 80\***

*\*(P = number of price weights, MinP = lowest bid price, O = offer price)*

**Qualifications of the employed person (Q)**

 This criterion will take into account the experience of the person employed with license number 300 (321A) who will be engaged to execute the contract and who, as the responsible designer, has prepared the Project for a building permit for the construction of a high-rise building or has performed technical control of the Project for a building permit for the construction of a high-rise building.

 The evaluation will be carried out according to the following formula:

|  |
| --- |
| Qualifications of the employed person |
| Number of projects completed/technical controls performed | **Number of weights** |
| Number of projects completed/technical controls performed | 0 weights |
| 1 - 3 projects completed/technical controls performed  | 3 weights |
| 4 - 6 projects completed/technical controls performed  | 6 weights |
| 7 - 9 projects completed/technical controls performed  | 10 weights |
| 10 - 12 projects completed/technical controls performed  | 15 weights |
| 13 and more projects completed/technical controls performed | 20 weights |
| Maximum number of weights for criterion Q | **20 weights** |

**The total number of weights is calculated according to the formula:**

**ENP = P + Q**

|  |
| --- |
| **Method of proving this criterion:**In order to evaluate bids based on this criterion, bidders, in addition to stating the name and surname of the person engaged in the bid form, as well as information on whether the person has the required experience, submit the person's employment contract with the bid, as well as evidence confirming the required experience within the criteria for awarding the contract (for example, employer certificates of acquired experience, etc.). |

## 3.4. FUEL FOR MOTOR VEHICLES

* *General information about the subject-matter of procurement:*

 The subject-matter of public procurement is the purchase of fuel for motor vehicles, namely Euro diesel fuel and Premium BMB 95.

 The tender documentation stipulates that the offered fuel for motor vehicles must meet the quality standards according to the applicable Regulation on Technical and Other Requirements for Liquid Fuels of Petroleum Origin and the SRPS standards to which the Rulebook refers.

 The delivery of the subject goods is carried out successively, according to the needs of the contracting authority, via registration cards at the bidder's gas stations on the territory of the Republic of Serbia.

 The record card is a means of recording fuel purchase and sale transactions carried out by the contracting authority.

 Ordering and collecting cards from the bidder will be done based on the written request of the contracting authority, which contains the type of vehicle for which the card will be issued.

 Entering a PIN is a mandatory element for using and protecting the registration card.

 The Seller issues the card within a period not exceeding 7 working days from the date of the written request of the contracting authority. The costs of issuing the card are borne by the Seller.

 Registration cards will be issued based on the vehicle registration number.

* *Contract award criteria*

 In the public procurement in question, the contracting authority will award the contract by applying the criterion of the most economically advantageous tender, which is based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max. 70 weights |
| Network coverage (NC) | Max. 30 weights |

**Price**

 The lowest bid value receives the maximum number of weights, while the other bid values ​​are scored relative to the lowest value, according to the following formula:

**P = MinP/O x 70\***

*\*(P = number of price weights, MinP = lowest bid price, O = offer price)*

**Network coverage (NC)**

 For this criterion, the contracting authority gives preference to the bidder with the largest number of petrol stations on the territory of the Republic of Serbia, equipped for the sale of fuel for motor vehicles via registration cards.

 The evaluation will be carried out according to the following formula:

**NC = P/MaxP x 30\***

*\*(NC – number of criteria weights, P = bid value for the criterion, MaxP = highest bid value for the criterion)*

**The total number of weights is calculated according to the formula:**

**ENP = P + NC**

|  |
| --- |
| **Method of proving this criterion:**In order to evaluate bids based on this criterion, bidders are required to submit a list of gas stations with their bid, containing the addresses where the stations are located. |

## 3.5. GEODETIC SURVEYING SERVICES

* *General information about the subject-matter of procurement:*

 The contracting authority is conducting a procedure for the purpose of procuring geodetic services necessary for the preparation of urban planning documentation, design and construction of facilities, and implementation of changes in the cadastral register.

 The service includes the following:

1. *Cadastral-topographic plan certified by an authorized organization:*
* Preparation of a cadastral-topographic plan.
* Preparation of topographic and situational plans without data of the National Geodetic Authority on plots.
1. *Geodetic documentation for legalization of facilities:*
* Recording the completed condition of a building with a base area of ​​up to 100 m2 gross area and drawing it into the cadastral plan.
* Recording the completed condition of a building with a base area of ​​up to 300 m2 gross area and drawing it into the cadastral plan.
* Recording the completed condition of a building with a base area of ​​over 300m2 gross base area and drawing it into the cadastral plan.
1. *Geodetic documentation for the purposes of forming a construction plot:*
* Geodetic marking of plots and preparation of a geodetic report for the purposes of forming a construction plot.
* Geodetic marking of plots and preparation of a parcelization/reparcellation project for the purpose of forming a construction plot.
* *Selection criteria for an economic operator*

 Within the criteria for selecting an economic operator - educational and professional qualifications (Article 117 of the PPL), the contracting authority stipulated that the bidder must have at least 5 law graduates (1 project manager and 4 project team members) employed, on any basis in accordance with the provisions of the law governing the rights, obligations and responsibilities arising from employment.

* One person of architectural profession with a first-class geodetic licence
* One person with a license from the Chamber of Engineers GeP 08-01 (old designation 372) - Responsible designer of geodetic projects
* One person with a license from the Chamber of Engineers GeI 08-01.1 (old designation 471) - Responsible contractor of geodetic works
* One person in the architectural profession with a valid UP 02 license (old designation 200) - Licensed architect-urban planner
* *Contract award criteria*

 In the public procurement in question, the contracting authority will award the contract by applying the criterion of the most economically advantageous tender, which is based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max. 60 weights |
| Key personnel qualifications (KQ) | Max. 40 weights |

**Price (P)**

 The lowest bid value receives the maximum number of weights, while the other bid values ​​are scored relative to the lowest value, according to the following formula:

**P = MinP/O x 60\***

*\*(P = number of price weights, MinP = lowest bid price, O = offer price)*

**Key personnel qualifications (KQ)**

 This criterion will take into account the years of experience of the employees with the required qualifications (licenses) who will be engaged in the implementation of the contract.

The evaluation will be carried out according to the following formula:

|  |  |
| --- | --- |
| Key personnel qualifications | Years of work experience |
| no experience | 1-5 years | 6-10 years | more than 10 years |
| number of weights | number of weights | number of weights | number of weights |
| Person of geodetic profession with a first-class geodetic licence - KQ1 | 0 | 3 | 6 | 10 |
| Maximum number of weights KQ1 | **10 weights** |
| Person with a licence from the Chamber of Engineers GeP 08-01 (old designation 372) - KQ2 | 0 | 3 | 6 | 10 |
| Maximum number of weights Q2 | **10 weights** |
| One person with a license from the Chamber of Engineers GeI 08-01.1 (old designation 471) - Q3 | 0 | 3 | 6 | 10 |
| Maximum number of weights KQ3 | **10 weights** |
| Person in the architectural profession with a valid UP 02 license (old designation 200) - KQ4 | 0 | 3 | 6 | 10 |
| Maximum number of weights KQ4 | **10 weights** |
| Maximum number of weights for criterion KQ (KQ1+KQ2+KQ3+KQ4) | **40 weights** |

**The total number of weights is calculated according to the formula:**

**ENP = P + KQ**

|  |
| --- |
| **Method of proving this criterion:**In order to evaluate bids based on this criterion, bidders, in addition to stating the name and surname of the person engaged in the bid form, shall submit with the bid the contract on the person’s employment with the bidder, as well as evidence confirming the required experience within the criteria for awarding the contract (for example, employer’s certificates of acquired experience, etc.). |

## TRANSLATION SERVICES FOR PROFESSIONAL LITERATURE AND AUTHOR TEXTS

* *General information about the subject-matter of procurement:*

The public procurement in question involves the provision of written translation services from a foreign language into Serbian and from Serbian into a foreign language for the purposes of the contracting authority's official correspondence with foreign partners and organizations.

 Translation services are provided for English, German and French.

Services are provided successively, according to the needs of the contracting authority. For each specific service, the Contracting Authority issues a purchase order, which it delivers to the Service Provider electronically or by mail. Along with the purchase order, the Contracting Authority submits to the Service Provider the document(s) that need to be translated. The service provider undertakes to perform the services in question in accordance with the issued purchase order and within the period specified in the purchase order.

The service provider is responsible for the quality and is obliged to review the translated text after the translation has been completed and check whether the translation fully corresponds to the original text, as well as whether the agreed quality requirements have been met.

The text must be proofread.

The quality of the translation must be such that it can be used in the form in which it was delivered without additional formatting, revision, checking and/or correction by the Contracting Authority.

* *Selection criteria for an economic operator*

 Within the criteria for selecting an economic operator - educational and professional qualifications (Article 117 of the PPL), the contracting authority envisaged that the bidder should have either employed or hired based on a contract in accordance with the Labour Law, at least:

* 3 translators for written translation from English to Serbian and vice versa
* 3 translators for written translation from German to Serbian and vice versa
* 3 translators for written translation from French to Serbian and vice versa
* *Contract award criteria*

 In the public procurement in question, the contracting authority will award the contract by applying the criterion of the most economically advantageous tender, which is based on the following criteria:

|  |  |
| --- | --- |
| Price (P) | Max. 70 weights |
| Quality of hired staff (Q) | Max. 30 weights |

**Price**

 The lowest bid value receives the maximum number of weights, while the other bid values ​​are scored relative to the lowest value, according to the following formula:

**P = MinP/O x 70\***

*\*(P = number of price weights, MinP = lowest bid price, O = offer price)*

**Quality of hired staff (Q)**

 With this criterion, the contracting authority evaluates the experience of the persons listed within the criteria for selecting a business entity, namely experience in translating scientific and research texts in the fields of art history, archaeology, ethnology, conservation and restoration.

Weighting is done in such a way that a certain number of weights are assigned depending on how many translators, who will be engaged in the execution of the services, have experience in the specified field, namely:

The evaluation will be carried out according to the following formula:

|  |
| --- |
| Quality of hired staff |
| Number of engaged translators with experience in translating scientific and research texts in the requested field – ENGLISH LANGUAGE (Q1)  | Number of weights |
| 0 translators | 0 weight |
| 1 translator | 4 weights |
| 2 translators | 6 weights |
| 3 translators | 10 weights |
| Maximum number of weights Q4 | **10 weights** |
| Number of engaged translators with experience in translating scientific and research texts in the requested field – GERMAN LANGUAGE (Q2)  | **Number of weights** |
| 0 translators | 0 weight |
| 1 translator | 4 weights |
| 2 translators | 6 weights |
| 3 translators | 10 weights |
| Maximum number of weights Q2 | **10 weights** |
| Number of engaged translators with experience in translating scientific and research texts in the requested field – FRENCH LANGUAGE (Q3)  | **Number of weights** |
| 0 translators | 0 weight |
| 1 translator | 4 weights |
| 2 translators | 6 weights |
| 3 translators | 10 weights |
| Maximum number of weights Q3 | **10 weights** |
| Maximum number of weights for criterion Q (Q1+Q2+Q3) | **30 weights** |

**The total number of weights is calculated according to the formula:**

**ENP = P + Q**

|  |
| --- |
| **Method of proving this criterion:**In order to evaluate bids based on this criterion, bidders, in addition to stating the name and surname of the person engaged in the bid form, as well as information on whether the person has the required experience, submit the person's employment contract with the bid, as well as evidence confirming the required experience within the criteria for awarding the contract (for example, employer certificates of acquired experience, etc.). |

# CONCLUSION

The Law on Amendments and Supplements to the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 92/23), which has been in force since 1 January 2024, has prescribed certain new obligations that contracting authorities should comply with when conducting public procurement procedures.

Article 132, paragraph 3 of the PPL stipulates that contracting authorities, when conducting a public procurement procedure for precisely defined services, will no longer be able to use price as the sole criterion for awarding the contract, but must also take into account the quality criterion, i.e., the cost criterion, by applying the cost-effectiveness approach.

Based on the statistical data presented in this analysis, it can be concluded that the aforementioned legal solution, already in the first year of its implementation, contributed to a significant increase in the number of procedures in which price is not the only criterion.

Also, based on the data published on the Public Procurement Portal, it can be concluded that contracting authorities also define the contract award criteria for some other procurement subject-matters (not only for those for which they are obliged, under Article 132, paragraph 3 of the PPL) define the contract award criteria taking into account the quality criterion (for example, repair and maintenance services for medical equipment, maintenance of motor vehicles, fuel, etc.).

The Public Procurement Office, in order to provide professional assistance to contracting authorities, has prepared and published on its website model tender documents that show examples of criteria for awarding a contract that is not based solely on price.[[6]](#footnote-6)

In this regard, it can be expected that it will also contribute to further improving statistical data when it comes to the application of the type of contract award criteria.

What every contracting authority must take into account when defining criteria for awarding a contract that is not based on price is the following:

* The principle of transparency. The above implies that the criteria for awarding the contract must be specified in advance in the tender documentation and the contracting authority, when evaluating the bids, may only apply the criteria so specified;
* The principle of prohibition of discrimination and restriction of competition. The above implies that the contracting authority is obliged to enable as much competition as possible and cannot prevent any economic entity from participating in the public procurement procedure by using discriminatory criteria for awarding contracts;
* The defined criteria for awarding the contract must be related to the subject matter of the public procurement and must be described and evaluated;
* The contracting authority must conduct detailed market research before defining the criteria for awarding the contract.
1. *This option is regulated by Article 132, paragraph 2 of the PPL and implies that the contracting authority has already determined the price or cost in the procurement documentation, and that the selection of the most favourable bid will be made solely on the basis of quality-based criteria.* [↑](#footnote-ref-1)
2. *This is a legal obligation prescribed by the Law on Amendments and Supplements to the Law on Public Procurements (“Official Gazette of the Republic of Serbia”, No. 92/23), which has been in force since 1 January 2024.* [↑](#footnote-ref-2)
3. *The presentation of statistical data is based on data on public procurement procedures conducted on the Public Procurement Portal, as well as on the basis of annual reports on public procurement prepared by the Public Procurement Office.* [↑](#footnote-ref-3)
4. *Data for 2024 refers to the period ending on 11 November 2024.* [↑](#footnote-ref-4)
5. *Data on the public procurement procedures in question were taken from the Public Procurement Portal* [*https://jnportal.ujn.gov.rs/*](https://jnportal.ujn.gov.rs/) [↑](#footnote-ref-5)
6. *Models of tender documentations are accessible on the following link: https://www.ujn.gov.rs/?page\_id=1195* [↑](#footnote-ref-6)