

**National Tourism Organisation of Serbia**  
**Belgrade, Čika Ljubina 8**  
**www.serbia.travel**  
**Record number: 4809/11**  
**Date: 2 September 2019**  
**Public procurement number: OPJN 8/2018**

The National Tourism Organisation of Serbia, as the Contracting Authority, having conducted a public procurement procedure, pursuant to Articles 107 and 108 of the Public Procurement Law (*Official Gazette of RS* No. 124/2012) and the Report on Technical Evaluation of Bids of 30 August 2019, passes this

**DECISION**  
**on Contract Award**

in the public procurement procedure “Development of Strategic Tourism Marketing Plan of Serbia 2019-2024”, the public procurement contract is hereby *awarded on the following bidder*:

Block&Roll d.o.o, Terazije 45, Belgrade

**Statement of Reasons**

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

The supplies in this public procurement procedure are the services of Development of Strategic Tourism Marketing Plan of Serbia 2019-2024/

Serial public procurement number: OPJN number 8/2018

Type of public procurement procedure: open procedure

The estimated value of the public procurement is RSD 11,000,000 ex VAT per year.

In the course of the public procurement procedure for services: “Development of Strategic Tourism Marketing Plan of Serbia 2019-2024”, Decision on Termination of Procedure No. 4809/9 of 24 June 2019 was passed. When the participants were notified of the outcome of the technical evaluation of bids, the bidder Block&Roll d.o.o, Terazije 45, Belgrade, filed a request for the protection of rights.

The Republic Commission for the Protection of Rights in Public Procurement Procedures (hereinafter referred to as “the Republic Commission”) in its Decision number 4-00-695/201 of 25 July 2019 upheld the complainant’s request for the protection of rights and partially voided the procurement procedure for services: “Development of Strategic Tourism Marketing Plan of Serbia 2019-2024”, specifically the stage of technical evaluation of bids and passing of the Decision on Termination of Procedure.

Acting pursuant to the filed request for the protection of rights, the Republic Commission noted that the Contracting Authority had imposed an additional condition relating to business capacity, which required bidders to provide relevant references for developing strategic marketing plans for tourism, which was to be demonstrated by providing a completed reference list and a completed form “Customer’s Confirmation Letter”. Upon

examining the bid, the Republic Commission found that the complainant had provided a reference list, which included International Communications Partners d.o.o. as a contracting authority with which the bidder had had a contract and upon whose order the bidder had developed the Tourism Strategic Marketing Plan of the Republic of Serbia in the Territory of Albania, the Tourism Strategic Marketing Plan of the Republic of Serbia in the Territory of China, the Tourism Strategic Marketing Plan of the Republic of Serbia in the Territory of India and the Tourism Strategic Marketing Plan of the Republic of Serbia in the Territory of Bosnia and Herzegovina, under Contract number 10/2017 of 11 September 2017.

The Republic Commission noted that the Contracting Authority had, in accordance with Article 93(1) of the Public Procurement Law, sent a request for additional clarification number 4809/5 of 13 June 2019 to the bidder in connection with the said confirmation letters, asking the bidder to specify which tasks it had performed in the development of Tourism Strategic Marketing Plans of the Republic of Serbia under Contract No. 10/2017 of 11 September 2017 with International Communications Partners and to grant the Contracting Authority access to the said Contract and the Tourism Strategic Marketing Plans of the Republic of Serbia for the territories of Albania, China, India and Bosnia and Herzegovina. In its clarification, the bidder stated it had performed the following tasks in the development of the Tourism Strategic Marketing Plans of the Republic of Serbia for the said markets:

- Analysis of Serbia's existing tourism marketing plans for China, Albania, India and Bosnia and Herzegovina
- Defining a mechanism of marketing activities aimed at positioning the Republic of Serbia as a desirable tourist destination
- Development of separate tourism strategic marketing plans for China, for Albania, for India and for Bosnia and Herzegovina
- Development of specific promotional activities to promote the Republic of Serbia
- Preparing recommendations to prepare Serbia's tourism marketing plans and estimated costs and timeframe for implementation of the promotional activities designed to promote Serbia's tourism.

The Republic Commission also noted it had taken into consideration the content of the Contract with International Communications Partners number 10/2017 of 11 September 2019 presented by the bidder, who had stated on that occasion, among other things, that strategic marketing plans were trade secrets and as such could not be disclosed to third parties, which it stated as the reason why it could not grant the Contracting Authority access to those Strategic Marketing Plans.

The Contracting Authority sent to the bidder a new request for additional clarification, number 4809/6 of 20 June 2019, since the Contracting Authority, while acknowledging the fact that the documents it had requested constituted trade secret, was unable to determine relevant facts from the presented Contract and the enclosed clarifications regarding the tasks the bidder had performed in the development of the said Strategic Marketing Plans of the Republic of Serbia for certain markets.

The Contracting Authority noted those that, since those were Strategic Marketing Plans of the Republic of Serbia, and the National Tourism Organisation of Serbia had been formed under the Law on Tourism to promote Serbian tourism and coordinate the activities of

tourism organisations, companies and other entities in the tourism industry in the Republic of Serbia, the said Tourism Strategic Marketing Plans of the Republic of Serbia developed by the bidder in accordance with the said Contract should not remain subject to trade secrecy for the TOS as a national organisation.

The Contracting Authority pointed out in that regard it was willing to sign a non-disclosure agreement, with all legal consequences stemming from it, in order to be granted access to the Tourism Strategic Plans of the Republic of Serbia for the markets of Albania, China, Bosnia and Herzegovina and India which had been developed by the bidder.

The bidder stated in its bid clarification of 20 June 2019 that it had developed the strategic plans for its client and could not sign a non-disclosure agreement on behalf of its client; it further stated those strategic plans were the property of its client International Communications Partners, who had been hired for that job by other national institutions with which it had signed non-disclosure agreements, which was the reason why the bidder was unable to present those strategic plans to the Contracting Authority.

In the opinion of the Republic Commission, in this way the Contracting Authority made use of the option available to it under Article 93(1) of the Public Procurement Law. The Republic Commission further noted that the Contracting Authority had stated in the contested Decision on Termination of Procedure that the bidder had not met additional requirements because it had failed to grant access to the requested documents pursuant to the bid clarification request, but it failed to provide a specific explanation as to why the complainant's bid was unacceptable.

The Republic Commission noted that the Contracting Authority should have evaluated compliance with the additional requirement relating to business capacity, as part of its technical evaluation of bids, taking into account the content of the Bidding Dossier with regard to the additional requirement relating to business capacity, i.e. to determine beyond doubt by examining all provided proofs that the additional requirement set out in the Bidding Dossier was met.

Complying with the order of the Republic Commission, the National Tourism Organisation of Serbia repeated the technical bid evaluation stage of the public procurement procedure and in the Report on Technical Evaluation of Bids, of 30.08.2019, found the following:

There were 2 bids submitted timely, i.e. by 30 May 2019 at 11:00 AM, namely:

No.	Bidder's name or code	Number under which the bid was registered with the <u>Contracting Authority</u>	Date of receipt	Hour of receipt
1.	Block&Roll d.o.o, Terazije 45, Belgrade	1766	30 May 2019	9:55 AM
2.	Horwath i Horwath d.o.o, Grada Vukovara 269a/14, Zagreb	1773	30 May 2019	10:36 AM

There were no belated bids.

The bids were opened in the order of their receipt and it was determined that the following prices had been quoted for the services:

No.	Bidder's name and head office	Dinars/euros	
		Exclusive of VAT	Inclusive of VAT
1.	Block&Roll d.o.o, Terazije 45, Belgrade	RSD 10,450,000.00	RSD 12,540,000.00
2.	Horwath i Horwath d.o.o, Grada Vukovara 269a/14, Zagreb	EUR 109,900.00, RSD 12,963,727.1	EUR 131,880.00, RSD 15,556,472.5

The middle exchange rate of the National Bank of Serbia as at 30 May 2019 was RSD 117.9593 for EUR 1.

In the technical bid evaluation process, the Public Procurement Commission found the following:

Bidder Horwath i Horwath d.o.o, Grada Vukovara 269a/14, Zagreb:

The bidder Horwath i Horwath d.o.o, Grada Vukovara 269a/14, Zagreb, timely submitted the bid number 1773 of 30 May 2019, in which it quoted for the services subject to this public procurement the price of EUR 109,900.00 exclusive of VAT, or EUR 131,880.00. Translated at the middle exchange rate, the quoted price was RSD 12,963,727.1 exclusive of VAT, or RSD 15,556,472.5 inclusive of VAT.

As the estimated value of the public procurement of services "Development of Strategic Tourism Marketing Plan of Serbia 2019-2024" was RSD 11,000,000.00 exclusive of VAT, the bid submitted by the bidder Horwath i Horwath d.o.o, Grada Vukovara 269a/14, Zagreb, was rejected as unacceptable because the quoted price was higher than the estimated value of the public procurement.

Bidder Block&Roll d.o.o, Terazije 45

The bidder Block&Roll d.o.o, Terazije 45, Belgrade timely submitted the bid number 1766 of 30 May 2019, in which it quoted for the services subject to this public procurement the price of RSD 10,450,000.00 exclusive of VAT, or RSD 12,540,000.00 inclusive of VAT.

A request made by the Contracting Authority in the Bidding Dossier in terms of additional eligibility conditions was that the bidder must have relevant references in connection with the development of tourism strategic marketing plans, i.e. it must have developed minimum three strategic marketing plans for the tourism of a destination (country, region, capital or a city with minimum one million inhabitants) from May 2014 to the date of submission of the bid. As proof of required business capacity, this bidder provided certificates of contract execution issued by International Communications Partners in connection with Contract number 10/2017 of 11 September 2017, under which the bidder had provided services of developing a tourism strategic marketing plan of the Republic of Serbia for the territories of Albania, China, India and Bosnia and Herzegovina.

The Contracting Authority, acting in accordance with Article 93(1) of the Public Procurement Law, sent a request for additional clarification number 4809/5 of 13 June 2019 to the bidder, asking the bidder to specify which tasks it had performed in the development of

Tourism Strategic Marketing Plans of the Republic of Serbia under Contract No. 10/2017 of 11 September 2017 with International Communications Partners and to grant the Contracting Authority access to the said Contract and the Tourism Strategic Marketing Plans of the Republic of Serbia for the territories of Albania, China, India and Bosnia and Herzegovina. In its clarification, the bidder stated it had performed the following tasks in the development of the Tourism Strategic Marketing Plans of the Republic of Serbia for the said markets, as already stated.

The bidder presented its Contract with International Communications Partners number 10/2017 of 11 September 2019 and stated, among other things, that strategic marketing plans were trade secrets and as such could not be disclosed to third parties, which it stated as the reason why it could not grant the Contracting Authority access to those Strategic Marketing Plans.

The Contracting Authority issued a new request for additional clarification, number 4809/6 of 20 June 2019, and pointed out it was willing to sign a non-disclosure agreement, with all legal consequences stemming from it, in order to be granted access to the Tourism Strategic Plans of the Republic of Serbia for the markets of Albania, China, Bosnia and Herzegovina and India which had been developed by the bidder. The bidder stated in its bid clarification of 20 June 2019 that it had developed the strategic plans for its client and could not sign a non-disclosure agreement on behalf of its client; it further stated those strategic plans were the property of its client International Communications Partners, who had been hired for that job by other national institutions with which it had signed non-disclosure agreements, which was the reason why the bidder was unable to present those strategic plans to the Contracting Authority.

In view of the foregoing, and noting in particular the position of the Republic Commission, which had pointed out that the Contracting Authority should have evaluated compliance with the additional requirement relating to business capacity, as part of its technical evaluation of bids, taking into account the content of the Bidding Dossier with regard to the additional requirement relating to business capacity, the Technical Bid Evaluation Commission finds in the repeated technical evaluation of bids for the public procurement procedure for services: "Development of Strategic Tourism Marketing Plan of Serbia 2019-2024" that the bid submitted by the bidder Block&Roll d.o.o, Belgrade, Terazije 4, is acceptable.

The Commission proposed that the Contract for the public procurement procedure for services "Development of Strategic Tourism Marketing Plan of Serbia 2019-2024" should be awarded to the bidder Block&Roll d.o.o, Belgrade, Terazije 4.

In view of the foregoing, it was decided as stated in the operative part of this Decision.

**Advice on available remedy:** This Decision may be contested by filing a request for the protection of rights within 10 days of publication of the decision on the Public Procurement Portal.

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**ACTING DIRECTOR**  
  
Marija Labovic

