



**CROATIAN ENERGY  
REGULATORY AGENCY**  
Ulica grada Vukovara 14  
10000 Zagreb

Class: 330-01/16-01/31  
Reg. No.: 371-08/16-08

Zagreb, 24 June 2016

- economic operators

**SUBJECT: Invitation to tender**

Pursuant to Article 18, paragraph 3 of the Public Procurement Act ("Official Gazette of the Republic of Croatia", number 90/11, 83/13, 143/13 and 13/14), for an annual estimated value of procurement less than HRK 200,000.00 for procurement of goods and services, i.e. HRK 500,000.00 for procurement of works, the Croatian Energy Regulatory Agency, Ulica grada Vukovara 14, Zagreb (hereinafter: the Client) is not required to conduct public procurement procedures pursuant to the provisions of the Public Procurement Act. Consequently, based on the Regulation on the implementation of the procedure for the low value procurement of goods, works and/or services of class: 011-01/14-01/09, Reg. No.: 371-01/14-12, dated 29 April 2014, in this manner the Client is submitting an invitation to tender as follows:

**1 PROCUREMENT SUBJECT DESCRIPTION**

1.1 The procurement subject is the Study "Development of a unified standard consumption profile for metering points for gas supply without daily measurements in the Republic of Croatia" (hereinafter: Study), according to the Cost estimate referred to in Appendix 2 and the Terms of Reference referred to in Appendix 3 of the subject Invitation.

**1.2 Procurement subject description:**

The preparation of a unified standard consumption profile (hereinafter: uSCP), and models for application in forecasts of supplied gas and in determining the supplied gas at the metering points without daily measurements for use in the Republic of Croatia. This includes:

- A detailed specification of the expected range of results of the terms of reference, content and format of data, and other relevant circumstances prepared by the Agent in consultation with the Client, that does not form an integral part of the Study, but is submitted via a written note,

- A concise analysis of the gas market in the Republic of Croatia, with regard to the relevant circumstances related to the forecast and determination of supplied gas for metering points without daily measurements, as an integral part of the Study,
- uSCP, in the form of a mathematical expression of the dependency of gas consumption on external factors for the unified characteristic customer group, for each type of gas day, based on the statistical analysis of available historical data, as an integral part of the Study,
- The uSCP application model for the forecast and determination of the supplied gas, with simplifications and conditions specified in the Terms of Reference, Appendix 3 of the subject Invitation, as an integral part of the Study,
- Presentation of the Study to the client and participants on the gas market.

The procurement subject is not divided into groups, and the Bidder shall offer the procurement subject in its entirety, as stated in the Cost Estimate - Appendix 2 of the subject Invitation.

1.3 Estimated procurement value: HRK 198,000.00

## **2 TERMS OF PROCUREMENT:**

### **2.1 Manner, time and place of execution:**

According to the Terms of Reference, Appendix 3 of the subject Invitation.

### **2.2 Bid validity period:**

The bid validity period is 60 days from the bid submission deadline.

### **2.3 Website where you can download the additional documentation:**

Bidding sheet, Invitation to tender, Cost Estimate and Terms of Reference can be found at [https://www.hera.hr/hr/html/postupci\\_nabave.html](https://www.hera.hr/hr/html/postupci_nabave.html).

### **2.4 Deadline, method and terms of payment:**

The Client shall perform the payment of 50% of the contracted amount to the Bidder on the basis of an issued invoice within eight (8) days from the date of signing of the Minutes of handover for the Detailed specification of the expected range of results of the terms of reference, the content and format of data, and other relevant circumstances, which is prepared by the Agent in agreement with HERA, according to item III a) of the Terms of Reference. The Client shall pay the remaining 50% of the agreed amount to the Bidder on the basis of an issued invoice within eight (8) days from the date of signing the final Minutes of handover.

### **2.5 Bid price:**

The bid price without VAT shall include all expenses and discounts by the Bidder. The bid price shall be indicated by indicating respectively – the bid price without VAT, VAT amount, the bid price including VAT.

### **2.6 Bid selection criterion:**

The criterion for the bid selection shall be the lowest price.

## 2.7 Evidence of capability:

### 2.7.1 Reasons for exclusion

The Client shall exclude the Bidder from the low value procurement procedure in the following cases:

**2.7.1.1 if the economic operator or the person legally authorised to represent the economic operator has been convicted for any of the following criminal offenses, that is, for the relevant criminal offenses under the regulations of the country of seat of the economic operator or the country whose citizen is the person legally authorised to represent the economic operator:**

- a) fraud (Article 236), fraud in business activities (Article 247), receiving bribes in business transactions (Article 252), giving bribes in business transactions (Article 253), abuse of the public procurement procedure (Article 254), evasion of taxes or duties (Article 256), subsidy fraud (Article 258), money laundering (article 265), abuse of office and authority (Article 291), illegal facilitation (Article 292), receiving bribes (Article 293), giving bribes (Article 294), trading in influence (Article 295), giving bribes for trading in influence (Article 296), criminal association (Article 328) and committing a criminal offense within a criminal association (Article 329) of the Criminal Code.**
- b) fraud (Article 224), money laundering (Article 279), fraud in business activities (Article 293), receiving bribes in business transactions (Article 294a), giving bribes in business transactions (Article 294b), association to commit criminal offenses (Article 333), abuse of office and authority (Article 337), abuse of public office (Article 338), illegal mediation (Article 343), receiving bribes (Article 347) and giving bribes (Article 348) of the Criminal Code ("Official Gazette of the Republic of Croatia", No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12).**

For the purposes of determining the circumstances referred to in the subject item, the economic operator shall submit a statement in the bid. The statement is given by the person legally authorised to represent the economic operator. The statement shall not be older than **three months** following the publication date of the invitation to tender, and the template for the aforementioned is included in Appendix 4 of the subject Invitation.

During the procurement procedure the Client may for the purpose of checking the circumstances referred to in the subject item, from the authority competent for keeping the criminal records and exchanging such information with other states for any Contractor, or person legally authorised to represent the economic operator request the issuance of a certificate on the facts on which that authority keeps official records. If they are not able to obtain the subject certificate, in order to verify the circumstances referred to in the subject item, the Client may request that the Contractor or Bidder, within a reasonable period, submit a valid:

- document from the authority competent for keeping criminal records of the country of seat of the economic operator or the country whose citizen is the person legally authorised to represent the economic operator, or
- a valid equivalent document issued by the competent judicial or administrative authority in the country of seat of the economic operator or the country whose citizen is the person legally authorised to represent the economic operator if the document from the criminal records referred to in item 1 of this paragraph is not issued, or

- a sworn statement or a corresponding statement by the person who is legally authorised to represent the economic operator before a competent judicial or administrative authority or a notary or a competent professional or trade authority in the country of seat of the economic operator, i.e. in the country whose citizen the subject person is or a statement with a signature certified by a notary if the documents referred to in the previous indents or that do not include all the criminal offenses referred to in this item are not issued in the country of seat of the economic operator or the country whose citizen that person is.

**2.7.1.2 If the Bidder from the low value procurement procedure failed to fulfill the obligation of paying due tax liabilities and pension and health insurance benefits, unless they are not allowed to pay these liabilities or they are granted a deferred payment (for example in the pre-bankruptcy settlement procedure ).**

For the purposes of determining the circumstances referred to in the subject item, the economic operator shall submit the following as part of the bid:

- a) certificate from the Tax Administration on debt status, which shall not be older than **30 days** counting from the date of publishing the invitation to tender, or
- b) a valid equivalent document of the competent authority of the country of seat of the economic operator if the certificate referred to in the previous item a) is not issued, or
- c) a sworn statement or a corresponding statement by the person who is legally authorised to represent the economic operator before a competent judicial or administrative authority or a notary or a competent professional or trade authority in the country of seat of the economic operator or a statement with a signature certified by a notary, which shall not be older than 30 days counting from the date of initiation of the procurement procedure, if the certificate referred to in item a) or a valid equivalent document referred to in item b) is not issued in the country of seat of the economic operator.

## **2.7.2 Terms of capacity**

### **2.7.2.1 Technical and professional capacity**

In order to prove that the Bidder has technical and professional capacity to fulfil the procurement subject, they shall submit a List of contracts on the preparation of standard gas consumption profile for application on the gas market of a Member State of the European Union, performed in the year in which the procurement procedure was initiated and during 10 years preceding the subject year. The list shall include at least one contract with a minimum value of HRK 198,000.00 without value added tax, which presents the estimated value of the procurement subject.

Furthermore, the List of contracts shall include the value of the service provided, the date, place of service provision and the name of the other contracting party.

## **2.8 Guarantees**

### **2.8.1 Performance guarantee**

When signing the contract on the provision of services, the selected Bidder shall submit to the Client a performance guarantee in the form of an irrevocable and unconditional bank guarantee at "first call" and "without objection" for the amount of 10% (ten percent) of the total contract value with the associated VAT (the bid price including VAT). The validity period of the performance guarantee shall be 150 days from the date of signing the contract on the provision of services.

The Bidder shall submit the performance guarantee to the Client together with the signed and certified Contract no later than 8 (eight) days from receiving the signed and certified Contract from the Client.

If the performance guarantee is not activated, the Client shall return it to the selected Bidder after signing the final Minutes of handover.

### **3 INTEGRAL PARTS OF THE BID:**

The Bid together with the accompanying documentation is prepared in Croatian language and latin script, all of which is bound together. When preparing their bid, the Bidder shall comply with the requirements and terms set out in the invitation to tender and shall include all the listed parts. The bid shall be prepared in paper form, printed or written in indelible ink.

The bid shall include:

- Bidding sheet referred to in Appendix 1 of this Invitation (completed and signed by the Bidder);
- Cost estimate referred to in Appendix 2 of this Invitation (completed and signed by the Bidder);
- Evidence of capacity referred to in item 2.7 of this Invitation.

### **4 DEADLINE FOR BID SUBMISSION (DATE AND TIME) AND METHOD OF BID SUBMISSION AND ADDRESS TO WHICH THE BIDS SHALL BE SUBMITTED:**

The bids are submitted directly to the Client's registry book or registered mail to the Client's address, in a sealed envelope, which shall have the Bidder's name and address and the Client's name and address and a label with the following content:

**Croatian Energy Regulatory Agency**

**Ulica grada Vukovara 14, 10000 Zagreb**

**LOW VALUE PROCUREMENT OF A STUDY PREPARATION SERVICE**

**“Development of a unified standard consumption profile for metering points for gas supply without daily measurements in the Republic of Croatia”**

**“DO NOT OPEN”**

The Bidder shall independently determine the bid submission manner and bear the risk of possible loss, that is, untimely bid submission.

The bid, regardless of the submission manner, shall be received by the Client, at the address of the Croatian Energy Regulatory Agency, Ulica grada Vukovara 14, 10000 Zagreb, **no later than 12 July 2016 at 12:00 p.m.**

The bids shall not be opened in public.



## **5 OTHER**

Notifications regarding the procurement subject: Hrvoje Brlečić Layer, phone: ++385 1 6323-726 hbrlecic@hera.hr

Information on the results: A written notification on the procurement results shall be submitted by the Client to the Bidder within 30 days from the bid submission deadline while maintaining the right to withdraw from the procedure.

Respectfully,

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**President of the Steering Council**

**Tomislav Jureković, BSc. Eng.**

Appendix: as in the text

## APPENDIX 1

### BIDDING SHEET

Bid number: \_\_\_\_\_

Bid date: \_\_\_\_\_

**Client:** Croatian Energy Regulatory Agency  
Ulica grada Vukovara 14, 10000 Zagreb  
PIN: 83764654530

**Procurement subject:** The Study "Development of a unified standard consumption profile for metering points for gas supply without daily measurements in the Republic of Croatia"

#### Information on the Bidder:

Name and address of the Bidder	
Address	
PIN <sup>1</sup>	
IBAN	
The economic operator is in the VAT system (circle)	YES NO
Mailing address	
E-mail address	
Bidder's contact person	
Phone	
Fax	

#### Bid price:

Bid price without VAT	
Value added tax <sup>2</sup>	
Bid price including VAT	

**Bid validity period:** 60 days from the bid submission deadline.

For the Bidder:

L.S.

\_\_\_\_\_  
(name, surname and signature of the authorised person)

<sup>1</sup> Or the national identification number of the country seat of the economic operator, if applicable.

<sup>2</sup> If the bidder is not in the VAT system or the subject of procurement is exempt from VAT, leave the box empty.

## APPENDIX 2

### COST ESTIMATE

The procurement subject is the Study "Development of a unified standard consumption profile for metering points for gas supply without daily measurements in the Republic of Croatia".

No.	Description	Unit of measure	Quantity	Unit price without VAT (HRK)	Total price without VAT (HRK)
1.	The Study "Development of a unified standard consumption profile for metering points for gas supply without daily measurements in the Republic of Croatia"	pcs.	1		
VAT 25% (HRK)					
Total price including VAT (HRK)					
Total price without VAT (in letters):					
Total price including VAT (in letters):					

Name and surname of person authorised by the Bidder:

\_\_\_\_\_

Signature of person authorised by the Bidder:

\_\_\_\_\_

Place and date: \_\_\_\_\_

Stamp and signature

\_\_\_\_\_



## APPENDIX 3

### TERMS OF REFERENCE

#### **for the Study “Development of a unified standard consumption profile for metering points for gas supply without daily measurements in the Republic of Croatia”**

##### I. Purpose and aim of the terms of reference

The rules on the gas market in the Republic of Croatia (hereinafter: RC) are harmonised with the COMMISSION REGULATION (EU) No. 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks (hereinafter: Regulation), whereby the deadline for the aforementioned adjustment is 1 October 2016.

On the distribution systems in the RC, in addition to metering points with intraday measurements (hereinafter: MP-IDM), metering points without daily measurements are also connected (hereinafter: MP-WDM). With regard to the harmonisation with the Regulation, it is necessary to improve the existing model of determining the delivered gas quantity in the previous gas day, for balance groups that supply gas for MP-WDM. In addition, for such metering points it is necessary to develop a method of forecasting supplied gas quantities for the next gas day, and within the gas day, in accordance with the requirements of the Regulation.

Considering the distribution system operators do not dispose of the appropriate standard consumption profiles, the Croatian Energy Regulatory Agency (hereinafter: HERA) as the national energy regulator, wants to consider the possibility of using a unified standard consumption profile for metering points without daily measurements (hereinafter: uSCP) as a transitional solution for the aforementioned needs.

In order to perform the terms of reference, together with the professional Agent (hereinafter: Agent) HERA shall conclude a contract, under which the Agent shall prepare the study. HERA shall analyse the results presented in the study, consider and, if necessary, propose an amendment of by-laws governing the gas system balancing in the RC.

##### II. The legal framework relevant to the subject of the terms of reference:

- Gas Market Act (“Official Gazette of the Republic of Croatia” No. 28/13 and 14/14, hereinafter: Gas Market Act),
- Network Code for the Gas Distribution System (“Official Gazette of the Republic of Croatia”, No. 155/14, hereinafter: Network Code),
- Network Code for the Transmission System (PLINACRO, 2/2016),
- Methodology of determining the amount of tariff items for gas distribution (“Official Gazette of the Republic of Croatia”, No. 104/13),
- Regulation.

##### III. General framework for the performance of the terms of reference

The Agent shall prepare the following:

- a) A detailed specification of the expected range of results of the terms of reference, content and format of data, and other relevant circumstances prepared by the Agent in consultation with HERA (hereinafter: Specification).
- b) A concise analysis of the gas market in the RC, with regard to the relevant circumstances related to the forecast and determination of supplied gas for MP-WDM, especially considering the following:
  - the measuring system and access to data on gas takeover and supply to the transmission system and distribution systems,
  - characteristics of the MP-WDM (tariff model, public service of gas supply, affiliation to the gas supplier, affiliation to the balance group, etc.),
  - the existing model of determining the delivered gas quantity in the previous gas day, for balance groups that supply gas for MP-WDM,
  - proposal of a detailed framework for the preparation of the uSCP and model for the uSCP application to forecast the next gas day within the gas day and determine the quantities supplied in the previous gas day for MP-WDM, including the manner of evaluating the accuracy of the aforementioned models.
- c) uSCP, in the form of a mathematical expression of the dependency of gas consumption on external factors for the unified characteristic customer group, for each type of gas day, based on the statistical analysis of available historical data, with the following simplifications and conditions:
  - All MP-WDM are a unique characteristic group,
  - The external impact on consumption is only the ambient temperature,
  - uSCP applies to all distribution systems in the RC, whereby it is necessary to consider the justification for a separate uSCP for distribution systems in different geographical, climatic or other zones,
  - uSCP refers to the gas day, whereby it is necessary to consider the justification for a uSCP for weekends, holidays and the day after holidays.
- d) The uSCP application model for the forecast and determination of the supplied gas, with simplifications and conditions:
  - MP-WDM are indirect members of only one balance group,
  - The annual consumption for each MP-WDM is determined on the basis of the tariff model or in another appropriate simplified manner,
  - The total determined supplied gas for all MP-WDM shall correspond to the total measured gas at the exit from the transmission system, towards the appropriate distribution system, excluding supplies for MP-IDM,
  - The forecast of the quantities supplied to MP-WDM customers is performed for the following gas day, and within the gas day, in accordance with the Regulation,
  - Determining the final delivered quantity to MP-WDM customers is performed for the gas day, until 10 a.m. the following day,
  - The models shall include the manner of evaluating the accuracy.

The results of performing the tasks under a) shall be documented in a written note.

The results of performing the tasks under b), c) and d) shall be documented in a study and analytical documents (hereinafter: Study). The Agent shall prepare the study in written form, and the analytical documents in some of the common digital formats for Microsoft applications by enabling further use and processing.

The results of performing the tasks under a), b), c) and d) shall be prepared in Croatian and English.

#### IV. Steps in the performance of the terms of reference

The procedure of processing the terms of reference is anticipated in steps, as follows:

1. The preparation and submission of the Specification, according to item III a) of the Terms of Reference, **within 7 days from the date of signing the contract with the Agent**
2. The submission of information to the Agent by HERA, according to the Specification, **no later than 15 days from the date of HERA receiving the Specification referred to in step 1**
3. The preparation and submission of the proposal for the analysis of the gas market in the RC, according to item III b) of the Terms of Reference, **no later than 15 days from the date of receiving the information referred to in step 2 by the Agent**
4. The preparation and submission of the proposal for the uSCP and the uScp application model for forecasting and determining the supplied gas, according to items III c) and d) of the Terms of Reference, **no later than 30 days from the date of receiving the information referred to in step 2 by the Agent**
5. The submission of a written note by HERA on the necessary amendments to the material referred to in steps 3 and 4, **no later than 10 days from the date of receiving the materials referred to in step 4 by HERA**
6. The preparation and submission of the Study and analytical documents, according to items III b), c) and d) of the Terms of Reference and according to the written note referred to in step 5, **no later than 20 days from the date of receiving the written note referred to in step 5 by the Agent**
7. The presentation of the Study to HERA and the gas market participants in the premises of HERA, in the agreed period, **no later than 20 days from the date of receiving the materials referred to in step 6 by HERA.**

## APPENDIX 4

### DECLARATION OF NO CRIMINAL RECORD

#### DECLARATION

I, \_\_\_\_\_ (name and surname, address/residence, identity card number, RN/ PIN) as the person authorised to represent the economic operator / Bidder

\_\_\_\_\_ (name and seat of the economic operator/Bidder) hereby declare that neither I nor the economic operator have been convicted for any of the following criminal offenses, that is, for the relevant criminal offenses under the regulations of the country of seat of the economic operator or the country whose citizen is the person legally authorised to represent the economic operator:

a) fraud (Article 236), fraud in business activities (Article 247), receiving bribes in business transactions (Article 252), giving bribes in business transactions (Article 253), abuse of the public procurement procedure (Article 254), evasion of taxes or duties (Article 256), subsidy fraud (Article 258), money laundering (article 265), abuse of office and authority (Article 291), illegal facilitation (Article 292), receiving bribes (Article 293), giving bribes (Article 294), trading in influence (Article 295), giving bribes for trading in influence (Article 296), criminal association (Article 328) and committing a criminal offense within a criminal association (Article 329) of the Criminal Code;

b) fraud (Article 224), money laundering (Article 279), fraud in business activities (Article 293), receiving bribes in business transactions (Article 294a), giving bribes in business transactions (Article 294b), association to commit criminal offenses (Article 333), abuse of office and authority (Article 337), abuse of public office (Article 338), illegal mediation (Article 343), receiving bribes (Article 347) and giving bribes (Article 348) of the Criminal Code ("Official Gazette of the Republic of Croatia", No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12).

In \_\_\_\_\_, \_\_\_\_\_ 2016  
(place) (date)

L.S.

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