1.1. Pursuant to Article 77 § 3 of the Public Procurement Law (Official Gazette of the Republic of Serbia No. 39/2002), the Minister of Finance and the Economy has adopted the following

**Regulation**

**on the Tenders Opening Procedure and Standard Form for Keeping Records on Tenders Opening**

**Article 1**

This Regulation defines the procedure of opening tenders in the open and restricted procedures and the negotiated procedure and define the standard form for keeping records on the opening of tenders, which is attached to this Regulation and represent its integral part.

**Article 2**

The opening of tenders is performed by the Public Procurement Commission, which shall be established simultaneously with the adoption of a decision to institute a public procurement procedure (hereinafter: ‘Commission’).

In the procedure of awarding public procurement contracts, in the open procedure and in the second phase of the restricted procedure, the opening of tenders is public.

In the procedure of awarding public procurement contracts with negotiation and in the first phase of the restricted procedure, the opening of tenders may be public if the procuring entity so decides.

The opening of tenders is performed at the location specified in the public notice and in the tender documents.

The opening of tenders shall be performed immediately upon the expiry of the time limit specified for the submission of tenders.

**Article 3**

If a procuring entity decides that for reasons of protecting commercial, official, military or state secrets the tenders opening procedure is not to be public, the opening of tenders shall be performed in the presence of the members of the Commission, without the authorised representatives of the tenderers.

In the case specified in § 1 of this Article, the minutes shall be signed by the Commission president and members.

**Article 4**

Each representative of the tenderers attending the opening of the tenders shall submit a power of attorney authorising him to take part in the tenders opening procedure.

**Article 5**
In the tenders opening procedure, the Commission shall establish:
• the identities of the attendant authorised representatives of the tenderers,
• the total number of tenders received,
• whether the envelopes duly specify the public procurement to which the tenders relate,
• if the tenders were timely, and the sequence in which they were received.

Article 6

The President of the Commission opens the tenders in the order in which they were received, as designated on the tenders.

The President of the Commission reads out the title and address of the offerer of the tender, the price offered, discounts, if any, the commercial conditions, such as the dates of realisation, payment terms and similar. The President also reads out the same data for lots which may be awarded separately, as well as for offers with options, if any.

It shall be established at the opening of the tenders whether each offer was duly signed, of how many segments it consists, and whether the proofs of the fulfilment of conditions laid down by the tender documents have been attached.

The Commission shall immediately enter the data read out and data about the tender and the tenderer in the Minutes of the Opening of Tenders.

During the opening of a tender, the Commission shall clearly mark all segments of the tender (perforate, sign or mark in other manner).

Upon opening and reading out all tenders, and before the completion of the tenders opening procedure, the Commission shall invite all present representatives of the tenderers to offer any objections in respect of the tenders opening procedure. Such objections shall be entered in the Minutes.

Article 7

The Commission keeps Minutes of the Opening of Tenders, which shall contain the following data:
• the location address, date and starting time of the tenders opening procedure,
• the sequence of the opening of the tenders submitted according to the time of their receipt,
• the tender registry number,
• data about the procuring entity,
• the names of the Commission members,
• the names of the authorised representatives of the tenderers who are present,
• the names of the other persons present,
• the title or code name of the tenderer, if the competition was anonymous, and any other data read out (time limits, references and other).
• the price and any discounts offered by the tenderer,
• remarks by Commission members as to any shortcomings noted in the offer,
• any objections voiced by the representatives of the tenderers,
• the signatures of the President and members of the Commission,
• the signatures of the attendant authorised representatives of the tenderers, and
• the time of the conclusion of the tenders opening procedure.

If no tender has been received upon the expiry of the prescribed tenders submission time limit, that fact shall be entered in the Minutes.
The registration numbers of the powers of attorney issued to the attendant representatives of the tenderers shall also be entered in the Minutes.

The Minutes shall be signed by the Commission President and members, and the attendant authorised representatives of the tenderers.

Refusal by any attendant tenderer representative to sign the Minutes shall be duly noted in those Minutes, as well as the reason for such refusal.

The procuring entity shall forward copies of the Minutes to all tenderers no later than three days after their completion. The procuring entity may immediately upon the completion of the tenders opening procedure present copies of the Minutes to the attendant authorised representatives of the tenderers, who shall confirm receipt by their signatures.

**Article 8**

This Regulation shall come into force on the eighth day following its publication in the *Official Gazette of the Republic of Serbia*.

No: 110-00-00017/2003-03

Belgrade, 30 January 2003

Božidar Djelić

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1.1.1. STANDARD FORM FOR KEEPING RECORDS OF TENDER OPENING

**MINUTES OF THE TENDERS OPENING PROCEDURE**

for the following public procurement: ………………………….. (enter subject of procurement here) according to the notice published in the *Official Gazette of the Republic of Serbia* No. ……….. dated …………

according to the following procedure: …………………

1. The tenders opening procedure was performed on the following date:

   ……………. starting at ……… (time) in …………… (location);

2. The opening of the tenders is conducted by ……………………….…… (names of persons in charge of opening tenders);

3. It is duly noted that the opening of tenders is being attended by the following representatives of tenderers who have submitted powers of attorney:

   No. | Tenderer Representative | Power of Attorney No.
   --- | ------------------- | ------------------
   | | |

4. It is duly noted that the opening of tenders is also being attended by:

   Names and surnames of other persons present
   | |
   | |
5. Within the specified time limit, i.e., .......... (date) ........ (time), the offers of the following tenderers have been received, according to the sequence listed below:

<table>
<thead>
<tr>
<th>Registration number of offer</th>
<th>Tenderer's title or code-name</th>
<th>Date of receipt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Untimely tenders:</td>
<td></td>
<td></td>
</tr>
<tr>
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</tr>
</tbody>
</table>

6. Title or code-name of the tenderer, tender registration number and tender price (in the open procedure, the second phase of the restricted procedure and negotiated procedure) and any other data about the tender (entered for each tenderer separately):

Tender registration number:______________
Title or code-name of the tenderer:______________
Offer price and discounts, if any:________________________.

Tender registration number:______________
Title or code-name of the tenderer:______________
Offer price and discounts, if any:________________________.

Tender registration number:______________
Title or code-name of the tenderer:______________
Offer price and discounts, if any:________________________.

Other data (not mandatory - see Article 7 § 2 of the Tenders Opening Procedure Instructions)

7. List shortcomings noted in the tenders received:______________________.

8. Objections by tenderers’ representatives in respect of the tenders opening procedure:________________________.

9. Signatures of the President and members of the Commission:

10. Signatures of attendant authorised representatives of tenderers:________________________.
11. The tenders opening procedure was concluded at .......... (time).

Recording secretary ...............(sgd.)

Copies of the Minutes presented to the following authorised representatives of the tenderers:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Name of representative</th>
<th>Signature of representative</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

Copies of the Minutes shall be forwarded to the other tenderers, as follows, no later than three days hereafter:

<p>| |</p>
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<th></th>
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</thead>
</table>

Date, place: ________________________________.