

BOSNA I HERCEGOVINA
UREDZARAZMATRANJE ŽALBI
PODRUŽNICA/FILIJALA BANJA LUKA



БОСНА И ХЕРЦЕГОВИНА
КАНЦЕЛАРИЈА ЗА РАЗМАТРАЊЕ ЖАЛБИ
ФИЛИЈАЛА БАЊА ЛУКА

BOSNIA AND HERZEGOVINA
PROCUREMENT REVIEW BODY
BRANCH OFFICE BANJA LUKA

Broj: JN2-02-07-1-306-7/20

Banja Luka, 20.02.2020.godine

Ured za razmatranje žalbi – podružnica / filijala Banja Luka, rješavajući po žalbi bez broja od 31.01.2020. godine, žalitelja: **“PRIMAPROM“ d.o.o. Banja Luka**, zastupan po punomoćniku Bogdanu Goluboviću advokatu iz Banja Luke, izjavljene na Tendersku dokumentaciju, Ugovornog organa: **JU „Javni fond za dječiju zaštitu“ Bijeljina** u Konkurentskom postupku, Obavještenje o nabavci: 471-7-2-7-3-4/20 od 28.01.2020.godine, Predmet nabavke: Nabavka usluga–„Štampanje obrazaca, biltena, diploma, zahvalnica, flajera i plakata za potrebe JU Javnog fonda za dječiju zaštitu“, na osnovu člana 104. i 106.stavak (2) Zakona o javnim nabavkama Bosne i Hercegovine ("Službeni glasnik BiH" br: 39/14) i čl. 59, 60. i 210. stavak (1) i (2) Zakona o upravnom postupku ("Službeni glasnik BiH" br: 29/02, 12/04, 93/09 i 41/13), na sjednici **Vijeća IV** (ad hoc) održanoj dana 20.02.2020.godine donio je

ZAKLJUČAK

Žalba ponuđača: **“PRIMAPROM“ d.o.o. Banja Luka**, bez broja od 31.01.2020. godine, izjavljene na Tendersku dokumentaciju, Ugovornog organa: **JU „Javni fond za dječiju zaštitu“ Bijeljina** u Konkurentskom postupku, Obavještenje o nabavci: 471-7-2-7-3-4/20 od 28.01.2020.godine, Predmet nabavke: Nabavka usluga–„Štampanje obrazaca, biltena, diploma, zahvalnica, flajera i plakata za potrebe JU Javnog fonda za dječiju zaštitu“, odbacuje se kao neuredna.

OBRAZLOŽENJE

Ugovorni organ: **JU „Javni fond za dječiju zaštitu“ Bijeljina**, objavio je na Portalu javnih nabavki obavještenje o nabavci br. 471-7-2-7-3-4/20 od 28.01.2020.godine, Predmet nabavke: Nabavka usluga–„Štampanje obrazaca, biltena, diploma, zahvalnica, flajera i plakata za potrebe JU Javnog fonda za dječiju zaštitu“.

Nakon preuzimanja Tenderske dokumentacije ponuđač: **“PRIMAPROM“ d.o.o. Banja Luka** izjavio je ugovornom organu žalbu na Tendersku dokumentaciju, koja je zaprimljena kod ovog Ureda dana 07.02.2020. godine.

Uvidom u spis predmeta ovaj organ je utvrdio da žalba nije sadržavala sve elemente žalbe i dokaze koji se prilažu uz žalbu, te je od žalitelja Zaključkom ovog organa broj: JN2-02-07-1-306-2/20 od 07.02.2020. godine, zatraženo da dopuni žalbu i dostavi sve propisane dokaze za to, točnije od žalitelja je traženo da uplati naknadu za pokretanje žalbenog postupka u iznosu od 500,00 KM, uz napomenu da u slučaju da ne postupi po navedenim aktima žalba će se smatrati neurednom, te će se ista odbaciti.

Prije nego što se upustio u meritorno odlučivanje, ovaj organ je pristupio provjeri formalnih pretpostavki za ulaganje žalbe, koje moraju biti ispunjene na strani žalitelja, kako bi se uopće pristupilo njenom rješavanju, a odnose se na dopuštenost, blagovremenost i izjavljenost od ovlaštene osobe, odnosno na pretpostavke propisane člankom 105. Zakona o javnim nabavkama Bosne i Hercegovine.

27.02.2020

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's history, geography, and people. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country and is highly recommended to all who are interested in the country's history and people.

The second part of the report deals with the country's economy. It is a very interesting and informative study of the country's economic development and the role of the government in the economy. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's economy and is highly recommended to all who are interested in the country's economic development.

The third part of the report deals with the country's social and cultural life. It is a very interesting and informative study of the country's social and cultural development and the role of the government in the social and cultural life. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's social and cultural life and is highly recommended to all who are interested in the country's social and cultural development.

The fourth part of the report deals with the country's political life. It is a very interesting and informative study of the country's political development and the role of the government in the political life. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's political life and is highly recommended to all who are interested in the country's political development.

The fifth part of the report deals with the country's foreign relations. It is a very interesting and informative study of the country's foreign relations and the role of the government in the foreign relations. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's foreign relations and is highly recommended to all who are interested in the country's foreign relations.

The sixth part of the report deals with the country's military life. It is a very interesting and informative study of the country's military development and the role of the government in the military life. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's military life and is highly recommended to all who are interested in the country's military development.

The seventh part of the report deals with the country's education. It is a very interesting and informative study of the country's education and the role of the government in the education. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's education and is highly recommended to all who are interested in the country's education.

The eighth part of the report deals with the country's health and welfare. It is a very interesting and informative study of the country's health and welfare and the role of the government in the health and welfare. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's health and welfare and is highly recommended to all who are interested in the country's health and welfare.

The ninth part of the report deals with the country's environment. It is a very interesting and informative study of the country's environment and the role of the government in the environment. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's environment and is highly recommended to all who are interested in the country's environment.

The tenth part of the report deals with the country's future. It is a very interesting and informative study of the country's future and the role of the government in the future. The author has done a great deal of research and has written a very well-organized and readable book. The book is a valuable addition to the literature on the country's future and is highly recommended to all who are interested in the country's future.

Pri provjeri predmetnih pretpostavki, ovaj organ je utvrdio da u žalbi nisu dostavljeni svi dokazi koji se prilažu uz žalbu, na način propisan odredbom članom 105. Zakona o javnim nabavkama BiH. Navedenim zakonskim odredbama propisan je sadržaj žalbe, kao i dokazi koji se trebaju priložiti uz žalbu između ostalog i dokaz o plaćenju naknade za pokretanje žalbenog postupka, u iznosima propisanim članom 108. Zakona, te je propisana obaveza da prije razmatranja žalbi, URŽ utvrdi da li je žalitelj uplatio naknadu u skladu sa članom 108. stav (3) Zakona o javnim nabavkama BiH.

U konkretnom slučaju žalitelj nije dostavio dokaz o plaćenju naknade za pokretanje žalbenog postupka u iznosu od **500,00 KM**, zahtjevano Zaključkom ovog organa broj: **JN2-02-07-1-306-2/20** od 07.02.2020. godine.

Imajući u vidu navedeno, ovaj organ je pozivajući se na odredbu članka 105. i 106. Zakona o javnim nabavkama BiH, kao i na osnovu člana 60. stav (2) Zakona o upravnom postupku utvrdio da je žalba neuredna, te je kao takvu treba odbaciti, na način kako je to riješeno u dispozitivu ovog zaključka, obzirom da navedeno predstavlja smetnju za postupanje po žalbi, u postupku javnih nabavki i razlogom u predmetnom postupku, za njenim odbacivanjem.

Uputstvo o pravnom lijeku

Ovaj zaključak je konačan upravni akt. Protiv ovog zaključka može se podnijeti tužba u upravnom sporu pred Sudom Bosne i Hercegovine u roku od 30 dana od dana prijema zaključka. **Taksa na tužbu iznosi 100,00 KM.**



Dostaviti:

- **"PRIMAPROM" d.o.o. Banja Luka**, zastupan po punomoćniku Bogdanu Goluboviću advokatu iz Banja Luke, ul. Bulevar vojvode Stepe Stepanovića b.b., 78 000 Banja Luka
- **JU „Javni fond za dječiju zaštitu“ Bijeljina**, ul. Jermenska br.1a, 76 300 Bijeljina
- Evidenciji
- A/a

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