

BOSNA I HERCEGOVINA
UREDZARAZMATRANJE ŽALBI
PODRUŽNICA/FILIJALA BANJA LUKA



БОСНА И ХЕРЦЕГОВИНА
КАНЦЕЛАРИЈА ЗА РАЗМАТРАЊЕ ЖАЛБИ
ФИЛИЈАЛА БАЊА ЛУКА

20-08-2020

BOSNIA AND HERZEGOVINA
PROCUREMENT REVIEW BODY
BRANCH OFFICE BANJA LUKA

Broj: JN2-02-07-1-1916-5/20
Banja Luka, 20.08.2020.godine

Ured za razmatranje žalbi – podružnica / filijala Banja Luka, rješavajući po žalbi broj: ND: 1391 od 27.07.2020. godine, žalitelja: „D&D MONTAŽA” d.o.o. Brčko, zastupan po punomoćniku Draženu Nikoliću advokatu iz Bijeljine, izjavljene na Tendersku dokumentaciju, Ugovornog organa: OC „JAHORINA” a.d. Pale u Konkurentskom postupku, Obavještenje o nabavci: 396-7-1-40-3-55/20 od 16.07.2020.godine, Predmet nabavke: Nabavka roba– „Nabavka računara i računarske opreme“, 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 I održanoj dana 20.08.2020.godine donio je

ZAKLJUČAK

Žalba ponuđača: „D&D MONTAŽA” d.o.o. Brčko, broj: ND: 1391 od 27.07.2020. godine, izjavljene na Tendersku dokumentaciju, Ugovornog organa: OC „JAHORINA” a.d. Pale u Konkurentskom postupku, Obavještenje o nabavci: 396-7-1-40-3-55/20 od 16.07.2020.godine, Predmet nabavke: Nabavka roba– „Nabavka računara i računarske opreme” odbacuje se kao neuredna.

OBRAZLOŽENJE

Ugovorni organ: OC „JAHORINA” a.d. Pale, objavio je na Portalu javnih nabavki obavještenje o nabavci br. 396-7-1-40-3-55/20 od 16.07.2020.godine, Predmet nabavke: Nabavka roba– „Nabavka računara i računarske opreme”.

Nakon preuzimanja Tenderske dokumentacije ponuđač: „D&D MONTAŽA” d.o.o. Brčko, izjavio je ugovornom organu žalbu na Tendersku dokumentaciju, koja je zaprimljena kod ovog Ureda dana 03.08.2020.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: JN2-02-07-1-1916-2/20 od 03.08.2020.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.

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.

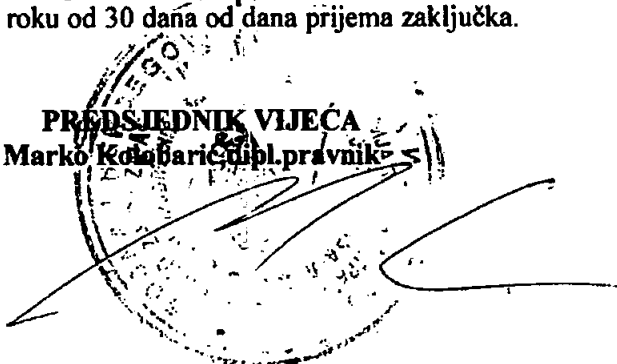
U konkretnom slučaju žalitelj nije dostavio dokaz o plaćenju naknade za pokretanje žalbenog postupka u iznosu od 500,00 KM, zahtjevanoj Zaključkom ovog organa broj: JN2-02-07-1-1916-2/20 od 03.08.2020. godine.

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.

PREDsjednik VIJEĆA
Marko Kolubarić dipl. pravnik



Dostaviti:

- „D&D MONTAŽA” d.o.o. Brčko, zastupan po punomoćniku Draženu Nikoliću advokatu iz Bijeljine, ul. Svetog Save br.70, 76 300 Bijeljina
- OC „JAHORINA“ a.d. Pale, ul. Jahorina b.b., 71 423 Jahorina
- Evidenciji
- A/a

Banja Luka, Jovana Dučića br. 23/1; Tel ++387 51 211 130; Fax: ++387 51 211 137

1. The first part of the report discusses the general situation of the country and the progress of the work. It mentions the fact that the country is now in a state of peace and that the work is being carried out in a normal manner. It also mentions the fact that the country is now in a state of peace and that the work is being carried out in a normal manner.

2. The second part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

3. The third part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

4. The fourth part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

5. The fifth part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

6. The sixth part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

7. The seventh part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

8. The eighth part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

9. The ninth part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.

10. The tenth part of the report discusses the progress of the work in the various departments. It mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory. It also mentions the fact that the work is being carried out in a normal manner and that the progress is satisfactory.