

**BLUEWBC**UNIVERSITETI "ISMAIL QEMALI"  
VLORE  
ZYRA E PROTOKOLL - ARKIVËSNR. 614 PROT. 01  
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**AGREEMENT**Co-funded by the  
Erasmus+ Programme  
of the European UnionCrna Gora  
UNIVERZITET CRNE GOREBroj 01/4-27Podgorica, 20.01 2021 god.*Mr. prot. 3523/3*  
*TIRANE ME 8.2.2021.*

on the implementation of the joint open public procurement of equipment (herein referred to as 'Agreement') within the 'Sustainable development of BLUE economies through higher education and innovation in Western Balkan Countries' (herein referred to as 'BLUEWBC') project of Erasmus + programme (Project reference number: 609693-EPP-1-2019-1-NO-EPPKA2-CBHE-JP, Grant Agreement number 2019-2009/001-001), concluded between the following contracting authorities (project partner institutions):

**The University of Montenegro (UoM) represented by the Rector, Danilo Nikolić, Full Professor,**

and

**The University of Tirana (UT) represented by Administrator of UT, Mr. Skerdi Dafa,**

and

**The University of Vlora 'Ismail Qemali' (UV) represented Administrator of UV, Ms Mirela Duka,**

herein referred to as the 'Parties'.

## PREAMBLE

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The Grant Agreement number 2019 – 2009/001-001 with the Project reference number: 609693-EPP-1-2019-1-NO-EPPKA2-CBHE-JP is concluded between the Education, Audiovisual and Culture Executive Agency (hereinafter referred to as the 'Agency'), acting under powers delegated by the European Commission, and the coordinator of the BLUEWBC project NORGES TEKNISK-NATURVITENSKAPELIGE UNIVERSITET NTNU and entered into force on 7<sup>th</sup> February 2020.

The partner universities concluded the individual Partnership Agreements (No. 01/4-221 from 30<sup>th</sup> March 2020 with the University of Montenegro - UoM; from 17<sup>th</sup> April 2020 with the University of Tirana - UT; No. 01/4-221 from 27 March 2020 with the University of Vlora 'Ismail Qemali'- UV) with the coordinator at the beginning of the BLUEWBC project implementation.

One of the output results of the BLUEWBC project is the procurement of the equipment for three partner universities: University of Montenegro (Montenegro), University of Tirana, and University of Vlora 'Ismail Qemali' (Albania).

The coordinator received the approval on 21/12/2020 from the Agency for the implementation of the joint open public procedure within the BLUEWBC project and that the University of Montenegro will conduct the process (see the Annexes).



## **General provisions**

### **Subject matter**

#### **Article 1**

The Parties (UoM, UT, and UV) agreed on the joint open public procurement procedure for the purchased equipment within the BLUEWBC project with an estimated value of 240.000,00 Euros without VAT.

Duration of the Agreement is up to the official expiration of the BLUEWBC project.

#### **Article 2**

For the purpose of procuring equipment within BLUEWBC project, the Parties (UT and UV) have decided to engage in joint action and agreed that a Lead Party that will conduct the joint open public procurement procedure is the University of Montenegro (UoM).

#### **Article 3**

This Agreement lays down governing the joint open public procurement procedure according to Article 73, paragraph 1 of the Law on Public Procurement of Montenegro ('Official Gazette of Montenegro', No. 074/19 of December 30, 2019).

#### **Article 4**

This Agreement also covers ancillary matters such as:

- (a) the management of the joint open public procurement procedure;
- (b) the financial provisions of the subject matter;
- (c) the conduct of any legal proceedings arising from the joint open public procurement procedure or the framework contracts, or from a failure to comply with this Agreement.

#### **Article 5**

A person or institution who is not a Party to this Agreement shall not be entitled to enforce or enjoy any rights or benefits of any term of this Agreement.

### **Powers granted to the Lead Party**

#### **Article 6**

Subject to this Agreement, each Party (UT and UV) authorizes the Lead Party to act on its behalf under:

- (a) the conduct of the joint open public procurement procedure(s) including giving consent to conclude the framework or direct contract(s);



(b) the management of joint open public procurement procedure(s) including the signature of any amendment of a non-substantial nature.

#### **Article 7**

Specific contracts following a joint procurement procedure conducted under this Agreement shall be concluded and managed on an individual basis by each Party.

#### **Article 8**

The Parties nominate the Commission containing at least one of the representative on behalf of each Party and authorize it to act as their sole representative in instituting or defending any legal proceedings arising from the joint open public procurement procedure or the framework contracts, or from a failure to comply with this Agreement.

#### **Article 9**

The Agreement is concluded on the basis of the Montenegrin national Law on Public Procurement as the public procurement procedure referred to the Article 73, paragraph 2 is conducted in full in the name and on behalf of all contracting authorities participating in the joint open public procurement, or if one contracting authority conducts the procedure on behalf of all contracting authorities, all contracting authorities are jointly responsible for fulfilling their obligations by this law.

### **Financial provisions**

#### **Article 10**

The total amount of the budget for the purchased equipment within the BLUEWBC project is of 240.000,00 Euros without VAT, i.e.:

- 105.000,00 Euros for the University of Montenegro (UoM);
- 40.000,00 Euros for the University of Tirana (UT); and
- 95.000,00 Euros for the University of Vlora 'Ismael Qemali' (UV).

According to the article 83, paragraph 1 of the Law on Public Procurement of Montenegro ('Official Gazette of Montenegro', No. 074/19 of December 30, 2019), the total amount of funds foreseen for the procurement shall be at the account of the Lead Party.

The Parties (UT and UV) will transfer the funds for the equipment to the account of the Lead Party before the announcement of the joint open public procurement procedure.

#### **Article 11**

The payments for the equipment will be realized according to the concluded contracts between the Parties and the contractor(s).

## Cancellation of the Agreement

### Article 12

The Agreement can be suspended by the Parties due to one of the following reasons:

- One of the Party not fulfilling Agreement and other obligations;
- The Party is in serious breach of the contract, failing to meet contractual obligations.

## Resolving of disputes

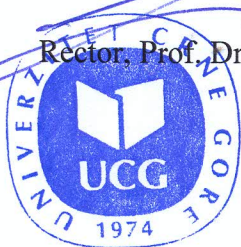
### Article 13

Any disputes arising out of or relating to this Agreement which cannot be settled otherwise shall be referred to the exclusive jurisdiction of the court in Podgorica, Montenegro following the national legislation of the state of the Lead Party.

#### Lead Party of the joint open public procurement

University of Montenegro

Rector, Prof. Dr. Danilo Nikolić



#### Contracting Authority

University of Tirana

Administrator, Skerdi Dafa



#### Contracting Authority

University of Vlora 'Ismail Qemali'

Administrator, Mirela Duka

