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Education, Audiovisual and Culture Executive Agency (EACEA)

Ms. Anna GRELLI, Project Officer

ERASMUS + CBHE Project no. 619239-EPP-1-2020-1-ME-EPPKA2-CBHE-JP

**„Development of Regional Joint Master Program in Maritime Environmental
Protection and Management - MEP&M“**

SUBJECT: Request for an extension of the equipment delivery period owing to equipment procurement/delivery delay caused by force majeure

Dear Ms. Grelli,

I wanted to share with you information related to delay in the procurement/delivery of equipment due to force majeure.

Namely, after receiving consent from you for general specification of equipment (your e-mail from May 17th 2022) and organisation of the joint procurement (your e-mail from May 30th 2022) we started with preparation of documentation needed for conducting such procurement.

Since University of Montenegro will conduct joint procurement procedure for all partners, Montenegrin Law on Public Procurement shall be applied. According to this legislation, there should be signed an Agreement among participating institutions before start of the procedure. Such Agreement was signed by each university's rector on 1/7/2022, 8/7/2022 and 12/7/2022, stating that organization of a joint procurement will be organised by the University of Montenegro (<https://www.mepm.ucg.ac.me/uploaded/files/Agreement%20signed%281%29.pdf>) on their behalf. In addition, for the Contracting Authority that leads the procurement procedure (in this case University of Montenegro) it is obligatory to have the total amount of the funds at the bank (project) account to start with the procurement procedure. Therefore, University of Montenegro has kept on its project account budgeted money for equipment for Albanian universities. After signing contracts with equipment distributors, money will be transferred to Albanian universities' project accounts so they can pay invoices for themselves.

Furthermore, during consortium PMB meeting at University of Montenegro premises in Kotor on 12/7/2022 it was agreed that University of Ljubljana, as experts in distance learning technology and methodology, should provide to Montenegrin and Albanian universities procurement ready technical specification for distance learning equipment as soon as possible, since UL will provide later training on that particular equipment. Meanwhile, cyber attack on Montenegrin Governmental servers occurred during summer vacation period in August, thus shutting down e-procurement portal. All Governmental servers and web sites, including e-procurement portal, were shut down (<https://www.asisonline.org/security-management-magazine/latest-news/today-in-security/2022/august/cyberattack-hits-montenegro/>) and it was not possible to start with procurement procedure for equipment with the end of summer vacation at the University of Montenegro and beginning of a new academic year on August 29th 2022. This situation lasted nearly until the middle of October 2022. The call was opened as soon as the Montenegrin state portal for public procurement was re-established, on October 11th 2022 (<https://cein.gov.me/tenders/view-tender/24875>). It was intended to be open for 25 days, but after the portal was once again brought down by a different (shorter) cyberattack, the call was extended by the same number of days. It was finally closed on November 11th, 2022. Now, evaluation procedure is going on. After a decision of the best bidder, Agreements should be signed as well as money transferred to Albanian partners. After equipment suppliers send an invoice there should be conducted a VAT exemption procedure at our Ministries. As soon as universities get VAT exemption Decision, universities will pay 50% of invoice in advance and wait for delivery of equipment. Another 50% will pay when equipment is installed and ready to use. Considering upcoming Christmas, New Year and again (orthodox) Christmas holidays, we believe that it is not possible to have equipment installed until January 14th 2023, which is one year before the end of the project in accordance with Grant Agreement.

Our inquiry concerns the issue related to the force majeure already elaborated in the letter. Namely, due to the unforeseen circumstances that did not depend on any of the universities concerned, but was a force majeure that happened due to a cyber-attack that affected all the public administration authorities in Montenegro and functioning of the state overall for the period already mentioned. We would like to request your permission to extend the equipment delivery period stated in GA for the period of 3 (three) months taking in account the period that the cyberattack prevented the procurement procedure from starting as well as the duration of upcoming holidays celebrated in Montenegro and Albania (Catholic on 25/12/2022 and Orthodox on 07/01/2023 Christmases, as well as New Year 2023).

Additional than the purchase of equipment and trainings associated with this purchase, we have no other concerns relating to the project's implementation.

I am on your disposal for additional information.

Thank you for your understanding and support.

Kind regards,

Project coordinator

Kotor, Montenegro

28.11.2022.



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