

Pursuant to Article 9 of the Communal Activities Law ("Official Gazette of the Republic of Serbia", No.88/2011), Article 10, paragraph 1, Article 22, Article 35 of the Public-Private Partnership and Concessions Law ("Official Gazette of the Republic of Serbia", Nos. 88/2011, 15/2016 and 104/2016, hereinafter: PPPCL), Article 57 of the Road Transport Law ("Official Gazette of the Republic of Serbia", Nos. 46/95, 66/01, 91/05, 62/06, 31/11 and 68/15) and the Decision adopting the Concession Act for delegating the performance of communal activities of public suburban passenger transport in the territory of the Municipality of BačkaPalanka and on the announcement of a public invitation to delegate the performance of communal activity of public suburban passenger transport in the territory of the Municipality of BačkaPalanka ("Official Herald of the Municipality of BačkaPalanka", No. 8/2018.)

MUNICIPALITY OF BAČKA PALANKA

KRALJA PETRA PRVOG 16

21400 BAČKA PALANKA

announces

THE PUBLIC INVITATION

No.II-344-17/2018 - procedure for awarding a public contract on PPP with elements of concession

for collecting bids for delegating the performance of activity of public suburban passenger transport in the territory of the Municipality of BačkaPalanka

1. A public invitation for collecting bids for the selection of the most favourable participant for the award of a concession for the performance of public passenger transport services in the territory of the Municipality of BačkaPalanka for a period of 5 years, in accordance with Articles 35-41 of the PPPCL is hereby announced.

2. The right to submit bids upon a public invitation is regulated by Article 14 of the PPPCL, and is provided by companies and other legal entities (hereinafter: carriers) that registered for performing public passenger transport services in urban and suburban traffic and that fulfil the conditions established under the Road Transport Law and other applicable legal regulations governing this matter.

3. Urban and suburban passenger transport shall be performed on permanent lines, to be more closely defined in the tender documentation.

The minimum number of departures per line is given in the tender documentation.

In the bid, the carrier may propose new lines and departures, but the Concessionaire reserves the right not to accept these proposals.

Seasonal and non-scheduled lines will be negotiated with a special contract with the selected carrier.

The final version of the group of lines in the liner transport of passengers in urban and suburban traffic in the territory of the Municipality of BačkaPalanka will be defined by the Contract.

4. The carrier may compete exclusively for all lines specified in the tender documentation.

The establishment of a consortium for participation in the procedure for the award of a public contract is allowed, with the remark that:

Financial condition for participation in the procedure:

1) limits the number of consortium members to 2 members;

2) prohibits changes in the structure of the consortium, such as the replacement of members, the joining of a member to the consortium or the merger of the consortium or the dissolution of the consortium;

3) modifications by subcontractors whose capacities are needed by the bidder or the consortium are prohibited for the purpose of fulfilment of the selection criteria.

5. The performance of public suburban passenger transport shall be delegated for a period of 5 years and will be regulated more closely by the conclusion of a public contract on delegating the performance of activity of public suburban passenger transport in the territory of the Municipality of BačkaPalanka, which will also regulate the procedure of termination of the contract before the expiration of the period to which it was concluded and the rights and obligations arising therefrom.

6. The performance of the delegated communal activity shall be carried out at the prices specified in the bid, and their change shall be carried out upon a reasoned request of the carrier with the consent of the competent authority of the Municipality of BačkaPalanka, in accordance with the applicable legal regulations of the Republic of Serbia, the Tender Documentation and the Concession Act in the subject matter procedure.

7. The bidder must, on the basis of bookkeeping, financial, personnel, technical and legal normative documentation, prove its personal, professional, technical and financial capability for the performance of the delegated communal activity.

The bid must include:

- name and head office of the company or legal entity, with data on the person authorised for representation and with all the necessary information (telephone, fax, etc.) for the purpose of direct communication;

- evidence that the bidder is registered with the competent authority, that is, entered into the relevant registry (Article 75, paragraph 1, item 1) of the Public Procurement Act);
- evidence that the bidder and its legal representative have not been convicted of any criminal act as members of an organised criminal group; not convicted of commercial criminal offences, criminal offences against the environment, criminal offences of receiving or offering bribe, criminal offences of fraud (Article 75, paragraph 1, item 2) of the Public Procurement Act);
- evidence that the bidder has settled all tax and other public liabilities in line with the regulations of the Republic of Serbia or a foreign state if the bidder's head office is located in its territory (Article 75, paragraph 1, item 4) of the Public Procurement Act);
- evidence that the bidder has a valid permit from the competent body for the performance of the activity that is the subject-matter of the concession (Article 75, paragraph 1, item 5) of the Public Procurement Act);
- evidence that in compiling the bid the bidder has respected the obligations arising from applicable regulations on occupational safety: employment and working requirements, protection of the environment, that there is no ban on performing the activity which is in force at the time of submission of the bid (Article 75, paragraph 2 of the Public Procurement Act);

Financial requirement for participation in the procedure:

- evidence that the bidder in the last six (6) months preceding the month of the publication of the invitation to submit bids was not illiquid

Technical requirement for participation in the procedure:

- evidence that the bidder has a total of 15 buses at disposal
- evidence that the bidder has at its disposal parking space and maintenance of buses
- evidence that it has a licence for the transport of passengers on the BačkaPalanka-Vizić-Neštin route through the Republic of Croatia

Staff requirements for participation in the procedure for the bidder:

- evidence that the bidder has a Certificate of professional competence of a person in charge of passenger transport management
- evidence that the bidder has employed or engaged on a different basis at least one professional person, a traffic engineer specialising in road traffic
- evidence that the bidder has concluded contracts on employment or work engagement on a different basis with at least 15 drivers (3 drivers per route - the third driver is required in accordance with the Law on working time of the vehicle in road transport and tachographs);
- evidence that the bidder has concluded contracts on employment or work engagement on a different basis with 2 car mechanics, 1 auto electrical technician and 1 officer with secondary or higher education

- an original bank security for the seriousness of the bid - bid bond, in the amount of RSD 600,000.00, with a validity period of up to 90 days from the date of the public opening of the bid;
- an original letter of intent of the commercial bank that it will issue a bank performance guarantee in the amount of RSD 3,000,000.00, with a validity period that is 30 days longer than the validity of the public contract (if the business policy of the bank does not allow the issuance of a bank guarantee for a period of 5 years, it is possible to issue a guarantee for a shorter period, with the possibility of extension up to 5 years and thirty days, which must be defined in the letter of intent of the commercial bank);
- the requested bank guarantees must be unconditional, irrevocable, payable upon the first call without the right to object and must have a duly completed deadline, amount and local jurisdiction and must not contain: additional terms, shorter deadlines than those specified by the contracting authority, a smaller amount than the one has been determined by the contracting authority, a changed jurisdiction for resolving disputes specified in the model contract, or conditions related to the bank business policy.
- a proposal of tariff, with the level of privileges for certain categories;
- a proposal of new lines.

8. The criteria for selection of the most favourable bid are given in the tender documentation, and the most favourable bid will be selected based on the criteria of the most economically advantageous bid.

Elements of the criteria:

1. Offered price
2. Number of departures
3. Car park
4. Parking and maintenance
5. Investment in bus stops
6. Reference list

9. The deadline for making the decision on the selection of the most favourable bid, i.e., the decision on annulment of the concession award procedure, is **60 days**, and starts to run on the date of expiration of the bid submission deadline.

10. Legal protection in the procedure of awarding a public contract is provided in accordance with the law governing public procurements.

Any person interested in participation in or that participates in the procedure for the public contract award may submit to the Republic Commission for the Protection of Rights in Public Procurement Procedures a Request for the protection of rights against decisions of the public bodies conducting the procedure, and the deadline for submitting the request is 15 days from the date of delivery of the decision of the public body (standstill period).

The address of the Republic Commission for the Protection of Rights in Public Procurement Procedures is: Government of the Republic of Serbia, Republic Commission for the Protection of Rights in Public Procurement Procedures, Nemanjina 22-26, Belgrade [in Serbian: *Vlada Republike Srbije, Republička komisija za zaštitu prava u postupcima javnih nabavki, Nemanjina 22-26, Beograd*].

11. Examination of the tender documentation may be done in the premises of the Municipality of BačkaPalanka, at Kralja Petra Prvog 16, in office no. 27, on working days from 8 am to 2 pm with the submission of proof of payment of the amount of RSD 5,000.00 into the current account number 840-745151843-03, model 97 with reference number 65-205 with a note: examination of the tender documentation [in Serbian: *uvid u konkursnodokumentaciju*].

The tender documentation may be taken over after submission of proof of payment of the amount of RSD 10,000.00 to the current account number 840-745151843-03, model 97 with reference number 65-205 with a note: purchase of tender documentation [in Serbian: *otkupkonkursnedokumentacije*].

All additional information in connection with the Public Invitation may be obtained from the Municipality of BačkaPalanka, at Kralja Petra Prvog 16, in office no. 27, on working days from 8 am to 2 pm (contact person: Nikola Marjanac, telephone number 021/2101-198, e-mail: nikolamarjanacbp@gmail.com)

12. The deadline for submission of bids is 60 days from the date of publication of the Public Invitation in the "Official Gazette of the Republic of Serbia", until 12.00 hours.

Bids may be delivered in person or by mail in closed envelopes with the note: "BID FOR COMPETITION FOR PASSENGER TRANSPORT - DO NOT OPEN" [in Serbian: *PONUĐA ZA KONKURS ZA PREVOZ PUTNIKA - NE OTVARATI*] to the address: Kralja Petra Prvog 16, 21400 BačkaPalanka, in two copies, certified and sealed, in separate envelopes, clearly marked as "ORIGINAL" and "COPY" [in Serbian: *KOPIJA*]. On the back, the following must be written: name of the bidder, address of the bidder, phone number, contact person.

The bids must be in the Serbian language.

13. The public opening of the bids will be made by the Commission on the same day after the deadline for submission of bids at 13:00 hours in the premises of the Municipal Assembly of BačkaPalanka. A representative of the bidder may attend

the public opening of bids, and must have the authorisation certified and signed by the responsible person.