

**REPUBLIC OF SERBIA
AUTONOMOUS PROVINCE OF VOJVODINA
CITY OF PANČEVO
No. XI-13-404-147/2019
Pančevo, Trg kralja Petra I No. 2-4
Date: 29.07.2019.**

Based on Art. 35 of the Law on public-private partnership and concessions ("Off. Journal of the RS" No. 88/11, 15/2016 and 104/2016) as well as Art. 60 of the Law of public procurement ("Official Journal of the RS" No. 124/12, 14/15 and 68/15), we announce this

PUBLIC INVITATION TO BID

**PUBLIC PROCUREMENT — OPEN PROCEDURE FOR AWARD OF PUBLIC SERVICE
CONCESSION FOR PROVIDING OF THE DOMESTIC LINE PASSANGER TRANSPORTATION
SERVICES ON THE TERRITORY OF THE CITY OF PANČEVO AND FOR THE COSTRUCTION OF
A NEW BUS STATION**

Contracting Authority Name: City of Pančevo

Contracting Authority Address: Trg kralja Petra I 2-4, 26000 Pančevo

Web page of the Contracting Authority: www.pancevo.rs

Contracting Authority Type: State Administration Bodies – Local Self-Government

Type of the Public Procurement Procedure: Open procedure

Subject of Public Procurement No. IX-13-404-147/2019

Date of publication of the call in the "Official Journal of the Republic of Serbia":
The first issue after referral a Public Invitation for publication

Type of subject: Services

The subject of public procurement according to the Common Procurement Vocabulary is:

- 71314200 Road transportation services
- 71314300 Public road transportation services
- 50232100 Rent of buses and intercity buses with drivers
- 50232110 Services of constructing immobile property other than residential property
- 45316000 Works for construction of bus stations

Number of lots, if the subject of procurement is formed in multiple lots: Procurement is **not** formed in lots.

Subject of concession:

The subject of public contract, which will be concluded after the public procurement procedure conducted in accordance with the Law on public-private partnerships and concessions between City of Pančevo as public partner/conceding party and the private partner/concessionaire, is concession of a public service for providing of the domestic line passenger transportation on the territory of the city of Pančevo and for the construction of a new bus station.

Scope of the project is transportation of passengers in 6 city, 5 suburban and 9 intercity transportation lines, which will not be changed before construction of a new bus station with accompanying services.

Scope of concession are services of bus transport of passengers and issuing and charging of tickets. The organization of transportation lines, as well as arrangement and maintenance of the bus stops are not scope of this contract.

The location for performing services is the territory of the City of Pančevo, in accordance with the description of services specified in part 4 of the tender documentation – technical specification /scope of services.

Period of concession:

Period of concession is 25 years.

Concession is implemented in accordance with Art. 35-41 of the Law on public-private partnership and concessions ("Off. Journal of the RS" No. 88/11, 15/2016 and 104/2016).

Manner of bidding and deadline for bid delivery:

The bidder submits his offer directly or by post, in a sealed box or envelope, closed in such a way that it can be safely determined during tender opening session that it is opened for the first time.

The back of the envelope i.e. the box must contain full name and address of the Bidder.

In case the offer is submitted by a group of bidders, the envelope/ box needs to specify that the offer is a group offer, and names and addresses of all participants in the group offer must be given on the envelope/box.

Bids are to be delivered to the following address: Trg kralja Petra I 2-4, 26000 Pančevo, with a note: "Bid in the open procedure for award of public service concession for providing of the domestic line passenger transportation services on the territory of the City of Pančevo and for the construction of a new bus station No. IX-13-404-147/2019 - "DO NOT OPEN". The bid is considered timely if it is received by the Contracting Authority by 07.10.2019 by 09:00am Mid-European time at the latest.

Place, time and way of opening bids: Public tender opening session will be performed by the Commission of the day of 07.10.2019, at 09:30am Mid-European time, on the premises of the Pančevo City Administration building at Trg kralja Petra I 2-4, 26000 Pančevo.

Conditions for participation of bidders' representatives in the tender opening session: The opening of bids is public and can be attended by any interested person. Only the authorized representatives of the bidders can actively participate in the bid opening process. Attending representatives of the bidders must submit to the Commission certified authorizations for participation in the bid opening procedure before the bid opening session starts.

LANGUAGE OF THE OFFER

The offer and the documentation pertaining to the offer, must be construed in the Serbian language. Contracting Authority carries out the procedure in the Serbian language, and the Bidders should carefully read the tender documentation and fill in the forms that are submitted with the offer in accordance with the given instructions, in clear, print letters and in the Serbian language.

All documents, private or public, whose original languages is not Serbian, must be translated into Serbian, certified by a court translator and submitted along with the copy in the original language.

Personal, specific, technical and financial conditions which the bidders must fulfill as well as documents in their evidence:

CONDITIONS FOR PARTICIPATION IN THE PROCUREMENT PROCEDURE FROM Art. 75 and 76 OF THE LAW

MANDATORY CONDITIONS FOR PARTICIPATION

The Bidder gains the right to participate in the process of the subject public procurement if fulfilling the following mandatory conditions for participation from Art. 75 of the Law on public procurement:

- That it is registered with the competent authority, i.e. registered in the relevant registry (Art. 75 para 1 point 1 of the Law on public procurement);

- That the bidder and its legal representative has not been convicted for any of the criminal acts as part of an organised crime group, not convicted for criminal acts against economy, criminal acts against the environment, criminal act of receiving or giving bribes, criminal act of fraud (Art. 75 para 1 point 2 of the Law on public procurement);
- The bidder has paid all the due taxes, fees and public duties in accordance with the regulations of the Republic of Serbia or a foreign country if his seat is in the territory of a foreign country (Art. 75 para 1 point 4 of the Law on public procurement);
- The bidder is obliged to clearly specify that the obligations arising from valid regulation on safety at work, employment and working conditions, environmental protection and that it is not subject of a valid ban from performing a business activity at the time of bidding (Art. 75 para 2 of the Law on public procurement).

ADDITIONAL CONDITIONS FOR PARTICIPATION IN THE PUBLIC PROCUREMENT PROCEDURE

The bidder participating in the subject public procurement must fulfill additional conditions for participating in the public procurement procedure as defined in Art. 76 of the Law on public procurement, namely:

1) Financial capacity

- That it has financial capacity, to be proven by evidence that he had no business losses over previous 3 years, counting to the date of tender publishing on the Portal of public procurements;
- That total business income of the Bidder is equal of greater than 840,000,000.00 dinars for each previous year over the period of 3 (three) years (2016, 2017, 2018);

2) Business capacity

- In regard to business capacity, the Bidder must prove that it has experience and that over previous three years (2016, 2017, 2018) it has provided good quality of public transportation services to a local self-government with population over 120,000 citizens over a period of minimum two years.
- Bidder must prove that it has experience and that over the period of previous three years (2016, 2017, 2018) it has provided good quality service applying a modern "ticketing" system similar to the described system required for implementation of the subject project, in at least one local self-government with population over 120,000 citizens over a period of minimum one year.
- In addition to the specified qualifications, the Bidder needs to prove that it has introduced the following integrated standards: SRPS ISO 9001, SRPS ISO 14001, SRPS OHSAS 18001 or corresponding.

3) Technical capacity

Bidder should prove that it has sufficient technical capacity, proving that he has at least:

- 60 vehicles max. 10 years old, which conform with min. Euro 5 norm.
- Relevant space for servicing and repair of vehicles.

4) HR capacity

Bidder should prove that it has sufficient personnel capacity proving that he has employees, or otherwise contracted personnel in accordance with the Law on employment, i.e. at least:

- 3 transportation engineers
- 80 bus drivers
- 5 bus mechanics

CONDITIONS FOR PARTICIPATION OF SUBCONTRACTORS IN THE PUBLIC PROCUREMENT PROCEDURE

If offer is submitted with a subcontractor, in accordance with Article 80 of the Law on public procurement, the subcontractor must fulfill mandatory conditions from Art. 75 para 1 points 1-4 of the Law on public procurement.

CONDITIONS FOR PARTICIPATION OF GROUP BIDDERS IN THE PUBLIC PROCUREMENT PROCEDURE

If offer is submitted by a group of bidders, each bidder from the bidder group must fulfill mandatory conditions from Art. 75 para 1 points 1-4 of the Law on public procurement.

INSTRUCTIONS FOR PROVING COMPLIANCE WITH REQUIREMENTS

MANNER OF PROVING COMPLIANCE WITH THE MANDATORY REQUIREMENTS

Bidder proves compliance with the public procurement mandatory requirements by supplying the following documents:

- Requirement from Art. 75 para 1 point 1 of the Law – Proven by:
Excerpt from the registry of the Agency for business registers, or specifying the Internet page on which these details are publically available i.e. excerpt form the registry of the competent commercial court.

- Requirement from Art. 75. Para 1 point 2 of the Law – Proven by:

Legal bodies:

(1) Excerpt from the penal records, i.e. certification of a basic court on whose territory the domestic legal body is seated, i.e. on whose territory the agency offices or branch offices of the legal body are seated, which certifies that the legal body has not been convicted of crimes against economy, crimes against environmental protection, bribery taking or giving or crime of fraud;

(2) Excerpt from the penal records of the Special department for organized crime of the Higher Court in Belgrade, which certifies that the legal body has not been convicted for any of the criminal acts of organized crime,

(3) Excerpt form the penal records, i.e. certification of the competent police department of the Ministry of Internal Affairs, which certifies that the legal representative of the Bidder has not been convicted of crimes against economy, crimes against environmental protection, bribery taking or giving or crime of fraud or any of the criminal acts of organized crime (requests may be filed based on the place of birth or place of residence of the legal representative).

If Bidder has more legal representatives he must supply evidence for each and every one of them.

Entrepreneurs and physical bodies:

Excerpt form the penal records, i.e. certification of the competent police department of the Ministry of Internal Affairs, which certifies that they have not been convicted of a crime as members of an organized crime group, for crimes against economy, crimes against environmental protection, bribery taking or giving or crime of fraud (requests may be filed based on the place of birth or place of residence).

Evidence documents **cannot be more than 2 months old**, counting back from the tender opening session;

- Requirement from Art. 75 para 1 point 4 of the Law – Proven by:
- Certification issued by the Tax Revenue Directorate of the Ministry of Finance certifying that all due public revenues which are basic source of local public revenues are paid, or confirmation of the Agency for privatisation that the Bidder is in the process of privatisation.

Evidence documents **cannot be more than 2 months old**, counting back from the tender opening session;

- Requirement from Art. 75 para 2 of the Law – Proven by:

Signed and stamped form of statement (form of statement No XIII). Statement must be signed by the authorised representative of the Bidder and stamped. If the offer is submitted by a group of bidders, it must be signed by authorised person of each and every bidder from the group of bidders and bearing their stamps.

MANNER OF PROVING COMPLIANCE WITH THE ADDITIONAL REQUIREMENTS

Bidder proves compliance with the additional requirements for participation in the subject public procurement procedure by supplying the following documents:

1) Evidence of financial capacity:

Requirement from Art. 76 of the Law in regard to minimum financial capacity – Evidence of financial capacity a) and b): Balance sheets and Profit and Loss Accounts with findings of the authorised auditor if subject to audit, for the last three years, or excerpt from the Balance sheet (2016, 2017, 2018).

2) Evidence of business capacity:

- For requirement under item 1:
 - Photocopies of concluded contracts which undoubtedly show that Bidder has experience and that in previous 3 years (2016, 2017, 2018) he supplied quality public services of passenger transportation in a local self government with min. population of 120,000 ;
 - Filled in and stamped Form 7 – Reference List from the tender documentation package, and certifications of contracting authorities about quality of realization of the submitted contracts i.e. filled in and stamped Form 8 – Confirmation of the contracting authority from the tender documentation package.
- For requirement under item 2:
 - Photocopies of concluded contracts or confirmations which undoubtedly show that Bidder has experience and that in previous 3 years (2016, 2017, 2018) he supplied quality public services by implementing a modern ticketing system similar to the one described as necessary for realisation of the subject project in at least one (1) local self government with min. population of 120,000 over a period of min. 1 year;
 - Filled in and stamped Form 7 – Reference List from the tender documentation package, and certifications of contracting authorities about quality of realization of the submitted contracts i.e. filled in and stamped Form 8 – Confirmation of the contracting authority from the tender documentation package.
- For requirement under item 3:

Bidder needs to submit copies of certificates for the following integrated systems: SRPS ISO 9001, SRPS ISO 14001, SRPS OHSAS 18001 or corresponding.

3) Evidence of technical capacity:

- For vehicles:
 - copies of valid vehicle registration certificates for each vehicle in Bidders name by which Bidder proves its status of vehicle owner or user;
 - filled in, signed and stamped Form no 9 – List of buses;
- For premises in which servicing and repairs are made
 - Real estate folio from the Cadaster or copy of contract on sale of adequate premises in which servicing and repairs of Bidder's vehicles is done or copy of contract on rent of adequate premises in which servicing and repairs of Bidder's vehicles is done.

4) Evidence of technical capacity:

- For engineers:
 - copies of M form of the PIO (Pension fund and Disability Insurance) as evidence of registered social insurance user or photocopy of adequate documents in this evidence (contracts of

employment – permanent or temporary, and other adequate evidence documentation in accordance with the Law on employment and its bylaws;

- copies of diplomas or final examination certificates for graduated transportation engineers
- filled in and stamped Form 10 – List of personnel.

- For bus drivers:

- copies of M form of the PIO (Pension fund and Disability Insurance) as evidence of registered social insurance user or photocopy of adequate documents in this evidence (contracts of employment – permanent or temporary, and other adequate evidence documentation in accordance with the Law on employment and its bylaws;

- doctor's certificates,

- copies of driver's licenses,

- filled in and stamped Form 10 – List of personnel.

- For bus mechanics:

- copies of M form of the PIO (Pension fund and Disability Insurance) as evidence of registered social insurance user or photocopy of adequate documents in this evidence (contracts of employment – permanent or temporary, and other adequate evidence documentation in accordance with the Law on employment and its bylaws;

- filled in and stamped Form 10 – List of personnel.

Criteria, elements of the criteria for awarding contract:

The criteria of the selection of the best bid, in accordance with Art. 85 of the Law on public procurements, will be the most economically advantageous offer – the scope of the concession fee which will be defined as the highest percentage share of the public partner in the business profit by the joint business enterprise in accordance with Art. 39 of the Law on public private partnerships and concessions.

The best parameter than can define the benefits of the Contracting Authority is the percentage share in the business profit of the joint business enterprise (min. 3%), as a form of concession fee that the concessionaire will be obliged to pay to the public partner. The amount of 45 million RSD as an entry concessional fee, which the concessionaire will be obliged to pay to the City of Pančevo within 30 days from the conclusion of public contract and fulfilment of prerequisites, is fixed and equal for all bidders, therefore it can be treated as a constant i.e. a prerequisite.

Selection of the best bid in case of bids with equal points:

In case selection of the best bid is not possible because two or more bids have the same number of points, the best bid will be the one with higher capital investment.

The method for downloading of the tender documentation, i.e. the Internet address where the tender documentation is available is: <http://www.pancevo.rs> and <http://portal.ujn.gov.rs/>.

Date of notification of the tender results:

In accordance with Article 41 of the Law on public private partnerships and concessions, Contracting Authority will make a Decision on selection of the most advantageous bid within 60 days from the date of tender of opening. Notifications about award will be sent within 3 days from the date of the Decision.

PROTECTION OF BIDDERS RIGHTS

A request for protection of bidders' rights may be submitted by the Bidder, i.e. any interested party in the awarding of contract in the public procurement procedure, who has endured or might endure damage due to Contracting authority acting contrary to the provisions of the Law on public procurement.

The request for protection of rights is addressed at the Republic Commission, but it is also delivered to the Contracting Authority. A copy of the request for protection of rights is simultaneously submitted to the Contracting Authority and to the Republic Commission. The request for protection of rights is submitted directly, by e-mail to koncesija@pancevo.rs or by registered post service (with a return slip). The request for protection of rights may be filed during entire public procurement procedure, against any act of the Contracting authority, unless the Law regulates otherwise. Contracting authority publishes

a notification about the submitted request on the Portal of public procurements on its Internet page, 2 (two) days from the date of request delivery at the latest.

If the request for protection of rights questions the type of procedure, contents of the tender call or tender documentation package, the request will be considered as timely if it is received by the Contracting authority 7 (seven) days at the latest before the expiry of the offer submission deadline, regardless of the manner of delivery, and if the party filing the request, in accordance with the Art. 63 para 2 of the Law, has informed the Contracting authority of the possible inadequacies and faults but the Contracting authority did not correct them.

After making a decision on contract award from Art. 108 of the Law or a decision to abort the public procurement procedure from Art. 109 of the Law, the deadline for submission of a request for protection of rights is 10 (ten) days from the date of publishing such decision on the Portal of public procurements.

A request for protection of rights cannot dispute acts of the Contracting authority undertaken in the public procurement procedure if the reasons from the request were or could have been known to the party filing the request, before expiry of the deadline for offer submission, and the party filing the request did not file it before the deadline.

If in the process of public procurement a request for protection of rights is repeatedly filed by the same party, the repeated request cannot dispute acts of the Contracting authority which were known or could have been known by party filing the request at the time of filing previous request.

The party filing the request for protection of rights must pay administrative tax to the:

Current account (gyro): 840-30678845-06

Code of Payment: 153 or 253

Ref. to No.: Data pertaining to the number/mark of the public procurement subject to the request

Purpose of payment: Tax for request for protection of rights, name of Contracting authority, Number or other mark of the subject public procurement

Received by: budget of the Republic of Serbia

As evidence of tax payment in terms of Art. 151 para 1 point 6 of the Law, a confirmation of payment of the tax issued and stamped by a bank with the date of transfer, or a signed and stamped Payment order (first copy) is acceptable.

The procedure of protection of bidders' rights is regulated by provision of Art. 138-167 of the Law.

Name and address of the body in charge of deciding on requests for protection: Republic Commission for protection of rights in the public procurement procedures, Nemanjina 22-26, Belgrade.

Warranty

As a means of warranty for seriousness of the offer, the private partner/concessionaire is obliged to submit original bank warranty. The bank warranty shall amount to at least 3% without VAT of the value of the **offered concession fee**, specifying that it is irrevocable, unconditional, payable at first request and without right to objection, with a validity period of 120 days longer than the day of the tender opening session.

Electronic Address: koncesija@pancevo.rs

Public Procurement Commission was formed by Mayor's Decision No. XI-13-404-147/2019.