MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE

TENDER DOCUMENTATION

Concession on maritime demesne for the purpose of constructing and economic use of the beach in the area of Lastovo cadastral municipality, cove of Jurjeva Port and special purpose port – nautical tourism port – berth, on part of Lastovo cadastral municipality

Zagreb, February 2019

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## **DEFINITIONS**

|  |  |
| --- | --- |
| **Concession grantor** | The Government of the Republic of Croatia, Trg sv. Marka 2, Zagreb |
| **Tender Documentation** | The documentation has been drawn up by the Concession Grantor for the requirements of conducting the procedure in awarding a concession on maritime demesne for the purpose of constructing and economic use of the beach in the area of Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of Lastovo cadastral municipality. |
| **Expert Body for the Evaluation of Bids for Concessions on Maritime Demesne** | The Expert Body for the Evaluation of Bids for Concessions on Maritime Demesne was founded and appointed by the Decision of the Government of the Republic of Croatia (Official Gazette number 44/16) for the purpose of assessing bids and providing Findings and Opinions including a ranked list of bids |
| **Committee for the Evaluation of Bids** | The Committee consisting of 5 members was founded for the opening of received bids, reviewing and evaluation of bids, compiling the ranked list of bidders and, through the Ministry of State Property, providing recommendations to the Government of the Republic of Croatia for making Decisions on Selection of the Most Favourable Bidder  |
| **Physical development documentation** | The Lastovo Municipality Physical Plan (Lastovo Municipality Official Herald, no. 03/13 – final draft and 03/17) and the Urban Development Plan for the Tourism Zone of Jurjeva Port and the LN Kremena nautical tourism port (Lastovo Municipality Official Herald, no. 3/17) |
| **Concession Agreement** | The Concession Agreement on maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – the nautical tourism port – berth, on part of the Lastovo cadastral municipality. The Concession Grantor intends to conclude with the chosen bidder after conducting the procedure for the public gathering of bids, and based on the Decision on Selection of the Most Favourable Bidder |

## **GENERAL INFORMATION**

### **INFORMATION ON THE CONCESSION GRANTOR**

GOVERNMENT OF THE REPUBLIC OF CROATIA

Trg svetoga Marka 2

10000 Zagreb

Republic of Croatia

* 1. **BODY CONDUCTING THE PROCEDURE**

MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE

Prisavlje 14

10 000 Zagreb

OIB/TIN: 22874515170

Website: [http://www.mmpi.hr](http://www.mmpi.hr/)/

MINISTRY OF STATE PROPERTY

Dežmanova 10

10 000 Zagreb

OIB/TIN: 95555881478

Website: https://imovina.gov.hr/

### **INSTITUTION ASSIGNED FOR CONTACT**

MINISTRY OF STATE PROPERTY

E-mail: projekt.jurjevaluka@midim.hr

### **ESTIMATE VALUE OF THE CONCESSION**

HRK 103,659,537.52

### **1.5 TYPE OF CONCESSION**

Concession on the maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality.

## **INFORMATION ON THE SUBJECT OF CONCESSION**

The concession on the maritime demesne is given for the purpose of constructing and economic use of the beach in the area of Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, in accordance with the Urban Development Plan (UDP, in Croatian “*urbanističkom planu uređenja – UDP”*) for the tourism zone of Jurjeva Port and the LN Kremena nautical tourism port (Lastovo Municipality Official Herald, no. 3/17). The area of maritime demesne given into concession is defined in the Resolution of the Committee for Boundaries before the Ministry of the Sea, Transport and Infrastructure, class: UP/I-342-22/18-01/325, refno.: 530-03-2-1-18-2 of 20 November 2018 which determines the boundary of the maritime demesne on the respective part of the Lastovo cadastral municipality, Lastovo Municipality, island of Lastovo, and Resolution class: UP/I-342-22/18-01/326, refno.: 530-03-2-1-18-2, of 21 November 2018 which determines the boundaries of the port area for the new special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, Lastovo Municipality, island of Lastovo, and determined by the polygonal coordinate points expressed in the HTRS96/TM projection as follows:

|  |  |  |
| --- | --- | --- |
| **POINT** | **E** | **N** |
| 1 | 525 433.11 | 4 735 987.51 |
| 2 | 525 426.73 | 4 735 987.37 |
| 3 | 525 414.32 | 4 735 987.04 |
| 4 | 525 403.30 | 4 735 986.67 |
| 5 | 525 396.29 | 4 735 986.39 |
| 6 | 525 386.18 | 4 735 985.92 |
| 7 | 525 370.68 | 4 735 985.06 |
| 8 | 525 360.66 | 4 735 984.40 |
| 9 | 525 345.88 | 4 735 983.31 |
| 10 | 525 333.84 | 4 735 982.30 |
| 11 | 525 320.19 | 4 735 980.98 |
| 12 | 525 304.08 | 4 735 979.92 |
| 13 | 525 292.93 | 4 735 979.83 |
| 14 | 525 284.94 | 4 735 980.08 |
| 15 | 525 278.39 | 4 735 980.50 |
| 16 | 525 270.29 | 4 735 981.26 |
| 17 | 525 260.92 | 4 735 982.53 |
| 18 | 525 257.29 | 4 735 983.61 |
| 19 | 525 254.40 | 4 735 984.96 |
| 20 | 525 251.81 | 4 735 986.63 |
| 21 | 525 247.86 | 4 735 990.32 |
| 22 | 525 245.52 | 4 735 993.17 |
| 23 | 525 242.21 | 4 735 998.14 |
| 24 | 525 240.32 | 4 736 001.73 |
| 25 | 525 238.37 | 4 736 006.48 |
| 26 | 525 237.26 | 4 736 010.07 |
| 27 | 525 236.23 | 4 736 014.92 |
| 28 | 525 235.69 | 4 736 019.93 |
| 29 | 525 235.66 | 4 736 025.98 |
| 30 | 525 235.86 | 4 736 030.45 |
| 31 | 525 236.47 | 4 736 037.11 |
| 32 | 525 237.21 | 4 736 042.46 |
| 33 | 525 238.07 | 4 736 047.20 |
| 34 | 525 239.94 | 4 736 055.12 |
| 35 | 525 241.74 | 4 736 061.16 |
| 36 | 525 242.84 | 4 736 064.42 |
| 37 | 525 244.73 | 4 736 068.46 |
| 38 | 525 247.99 | 4 736 072.74 |
| 39 | 525 255.15 | 4 736 079.63 |
| 40 | 525 261.27 | 4 736 085.36 |
| 41 | 525 268.04 | 4 736 091.42 |
| 42 | 525 273.35 | 4 736 095.97 |
| 43 | 525 283.99 | 4 736 104.77 |
| 44 | 525 310.04 | 4 736 131.27 |
| 45 | 525 332.78 | 4 736 159.56 |
| 46 | 525 351.48 | 4 736 175.38 |
| 47 | 525 375.95 | 4 736 189.41 |
| 48 | 525 380.38 | 4 736 185.27 |
| 49 | 525 381.97 | 4 736 183.43 |
| 50 | 525 403.60 | 4 736 152.61 |
| 51 | 525 378.87 | 4 736 142.80 |
| 52 | 525 371.17 | 4 736 137.74 |
| 53 | 525 369.33 | 4 736 136.53 |
| 54 | 525 362.50 | 4 736 129.90 |
| 55 | 525 349.01 | 4 736 109.51 |
| 56 | 525 329.33 | 4 736 092.84 |
| 57 | 525 324.94 | 4 736 090.13 |
| 58 | 525 313.39 | 4 736 079.94 |
| 59 | 525 329.11 | 4 736 059.72 |
| 60 | 525 323.31 | 4 736 053.55 |
| 61 | 525 323.31 | 4 736 042.56 |
| 62 | 525 347.67 | 4 736 040.98 |
| 63 | 525 350.19 | 4 736 037.27 |
| 64 | 525 356.40 | 4 736 039.45 |
| 65 | 525 411.64 | 4 736 042.10 |
| 66 | 525 438.12 | 4 736 034.64 |
| 67 | 525 435.63 | 4 735 996.90 |
| 68 | 525 434.51 | 4 736 599.74 |
| 1 | 525 433.11 | 4 735 987.51 |

The area of the maritime demesne (land and sea area) which is given into concession covers a total of 20 184 m2, where the surface area of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port amounts to 18 962 m2, and the surface area of the special purpose port – nautical tourism port –berth, on part of the Lastovo cadastral municipality covers 1 222 m2.

### **DESCRIPTION OF THE SUBJECT OF CONCESSION**

Concession on the maritime demesne for the purpose of constructing and economic use of the beach in the area of Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality.

### **THE PERIOD FOR WHICH THE CONCESSION IS GRANTED**

The concession is granted for a period of 50 years, commencing on the day of concluding the concession agreement.

### **TECHNICAL SPECIFICATIONS**

* + 1. **DESCRIPTION OF THE AREA**

The planned project in the area is located within the boundaries of the Urban Development Plan (in Croatian, *“Urbanističkog plana uređenja – UDP”*) for the tourism zone of Jurjeva Port and the Kremena nautical tourism port (Lastovo Municipality Official Herald, no. 3/17)

Appendix 1 of this tender documentation contains the graphical presentation of the maritime demesne which is given into concession.

Appendix 2 of this documentation contains the Urban Development Plan for the tourism zone of Jurjeva Port and the LN Kremena nautical tourism port (Lastovo Municipality Official Herald, no. 3/17).

* + 1. **TECHNICAL CONDITIONS AND ELEMENTS RELATING TO THE PROJECT IN THE RESPECTIVE AREA**
		The location conditions are defined in the Urban Development Plan for the tourism zone of Jurjeva Port and the LN Kremena nautical tourism port (Lastovo Municipality Official Herald, no. 3/17).
		2. **EQUIPPING AND MAINTENANCE OF THE FACILITIES WHICH ARE THE SUBJECT OF THE CONCESSION**

The concessionaire is authorised to undertake works on the concession maritime demesne in the area necessary for the conducting of the economic activity in accordance with the valid physical planning documentation as well as obtaining all the necessary permits in accordance with provisions regulating physical development and construction and based on the economic feasibility study.

Any construction on the maritime demesne requires the authorised concessionaire to obtain consent form the Concession Grantor, including all permits in accordance with provisions regulating physical development and construction.

### **WORKS AND SERVICES WHICH ARE THE SUBJECT OF THE CONCESSION**

Presented in detail in the Mandatory Content of the economic feasibility study, which comprises Appendix 3 of this documentation.

## **REASONS FOR EXCLUDING A BIDDER**

Reasons for the exclusion of a bidder are if a bid does not contain the entire documentation as stipulated in the Notice of the Intention to Grant a Concession and in this documentation, and if the bidder does not fulfil all conditions as stipulated in the Notice of the Intention to Grant a Concession, this documentation, Article 17, Paragraph 3 of the Maritime Demesne and Sea Ports Act (Official Gazette, no. 158/03, 100/04, 38/09, 123/11 and 56/16), and if there are reasons for excluding an economic entity from the concession granting procedure as stipulated in Article 24 of the Concessions Act (Official Gazette, no. 69/17).

## **PROCEDURE FOR THE PUBLIC GATHERING OF BIDS**

A concession for the economic use of the maritime demesne described in Point 2.1 of this Tender Documentation is granted on the basis of a conducted procedure for the public gathering of bids, Article 80, Paragraph 4 of the Maritime Demesne and Sea Ports Act with respect to Article 31, Paragraphs 1 and 2 of the Concessions Act.

### **PROCEDURE FOR THE PUBLIC GATHERING OF BIDS**

* The Committee for the Evaluation of Bids will publicly open bids on 14 May 2019 at 12.00 pm on the premises of the Ministry of State Property, Dežmanova 10, 10000 Zagreb, Croatia.
* The bid for granting the concession on the maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality will be evaluated by the Expert Body for Evaluation of Bids for Concessions on Maritime Demesne, established and appointed by the Decision of the Government of the Republic of Croatia (Official Gazette number 44/16).
* The stated body will submit evaluations containing the Findings and Opinion as well as a ranked list of bids to the Committee for the Evaluation of Bids which is appointed by the Decision of the Government of the Republic of Croatia CLASS: 022-03/19-04/24, REFNO.: 50301-26/24-19-7 of 1 February 2019.
* The Committee for the Evaluation of Bids will, within a period of no later than 60 days from the date of the public opening of bids, determine the ranked list of bidders and recommend to the Government of the Republic of Croatia a Decision on Selection of the Most Favourable Bidder.
* If the most favourable bidder withdraws from the offer or within the set deadline does not respond to the call to conclude the agreement on regulating mutual rights and obligations, that bidder loses the right to receiving back the guarantee, and if the bidder has submitted a bank guarantee, the Ministry of State Property is authorised to activate its payment.
* In the event that the most favourable bidder withdraws or within the given deadline does not proceed to conclude the agreement on regulating mutual rights and obligations, the most favourable bidder will be deemed to be the next bidder from the list of ranked bidders, if this next bidder accepts paying the fee offered by the most favourable bidder who withdrew, and so on in sequence.
* The Committee for the Evaluation of Bids is authorised by the Government of the Republic of Croatia to recommend that no received bid be accepted and that the conducted procedure be cancelled along with providing grounds for such a recommendation.
* Prior to signing the Concession Agreement, the selected bidder is obliged to submit to the Concession Grantor an acceptable surety instrument for payment of the concession fee to the amount of two annual fees for the fixed part of the concession fee together with a bank guarantee (i.e., performance guarantee) for the orderly fulfilment of obligations from the Concession Agreement in the amount of 5.0% of the value of the investment offered in the economic feasibility study and with a validity period of 6 months longer than the planned period of the investment. The bank guarantee must be unconditional, “without contestation” and payable at first demand.

## **CONDITIONS FOR THE BIDDER’S ELIGIBILITY**

### **MINIMAL CONDITIONS FOR THE BIDDER’S ELIGIBILITY**

The procedure for granting a concession as described in Point 2.1 of this Tender Documentation requires that bidders must provide proof of their eligibility by submitting the following documentation/information with their bid:

1. an excerpt from the court register of the commercial court or excerpt from the business (in Croatian, “*obrt”*) register with the business activity registered for which the concession is being sought, and not older than 30 days
For a consortium of bidders, the excerpt from the court registry of the commercial court or excerpt from the business (*“obrt”*) registry is submitted for each member of the consortium, where at least the leading member of the consortium must have the business activity registered for which a concession is sought.
2. the appropriate certificate proving that no bankruptcy or prebankruptcy proceedings have been initiated, that the entity is not currently in liquidation proceedings, and that there are no proceedings for cessation of business activities,
3. information on creditworthiness (BON 1), except for businesses (“*obrt”*) which are income tax obligors and newly incorporated companies and business (“*obrt”*)
4. information on solvency (BON 2 – for the bidder’s main account) and a certificate from the relevant Tax Administration on settled due liabilities for public contributions, not older than 30 days

The bidder is considered ineligible if he has unsettled due obligations based on public contributions and if the BON 2 form or other appropriate document indicates that the main account has been continually blocked for a period of more than 15 days in the last six months.

For a consortium of bidders, the information and certificate are submitted for each consortium member.

1. a declaration that the bidder has fulfilled obligations from other concessions, if they exist or existed;

Evidence of the stated condition is given in the form of a declaration from the person authorised for representing the bidder on the form comprising Appendix 5 of this Tender Documentation.

For a consortium of bidders, the declaration is submitted for each consortium member.

1. a declaration as to whether the bidder has had a concession rescinded in accordance with Article 30 of the Maritime Demesne and Sea Ports Act;

Evidence of the stated condition is given in the form of a declaration from the person authorised for representing the bidder on the form comprising Appendix 6 of this Tender Documentation.

For a consortium of bidders, the declaration is submitted for each consortium member.

1. a declaration from the bidder or person authorised for representation that no final and legally binding conviction exists against them for one or more crimes in the area of economic crime

Evidence of the stated condition is given in the form of a declaration from the person authorised for representing the bidder on the form comprising Appendix 7 of this Tender Documentation.

For a consortium of bidders, the declaration is submitted for each consortium member.

1. a declaration that the for bidder or persons authorised for representation, there are no reasons for exclusion from the procedure for the granting of a concession as stipulated in Article 24 of the Concession Act;

Evidence of the stated condition is given in the form of a declaration from the person authorised for representing the bidder on the form comprising Appendix 8 of this Tender Documentation.

For a consortium of bidders, the declaration is submitted for each consortium member.

### **OTHER MANDATORY DOCUMENTATION**

Besides evidence of their eligibility, bidders are also obliged to submit the following documentation:

1. the offered amount for the fixed and percentage of the variable part of the concession fee, given that the starting amount for the fixed part of the concession fee for the beach amounts to HRK 3.00 per square meter of occupied maritime demesne, and HRK 4.00 per square meter of occupied maritime demesne for the special purpose port – nautical tourism port – berth on part of the Lastovo cadastral municipality, where the initial amount of the variable part of the concession fees for the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port amounts to 3% of revenue achieved on the concession area, and for special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, the amount is 2% of revenue achieved on the concession area, where the fixed part of the concession fee is increased every 5 years by HRK 0.50 per square meter of occupied maritime demesne.

The fixed part of the concession fee will be adjusted every three years on the 1 January of the fourth year and applied from the 1 January of the same year.

The fee will be adjusted according to the formula:



K = factor for adjusting the fixed and variable part of the concession fee for each three-year period which follows after concluding the concession agreement

p1 = inflation rate in the first year of the three-year period

p2 = inflation rate in the second year of the three-year period

p3 = inflation rate in the third year of the three-year period

Regardless of adjusting the price related to inflationary trends, and in event that for the duration of the concession agreement the middle rate for the kuna and euro at the Croatian National Bank changes by +/-3%, the fixed part of the concession fee will also change in accordance with changes in the exchange rate.

* 1. The economic feasibility study which is drawn up according to the content and form as stated in Appendix 3 of this documentation for the public gathering of bids; the total value of the investment which is planned in the economic feasibility study is deemed to be the investment in capital assets
	2. An irrevocable and unconditional bank guarantee payable at first demand in the amount of 1% of the total amount of planned investments and issued in favour of the Ministry of State Property, Republic of Croatia, from a bank which in the year prior in which the Public Call is announced had a credit rating of at least BBB based on Standard and Poor’s Bank Rating Guide or from a bank operating in the Republic of Croatia and which based on audited financial statements of 31 December 2018 has indicated a total value of assets exceeding 10,000,000,000.00 kuna, with a period valid to the concluding of the agreement on establishing construction rights and the concession agreements, but not exceeding two (2) years (where the original is submitted with one of the bids, and copies thereof with the other two bids),
	3. A letter of intent from a commercial bank which fulfils the conditions referred to in Item 3 where it will in favour of the Ministry of State Property, Republic of Croatia, issue an irrevocable, unconditional bank guarantee payable upon first demand in the amount of 5% of the value of the planned investments to guarantee realisation of the project for constructing the tourism zone of Jurjeva Port (where the original is submitted with one of the bids, and copies thereof with the other two bids)
	4. Certificate from the relevant body for obtaining the location permit that the project presented in the preliminary design is incorporated in the plans of the physical development documents
	5. Preliminary design has been devised by an certified design engineer in accordance with physical planning documents and the economic feasibility study.
	6. Information on the ownership structure of the bidder.

Evidence of the stated condition is given in the form of a declaration from the person authorised for representing the bidder on the form comprising Appendix 9 of this Tender Documentation.

For a consortium of bidders, the declaration is submitted for each consortium member.

## **THE CONTENT, MANNER OF PREPARING AND MANNER OF SUBMITTING THE BID**

### **THE CONTENT OF THE BID**

The bid is submitted is accordance with the instructions contained in Point 5 of this documentation.

The bid is submitted in written form and in electronic form (CD, DVD, USB stick and the like), and in the event of contradictions between the written and electronic bids, the relevant bid is the bid in written form.

The bid is written in indelible ink, in the Croatian language and Latin script.

The bid must completely conform to the Notice on the Intention of Granting a Concession and this documentation.

The bid must contain:

1. The content of the bid (a list of the integral parts thereof and/or appendices to the bid).
2. Completed summary list signed by the person authorised to represent the bidder based on the form which is contained in Appendix 4 of this Tender Documentation.
3. Documents requested in Point 5.1 of this documentation;
4. Documents requested in Point 5.2 of this documentation;
5. Other certificates and declarations requested in this documentation;
6. A declaration by the bidder on acceptance of the conditions in this Tender Documentation signed by the person authorised to represent the bidder based on the form which is contained in Appendix 10 of this Tender Documentation.

### **CURRENCY IN THE BID**

All amounts stated in the bid must be expressed in Croatian kuna (HRK), whereby the bid amount of the total investment based on the economic feasibility study must be expressed in kuna excluding VAT.

### **MANNER OF PREPARING A BID**

The bid is prepared in such a manner that it comprises an entire unit. When preparing the bid, the bidder is not permitted to alter or supplement text from this documentation.

The bid is bound in such a manner that it does not allow subsequent removal or insertion of sheets.

The bid guarantee is submitted such that it is inserted in a completely closed transparent plastic sleeve, bound with the bid in such a manner that it becomes an integral part of the bid. The plastic sleeve into which the bank guarantee is inserted must be closed from all sides and/or sealed with one or more stickers such that the guarantee cannot be removed from the sleeve without tearing or cutting the sticker. The bank guarantee must be undamaged, i.e., it must not be in any way perforated, stapled, glued, folded or damaged in any way whatsoever.

These provisions are also applied in the same manner for submission of the letter of intent on the issuing of a bank guarantee (performance guarantee) for the orderly fulfilment of obligations from the concession agreement.

Parts of the bid such as the data storage medium and the like which cannot be bound will be designated by name by the bidder and cited in the contents of the bid as being part of the bid.

Pages of the bid are designated by number such that the sequential page number and the total number of pages in the bid are visible.

The bid is submitted as an original.

A bid for only one business activity which is the subject of the concession is not permitted.

The bid, together with the associated documentation, is to be written up in the Croatian language and in the Latin script.

The bidder may prior to expiration of the bid submission deadline withdraw from his submitted bid by providing a written declaration. The written declaration is submitted in the same manner as the bid with a mandatory designation indicating that it involves withdrawing from the bid. In that case, the unopened bid will be returned to the bidder.

The bidder bears all costs in preparing, submitting and the possible returning of the bid.

### **AUTHORISATION FOR SIGNING THE BID**

If the bidder is a company, the bid and other documents required in this Tender Documentation must be signed by a person authorised to represent the bidder in accordance with data from the court registry of the relevant Commercial Court or other relevant body in the host country of the bidder. The bidder may authorise another person to sign the bid and other documents, however in such cases a legally valid power of attorney for representation must be submitted. The power of attorney for representation is considered valid if it has been issued / signed by the person authorised to represent the bidder in accordance with the data from the court registry of the relevant Commercial Court or other relevant body in the host country of the bidder.

If the bidder is a consortium of bidders, the bid and other documents required in this Tender Documentation must be signed by the person authorised to represent the consortium of bidder in accordance with data from the court registry of the relevant Commercial Court or other relevant body in the host country of the bidder. The consortium of bidders may authorise another member from the consortium of bidders to sign the bid and other documents, which need not be submitted for every member of the consortium of bidders individually. In that case, the consortium of bidders must submit a valid power of attorney for representation issued / signed by the person authorised to represent the consortium of bidders in accordance with the data from the court registry of the relevant Commercial Court or other relevant body in the host country of the bidder.

Evidence of authorisation for a signatory is given by submitting the excerpt from the court registry in accordance with Point 5.1, subpoint 1) of this Tender Documentation.

### **MANNER OF SUBMISSION AND PERIOD OF VALIDITY OF THE BID**

The bid to establish construction rights, bid for the granting of the concession on maritime demesne for the purpose of constructing and economic use of the beach and special purpose port – nautical tourism port – berth in the tourism zone of Jurjeva Port and the bid for the granting of the concession on maritime demesne for the purpose of constructing and economic use of the special purpose port – Kremen nautical tourism port are inseparable, i.e., a bid for only one of the intended uses will not be taken into consideration.

The bid along with the associated documentation for each of the intended uses is submitted in a separate envelope on which the intended use is to be designated, and it is inserted in its entirety into a single envelope with the designation: bid for THE TOURISM ZONE OF JURJEVA PORT – LASTOVO (“TURISTIČKU ZONU JURJEVA PORT-LASTOVO)

The bid is submitted in a closed envelope with the designation of the sender and receiver including a clear designation of the subject and a written caution:

**„Do not open – bid for the TOURISM ZONE OF JURJEVA PORT – LASTOVO (“TURISTIČKU ZONU JURJEVA LUKA - LASTOVO)**

 at the address:

**Ministry of State Property**

**Dežmanova 10**

**10000 Zagreb**

**Croatia**

### **DATE AND PLACE FOR THE SUBMISSION OF THE BID**

Consideration will only be given to bids which are received at the Clerk’s Office (in Croatian, *“pisarnica”*) of the Ministry of State Property, Dežmanova 10, Zagreb, no later than by 12.00 pm on 14 May 2019.

### **CONDITIONS FOR OBTAINING THE TENDER DOCUMENTATION**

The deadline for obtaining the Tender Documentation commences on the date of publishing the Public Call for Submission of bids to establish construction rights on land lots in the ownership of the Republic of Croatia in the Lastovo cadastral municipality for the purpose of constructing facilities intended for tourism-hospitality use and for granting a concession on maritime demesne in the Lastovo cadastral municipality for the purpose of constructing and economic use of the beach and special purpose port – nautical tourism port – berth and concession on maritime demesne for the purpose of constructing and economic use of the special purpose port – Kremena nautical tourism port in the Electronic Public Procurement Classifieds.

The Tender Documentation is obtained in digital format and no charges apply.

### **ABILITY TO OBTAIN ADDITIONAL INFORMATION ON THE SUBJECT OF THE BID**

* Bidders are invited to peruse the official heralds of the Dubrovnik-Neretva County and Municipality of Lastovo, the public registries for properties (land title books, cadastral records, register of cultural assets belonging to the Republic of Croatia – list of protected cultural assets, list of cultural assets of national importance and list of preventively protected assets) so as to obtain information on possible public and legal limitations.
* Bidders will be given the opportunity to inspect the property within the respective zone every working day subject to giving prior notice to Lastovo Municipality, address: Dolac 3, 20290 Lastovo, Republic of Croatia, telephone: +385 (0)20 801 023, Fax: +385 (0)20 801 077, email address: pisarnica@lastovo.hr no later than by the end of the deadline for the submission of bids.

## **CRITERIA FOR EVALUATION OF BIDS**

### **CRITERIA FOR EVALUATION OF BIDS IN ACCORDANCE WITH THE REGULATION ON THE PROCEDURE FOR GRANTING A CONCESSION NO MARITIME DEMESNE**

Selecting the most favourable bid will be done under the following criteria and manner of scoring:

* offered amount of the fixed part of the concession fee – 30%
* offered amount of the variable part of the concession fee – 30%
* Offered amount of the total investment according to the economic feasibility study – 40%

Each element of the bid is evaluated separately, and the sum of the total score based on the criteria may not exceed 1.0, where the total score is multiplied by the number 100, and comprises 10% of the score for the total bid.

The variable part of the concession fee is calculated in an absolute amount according to the presented total revenues from the economic feasibility study, and for the duration of the concession.

### **FORMULAE AND CALCULATION METHODS IN ACCORDANCE WITH THE REGULATION ON THE PROCEDURE FOR GRANTING A CONCESSION NO MARITIME DEMESNE**

a) Coefficient of the fixed part of the concession fee =

30% x offered amount of the fixed part of the concession fee
highest offered amount of the fixed part of the concession fee

b) Coefficient of the variable part of the concession fee =

30% x offered absolute amount of the variable part of the concession fee

highest offered absolute amount of the variable part of the concession fee

c) Coefficient of the total investment =

40% x offered amount of the total investment

highest offered amount of the total investment

## **OTHER INFORMATION**

### **SUBCONTRACTING**

With the aim of better utilization of the maritime demesne throughout the duration of the concession agreement, the concessionaire, with prior consent from the Concession Grantor, may conclude agreements on the provision supporting business activities with third persons for services in accordance with the provisions of Article 26 of the Maritime Demesne and Sea Ports Act.

The concessionaire may conclude subconcession agreements subject to prior consent from the Concession Grantor in accordance with the provisions of Article 35 of the Maritime Demesne and Sea Ports Act.

### **ASSIGNMENT OF THE CONCESSION AGREEMENT**

Based on Article 35 of the Maritime Demesne and Sea Ports Act, a concession may be transferred, subject to the consent of the Concession Grantor, in full in the same scope and under the same conditions under which it was given to the third party subject to the condition that the third party fulfils the eligibility conditions determined for the concessionaire in the tender documentation, notice of the intention to grant a concession and the Maritime Demesne and Sea Ports Act.

Also, in accordance with Article 34 of the Maritime Demesne and Sea Ports Act, the concession, subject to the prior written consent from the Concession Grantor, may be transferred to a third party and for the purpose of settling claims of the lien creditor when the concession is a subject of the right of lien established in accordance with governing provisions.

### **MANNER AND CONDITIONS FOR RESOLVING DISPUTES**

All disputable issues relating to use of the concession and all other issues not regulated by the Concession Agreement are subject to the provisions of the Maritime Demesne and Sea Ports Act (Official Gazette, no. 35/05, 41/08, 125/11, 78/15 and 29/18) in the appropriate manner, and all disputes arising from the Concession Agreement fall under the jurisdiction of the Administrative Court in Zagreb.

## **APPENDICES**

### **APPENDIX 1 – GRAPHICAL PRESENTATION**

The appendix to this documentation is a graphical presentation of the maritime demesne for which a concession is to be granted.

### **APPENDIX 2 – URBAN PLAN**

The appendix to this documentation is the Urban Development Plan for the Tourism Zone of Jurjeva Port and the LN Kremena Nautical Tourism Port (Lastovo Municipality Official Herald, no. 3/17).

### **APPENDIX 3 – MANDATORY CONTENT IN THE ECONOMIC FEASIBILITY STUDY**

The economic feasibility study, in addition to other documentation, is the mandatory appendix to the bid for the granting of the concession and is a fundamental document for assessing bids and selection of the most favourable bid.

The study proves the economic feasibility, i.e. the rentability and profitability for economic utilization of the maritime demesne and is used to determine the amount of the fixed and variable part of the concession fee for economic use of the maritime demesne. Furthermore, it is also the basis for determining the amount of the total investment expenditure which also includes expenditure for environmental protection according to the assessed level of environmental vulnerability, and which in turn represents important criteria for assessing and valorising bids.

The economic feasibility study must be drafted in line with the rules of the profession so as to provide objective and correct drafting and assessment of

1. methodological rules and principles,
2. indicators that represent a realistic presentation of development opportunities in the project,
3. the structure of technical and technological elements and associated documentation,
4. realistic results and amount of planned investments.

The economic feasibility study must contain the following elements:

1. existing situation at the location for which the concession is sought;
2. investment plan elaborated in detail for the entire duration of the concession;
3. amount of the investment planned for environmental protection;
4. amount of the entire planned investment;
5. sources for financing the investments (own sources, loans);
6. assessment of the project’s rentability (revenue – expenditure);
7. statement from the bidder on his technical and personnel capacities as well as organizational capabilities for achieiving the concession;

**The economic feasibility study is drafted in line with the content and determinants as follows:**

1. **INTRODUCTION**

The introductory section cites the subject and goal of the economic feasibility study along with the basic natural, spatial and market indications of the actual state at the local and regional level, and showing the standard justification of the project and harmonization with current laws.

1. **BASIC INFORMATION ON THE PROJECT**

Basic information on the project contains a summary of all the numerical indicators relating to the investment, for instance, name of the project, location, value of the investment, schedules for project implementation, key financial indicators, method of financing and conditions, value of annual turnover, loan repayment period, internal rate of return, project lifecycle, determined duration period of the concession, total estimated value of investment, planned number of employees, surface areas of the maritime demesne, capacities of the sea and land parts of the port, number and sizes of berths or moorings, size of boats and facilities, operational and parking surface areas, as well as other essential amenities and functional data on the special purpose port, etc.

1. **INFORMATION ON THE ENTREPRENEUR - INVESTOR**
	1. **Data and information on the entrepreneur - investor**

Information on the investor includes all information stated in the register of legal entities (court register and other registries): company, name, address, registration and personal designations, legal form of incorporation, date of incorporation, core business, registered business activities, founders, equity, etc.

* 1. **Vision of the entrepreneurial project**

The entrepreneurial vision for the project implies the reasons and goals of the investment, the investor’s references, available professional personnel, business goals for the project and also a statement from the investor as to the technical, financial and staff readiness for realization of the construction of the beach and special purpose port – berth for the respective entrepreneurial project along with profitable economic utilization of the maritime demesne throughout the entire duration of the concession.

For entrepreneurs and potential investors who have been doing business for less than a year and do not possess information on previous business operations, it is exceptionally important that the entrepreneur make it clear that based on the vision and personal know-how, experience and qualities, he intends to realize the project and do business in line with the planned indicators.

1. **EXISTING SITUATION AT THE LOCATION OF THE SPECIAL PURPOSE PORT**
	1. **Location**

This section presents data on historical, economic, spatial and planning factors relating to the location and its cultural, sporting and tourism development and potential.

* 1. **Macro-location of the port**

The analysis of the macro-location for the special purpose port provides information on the maritime characteristics, traffic routes and connections, as well as cultural, historical and natural regional surroundings, the closest urban surroundings and the like, with an emphasis on references to future beach and special purpose port activities.

* 1. **Micro-location of the port**

Analysis of the micro-location of the port provides the spatial, infrastructural, traffic and communication characteristics of the location, for instance, opportunities in the spatial development plan, level of infrastructure, i.e., existing and planned telecommunications, water and sewage network, electricity supply, which have lead the investor in terms of selection and specific investments, etc.

1. **TECHNOLOGICAL AND TECHNICAL ELEMENTS OF THE INVESTMENT**

This section needs to present realistic planning of all technical and technological elements, including organization as well as financial and economic effects, arising from all economic activities during the concession and economic utilization of the beach and port, as essential for presuming the success of the investment project, and is to contain in particular the following:

**STRUCTURE AND ELEMENTS OF THE OVERALL PLANNED INVESTMENT**

The total planned investment as a criterion for granting the concession is expressed in a bill-of-quantities type of description of activities, allocation and amounts in terms of the economic feasibility study and is based on the following elements:

* Procurement of equipment for economic utilization of the beach and special purpose port - berth,
* Procurement of equipment for environmental protection and maintenance of the beach and special purpose port - berth,
* Deadlines for procurement and setting up of the equipment.

For realisation of the project for constructing the beach in the area of the Lastovo cadastral municipality, cover of Jurjeva Port and special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, the determined deadline is a total of 5 years which begins on the day after signing the agreement on the regulation of mutual rights and obligations with the selected most favourable bidder. Within the total respective period, the preparatory period for drafting the documentation and obtaining the location and/or construction permits, may not exceed 2 years starting on the day of concluding the agreement on the regulation of mutual rights and obligations.

Based on the conducted analysis of the activities and preliminary design for the beach and special purpose port – berth, the result of which is the appropriate technological and technical solution, all the necessary assets are selected – fixed assets, those directly linked to the process of economic use or production, as well as other fundamental assets in the special purpose port.

The application of the selected technology may rely on various technical solutions. Therefore, it is important that in addition to the Economic Feasibility Study, besides the stipulated conceptual design, that all other design document be submitted (preliminary project, main design, other technical documentation for obtaining the construction permit, and the like). The starting point of other financial calculations which are done in terms of financial aspects of the Economic Feasibility Study (investments in fixed and working capital, costs of business and price of costing services and products) are physical data from analysis of the technical and technological solutions and serve to determine the structure of necessary resources and capacities.

The total investment expenditure, i.e., the planned total investments does not need to include the costs of current and ongoing maintenance or replacement of construction elements, assemblies, devices and equipment throughout the duration of the concession, nor costs of regular testing and attests, especially not operating expenditure for future promotional activities, advertising and the like. An exception should be applied with respect to environmental protection as a public interest which is apparent and protected by implementation of regular testing and monitoring of the eco system.

* 1. **Technological elements**

The following activities are performed on the beach:

* + - renting out sun loungers and sun umbrellas, windsurfing boards, paddle boats, pedal boats, sailboats, rowing boats, canoes, scooters, equipment for towing parachutes, inflatable tubes and bananas, water handball, water volleyball, water walking balls, and the like,
		- aquapark and other sea amenities,
		- hospitality facilities on prefabricated or other movable structures,
		- selling of ice cream, drinks and providing simple hospitality services from mobile structures,
		- placement of floating structures to play water polo, basketball on water and the like,
		- organising sporting, cultural and other events,
		- health services (running yoga classes, fitness and other recreational activities and the like),
		- activities for children (outdoor play events, installation of equipment for children’s games on the land area of the beach, pirate boat, trampoline, toboggan and the like),
		- school for diving, sailing, rowing and swimming,
		- shops with equipment for beach activities and print in kiosks or on stands and the like.
	1. **Technical equipment**

List of planned technical equipment for the purpose of economic use of the beach and special purpose port – berth envisaged for equipping and maintenance of the beach and special purpose port – berth.

* 1. **Technological capacity and scope of services**

Technical capacity and scope of services in the study is presented in tabular form with numerical data, for instance, on the type, size and quantity of vessels, number of moorings, gross and net surface areas, data on capacities, area and length of jetties and the like, and data, for instance, on the number of size of prefabricated structures and amount of resources which will be placed on the beach (e.g., sun loungers, paddle boats, pedal boats, sailboats, rowing boats, canoes, and the like), gross and net surface areas based on the content and economic use, data on beach capacity, area and length of the beach, and the like.

1. **INVESTMENT PLAN**
	1. **Total planned investments – overall investment expenditure**

The total investment expenditure is a criterion that represents the monetary amount determined in the economic feasibility study as the determined value of all works and equipment in the form of a bill-of-quantities which the bidder as the future concessionaire will carry out for the purpose of developing and economic utilization of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, i.e., investments in fixed assets.

* 1. **Investments in capital assets (fixed assets)**

Total capital expenditure in the investment project for construction and economic utilization of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality in terms of criteria for the granting of the concession refers to investments in capital assets or fixed assets.

It involves resources, which are used in a period longer than a year, their use achieves a certain benefit (contained in the sales value of the product or service), and achieves certain costs (losing their initial technological – economic characteristics in time, which is the basis for depreciation cost – costs of capital assets contained in the price of costing products).

The initial size in the calculation for investments in capital assets are the costs of construction and/or procurement values.

The costs of construction include all design and expert services, construction and trade/crafts, installation and other related works and materials. The costs of procurement include sales price as charged by the supplier, customs and import levies, freight costs, insurance, as well as assembly and other dependent costs.

Construction and acquisition costs should also include the cost structure and acquisition values as well as the schedule for construction or procurement of capital assets so as to later calculate the amortization and balance sheet items, i.e. verifying the level of investment by the concession provider.

Investment expenditures should be realised no more than within a period of three years from obtaining the location permit.

Total investment expenditures therefore should not include costs for current and ongoing maintenance or replacement of construction elements, devices and equipment over the duration of the concession, regular testing and periodical attesting of installations, devices and equipment for the duration of the concession, regular testing and periodical attesting of installations, devices and equipment, investments in operations through future promotional activities, advertising and the like.

Furthermore, total investment expenditure does not include fixed intangible assets such as licences, patents, concessions, franchises, incorporation investments, various intellectual property rights and the like.

Exceptions are testing and monitoring which are conducted through monitoring the state or pollution of the environment, and are planned as costs of investing in environmental protection.

* 1. **Investment expenditure in working capital**

Investment expenditure in working capital is not included in total expenditure and is not applicable as a criterion for drafting and assessing bids for granting the concession.

* 1. **Amount and allocation of the planned total investment**

The allocation and amounts of the overall planned investment imply a presentation in the form of bill-of-quantities that contains the basic items for each phase of installing the equipment, quantity and amount or unit measure, unit price for items, and the total level/value of the investment.

* + - Costs of technical equipment,
		- Costs of environmental protection,
* Development of sewage network
* Eco bins
* Equipment and devices for disposal of garbage, waste matter, waste oils, equipment for preventing the spread of pollution, resources for personal protection and binding chemicals
* Boats for collecting waste
* Waste presses
* Wastewater purification devices
* Protective greenery areas
* Tree rows
* Stormwater drainage
* Sedimentation tanks and separators
* Monitoring state of the environment and fees
* Solar collectors
	+ - Other costs

- LV connection and HEP engaged power per kW, utility services and contributions, other utility connections, other services such as design documentation, supervision, testing the environment, audits, geodetics, etc.

* 1. **Amount of investments planned for environmental protection**

Investments in the maritime demesne for the purpose of constructing and economic use of the special purpose port is to contain expenditures for environmental protection and represents part of the total investment.

The Environmental Protection Act (Official Gazette no. br. 80/13, 153/13, 78/15, 12/18 and 118/18) and the Regulation on Assessment of Environmental Impacts of Projects (Official Gazette no. 61/14 and 3/17) for the special purpose port are determined as projects in environments for which there is a need for an environmental impact assessment.

Part of the investment costs are directed towards environmental protection, and primarily for:

* + - Resolving the issue of wastewater and faecal water for which the port facilities in the sea and on land are connected onto the public drainage system,
		- Procurement of equipment and resources for preventing pollution and contamination of the sea area belonging to the special purpose port.

During construction of the special purpose port, there may be a possibility of anticipating a series of negative environmental impacts, not only directly but also indirectly, especially due to:

* + - Creating blurry water;
		- Possible pollution due to oil or fuel from the use of construction machinery,
		- Possible damage to living communities which inhabit the area intended for construction
		- Pollution due to construction waste,
		- Air pollution from dust and gases;
		- Pollution due to sanitary consumption water and faeces,
		- Pollution due to communal waste, and
		- Noise pollution

All investments in equipment, facilities and other resources for environmental protection are presented in the bill of quantities according to descriptions of items, unit measures, unit prices and total investment costs.

Besides the stated project activities calculated into the investment costs, investment criteria in environmental protection are present during exploitation of the port, where such investments should be defined as separate items (cleaning the underwater environment, landscaping the foreshore, landscaping and maintenance of green areas and the like) during the exploitation period of the special purpose port.

In the event of pollution, the special purpose port must have at its disposal at least the following technical resources for intervention:

* + - * Floating protective barrier at least 50 meters in length,
			* Motor-powered boats for the daily collection of solid floating waste, and which will also be used for placing the floating barriers,
			* At least 100 litres of biodegradable dispersants,
			* Mobile spray for apply the dispersants,
			* At least 100 litres of absorbent chemicals for cleaning the foreshore and water area in the event of a localised spillage,
			* Small accessories – metal moulds, tools, self-adhesive labels,
			* Protective apparel (gloves, clothing),
			* Warning devices (telephone, fax, mobile phones).

Investments in environmental protection which have not been previously designated are considered the following costs:

* + - * Testing the quality of service water and stormwater,
			* Purification of wastewater, service water and stormwater,
			* Testing the quality of the sea at points not covered by regular sea quality monitoring,
			* Drafting the study on the condition of the seawater, sea bottom and foreshore
			* Testing the quality of emission gases,
			* Installation of purifiers for wastewater which come from the washing of boat hulls and the release of heavy metals,
			* Ensuring chemicals for cleaning and halting pollution
			* and other items
	1. **Planned maintenance costs**

Ongoing and current maintenance of facilities and equipment as fixed assets situated on maritime demesne for the purpose of construction and economic use of the special purpose port by the concessionaire throughout the duration of the concession is not part of the total investment expenditure as a criterion for granting the concession.

Maintenance also implies all regular and unplanned testing of equipment as envisaged by applicable laws.

* 1. **Other investments**

Other expenditures in the concessionaire’s operations throughout the duration of the concession does not represent investment expenditure.

* 1. **Sources of financing the investment**

The economic feasibility study should show the source for financing the investments for the construction and economic use of the beach and special purpose port – nautical tourism port – berth.

Based on determined total investments, it becomes necessary to ensure funds for financing the investment project. Such funds may be proprietary or from third parties, or a combination of both.

In current conditions and as a rule, the source of funds for financing refers to commercial loans for which it is necessary to show:

* + The loan amount,
	+ Interest for the interest only repayment period,
	+ Debt (loan),
	+ Repayment period,
	+ Start and use,
	+ Number of interest calculations
	+ Loan repayment on an annual basis,
	+ Interest rate.

Besides the basic information, the Loan Annuity Repayment Plan should be presented in tabular form based on a time frame for the repayment period according to years, the annual annuity amounts, principal and interest calculations as well as successively the remaining loan amounts leading up to the complete repayment.

* 1. **Estimated profitability of the project**

Assessment of the project’s profitability is based on the situation on the market for the respective business which is planned in the special purpose port, current and planned development of activities based on various relevant economic indicators from the previous period and statistical data and also forecasts for medium-term and long-term economic development.

* 1. **Analysis of the market, sales – formulating total income**

The analysis of market for acquisition and sale of products or services provides first a definition of the type of product or service in future port operations, as well as assessing the conditions of doing business based on available data on the goods market (suppliers), procurement of raw and other materials, labour market (workers), organisational, tax, administrative conditions, municipal infrastructure, special conditions for the location and environmental protection, as well as distribution and the market for the sale of goods and services (buyers).

Market analysis, technical and technological analysis and analysis of the location must be expressed together in physical and also units of value, whereas the economic-financial analysis of the outcomes of the project should be expressed as financial amounts in unit values.

The elements and structure of the economic and financial analysis are:

* Formulating total income,
* Investments in fixed assets,
* Operating expenditure,
	+ - * Investments in working capital,
			* Sources of financing and financial liabilities,
			* Fundamental financial statements: profit and loss statement, financial flow, balance sheet.

Revenue is planned on the basis of conducted analysis of the market and conditions of economic activities for which the port is planned and constructed, i.e., continued to be used.

The analysis should use the actual and long-term estimated and planned financial, economic-technical dimensions and conditions of business operations.

The economic feasibility study needs to expound in detail and transparently the factors from the market analysis which are used as the basis for estimating revenue for each income category and the manner in which the final amounts are calculated. To have the revenue estimates as clear as possible, it is desirable, especially if involving seasonal limitations to business activities, to do the revenue estimate for the first year on a monthly basis, and for later years express the amount of total annual revenue.

Total revenue is presented analytically in the previous tabular form as an expression of capacity utilization: physically in relation to temporal indicators – daily or annual and actual capacity utilization.

* + 1. **Type of services**

Reference is made to the types of services offered on the beach, and which must comply with the business activities stipulated in Points 5.1 and planned revenues from the respective services.

* + 1. **Annual sea mooring**

A presentation is given of the expected revenue from annual sea moorings in line with the expected number of moorings in the special purpose port – nautical tourism port – berth, and for which an annual mooring contract is to be concluded.

* + 1. **Revenue from the sea moorings**

A presentation is to be given of revenue from moorings of boats in transit across sea or land.

* + 1. **Other services**

Revenue from other specific services or by-products on beaches is to be presented by defining and describing such services/products and their financial sales indicators in tabular form with an analogous presentation of the total revenue.

* + 1. **Summary of revenue**

The tabular presentation of the summary of all incomes, from core business activities (products or services) and from specific services, for a long-term period on a yearly basis, the shortest being for the loan annuity repayment period from which the total investment is financed.

* + 1. **Costs of personnel - employees**

The planned number of employees is determined in the economic feasibility study when estimating costs of personnel – employees. No particular measures are envisaged for determining the number of employees in drafting the study, but instead the number is estimated and dimensioned based on the type and scope of business activity in line with criteria from labour legislation and rules of the profession.

Based on identified technological and technical conditions for production and the determined organization of operations for the project as a whole, a classification structure and the number of employed workers is determined, where this requires beforehand determining the profile and number of workers, schedule for employing, whether the market can provide the appropriate type of workforce or whether investments in additional training are required, and the like.

Personnel costs are given in tabular form based on the professional and qualification structure and established and complete number of permanent and seasonal workers, average gross wages, effective working months for the particular categories and is expressed as the total expense for wages at a yearly level.

Based on such given costs of full employment capacities, a cost summary of planned gradual employment throughout the initial years and leading to full functionality and maximum effective business operations of the special purpose port is given in tabular form.

This also includes the factor depicting an annual increase in gross wages due to inflationary effects and increase in employee productivity.

* + 1. **Concession costs**

The concession costs are to include the costs of the fixed and variable part of the concession fee at a yearly level.

The planned fixed part of the annual concession fee is calculated based on HRK/m2 of space (occupied square meters of space) or for the total area of the concession area (m2) expressed in the total amount of Croatian kuna (HRK) per year.

The variable part of the concession fee is calculated as a percentage of total income, and considering the calculated planned total yearly income in kuna, it is therefore expressed on a yearly basis as the total amount of the variable part of the concession fee.

The concession fee (fixed and variable part) is part of the cost side of the business for the special purpose port.

1. **OPERATING EXPENDITURES**

Operating expenditures include all input operating costs.

Operating expenditures are planned based on disclosed analyses of business capacities (services/production), supply market, technological and technical solutions, norms for consumption of labour and materials, duration of the service of production process, etc.

The structure or operating expenditure is as follows:

* Material and non-material costs,
* Gross wages,
* Amortization.
	1. **Plan for general costs**

The general costs of the concessionaire based on type and amount depends on the type of business undertaken on the special purpose port.

The plan for general costs is expressed in tabular form on a yearly basis for a subsequent period of at least five years from the start of undertaking the business activities, based on previously calculated indicators for particular types of costs, for instance:

* + - costs for materials and energy (materials for cleaning and maintenance of premises, materials for construction, overhauls or repairs to boats and facilities, materials of a general significance – Croatian Tourism Board and sanitary amenities, protective clothing, fire-fighting consumption materials, minor inventory, packaging, energy – electricity, gas, water, fuel and other materials),
		- Costs of services (postal and transport services, maintenance services, promotional activities, representation, communal services, communal fees and contributions, etc.),
		- Other business associated costs (employee costs, insurance premiums, taxes and contributions which do not depend on business results, sojourn taxes, costs of executing transactions and loans, credit and debit cards, other intangible costs).
	1. **Amortization**

Amortization is the consumption of fixed assets, which is gradually spent in time and through its utilization in undertaking certain business activities (services or production), i.e. where its reduction in value is due to technical and technological outdatedness.

Amortization is calculated according to the applicable laws and is presented in tabular form.

Amortization at an annual level for all capital assets or fixed assets shown as total investment costs is shown first. The annual total value of amortization for fixed assets stems from individual purchase value of capital assets calculated at the stipulated amortization rates.

Based on the presented total yearly amount of amortization of fixed assets, amortization values are shown in tabular form for all fixed assets on a yearly basis leading to the time of full amortization of assets or expiration of the concession period.

1. **OPERATING RESULT**
	1. **Profit and loss statement**

The profit and loss statement is calculated and shown in tabular form.

Based on the profit and loss statement, the trend for total revenue coming from core and supporting business activities in relation to total operating costs (including costs of materials, energy, services and other operating costs, employee wages, concession, amortization, interest on loans, and other forms of financing) is calculated and shown for each year and across all years of the concession period.

The yearly business results for total income and costs is used to calculate gross profit, corporate tax, net profit and cumulative net profit for the entire concession period.

* 1. **Financial flow**

Financial flow is calculated and expressed in tabular form.

Financial flow is used to calculate and express the net earnings and cumulative net earnings for each year and across all years of the concession period, resulting from total earnings from operating income and sources of financing (e.g. loans) with respect to total expenses from total expenditure in fixed assets, i.e. long-term assets, costs of materials, energy, services, other operating costs, employee wages, concession costs, repayment of loan annuities and corporate tax.

* 1. **Dynamic assessment of project profitability**

The dynamic assessment of project profitability is determined by measuring net earnings of economic flow based on dynamic profitability assessment methods.

* + 1. **Economic flow**

Economic flow is calculated and expressed in tabular form.

Economic flow is calculated and expressed for each year and across all years of the concession period based on a methodology from the economics profession and on data covering total earnings, total expenses, net earnings and cumulative net earnings.

Structure of economic flow is similar to financial flow where the differences are:

* + - * Earnings from economic flow do not include sources of financing
			* Expenditures from economic flow do not include obligations for sources of financing.

This obtained data is used to calculate the indicators based on dynamic assessment of project profitability and is also presented in tabular form.

The table must contain data across all years of the concession period relating to net earnings from economic flow, cumulative net earnings from economic flow, discounted net earnings from economic flow at discounted rates, and the internal rate of return.

Finally, data on the number years for return on investment is given, including net present value, relative net present value and internal rate of return.

Acceptability of the project is assessed using the methods for dynamic assessment of project profitability:

* + - * Return on investment method,
			* Net present value method,
			* Relative present value method,
			* Internal rate of return method.
		1. **Threshold of profitability**

With the aid of profitability threshold analysis, the quantity of sales of products/services which is to cover fixed and variables operating costs are determined. The profitability threshold is expressed as the minimum amount of income that the investment project must achieve in order to cover operating costs, i.e. the point where there is no profit or loss.

In analysing the profitability threshold, costs are divided into fixed and variable costs.

Calculations for the profitability threshold rely on indicators of changing (variable) and permanent (fixed) costs for a typical year of the project.

The first indicator which is calculated is the coverage margin.

The coverage margin is the contribution of each production unit in covering fixed project costs, i.e., the difference between unit sales prices for variable costs per unit.

Here, the unit sales prices are calculated as the result of total revenue per production / service unit in a typical year.

The rentability threshold (RT) in terms of value units (in this case, the minimal acceptable annual revenue to cover fixed costs) is calculated using the formula:

*PR = \_\_\_\_\_\_\_\_\_\_\_FIXED COSTS\_\_\_\_\_\_\_\_\_\_\_*

*\_\_\_\_\_VARIABLE COSTS PER UNIT\_\_\_\_\_*

*SALES PRICE PER UNIT*

The rentability threshold is determined based on the minimal acceptable annual number of product / service units.

Using a simulation incorporating annual planned earnings per product / service unit on a yearly basis (revenue from the port for all activities), the investor in the typical year can assess the need or possibility of increasing or decreasing revenue to the limit and under the conditions which it does business without achieving a profit or loss.

1. **CONCLUDING ASSESSMENT OF THE PROJECT**

The final assessment of the project provides the basic determinants of the investment project, i.e. the business venture, which present the following:

* Total value of investment and duration of concession,
* Benefits in realization of the future project in relation to achieving the development and spatial plans, tourism and economic development of the local and regional community, renewal of existing municipal infrastructure and new employment.
* Financial and economic indicators on acceptability, justification, rentability and profitability of the investment project,
* Positive business operations of the future concessionaire as guarantee of fast repayment of loans and long-term secure payment of the concession fee throughout the concession period,
* General social benefit and positive financial outcomes for the community based on the planned concession fee from granting the concession on maritime demesne for the purpose of its economic utilization, along with preservation of the sensitive eco system and environmental protection.

### **APPENDIX 4 – SUMMARY LIST**

**SUMMARY LIST**

**for submitting the bid in the procedure for the public gathering of bids in granting the concession on maritime demesne**

1. The amount of the offered concession fee for the fixed part per square meter of occupied space amount to \_\_\_\_\_\_\_\_\_\_\_ kuna, which amounts to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ kuna annually for the total area;
2. The offered absolute amount of the variable part of the concession fee according to indicated total revenue from the economic feasibility study, and for the duration of the concession is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ kuna.
3. The offered amount of total investments in the amount of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ kuna (for the entire duration of the concession).

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(place), on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

Person authorised for representing the

bidder

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(legible name and surname, signature)*

### **APPENDIX 5 – FORM OF THE STATEMENT BY BIDDER ON FULFILLING OBLIGATIONS FROM THE CONCESSION**

Pursuant to Article 18 of the Regulation on the Procedure for Granting Concessions on Maritime Demesne and Point 5.1, Subpoint 5) of the Tender Documentation in the procedure for granting concessions on maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, I am providing my

STATEMENT

whereby I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(name and surname, number of personal identity card/passport issued by \_\_\_\_\_\_)*

as the person authorised for representing the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

*(company name and headquarters, VAT ID no. or other applicable number)*

confirm that the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(company name and headquarters, VAT ID no. or other applicable number)*

has fulfilled all its obligations from the concession: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(enter the subject /description of concession)*

concluded with the concession grantor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(enter the name of the concession provider)*

with the concession lasting until: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(enter the duration of the concession)*

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(place), on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

Person authorised for representing the

bidder

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(legible name and surname, signature)*

If the bidder has had no other concessions, then a statement containing the following is necessary:

"In signing this Statement, I confirm that the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(enter company name and headquarters, VAT ID no. or other applicable number)*

has not in the past had other concessions.”

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(place), on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

Person authorised for representing the

bidder

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(legible name and surname, signature)*

### **APPENDIX 6 – FORM OF THE STATEMENT BY THE BIDDER ON CONFISCATION OF A CONCESSION**

Pursuant to Article 17, Paragraph 5 of the Maritime Demesne and Sea Ports Act and Point 5.1 of the Tender Documentation in the procedure for granting concessions on maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, I am providing my

#

STATEMENT

whereby I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(name and surname, number of personal identity card/passport issued by \_\_\_\_\_\_)*

as the person authorised for representing the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

*(company name and headquarters, VAT ID no. or other applicable number)*

confirm that the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(company name and headquarters, VAT ID no. or other applicable number)*

has not in the past had a concession confiscate as referred to in Article 30 of the Act on Maritime Demesne and Sea Ports

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (place), on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

Person authorised for representing the

bidder

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(legible name and surname, signature)*

### **APPENDIX 7 – FORM OF THE STATEMENT BY THE BIDDER ON THE NON-EXISTENCE OF A FINAL CONVICTION FOR ONE OR MORE CRIMINAL OFFENSES IN THE AREAS OF WHITE-COLLAR CRIME**

Pursuant to Article 18 of the Regulation on the Procedure for Granting Concessions on Maritime Demesne and Point 5.1, Subpoint 7) of the Tender Documentation in the procedure for granting concessions on maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, I am providing my

STATEMENT

whereby I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(name and surname, number of personal identity card/passport issued by \_\_\_\_\_\_)*

as the person authorised for representing the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

*(company name and headquarters, VAT ID no. or other applicable number)*

under material and criminal liability, I declare that against neither me personally, nor against the company of which I am a representative by law, has there been a final conviction according to the laws of the host country of the economic operator, or the country of which the person authorised by law for representation of the company is a citizen for one or more of the following criminal offenses as described in Chapter XXIV of the Criminal Code of the Republic of Croatia (Official Act, no. 125/11 and 144/12, 56/15, 61/15 and 101/17):

* Abuse of trust in economic activities, fraud in business activities, breach of the obligation to maintain trade and business books, causing bankruptcy, favouring creditors, receiving and giving bribes in bankruptcy proceedings, receiving bribes in business activities, giving bribes in business activities, abuses in public tender procedures, misleading advertising, evasion of tax or customs duties, avoiding customs inspections, fraud in subsidies, misuse of privileged information, misuse of the capital markets, unauthorized use of someone else's enterprise, disclosure and unauthorized acquirement of trade secrets, unauthorized production, unauthorized trading, money laundering.

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(place), on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

Person authorised for representing the

bidder

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(legible name and surname, signature)*

### **APPENDIX 8 – FORM OF THE BIDDER’S STATEMENT ON THE NON-EXISTENCE OF REASONS FOR EXCLUSION FRO THE PROCEDURE FOR GRANTING CONCESSIONS AS STIPULATED IN ARTICLE 24 OF THE CONCESSIONS ACT**

Pursuant to Article 18 of the Regulation on the Procedure for Granting Concessions on Maritime Demesne and Point 5.1, Subpoint 8) of the Tender Documentation in the procedure for granting concessions on maritime demesne for the purpose of constructing and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, I am providing my

#

STATEMENT

whereby I

*(name and surname, address, identity card no./passport issued by )*

as the person authorised for representing the company

 ,

*(company name and headquarters, OIB/TIN or other applicable number)*

under material and criminal liability, I declare that neither for me personally, nor for the company of which I am a representative by law, there are no reasons for exclusion from the procedure for granting concessions as stipulated in Article 24 of the Concessions Act

Place: , date: .

Person authorised to represent the bidder

*(legible name and surname, signature)*

### **9.9 APPENDIX 9 - OWNERSHIP STRUCTURE**

|  |  |  |
| --- | --- | --- |
| **Company name** | **Name of company member and percentage in the ownership structure of the company** | **Description of core activities of the company member** |
|  |  |  |
|  |  |  |
|  |  |  |

### **APPENDIX 10 - STATEMENT BY THE BIDDER ON ACCEPTANCE OF CONDITIONS IN THE TENDER DOCUMENTATION**

**STATEMENT BY BIDDER ON ACCEPTANCE OF ALL CONDITIONS**

**IN THE TENDER DOCUMENTATION**

|  |  |
| --- | --- |
| Name of bidder / consortium of bidders: |  |
| Headquarters: |  |
| Place and postcode: |  |
| VAT ID no. |  |

We state that, as the bidder/consortium of bidders in the procedure for granting concessions on maritime demesne for the purpose of construction and economic use of the beach in the area of the Lastovo cadastral municipality, cove of Jurjeva Port and the special purpose port – nautical tourism port – berth, on part of the Lastovo cadastral municipality, we have read and understood all provisions from this Tender Documentation along with the appendices and that we are familiar with them, i.e., that we have understood them in full.

Furthermore, we state that we accept all conditions from the respective Tender Documentation along with the appendices and if our bid is chosen, we shall fulfil the Concessions Agreement in accordance with its provisions.

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(place), on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

Person authorised for representing the

bidder / consortium of bidders

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(legible name and surname, signature)*