**ADDITIONAL EXPLANATION TO THE**

**Public call for submitting a bid for establishing the right to construction on land lots in the ownership of the Republic of Croatia in the Lastovo cadastral municipality for the purpose of constructing facilities with a tourism-hospitality use and for awarding a concession on maritime demesne in the Lastovo cadastral municipality for the purpose of undertaking construction and economic use of the beach and special purpose port – nautical tourism port – berth and concession on maritime demesne for the purpose of undertaking construction and economic use of the special purpose port – Kremena nautical tourism port AND FORMS**

1. **SUMMARY OF DOCUMENTATION IN THE APPENDIX TO THE BID FOR ESTABLISHING THE RIGHT TO UNDERTAKE CONSTRUCTION**

The bidder is to include in the appendix to the bid for establishing the right to undertake construction the following documentation (official documents):

1. document containing basic information on the bidder: a) for legal persons incorporated by the laws of the Republic of Croatia: an excerpt from the court register of the commercial court, for natural persons – business (in Croatian, *“obrt”*) owners an excerpt from the business (in Croatian, *“obrt”*) register detailing registration of the hospitality tourism business activity b) for foreign legal persons and/or natural persons, official documents proving their legal subjectivity, residence, or headquarters and citizenship, issued within the 30 days prior to submission.
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. a certificate from the relevant Tax Administration as to no due and unsettled liabilities based on public contributions, the certificate not to be older than 30 days,
4. a declaration from the bidder or person authorised for representation that no final and legally binding conviction exists against these persons for one or more crimes in the area of economic crime,
5. a non-revocable, unconditional and at first demand payable bank guarantee to 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 to the issuing of this Public Call, 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 validity period to the concluding of the agreement on establishing construction rights and the concession agreements, but not exceeding two (2) years (with the condition that the original is submitted with one of the bids, and copies thereof with the other two bids), as a bid bond,
6. a letter of intent from a commercial bank which fulfils the conditions referred to in Subparagraph 5 of this Paragraph where it will in favour of the Ministry of State Property, Republic of Croatia, issue an irrevocable, unconditional bank guarantee payable upon first call in the amount of 5% of the value of the planned investments to guarantee realisation of the project for constructing the Jurjeva Port tourism zone (with the condition that the original is submitted with one of the bids, and copies thereof with the other two bids), as a performance guarantee,
7. a plan and the total amount of the investment for construction of the tourist-hospitality and other amenities in the Jurjeva Port tourism zone, and for developing the beach and construction of the special purpose port – nautical tourism port - berths in the Jurjeva Port truism zone including the plan and total amount of the investment for construction of the special purpose port – Kremena nautical tourism port
8. a declaration certified by a notary public which states that if, in realising construction of the Jurjeva Port tourism zone and special purpose port – Kremen nautical tourism port, it will be necessary to make amendments to the some of the physical plans current at the time of issuing the this Public Call, the bidder will reimburse the costs of drawing up such plans
9. preliminary design project for the amenities in he area of the Jurjeva Port tourism zone
10. certificate from a relevant body for the issued issuing of a location permit which proves that the project presented in the conceptual design has been planned in the physical plan

# MANNER AND PLACE OF ACQUIRING THE DOCUMENTATION REFERRED TO IN ITEM I

The official documents under ordinal number **1.** for domestic legal persons are issued by the local competent commercial court, whereas for crafts and trades (*“obrtnike”*) it is the state administration office in the county, or the competent administration body in the City of Zagreb; for foreign legal and/or natural persons they are issued by the body competent according to the regulations of the host country.

The official documents under ordinal number **2.** are issued by the competent commercial court, Financial Agency (FINA), state administration office in the county, or the competent administration body in the City of Zagreb:

The official document under ordinal number **3.** is issued by the Tax Administration

The official document under ordinal number **4.** is provided on the form which is given at the end of this act,

The official document under ordinal number **5.** is issued by commercial bank which fulfils the given conditions. 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.

The official document under ordinal number **6.** is issued by a commercial bank that fulfils the given conditions.

The official document under ordinal number **7.** is drafted by the bidder in accordance with the rules of the profession.

The official document under ordinal number **8.** is given on the form which is given at the end of this act,

The official document under ordinal number **9.** is drafted by the bidder in accordance with the rules of the profession.

The official document under ordinal number **10.** is issued by the administrative body in the county, City of Zagreb or large city competent for issuing acts for implementation of physical plans.

# A NOTE ON THE BANK GUARANTEES

The bid guarantee (amounting to 1% of the planned investments) must be valid in the period leading to the signing/concluding the agreement on the establishment of construction rights and the concession agreement, and at most 2 years. Given that the conditions for signing/concluding the agreement on the establishment of construction rights and the concession agreement are: obtaining the location or construction permit (for which the determined deadline is 2 years, in the event of prolonging that deadline for objective reasons and/or reasons for which the selected most favourable bidder is not at fault, the bidder is obliged throughout the entire prolonged deadline to prolong the validity of the bank guarantee and it must be completely valid up until signing/concluding the last agreement (for the case that the agreement on establishing construction rights and the concession agreements are not signed/concluded on the same day). No later than 30 days prior to expiration of the deadline for which the bank guarantee is issued, the selected most favourable bidder shall submit a new bank guarantee or submit an appropriate official document from the issuing bank that the validity period of existing bank guarantee has been prolonged. This bank guarantee is returned to the selected most favourable bidder after the agreement on the establishment of construction rights and concession agreements have come into force.

The bank guarantee (performance guarantee) for proper fulfilment of obligations from the agreement on the establishment of construction rights and concession agreements to the amount of 5,0% of the value of total investments in the project Jurjeva Port and Kremena nautical tourism port is to be submitted no later than by the day of concluding the agreement on the establishment of construction rights and concession agreements (i.e., by the day of concluding/signing the first of the mentioned agreements if not concluded/signed on the same day), i.e., submission of the stated bank guarantee is a prerequisite for concluding the agreement on the establishment of construction rights and the concession agreements. This bank guarantee must be valid throughout the entire period determined as the deadline for construction and putting the constructed facilities into function plus 6 months longer than that planned deadline. This bank guarantee is returned to the selected most favourable bidder after successful expiration of the stated deadline.

# FEE FOR REMOVING THE FOREST FROM THE FOREST-ECONOMIC AREA OF THE REPUBLIC OF CROATIA

On the day that the Lastovo Municipality Physical Development Plan came into force, parts of the land plots covered by the Jurjeva Port UDP were removed from the forestry-economic region of the Republic of Croatia. In accordance with the Forest Act, a special fee is paid for removing the forest and/or forest land from the forest-economic area of the Republic of Croatia. The fee is charged by the company Hrvatske šume d.o.o. which, based on the Forests Act, manages forests in the ownership of the Republic of Croatia. To remove the forest in the area of zone of Jurjeva Port, the fee amounts to HRK 4,185,986.00 and is paid as a lump-sum at the moment of concluding/signing the agreement on the establishment of construction rights.

# FORMS

**FORM 1. STATEMENT BY THE BIDDER ON FINANCING THE DRAFTING OF AMENDMENTS TO THE PHYSICAL PLAN WHICH IS THE PREREQUISITE FOR REALISATION OF THE PROJECT JURJEVA PORT AND KREMENA NAUTICAL TOURISM PORT** (and separate as a Word document)

**FORM 2 - STATEMENT BY THE BIDDER ON THE NON-EXISTENCE OF A FINAL CONVICTION FOR ONE OR MORE CRIMINAL OFFENSES IN THE AREA OF ECONOMIC CRIME** (and separate as a Word document)

# FORM 1 – STATEMENT BY THE BIDDER ON FINANCING THE DRAFTING OF AMENDMENTS TO THE PHYSICAL PLAN WHICH IS THE PREREQUISITE FOR REALISATION OF THE PROJECT JURJEVA PORT AND KREMENA NAUTICAL TOURISM PORT

In accordance with the conditions of the Public Call for submission of bids for establishing the right to undertake construction on land lots in the ownership of the Republic of Croatia in the Lastovo cadastral municipality for the purpose of constructing facilities with a tourism-hospitality use and for the granting of 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 – berths and a concession on maritime demesne for the purpose of constructing and economic use a special purpose port – Kremena nautical tourism port, 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)*

state that, in the event that for constructing the tourism zone Jurjeva Port and special purpose port – Kremena nautical tourism port, it be necessary to make amendments to some of he physical plans in force a the time of publishing the Public Call, we shall reimburse the costs of drafting such plans

Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, date: \_\_\_\_\_\_\_\_\_\_\_\_

Person authorised to represent  
 the bidder

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

(legible name and surname, signature)

**FORM 2 - STATEMENT BY THE BIDDER ON THE NON-EXISTENCE OF A FINAL CONVICTION FOR ONE OR MORE CRIMINAL OFFENSES IN THE AREA OF ECONOMIC CRIME**

In accordance with the conditions of the Public Call for submission of bids for establishing the right to undertake construction on land lots in the ownership of the Republic of Croatia in the Lastovo cadastral municipality for the purpose of constructing facilities with a tourism-hospitality use and for the granting of 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 – berths and a concession on maritime demesne for the purpose of constructing and economic use a special purpose port – Kremena nautical tourism port, 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 against neither me personally, nor against the company in 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.

Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_, date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Person authorised to represent  
 the bidder

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

(legible name and surname, signature)