

**Pursuant to the Decision of the Government of the Republic of Croatia CLASS: 022-03/20-04/40, REFNO: 50301-26/23-20-3 of March 19, 2020, the Ministry of State Assets issues the following**

## **PUBLIC CALL**

**for submission of bids for purchasing land plots in the ownership of the Republic of Croatia located in Skradin cadastral municipality, bids for establishing construction rights on land plots in the ownership of the Republic of Croatia located in Skradin cadastral municipality and bids for the granting of a concession on maritime demesne located in Skradin cadastral municipality with the aim of carrying out construction of the Pukljan Project by developing the Pukljan hospitality-tourism zone containing two beaches and a special purpose port – nautical tourism port – berth as well as construction of the Pukljan golf course along with tourist accommodation facilities (tourist villas) at Skradin Town in Šibenik-Knin County**

### **I. SUBJECT OF THE PUBLIC CALL**

The call for submission of binding bids for construction of the Pukljan Project: development of the Pukljan hospitality-tourism zone containing two beaches and a special purpose port – nautical tourism port – berth in the separate construction area of Skradin Town and construction of the Pukljan golf course along with tourist accommodation facilities (tourist villas) outside of the construction area of Skradin Town, in Šibenik-Knin County (hereinafter: Pukljan Projekt).

The following is offered for realisation of the Pukljan Project:

1. The sale of a section of cadastral plot no. (c.p.n) 3216/1, on the section of which, covering a total approx. area of 30 ha, with T1 and T2 planned intended use, and based on the physical plan (land use plan) or acts for implementation of the physical plan (land use plan), a construction plot will be formed for construction of the Pukljan hospitality-tourism zone, with a maximum capacity of 1500 beds.
2. Concession on the maritime demesne, on a section of c.p.n. 3126/5, for the purpose of economic use of two beaches and for the purpose of constructing and economic utilisation of the special purpose port – nautical tourism port – berth within the Pukljan hospitality-tourism zone, covering a total concession area of 51,376 m<sup>2</sup>.
3. Establishing construction rights on sections of c.p.n. 3216/1, c.p.n. 3181/1, c.p.n. 3215/37, c.p.n. 3296/1 and c.p.n. 3224/83, on the sections of which, covering a total area of 136 ha of the planned Rgt intended use (golf course with tourist accommodation), based on the act for

implementation of the physical plan (land use plan), will define the spatial boundaries for construction of the Pukljani golf course.

4. Sale of sections of c.p.n. 3216/1, c.p.n. 3181/1, c.p.n. 3215/37, c.p.n. 3296/1 and c.p.n. 3224/83 within the Rgt zone. On the sections of the mentioned cadastral plots, across an entire plot area of 24 ha within the golf course, a construction plots will be formed for construction of tourist accommodation facilities (tourist villas).

The plan for the Pukljani Project is contained in the Šibenik-Knin County and Skradin Town Physical Plans (land use plan) as a single entrepreneurial and implementation entity.

In line with the Skradin Town Physical Development Plan (PDP/PPU – “*prostorni plan uređenja*”), the investor is obliged to build the golf course prior to constructing the hospitality-tourism zone and prior to constructing tourist accommodation facilities within the Rgt zone, all of which is to be achieved within the contracted deadline.

The total deadline for realising construction of the Pukljani Project is 5 years, commencing from the day of concluding the agreement on development of the Pukljani Project.

Realising construction of the Pukljani Project implies the following: resolving previous issues, obtaining construction permits, construction of facilities and other amenities in line with physical plans, obtaining acts for utilisation, categorisation and placing facilities into economic use.

Corrections, amendments, explanations or supplements to this Public Call and/or tender documentation will be published in the same manner as this Public Call.

## **II. PRELIMINARY NOTES**

Currently valid physical plans and intended uses of land plots within Pukljani Project:

- Šibenik-Knin County Physical Plan (Šibenik-Knin County Official Herald nos. 11/02, 10/05, 3/06, 5/08, 9/12 – final draft, 4/13, 8/1.3, 2/14 and 4/17)
- Skradin Town Physical Development Plan (Šibenik-Knin County Official Herald nos. 6/01, 6/08, 13/15, 16/15 – corrections 14/18 and 7/19 – final draft).

Škradin Town Physical Development Plan imposes the obligation of drafting the urban development plan for the separate construction zone with T1, T2 hospitality-tourism intended use where a section of the maritime demesne will be given into concession. The precondition for realisation of the Pukljani hospitality-tourism zone is construction of the golf course.

On the separate construction zone covering an area of 30 ha, there exists a planned zone for T1, T2 hospitality-tourism intended use with a maximum capacity of 1500 beds, a recreation

zone on the maritime demesne (two beaches) covering a total area of 44,764 m<sup>2</sup> and a special purpose port – nautical tourism port – berth with an area of 6,612 m<sup>2</sup>.

The Skradin Town Physical Plan plans for the golf course zone (Rgt zone) to lie outside the boundaries of the construction area on a total area of 160 ha of which 136 ha is intended for construction of the golf course with a minimum 18 + 9 hole course along with associated amenities for the golf course and amenities for golf use (golf house, exercising facility, reservoir (lake), parking lot, internal thoroughfares and infrastructure for golf use as well as green areas), and the construction of facilities intended for tourism use (tourist villas) on a maximum area of 24 ha within the Rgt zone. The tourist accommodation facility (tourist villas) may be planned only in terms of the second phase of golf course development or at the same time as its development.

***Special notes on the subject of the bid and previous questions:***

1. Realising construction of the Prukljan hospitality-tourism zone containing two beaches and a special purpose port – nautical tourism port – berth in the separate construction area of Skradin Town requires drafting and adopting beforehand the urban development plan (hereinafter: UDP/UPU for the hospitality-tourism zone). Financing the drafting of the UDP/UPU for the hospitality-tourism zone is the investor's obligation, whereupon the most economically advantageous bidder as the investor will conclude the financing agreement with Skradin Town as the obligor for adopting the respective plan.

2. The area within the Prukljan Project is not equipped with adequate public and communal infrastructure, nor does the possibility exist of connecting onto the public infrastructure outside the respective area, except for existing non-asphalt and non-categorised thoroughfares. The requirement is to construct communal and other infrastructure (thoroughfares, water supply, electricity supply) leading to the project area and on the project area, in line with the needs for future intended use, provisions and rules of the profession. Financing construction of necessary infrastructure is the investor's obligation, on account of which the most economically advantageous bidder as the investor will conclude with Skradin Town and/or relevant authorised legal entities of Skradin Town or Šibenik-Knin County a finance agreement and construct the infrastructure which is the previous question relating to realisation of the Project.

3. A section of the Rgt zone covering 88.34 ha is planned on forests and forest land which are included in the Forest Management Area of the Republic of Croatia and based on the Decision of the Ministry of Agriculture CLASS: UP/I-321-03/19-03/01 REFNO: 525-11/1070-19-2 of 4 March 2019, they have been declared a forest with special intended use – urban forest. Regarding the state forest area and the basic intended use of which will be altered, the most economically advantageous bidder as the investor is obliged to pay a lump-sum fee for restricted rights on the forest, amounting to HRK 7,694,561.49 (seven million six hundred and ninety-four thousand five hundred and sixty-one kuna and forty-nine lipa) based on the calculated fee by Hrvatske šume d.o.o. (Croatian Forests). The investor shall conclude a legal transaction with Hrvatske šume d.o.o. for management of the urban forest.

On the section of special purpose forest – urban forest within the Rgt zone, plans may incorporate construction of tourist accommodation facilities (tourist villas), subject to the section not exceeding an area of 3.53 ha (Article 51, Paragraph 11 of the Forests Act (Official Gazette no. 68/18 and 115/18) stipulates that the forest area which can be extracted, amounts to 4% of the total coverage planned on the forest management area in the Republic of Croatia along with an additional fee for extracting forest amounting to 10,000.00 kuna/ha.

4. There is a section of 1000 m<sup>2</sup> c.p.n. 3338 in Skradin cadastral municipality (Skradin c.m.) in the Rgt zone which is recorded in the land registry as a public water resource in the ownership of the Republic of Croatia and under the management of Hrvatske vode (Croatian Waters) as the legal entity, and serves as a catchment of Prukljan Lake and, therefore it continues to remain within the water management system. Undertaking interventions on the respective plot requires obtaining conditions and consent from Hrvatske vode (Croatian Waters), whereas legal property relations are resolved in the manner stipulated in Article 18 of the Waters Act (Official Gazette, no. 66/19).

5. In the area covered by Project, there is a possibility of discovering archaeological localities, which requires adhering to the Act on Protection and Preservation of Cultural Assets (69/99, 151/03, 157/03, 100/04, 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14, 98/15, 44/17 and 90/18).

6. The selected investor, prior to obtaining official acts for construction, is obliged to undertake procedures for drafting the environmental impact assessment (EIA) and Appropriate Assessment (AA). The area covered by the Project is encompassed by the boundaries of the Natura 2000 ecological network. The selected investor shall draft the environmental impact assessment (EIA).

***Possibility of additional information on the subject of the bid:***

1. The bidder is called to examine the office heralds of the Šibenik-Knin County and Skradin Town, the public register of properties (land registry, cadastre, 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) for the purpose of informing of possible public law restrictions.

2. Bidders will be given the opportunity to inspect the properties within the zone, every working day upon seeking such inspections from Town of Skradin ahead of time, enquiries directed to: Trg Male Gospe 3, 22222 Skradin, Republic of Croatia, telephone: +385 (0)22 771 076 Fax: +385 (0)20 801-077, e-mail address: grad.skradin@si.t-com.hr, no later than by expiration of the bid submission deadline.

***Special note on inseparability of the offers***

The offer for purchasing the land plots for the purpose of developing the Pukljan hospitality-tourism zone, the offer for establishing construction rights for the purpose of developing the Pukljan golf course, the offer for purchasing land plots for the purpose of constructing the tourist accommodation facilities (tourist villas) within the Rgt zone and the offer for granting a concession on maritime demesne for the purpose of economic utilisation of two beaches as well as construction and economic utilisation of the special purpose port – nautical tourism port – berth are inseparable and offers for only one of the intended uses will not be taken into consideration.

### III. CONDITIONS FOR THE BIDDER

The bidder may be a legal person with its headquarters in the Republic of Croatia or a country which comprises the European Economic Area (EEA), or a natural person – crafts and trades business ("*obrtnik*") who has the tourism hospitality business activity recorded in the business register and has Croatian citizenship, citizenship of the country within the European Economic Area (EEA) or a citizen in a country with which Croatia has a reciprocity agreement for acquiring real property titles.

The bidder must:

- submit the bid which contains:

1. An offer for purchasing the land plot for the purpose of constructing the Pukljan hospitality-tourism zone
2. An offer for establishing construction rights on the land plot covered by the Rgt zone for the purpose of constructing the Pukljan golf course along with associated amenities,
3. An offer for purchasing the land plots within the Rgt zone covering an area of 24 ha for constructing tourist accommodation facilities (tourist villas)
4. An offer for granting a concession on maritime demesne for the purpose of economic utilisation of two beaches as well as construction and economic utilisation of the special purpose port – nautical tourism port - berth

- provide evidence of financial capacity to realise construction of the Pukljan Project by submitting a letter of intent from a commercial bank which in the year preceding the year in which the Public Call is published had a credit rating of at least BBB according to Standard and Poor's Bank Rating Guide or a bank that operates in the Republic of Croatia and which based on the revised financial report on 31 December 2019 presented the value of all its assets as exceeding HRK 10,000,000,000.00, and that it will in favour of the Ministry of State Assets, Republic of Croatia, issue an irrevocable, unconditional bank guarantee payable upon first call as a performance guarantee for the agreement on development of the Pukljan Project, in its original form to the amount of HRK 100,000,000.00.

- submit along with the bid an irrevocable, unconditional bank guarantee payable upon first call as a bid guarantee as an original in the amount of HRK 20,000,000.00, issued in favour of the Ministry of State Assets, Republic of Croatia, from a bank that fulfils conditions from Subparagraph 2 of this Paragraph, with a validity period longer than 3 months from the deadline which is determined as the final deadline for concluding the agreement on establishment of construction rights, concession agreement and the property sale agreement for construction of the tourist villas, where the deadline of 3 months commences on the day of the last concluded agreement

- Submit the conceptual design for the Prukljan Project
- Submit documentation providing evidence of the bidder's competency
- Submit documentation as prescribed in Article 18 of the Regulation on the Procedure for Granting Concessions on Maritime Demesne.

#### **IV. CONDITIONS FOR THE BID**

The bid is submitted on the form which is found in the appendix to this Public Call.

The bid must oblige bidders up to the date of concluding the agreement on development of the Prukljan Project.

The bid and attachments are submitted in written form, written in indelible ink, in the Croatian language and Latin script.

The bid must be signed by the person who is the bidder's legal representative or his plenipotentiary, and if the bidder is a physical person (business owner), personally or through a plenipotentiary. Only a special power of attorney is acceptable.

The bid and attachments are submitted as originals or certified copies.

In addition to the attachments – official documents in a foreign language, the documents must be translated into the Croatian language by a court certified translator and submitted as such.

Documents issued or certified by a public body from another country, must be accompanied by a confirmation in accordance with Article 4 of the Hague Convention Abolishing the Requirement of Legalisation of Foreign Public Documents.

Each page of the bid and attachment must be bound into a single unit and designated with ordinal number of the page and initialised by the signatory of the bid. The designation contains the ordinal number of the page and total number of pages in the bid (for example: 1/35, 2/35, 3/35 and onwards).

If the bid is submitted by a consortium of bidders, they are deemed to be a single bidder. In that case, their civil liability in solidarity for the bid will be presumed, and the agreement between the Republic of Croatia and the selected bidder will regulate their mutual relationship, if such an agreement is concluded (Article 42 of the Obligatory Relations Act, Official Gazette no. 35/05, 41/08, 125/11, 78/15 and 29/18).

For documentation that is submitted at the same time in all four offers, the original must be in one of them, whereas the other three are copies.

Data and information contained in the bid is deemed a trade secret prior to the publishing of tender results in accordance with Article 20 of the Data Confidentiality Protection Act (Official Gazette, no. 108/96), in relation to Article 34 of the Data Confidential Act (Official Gazette no. 79/07 and 86/12).

Offers not submitted in accordance with the given conditions, will not be taken into consideration.

The bidder is not entitled to any reimbursement of costs incurred in preparing the bid and appendices nor in submitting them.

An alternative bid is not permitted.

Prior to the deadline for submission of bids, the bidder may submit amendments to the bid. Amendments to the bid are submitted in the same manner as the primary bid with the obligation of designating it as amendments to the bid.

The bidder may, prior to the deadline for submission of the bid, withdraw his submitted bid by providing a written statement. The written statement is submitted in the same manner as the bid with the obligation of designating it as withdrawing from the bid. In that case, the unopened bid is returned to the bidder.

The bid with the accompanying documentation for each of the intended uses (1. bid for purchasing the land plot for the hospitality-tourism zone, 2. bid for purchasing the land plot for tourist villas, 3. bid for establishing construction rights for the golf course, and 4. bid for obtaining a concession on maritime demesne) and is submitted in a separate envelope indicating the respective intended use, and all inserted into a single envelope with the designation: bid for the PRUKLIAN PROJECT.

## V. SUBMISSION OF BIDS

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

**“Do Not Open – Bid for the PRUKLIAN PROJECT”**

and addressed to:

**Ministry of State Assets**  
**Ulica Ivana Dežmana 10,**  
**Zagreb 10000, Croatia**  
**No later than by July 1, 2020 at 12.00 hrs**

Only those bids recorded in the received documents register at the Ministry of State Assets by the designated day and hour will be opened and taken into consideration.

**VI. CRITERIA FOR SELECTING THE MOST ECONOMICALLY ADVANTAGEOUS BIDDER**

Criterion for selecting the most economically advantageous bid is the highest purchase price, highest fee for establishing construction rights and assessment of bids for concession on maritime demesne.

Selection of the most economically advantageous bidder for purchasing the land plots envisaged for construction of facilities within the Prukljan hospitality-tourist zone and land plots for construction of tourist villas within the Rgt zone, for establishing construction rights on the land plot in order to construct the golf course and associated amenities, and the offer for the granting of the concession on maritime demesne for the purpose of economic utilisation of two beaches and a concession for the purpose of constructing and economic utilisation of the special purpose port – nautical tourism port – berth in the Prukljan hospitality-tourism zone will be based on the bid that achieves the greatest sum of criteria coefficients scored in the following way:

	Criterion	
–	Coefficient for the offered purchase price	70%
–	Coefficient for the offered fee for establishing construction rights	20%
–	Coefficient for assessment of offered fee for concession on beaches and nautical tourism port – berth	10 %

Formulae and manner of calculating criteria coefficients for each bidder:

*a) Coefficient for assessment of offered purchase price for hospitality-tourism zone  
+ coefficient for assessment of offered purchase price of land plot for tourist villas =*

70% X offered purchase price

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highest amount of the offered purchase price



b) *Coefficient for offered fee for establishing construction rights =*

20% X offered fee for establishing construction rights

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highest offered amount of the fee for establishing construction rights

c) *Coefficient for offered fee for concession on beaches and nautical tourism port – berth =*

10% X coefficient based on assessment of the offer for concession *on beaches and nautical tourism port – berth*

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highest coefficient based on assessment of the offer for concession on beaches and nautical tourism port – berth

If two or more bidders achieve an equal sum of coefficients for criteria scored in the mentioned manner, the bidder who offers the higher total purchase price will have the advantage.

The bid for granting a concession on maritime demesne for the purpose of economic utilisation of two beaches and concession for the purpose of construction and economic utilisation of the special purpose port – nautical tourism port – berth in the Prukljan hospitality-tourism zone will be evaluated by the authorised body in accordance with Article 23 of the Act on Maritime Demesne and Sea Ports in line with criteria, formulae and manner of performing the calculations as stipulated in Article 21 of the Regulation on the Procedure for Granting Concessions on Maritime Demesne. The mentioned body will submit the evaluations containing the Findings and opinion as well as the bid rank list to the Bid Assessment Committee as appointed by the Decision of the Croatian Government CLASS: 022-03/20-04/40 REFNO: 50301-26/23-20-3 of March 19, 2020 for evaluation of bids.

## **VII. PROCEDURE FOR SELECTING THE ECONOMICALLY MOST ADVANTAGEOUS BIDDER AND CONCLUDING THE AGREEMENT ON DEVELOPMENT OF THE PRUKLIJAN PROJECT**

1. The Bid Assessment Committee will publicly open the bids on July 1, 2020 starting at 12.00 hrs in the premises of the Ministry of State Assets, Ulica Ivana Dežmana 10, Zagreb 10000, Croatia.
2. The most economically advantageous bidder is deemed to be the bidder whose bid achieves the highest sum of coefficients for criteria scored in the manner referred to in Point VI. Criteria for Selecting the Most Economically Advantageous Bidder in this Public Call.

In the event of two or more bidders with an identical sum of coefficients for criteria in selecting the most economically advantageous bid, advantage is given to the bidder who offers the highest purchase price.

4. The Bid Assessment Committee will within the period of no later than 60 days of the date of opening the bids, determine a ranked list of bidders and propose to the Croatian Government that it pass the Decision on Selection of the Most Economically Advantageous Bidder.

5. Based on the Croatian Government's Decision on Selection of the Most Economically Advantageous Bidder and the bid of the selected bidder for development of the Pukljan Project, an agreement on development of the Pukljan Project will be signed by the Republic of Croatia and the selected bidder. The mentioned agreement will impose the obligation on the contracting parties to conclude the sales agreement, agreement on establishing construction rights and concession agreement.

6. If the most economically advantageous bidder withdraws from his bid or refuses to heed the call to conclude the Agreement on Development of the Pukljan Project within the defined deadline, that bidder forfeits the right to receiving back the bank guarantee submitted as a bid guarantee, and the Ministry of State Assets is then authorised to collect payment from the guarantee.

If the most economically advantageous bidder withdraws or fails to conclude the Agreement on Development of the Pukljan Project within the defined deadline, the most economically advantageous bidder will be deemed to be the next bidder from the ranked list of bidders, if that bidder accepts to pay the purchase price and fees offered by the most economically advantageous bidder who withdrew, and so on down the ranked list.

8. The Bid Assessment Committee may send a recommendation to the Croatian Government that none of the received bids be selected and that the implemented procedure be cancelled accompanied by an explanation of such a recommendation.

The bidder whose bid is not selected as the most economically advantageous will receive back documentation accompanying the bid within a period of 30 days from the day of making the decision on the most economically advantageous bidder.

## **VIII. OFFER FOR PURCHASING THE LAND PLOT**

Currently for sale is 300000/1744344 parts of c.p.n. 3216/1 Skradin c.m. in the ownership of the Republic of Croatia which is the part within the Skradin Town Physical Development Plan intended for the hospitality-tourism zone (T1, T2) with a total capacity of 1500 beds. The location of the zone is defined in the Skradin Town Physical Development Plan, and on that section of c.p.n. 3216/1 Skradin c.m. based on the urban development plan, a separate cadastral plot with an area of 300,000 m<sup>2</sup> will be formed.

The initial sales price for the 300,000 m<sup>2</sup> of land plot is HRK 27,180,000.00.

The bidder is required to submit the bid for purchasing the land plot described in Paragraph 1 of this point, and the following documentation as an attachment to the bid:

1. Document containing basic information on the bidder: a) for legal persons incorporated in line with the laws of the Republic of Croatia: an excerpt from the court register at the commercial court, for natural persons – crafts and trades businesses (“*obrtnik*”), excerpt from the crafts and trades business register showing the hospitality-tourism business activity b) for foreign legal and/or natural persons – an official document showing evidence of their legal subjectivity, place of permanent residence or headquarters and citizenship, issued within the last 30 days
2. Appropriate confirmation providing evidence that no bankruptcy or prebankruptcy proceedings have been initiated, that no liquidation proceedings have been initiated, and that there are no proceedings for suspension of business activities
3. Confirmation from the relevant Tax Administration that there are no due and unsettled liabilities stemming from public contributions to the state, issued within the last 30 days
4. Statement that no final legally binding and condemning judgement against the bidder or person authorised for representation for one or more crimes in the area of economic crimes has been declared
5. Submit as a bid guarantee, an irrevocable, unconditional bank guarantee payable upon first call in the amount of HRK 20,000,000.00 issued from a bank which in the year preceding the year in which the Public Call is published had a credit rating of at least BBB according to Standard and Poor’s Bank Rating Guide or a bank that operates in the Republic of Croatia and which based on the revised financial report on 31 December 2019 presented the value of all its assets as exceeding HRK 10,000,000,000.00, with a validity period totalling three months longer than the deadline defined as the final deadline for concluding the agreement on establishing construction rights, concession agreement and agreement on the sale of the land plot for construction of tourist villas, and at most two years (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)
6. The letter of intent from a commercial bank which fulfils conditions in Subparagraph 5 of this paragraph that it will issue an irrevocable, unconditional and payable at first call bank guarantee in favour of the Republic of Croatia in the amount of HRK 100,000,000.00 which is a guarantee for development of the Prukljan Project (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)
7. The conceptual design for amenities within the Prukljan hospitality-tourism zone in compliance with the Skradin Town Physical Development Plan (land use plan)
8. Declaration certified by a notary public that the bidder will finance the drafting and adoption of the urban development plan, the adoption of which is a precondition for developing the Prukljan hospitality-tourism zone, that the bidder will finance the drafting and adoption of

amendments to physical plans valid at the time of the publishing of this Public Call if it is a condition for developing the Prukljan Project and a statement that the bidder will bear the costs of constructing the infrastructure as described in Point II of this Public Call.

The agreement on purchasing co-owned sections of the property referred to in Paragraph 1 of this point will be concluded between the Republic of Croatia and the selected most economically advantageous bidder within a period of 30 days from the date of concluding the agreement on development of the Prukljan Project.

The obligation to pay the sales price commences on the date of concluding the sales agreement, and the payment deadline is 30 days.

The sales agreement, in addition to other provisions, also regulates the following:

- Within 15 days of the date of receiving payment of the sales price, the seller is obliged to issue a consent to register ownership rights (clausula intabulandi) based upon which the buyer will register ownership rights for 300000/1744344 parts of c.p.n. 3216/1 Skradin c.m.
- The buyer is obliged to draft a geodetic survey for the subdivision of c.p.n. 3216/1 Skradin c.m. and form a separate cadastral plot on the co-ownership section of 300000/1744344 parts and cadastral plot, the part of which is identified in the area on which the Skradin Town Physical Development Plan designates the hospitality-tourism zone (T1, T2)
- Both contracting parties are obliged to conclude a contract (agreement) on dissolution of co-ownership by geometric partitioning of the plot along the boundaries of hospitality-tourism zone.

The most economically advantageous bidder as the investor is obliged to construct hotels and/or tourist resort with a minimum 4-star category, total maximum capacity of 1500 beds on the area within the Prukljan hospitality-tourism zone, and all in accordance with the Skradin Town Physical Development Plan.

Construction of the mentioned amenities within the Prukljan hospitality-tourism zone implies the following: obtaining the construction permits, construction of facilities and other amenities, obtaining acts for use of facilities, categorisation and placing it all into economic use.

The most economically advantageous bidder as the investor is obliged to construct the hospitality-tourism facilities in the manner prescribed in Paragraph 7 of this Point and complete it within the deadline referred to in Point I, Paragraph 5 of this Public Call.

## **IX. BID FOR ESTABLISHING CONSTRUCTION RIGHTS**

On sections of c.p.n. 3216/1, c.p.n. 3181/1, c.p.n. 3215/37, c.p.n. 3296/1 and c.p.n. 3224/83, all within Skradin c.m., in the ownership of the Republic of Croatia and which lie within the Rgt zone intended for the Prukljan golf course, and on which, in line with acts for

implementation of the physical plans, the coverage of interventions for the golf course will be defined including formation of the construction plot for golf facilities, construction rights will be established in favour of the most economically advantageous bidder for the purpose of building the golf course and associated amenities.

The golf course zone must be at a distance of at least 25 m from the foreshore line.

The right to undertake construction referred to in Paragraph 1 of this point will be established on the land plot with an approx. area of 136 ha for a period of 99 years.

The starting amount of the annual fee for establishing construction rights is HRK 2,600,000.00.

The contracted amount of the fee for establishing construction rights will be revaluated after a period of 3 (three) years from the date the obligation to pay the fee for establishing construction rights commences, in line with changes to the property market, and based on the index for publicly released data on price trends for the property market in the Republic of Croatia.

The bidder is required to submit an offer for establishing construction rights on the land plot described in Paragraph 1 of this point, and the following documentation as an attachment to the offer:

1. Document containing basic information on the bidder: a) for legal persons incorporated in line with the laws of the Republic of Croatia: an excerpt from the court register at the commercial court, for natural persons – crafts and trades businesses (*“obrtnik”*), excerpt from the crafts and trades business register showing the hospitality-tourism business activity b) for foreign legal and/or natural persons – an official document showing evidence of their legal subjectivity, place of permanent residence or headquarters and citizenship, issued within the last 30 days
2. Appropriate confirmation providing evidence that no bankruptcy or prebankruptcy proceedings have been initiated, that no liquidation proceedings have been initiated, and that there are no proceedings for suspension of business activities
3. Confirmation from the relevant Tax Administration that there are no due and unsettled liabilities stemming from public contributions to the state, issued within the last 30 days
4. Statement that no final legally binding and condemning judgement against the bidder or person authorised for representation for one or more crimes in the area of economic crimes has been declared
5. Submit as a bid guarantee, an irrevocable, unconditional bank guarantee payable upon first call in the amount of HRK 20,000,000.00 issued from a bank which in the year preceding the year in which the Public Call is published had a credit rating of at least BBB according to Standard and

Poor's Bank Rating Guide or a bank that operates in the Republic of Croatia and which based on the revised financial report on 31 December 2019 presented the value of all its assets as exceeding HRK 10,000,000,000.00, with a validity period totalling three months longer than the deadline defined as the final deadline for concluding the agreement on establishing construction rights, concession agreement and agreement on the sale of the land plot for construction of tourist villas, and at most two years (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)

6. The letter of intent from a commercial bank which fulfils conditions in Subparagraph 5 of this paragraph that it will issue an irrevocable, unconditional and payable at first call bank guarantee in favour of the Republic of Croatia in the amount of HRK 100,000,000.00 which is a guarantee for development of the Pukljan Project (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)

7. The conceptual design for amenities within the Pukljan hospitality-tourism zone in compliance with the Skradin Town Physical Development Plan (land use plan)

8. Declaration certified by a notary public that the bidder will finance the drafting and adoption of the physical plans current at the time of the publishing of this Public Call if it is a condition for realisation of the Pukljan Project, and a statement that the bidder will bear the costs of constructing the infrastructure as described in Point II of this Public Call

The agreement on establishing construction rights for the land plot referred to in Paragraph 1 of this point will be concluded between the Republic of Croatia and the selected most economically advantageous bidder within a period of 30 days from the date of obtaining the executable location permit which will define the coverage of interventions for the golf course along with amenities for the functioning of the golf course as well as define the construction plots for facilities to be used by the golf course.

The obligation to pay the contracted fee for establishing construction rights commences on the expiration date of the deadline referred to in Point I, Paragraph 5 of this Public Call.

The most economically advantageous bidder is obliged to construct a golf course with a minimum 18 + 9 hole course along with associated amenities for the golf course as well as amenities used for golf on the area covered by the Pukljan golf course zone and in accordance with the Skradin Town Physical Development Plan (land use plan).

Construction of the golf course, associated amenities and amenities used for golf implies the following: obtaining the construction permits, construction of the course terrain as well as all other associated amenities and amenities used for golf, obtaining the official acts for use, categorisation and placing it all into economic use.

The most economically advantageous bidder is obliged to construct the golf course and associated amenities in the manner referred to in Paragraphs 8 and 9 of this point and complete it within the deadline referred to in Point I, Paragraph 5 of this Public Call.

#### **X. OFFER FOR PURCHASING THE LAND PLOT WITHIN THE RGT ZONE COVERING AN AREA OF 24 HA FOR CONSTRUCTION OF TOURIST ACCOMMODATION FACILITIES (TOURIST VILLAS)**

Currently for sale are sections c.p.n. 3216/1, c.p.n. 3181/1, c.p.n. 3215/37, c.p.n. 3296/1 and c.p.n. 3224/83 Skradin c.m. on the parts of which, with a total maximum area of 24 ha, the act for implementation of the physical plan will define construction plots for construction of tourist accommodation facilities (tourist villas) in the intervention location in the area of the Prukljan golf course, and on these construction plots, new cadastral plots will be formed as the subject of this sales agreement. The investor is free to select the location of the tourist villas.

The starting sales price for the 240,000 m<sup>2</sup> of land is HRK 15,150,000.00.

The bidder is required to submit an offer for purchasing the land described in Paragraph 1 of this point, where attachments to the bid are to include the following documentation:

9. Document containing basic information on the bidder: a) for legal persons incorporated in line with the laws of the Republic of Croatia: an excerpt from the court register at the commercial court, for natural persons – crafts and trades businesses (*“obrtnik”*), excerpt from the crafts and trades business register showing the hospitality-tourism business activity b) for foreign legal and/or natural persons – an official document showing evidence of their legal subjectivity, place of permanent residence or headquarters and citizenship, issued within the last 30 days

10. Appropriate confirmation providing evidence that no bankruptcy or prebankruptcy proceedings have been initiated, that no liquidation proceedings have been initiated, and that there are no proceedings for suspension of business activities

11. Confirmation from the relevant Tax Administration that there are no due and unsettled liabilities stemming from public contributions to the state, issued within the last 30 days

12. Statement that no final legally binding and condemning judgement against the bidder or person authorised for representation for one or more crimes in the area of economic crimes has been declared

13. Submit as a bid guarantee, an irrevocable, unconditional bank guarantee payable upon first call in the amount of HRK 20,000,000.00 issued from a bank which in the year preceding the year in which the Public Call is published had a credit rating of at least BBB according to Standard and Poor’s Bank Rating Guide or a bank that operates in the Republic of Croatia and which based on the revised financial report on 31 December 2019 presented the value of all its assets as exceeding HRK 10,000,000,000.00, with a validity period totalling three months longer than the

deadline defined as the final deadline for concluding the agreement on establishing construction rights, concession agreement and agreement on the sale of the land plot for construction of tourist villas, and at most two years (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)

14. The letter of intent from a commercial bank which fulfils conditions in Subparagraph 5 of this paragraph that it will issue an irrevocable, unconditional and payable at first call bank guarantee in favour of the Republic of Croatia in the amount of HRK 100,000,000.00 which is a guarantee for development of the Pukljan Project (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)

15. The conceptual design for construction of tourist accommodation facilities (tourist villas) allocated at the discretion of the investor within the coverage of interventions in the Pukljan golf course area, along with the obligation of achieving compliance with the Skradin Town Physical Development Plan and the restrictions mentioned in Point II of this Public Call.

16. Declaration certified by a notary public that the bidder will finance the drafting and adoption of physical plans in force at the time of the publishing of this Public Call, if it is a condition for development of the Pukljan Project and a statement that the bidder will bear the costs of constructing the infrastructure described in Point II of this Public Call.

The agreement on the sale of the land plots described in Paragraph 1 of this point will be concluded between the Republic of Croatia and the selected most economically advantageous bidder within a period of 30 days from the date of certifying the technical adequacy and compliance of the geodetic survey prepared on the basis of the executable location permit defining the land plots of the tourist accommodation facilities (tourist villas) within the coverage of interventions for the area of the Pukljan golf course.

The obligation to pay the sales price commences on the date of concluding the sales agreement where the payment deadline is 30 days.

The most economically advantageous bidder as the investor is obliged to build tourist accommodation facilities (tourist villas) on the land plot in the area taken up by the Pukljan golf course in accordance with the conceptual design as an integral part of the bid, where they may be built in accordance with the Skradin Town Physical Development Plan in the second phase of constructing the golf course or simultaneously during construction.

Construction of the mentioned amenities in the area taken up by the golf course implies the following: obtaining the construction permits, construction of facilities and other amenities, obtaining the official acts for use, as well as categorisation and placing it all into economic use.

The selected most economically advantageous bidder as the investor for the Pukljan Project may not, prior to obtaining the official permit for use for the golf course, conclude a legal



transaction whereby the land plot referred to in Paragraph 1 of this point or part of that land plot is permanently alienated to another investor or establish construction rights on it.

The most economically advantageous bidder is obliged to construct the hospitality-tourism facility in the manner referred to in Paragraph 6 of this point and complete it within the deadline referred to in Point 1, Paragraph 5 of this Public Call.

## **XI. NOTICE OF THE INTENTION TO GRANT A CONCESSION FOR MARITIME DEMESNE FOR THE PURPOSE OF ECONOMIC UTILISATION OF TWO BEACHES INCLUDING THE CONSTRUCTION AND ECONOMIC UTILISATION OF THE SPECIAL PURPOSE PORT – NAUTICAL TOURISM PORT – BERTH WITHIN THE COVERAGE OF THE PRUKLJAN TOURISM ZONE, SKRADIN CADASTRAL MUNICIPALITY**

### I.

The concession for maritime demesne is granted for the purpose of economic utilisation of two beaches as well as construction and economic utilisation of the special purpose port – nautical tourism port – berth within the coverage of the Prukljan hospitality-tourism zone, in Skradin c.m., in accordance with the Skradin Town Physical Development Plan (Šibenik-Knin County Official Herald no. 6/01, 6/08, 13/15 and 14/18).

### II.

The area of maritime demesne for which a concession is granted for the purpose of economic utilisation of two beaches as well as construction and economic utilisation of the special purpose port – nautical tourism port – berth within the coverage of the Prukljan hospitality-tourism zone, includes the following land plots:

1. Beach 1
  - Part of c.p.n. 3216/5 Skradin c.m. and part of the marine waters;
2. Beach 2
  - Part of c.p.n. 3216/5 Skradin c.m. and part of the marine waters;
3. Special purpose port – nautical tourism port – berth
  - Part of c.p.n. 3216/5 Skradin c.m. and part of the marine waters.

The land and marine waters section of the maritime demesne for which a concession is granted is defined by a polygon of break points with their coordinates expressed in metres in the official coordinate system of the Republic of Croatia (HTRS96/TM):

1. Beach 1

*land area and marine waters area*

Point number	E	N
1	450083.85	4853916.11
2	450091.61	4853922.03
3	450088.25	4853924.95
4	450079.63	4853936.88
5	450068.23	4853947.34
6	450059.91	4853958.53
7	450036.79	4853977.81
8	450007.15	4854005.24
9	449985.04	4854024.59
10	449973.36	4854036.70
11	449965.54	4854023.97
12	449896.28	4853953.40
13	450040.81	4853836.64
1	450083.85	4853916.11

## 2. Beach 2

*land area and marine waters area*

Point number	E	N
10	449973.36	4854036.70
14	449953.21	4854057.60
15	449927.82	4854078.62
16	449885.45	4854116.49
17	449872.59	4854129.98
18	449848.71	4854149.45
19	449823.79	4854160.79
20	449806.57	4854172.94
21	449795.13	4854181.29
22	449791.79	4854177.62
23	449723.35	4854102.60
12	449896.28	4853953.40
11	449965.54	4854023.97
10	449973.36	4854036.70

## 3. special purpose port – nautical tourism port - berth

*land area and marine waters area*

Point number	E	N
1	450162.46	4853785.70
2	450137.80	4853829.51
3	450133.09	4853827.68
4	450041.17	4853785.73
5	450077.33	4853720.73
6	450158.44	4853782.63

The area of maritime demesne for which a concession is granted (land and marine waters) in total amounts to 51,376 m<sup>2</sup>, where the areas of the Beach 1 amounts to 18,372 m<sup>2</sup>, Beach 2 amounts to 26,392 m<sup>2</sup>, the area of the special purpose port – nautical tourism port – berth is 6,612 m<sup>2</sup>, all as is shown in the graphical survey, comprising Appendix 1 of these Notices and is published in the Electronic Public Procurement Classifieds of the Republic of Croatia.

### III.

The concession is granted for a time period of 50 (fifty) years counting from the day of concluding the concession agreement.

### IV.

The mandatory attachment to the bid contains the following documents as originals:

#### 1. Evidence of the bidder's capacity:

- Excerpt from the court registry of the commercial court or excerpt from the registry of crafts and trades businesses with the business activity registered for which a concession is sought, issued within the last 30 days;
- Appropriate confirmation providing evidence that no bankruptcy or prebankruptcy proceedings have been initiated, that no liquidation proceedings have been initiated, and that there are no proceedings for suspension of business activities
- Information on creditworthiness (BON 1 form), except for crafts and trades businesses who are obligors for income tax and newly incorporated companies as well as crafts and trades businesses
- Information on solvency (BON 2 form – for the bidder's main account) and confirmation from the relevant Tax Administration branch on paid due liabilities stemming from public contributions, issued within the last 30 days;
- Statement as to whether bidder has fulfilled all obligations from other concessions, if such a concession exists or had existed;
- A statement as to whether the bidder has had a concession confiscated in accordance to Article 30 of the Act on Maritime Demesne and Sea Ports;

- A statement that the bidder or person authorised for representation has not received a final legally binding judgement for one or more crimes in the area of economic crime.

2. The offered amount of the fixed and percentage of the variable amount of the concession fee, where the starting amount of the fixed proportion of the concession fee for the beaches amounts to HRK 3.00 per m<sup>2</sup> of occupied maritime demesne, and for the berth HKR 5.00 per m<sup>2</sup> of occupied maritime demesne, where the fixed part of the concession fee will be increased every five years by HRK 0.50 per m<sup>2</sup> of occupied maritime demesne, while the starting amount for the variable part of the concession fee for the beaches amounts to 2% of revenue achieved on the concession area, and for the berth 2% of revenue achieved on the concession area, whereby the variable part of the concession fee will be increased every five years by 0.50% of revenue achieved on the concession area,

3. The economic feasibility study which is devised based on the content and form from the documentation for the public bid collection. The total value of investments that are planned in the economic feasibility study is considered an investment in fixed assets,

4. Submit as a bid guarantee, an irrevocable, unconditional bank guarantee payable upon first call in the amount of HRK 20,000,000.00 issued from a bank which in the year preceding the year in which the Public Call is published had a credit rating of at least BBB according to Standard and Poor's Bank Rating Guide or a bank that operates in the Republic of Croatia and which based on the revised financial report on 31. December 2019. presented the value of all its assets as exceeding HRK 10,000,000,000.00, with a validity period totalling three months longer than the deadline defined as the final deadline for concluding the agreement on establishing construction rights, concession agreement and agreement on the sale of the land plot for construction of tourist villas, and at most two years (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)

5. The letter of intent from a commercial bank which fulfils conditions in Subparagraph 4 of this paragraph that it will issue an irrevocable, unconditional and payable at first call bank guarantee in favour of the Republic of Croatia in the amount of HKR 100,000,000.00 which is a guarantee for development of the Prukljan Project (whereby the original is submitted with one of the bids, and three copies of the guarantees with the other bids)

6. Confirmation from the relevant public body for issuing the location permit that the intervention/works shown in the conceptual design are planned according to relevant physical development plan (land use plan) documents

7. The conceptual design is drafted by an authorised design engineer in accordance with physical plan (land use plan) documents and the economic feasibility study

Reasons for exclusion of a bidder are if a bid does not contain the entire documentation prescribed in this Notice and tender documentation and if the bidder does not fulfil all conditions

prescribed in this Notice, tender documentation, Article 17, Paragraph 3 of the Act on Maritime Demesne and Sea Ports (Official Gazette no. 158/03, 100/04, 141/06, 38/09, 123/11, 56/16 – Decision of the Constitutional Court of the Republic of Croatia and 98/19) including Article 24 of the Concessions Act (Official Gazette no. 69/17).

Estimated value of concession is HRK 179,261,114.04.

The tender documentation will be published in the Electronic Public Procurement Classifieds of the Republic of Croatia.

#### V.

Selection of the most economically advantageous bid will be published in line with the following criteria and manner of scoring:

- Offered amount of the fixed part for the concession fee – 30%
- Offered amount of the variable part for the concession fee – 30%
- Offered amount of the total investment value based on the economic feasibility study – 40%

Each element of the bid is evaluated separately, and the sum of the total assessment by criteria may not exceed 1.00.

The variable part of the concession fee is calculated in an absolute amount based on the presented total revenue from the economic feasibility study, over the duration of the concession.

Formulae and manner of performing the calculations:

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

$$\frac{30\% \times \text{offered amount for the fixed part of the concession fee}}{\text{highest offered amount for the fixed part of the concession fee}}$$

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

$$\frac{30\% \times \text{the offered absolute amount for the variable part of the concession fee}}{\text{highest offered absolute amount for the variable part of the concession fee}}$$

c) Coefficient for the total investment =

$$\frac{40\% \times \text{offered amount for the total investment}}{\text{highest offered amount for the total investment}}$$

Changes to the concession fee (fixed and variable part) are possible based on:

1. Indexations relating to changes in exchange rates for kuna and euro currencies with respect to exchange rate fluctuations
2. Consumer price index
3. Changes to special prescriptions in the section that regulate the level and manner of payment of the concession fee
4. Economic circumstances which significantly affect the balance between the concession fee and estimated value of the concession which was the basis for concluding the concession agreement

Changes to the concession fee in accordance with Paragraph 5 of this Article are defined in the concession agreement and particular laws, and are undertaken depending on the onset of circumstances and/or periodically in the related and specific time periods depending on conditions for fluctuation of exchange rates or changes to consumer prices.

#### VI.

The public opening of the bids will be conducted at the Ministry of State Assets, Ulica Ivana Dežmana 10, Zagreb on July 1, 2020 starting at 12.00 hrs (time).

#### VII.

The procedure, based upon which the Decision is made and concession granted to the most economically advantageous bidder for the purpose of constructing and economic utilisation of two beaches and special purpose port – nautical tourism port – berth within the coverage of the Prukljan tourist zone in the Skradin c.m., is a public procedure.

#### VIII.

An appeal against this Notice is not permitted, however an administrative dispute may be initiated against the Decision Granting the Concession.

#### IX.

This Notice will be published in the Electronic Public Procurement Classifieds of the Republic of Croatia.

