1. Mandatory participation requirements

|  |  |  |
| --- | --- | --- |
| **No.** | **Requirement** | **Proof** |
| ***Note for all bidders:*** *Listed proofs must be submitted in line with requirements further elaborated under Section 3 below.* | | |
| ***Note for consortiums:*** *Proofs listed below must be submitted in respect of each member of a consortium.* | | |
|  | A bidder is an active legal entity, registered in the competent commercial registry in the country of residence. | FOR DOMESTIC LEGAL PERSONS: Excerpt from the Commercial Registry maintained by the Serbian Business Registers Agency [*Registar privrednih društava pri Agenciji za privredne registre*].  FOR FOREIGN LEGAL PERSONS: Excerpt from the competent commercial registry in the country of residence or the equivalent document available within the legal system of the country of residence of a bidder.  ***NOTE:*** *The excerpt or its corresponding equivalent shall not be older than 30 days, counting from the issuing date until the date of the Bids' Submission Deadline i.e. 31 January 2018.* |
|  | A bidder and its legal representatives have not been convicted for any criminal act as a member to the organised criminal group, have not been convicted for white collar crimes [*krivično delo protiv privrede*], criminal acts against environmental protection, criminal acts of receiving or giving bribes or the criminal act of fraud. | FOR DOMESTIC LEGAL PERSONS:   1. For criminal acts of organised crime- CERTIFICATE OF THE SPECIAL DEPARTMENT (FOR ORGANISED CRIME) OF THE HIGH COURT IN BELGRADE, confirming that a bidder has not been convicted for any of the criminal acts of the organized crime; 2. For white collar crimes and criminal acts against environmental protection, criminal act of receiving or giving bribes or the criminal act of fraud – CERTIFICATE OF THE BASIC COURT (which includes the data from the criminal record for criminal acts that are within the competencies of the regular criminal department of the High Court) competent within the territory where the seat of a bidder is located, confirming that a bidder has not been convicted for white collar crimes and criminal acts against environmental protection, criminal act of receiving or giving bribes or the criminal act of fraud;   ***NOTE:*** *In case that certificate of the Basic Court does not envisage data from the criminal record for criminal acts that are within the competencies of the regular criminal department of the High Court, a bidder shall deliver the certificates from both the Basic Court and the High Court.*  FOR DOMESTIC STATUTORY REPRESENTATIVES OF LEGAL PERSONS:  Excerpt from the criminal record i.e. competent POLICE DEPARTMENT OF THE MINSITRY OF INTERIOR (competency determined in line with the place of birth or place of residence), confirming that representative has not been convicted for any criminal act as a member to the organised criminal group, have not been convicted for white collar crimes, criminal acts against environmental protection, criminal act of receiving or giving bribes or the criminal act of fraud.  ***NOTE:*** *Above excerpt shall be delivered for each of the statutory representatives of a bidder.*  FOR FOREIGN LEGAL PERSONS:  Corresponding equivalent proof available under the legal system of the country of residence of a bidder.  FOR FOREIGN STATUTORY REPRESENTATIVES OF LEGAL PERSONS:  Excerpt from the criminal record i.e. competent POLICE DEPARTMENT OF THE MINSITRY OF INTERIOR (competency determined in line with the place of birth or place of residence), confirming that representative has not been convicted for any criminal act as a member to the organised criminal group, have not been convicted for white collar crimes, criminal acts against environmental protection, criminal act of receiving or giving bribes or the criminal act of fraud, or the corresponding equivalent available in the legal system of the country of residence of a bidder/its legal representative.  ***NOTE:*** *Above excerpt shall be delivered for each of the statutory representatives of a bidder.*  ***NOTE:*** *The proofs shall not be older than 30 days, counting from the issuing date until the date of the Bids' Submission Deadline i.e. 31 January 2018.* |
|  | A bidder has paid due taxes, contributions and other public fees in accordance with the regulations of the Republic of Serbia or such other country of residence of a bidder, as the case may be. | FOR DOMESTIC LEGAL PERSONS:   1. Certificate of the Tax Administration of the Ministry of Finance of Republic of Serbia (for taxes, contributions and other public fees); and 2. Certificate of the competent local self-governance unit – city/municipality (for local public fees).   FOR FOREIGN LEGAL PERSONS:  Corresponding equivalent proof available under the legal system of the country of residence of a bidder.  ***NOTE:*** *The proofs shall not be older than 30 days, counting from the issuing date until the date of the Bids' Submission Deadline i.e. 31 January 2018.* |
|  | A bidder complies to all obligations stemming from the legal acts governing safety at work, employment and labour conditions, and environmental protection and there is no prohibition of performance of business activity issued against a bidder applicable at the time of submission of a bid. | FOR ALL BIDDERS:  Duly signed and certified Statement, template of which is provided within Tender Documentation. |

1. Additional participation requirements

|  |  |  |
| --- | --- | --- |
| **No.** | **Requirement** | **Proof** |
|  | Within the period of 5 years preceding the date of Public Invitation, counting as of the day of publishing of the Public Invitation, a bidder has had experience in: (i) construction of at least 2 underground public garages, having not less than 300 parking places per garage; and (ii) operation of at least 3 garages, having not less than 200 parking places per each garage. In case of a consortium, one consortium's member must independently fulfil the requirement under sub-point (ii) above requiring experience in operation of at least 3 garages, having not less than 200 parking places each. Such member of a consortium will be nominated as the leader of a consortium in a consortium agreement. | Copy of the agreement based on which a bidder i.e. member of a consortium has been engaged for (i) construction of at least 2 underground public garages, having not less than 300 parking places per garage; and for (ii) operation of at least 3 garages, having not less than 200 parking places per each garage.  Sensitive details of these agreements may be blacked-out. However, the copy must disclose and make clearly visible that the projects relate to a specific number of garages and parking places as requested under this point 1).  For the purposes of fulfilment of requirement set under point 1), a bidder i.e. member of a consortium may use projects implemented and the agreements concluded by their affiliates. Affiliates will be considered as, in respect of a bidder i.e. member of a consortium: (A) a person/company controlling a bidder i.e. member of a consortium; or (B) a person/company controlled by a bidder i.e. member of a consortium; or (C) any person/company under common control with a bidder i.e. member of a consortium. Control for the purposes of this paragraph shall mean more than 50% of the ownership interest and voting rights in a company.  Alternatively, a bidder may provide a duly signed and certified statement, issued under material and criminal liability, by way of which it confirms that it has been engaged for services under points (i) and (ii) above, along with the details on such engagement (including, but not limited to information on the engagement and the project, country of performance of services, information on employer, total value of services, year of engagement/completion of services (number of years in operation), details on role and involvement of a bidder i.e. consortium member in the garages' operation, capacity of the garages etc.). |
|  | At least EUR 15 million of annual revenues in each of 2 business years preceding the year of publishing of the Public Invitation. The annual revenues for the purposes of this requirement shall be considered as the revenues expressed in (audited) financial statements of a bidder for relevant years. In case of a consortium, maximum three (3) members of a consortium must jointly fulfil this requirement. | (Audited) financial statements of a bidder, submitted as part of Supporting Documentation of a bid, as prescribed by the Tender Documentation. |

1. Additional notes on submission of proofs
2. Domestic natural persons (i.e. entrepreneurs) participating in the Concession Procedure as the bidders should submit only (i) Excerpt from the criminal record i.e. competent POLICE DEPARTMENT OF THE MINSITRY OF INTERIOR (competency determined in line with the place of birth or place of residence), confirming that representative has not been convicted for any criminal act as a member to the organised criminal group, have not been convicted for white collar crimes, criminal acts against environmental protection, criminal act of receiving or giving bribes or the criminal act of fraud; (ii) Certificate of the Tax Administration of the Ministry of Finance of Republic of Serbia (for taxes, contributions and other public fees); and (iii) Certificate of the competent local self-governance unit – city/municipality (for local public fees).
3. Foreign natural persons participating in the Concession Procedure as the bidders should submit corresponding equivalent proofs to those enlisted under point 1. of this Section 3 above, that are available under the legal system of the country of residence.
4. All proofs must be submitted in a form of simple, uncertified copies, unless expressly provided different herein. The City may, prior to rendering of the decision on selection of the most favourable bid, request that the Bidder, whose Bid was evaluated as the most favourable one, delivers to the City originals or certified copies of all or some of the proofs from Section 1 above.
5. Should the Bidder fail to deliver requested originals/certified copies from the previous paragraph, within prescribed deadline which shall not be shorter than five (5) days, the City may reject its Bid as unacceptable.
6. The Bidder registered in the Register of bidders maintained by the Serbian Business Registers Agency is not required to prove compliance with the mandatory participation requirements listed under points 1) to 4) in the table under Section 1 above. Instead, it is preferable that such Bidder indicates that it is registered with the Register of bidders in a separate document and that compliance with requirements from points 1) to 4) in the table above may be confirmed by search of the Register of bidders.
7. In case that any changes relevant to the compliance of conditions for participation set under Section 1 and 2 hereof occur before the City renders the decision on selection of most favourable bid or decision on cancellation of the Concession Procedure i.e. until the moment of conclusion of the concession agreement, the Bidder shall notify the City in writing and deliver pertaining documentation, within five (5) days as of occurrence of such change, at the latest.
8. If a bidder has its seat in a country other than Republic of Serbia, the City is entitled to check if submitted proofs were issued by the competent authorities of the relevant country.
9. In case that a bidder fails to acquire either of the requested proof until the Bids' Submission Deadline, because of inability of the competent authority of the relevant country of origin of a bidder to issue relevant proof until the Bids' Submission Deadline, the City may allow a bidder to submit such proof subsequently, within the appropriate period, provided that a bidder provides the proof on such occasion within the bid.
10. If any of the proofs listed under points 1) to 4) in the table under Section 1 above are not being issued in the country of residence of a bidder, instead of such proof, a bidder may submit its written statement confirming that such document cannot be obtained under the legal system of country of residence of a bidder and confirming compliance with the relevant requirement on which the relevant proof refers to, issued under criminal and material liability, certified before the competent certification authority (notary public or court).
11. Any public document (e.g. any document issued by the state authorities, documents certified before a notary public or a court etc.) issued in a country other than the Republic of Serbia, shall be legalized for its further use in the Republic of Serbia. The applicable legalization process depends on the country of issuance of such public document i.e. if the country is a signatory to the Convention Abolishing the Requirement of Legalization for Foreign Public Documents, executed in Hague on 5 October 1961 and if there is a ratified international agreement on exemption of certain public documents from any kind of legalization executed between that country and the Republic of Serbia (or its predecessors) in place. Further information can be obtained from the official website of the Ministry of Foreign Affairs of Republic of Serbia at the following link <http://www.mfa.gov.rs/en/consular-affairs/legalization>.