

Appendix 2 to Public Invitation – Requirements for participation in Concession Procedure and proofs on their fulfilment

1. Mandatory participation requirements

| No. | Requirement | Proof |
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| 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. | | |
| 1) | A bidder is an active legal entity, registered in the competent commercial registry in the country of residence. | <p><u>FOR DOMESTIC LEGAL PERSONS:</u> Excerpt from the Commercial Registry maintained by the Serbian Business Registers Agency, i.e. the competent court or other registry.</p> <p><u>FOR FOREIGN LEGAL PERSONS:</u> 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.</p> <p>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 by the day 60th since the date of publishing at "The Official Gazette of the Republic of Serbia".</p> |
| 2) | 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 [<i>krivično delo protiv privrede</i>], criminal acts against environmental protection, criminal acts of receiving or giving bribes or the criminal act of fraud. | <p><u>FOR DOMESTIC LEGAL PERSONS:</u></p> <p>(i) 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;</p> <p>(ii) 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</p> |

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| | | <p>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;</p> <p>NOTE: <i>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.</i></p> <p><u>FOR DOMESTIC STATUTORY REPRESENTATIVES OF LEGAL PERSONS:</u></p> <p>Excerpt from the criminal record i.e. competent POLICE DEPARTMENT OF THE MINISTRY 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.</p> <p>NOTE: <i>Above-mentioned excerpt shall be delivered for each of the statutory representatives of a bidder.</i></p> <p><u>FOR FOREIGN LEGAL PERSONS:</u></p> <p>Corresponding equivalent proof available under the legal system of the country of residence of a bidder.</p> <p><u>FOR FOREIGN STATUTORY REPRESENTATIVES OF LEGAL PERSONS:</u></p> <p>Excerpt from the criminal record i.e. competent POLICE DEPARTMENT OF THE MINISTRY 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</p> |
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| | | <p>receiving or giving bribes or the criminal act of fraud, or the corresponding equivalent proof available in the legal system of the country of residence of a bidder/its legal representative.</p> <p>NOTE: Above-mentioned excerpt shall be delivered for each of the statutory representatives of a bidder.</p> <p>NOTE: The proofs or its appropriate equivalent shall not be older than 30 days, counting from the issuing date until the date of the Bids' Submission Deadline by the day 60th since the date of publishing at "The Official Gazette of the Republic of Serbia".</p> |
| 3) | <p>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.</p> | <p><u>FOR DOMESTIC LEGAL PERSONS:</u></p> <p>(i) Certificate of the Tax Administration of the Ministry of Finance of Republic of Serbia (for taxes, contributions and other public fees); and</p> <p>(ii) Certificate of the competent local self-governance unit – city/municipality (for local public fees).</p> <p><u>FOR FOREIGN LEGAL PERSONS:</u></p> <p>Corresponding equivalent proof available under the legal system of the country of residence of a bidder.</p> <p>NOTE: The proofs shall not be older than 30 days, counting from the issuing date until the date of the Bids' Submission Deadline by the day 60th since the date of publishing at "The Official Gazette of the Republic of Serbia".</p> |
| 4) | <p>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.</p> | <p><u>FOR ALL BIDDERS:</u></p> <p>Duly signed and certified Statement, template of which is provided within Tender Documentation, Schedule 2 – Appendix 1.</p> |

2. Additional participation requirements

| No. | Requirement | Proof |
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| 1) | <p>Business capacity</p> <p>That the Bidder concluded, in the period of 5 years before the Public Invitation, including from the day of publishing of the Public Invitation, a minimum of 5 Public-Private Partnership Agreements or Concession Agreements regarding project of public garages (underground or overground), which are in force or were in force at any time during the period of 5 years before submission of the Bid, regardless of the date of conclusion.</p> | <p>Copies of awarded contracts*.</p> <p>Alternatively, a Bidder may provide a duly signed confirmation, issued by the public partner with whom the Public-Private Partnership Agreement has been concluded with or without concession elements/ Concession Agreement, by way of which it is confirmed that the Bidder was awarded the Agreements listed within the terms of the Business capacity, containing the basic information on the project, country in which such project was performed or is in progress, information on the employer, total value of the agreement, the capacity of the garages etc.</p> <p><i>Note: Contracts concluded in accordance with regulations applicable in other jurisdictions will be appraised per their content and their subject matter comparability as defined herein.</i></p> |
| 2) | <p>Financial capacity</p> <p>At least EUR 20 million of annual revenue in each of the 3 business years preceding the year of publishing of the Public Invitation. The annual revenue for the purposes of this requirement shall be considered as the revenue expressed in financial statements of the Bidder.</p> | <p>Financial statements of a Bidder, i.e. the relevant Consortium members, submitted as part of Supporting Documentation of a Bid, as prescribed by the Tender Documentation.</p> |

3. Additional notes on submission of proofs

- 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 MINISTRY OF INTERIOR (competency determined in line with the place of birth or place of residence), confirming that they have not been

convicted for any criminal act as members of 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).

2. 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.
3. 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.
4. Should the Bidder fail to deliver requested originals or 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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).
10. 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 <https://mfa.gov.rs/lat/gradjani/usluge/overa-dokumenata>.