

Pursuant to Article 35(1) of the Law on Public and Private Partnership and Concessions, "Official Gazette of RS", No. 88/2011, 15/2016 and 104/2016, hereinafter: the Law),

Republic of Serbia
CITY OF BELGRADE
CITY ADMINISTRATION OF THE CITY OF BELGRADE
Concession Grantor: Secretariat for Transport
43-45 27. Marta Str,
Belgrade

PUBLIC CALL

for submitting bids for the participation in the concession award procedure - "Entrusting the Management of the Public Bicycle System in the Territory of the City of Belgrade".

1. Contact details of the Concession Grantor:

Name and address of the Concession Grantor: City of Belgrade, City Administration of the City of Belgrade, Secretariat for Transport, 43-45 27. Marta Str, 11000 Belgrade, e-mail: saobračaj.javnabavke@beograd.gov.rs, web page: www.bgsaobračaj.rs

2. Data on the procedure:

The Concession Grantor conducts the concession award procedure at the proposal of the stakeholder, for the implementation of the public and private partnership project with concession elements, in accordance with Article 10(1) and Article 20(3) of the Law.

The procedure is conducted on the basis of the Opinion of the Commission for Public and Private Partnership, Government of the Republic of Serbia, No. 46/2021 of 17.12.2021.

The Concession is granted in accordance with Article 35-41 of the Law.

3. Subject of the Concession, place of performing the concession activity and the term of the Concession:

The subject of the Concession is the transfer of public areas which are in the public property of the City of Belgrade, to the Concessionaire for a certain period of time, under specially prescribed conditions, for financing, installation of stations, procurement of bicycles and equipment, introduction and management of public bicycles for the City of Belgrade, with the payment of the concession fee.

Place of performing the concession activity: City of Belgrade, Republic of Serbia.

Concession term: 15 years.

4. Manner of downloading the tender documentation, i.e. the website where the tender documentation is available:

Tender documentation is available on the Public Procurement Portal of the Public Procurement Office <https://jnportal.ujn.gov.rs/> and on the website of the Concession Grantor www.bgsaobračaj.rs. The fee for the insight into or purchase of the tender documentation will not be charged.

5. Deadline for the submission of bids, manner of submission and validity of bids, the address to which bids are submitted, language and script in which bids must be made:

- **Deadline for the submission of bids:** by 1st of March 2022, until 12:00, local time.
- **Manner of submitting bids:** Bids are prepared and submitted in accordance with the tender documentation and this Public Call, published in Official Gazette of RS, on 30th december 2021. The Bidder submits the bid directly or by mail to the address: City of Belgrade, City Administration of the City of Belgrade – Secretariat for Transport, clerk's office, Belgrade, 43-45 27. Marta Str, with the indication: Bid for the participation in the procedure of granting the concession - "Entrusting the Management of the Public Bicycle System in the Territory of the City of Belgrade" - DO NOT OPEN. On the back of the envelope or box, provide the name and address of the Bidder. Bids are submitted in a sealed envelope or box, closed in such a manner that when a bid is opened, it can be determined with certainty that it is being opened for the first time. In case the bid is submitted by a Group

of Bidders, it is necessary to indicate on the envelope that it is a Group of Bidders and state the names and addresses of all participants in the Joint Bid.

- **Bid validity period:** Bid must be valid for at least 90 (ninety) days from the day of bid opening.
- **Address for the submission of bids:** 27. Marta 43-45, 11000 Belgrade, clerk's office of the Secretariat for Transport.
- **Language and script of the bid:** The bid must be in Serbian. If the bid contains a document in a foreign language, it is obligatory to submit a translation into Serbian certified by a court interpreter.

6. Requirements that must be met by the Bidders and documents proving their fulfillment

To participate in the subject procedure, economic entities have to meet the following requirements and submit the required evidence of the latter:

Grounds for exclusion:

a) That the economic entity and its legal representative in the period of the previous five years from the date of the expiration of the deadline for the submission of bids, were not convicted, unless a final judgment determines another period prohibiting participation in the procedure, for:

(1) the criminal offense committed as a member of an organized criminal group and the criminal offense of association for the purpose of committing criminal offenses;

(2) the criminal offense of abuse of office of a responsible person, criminal offense of abuse in connection with public procurement, criminal offense of accepting bribe in performing economic activities, criminal offense of giving bribe in performing economic activities, criminal offense of abuse of official position, criminal offense of trading in influence, criminal offense of accepting bribe and criminal offense of giving bribe, criminal offense of fraud, criminal offense of unjustified obtaining and using a loan and other benefits, criminal offense of fraud in performing economic activities and the criminal offense of tax evasion, criminal offense of terrorism, criminal offense of public incitement to commit terrorist acts, criminal offense of recruiting and training for committing terrorist acts and the criminal offense of terrorist association, criminal offense of money laundering, criminal offense of terrorist financing, criminal offense of trafficking in human beings and the criminal offense of establishing slavery and transporting persons in slavery.

b) That the economic entity has paid the due taxes, contributions for obligatory social insurance or that it has been granted a deferral of payment of the debt, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation.

c) That the economic entity did not, in the period of the previous two years from the deadline for the submission of bids, violated obligations in the field of environmental protection, social and labor law, including collective agreements, and in particular the obligation to pay contracted wages or other mandatory payments, including obligations in accordance with the provisions of the international conventions listed in Annex 8 of the Law on Public Procurement.

d) That the economic entity is not in a conflict of interest, in the sense of the Law on Public Procurement, which cannot be eliminated by other measures.

e) That the economic entity has not tried to exert undue influence on the decision-making process of the Concessionaire or to obtain confidential information, which could give it an advantage in the concession award procedure, and that it has not provided misleading information that may affect decisions, concerning the exclusion of the economic entity, selection of the economic entity or the decision on the selection of the most advantageous bid.

The Concession Grantor may withdraw from the exclusion of the economic entity from the concession award procedure for the reasons previously stated in items a) - e) due to overriding

reasons related to the public interest, such as public health or environmental protection.

Proving method:

The economic entity is obliged to submit, along with the bid, Form 4 completed and signed - Statement of compliance with criteria for the qualitative selection of an economic entity, confirming that there are no grounds for exclusion, listed in items a) - e).

Before making a decision in the concession award procedure, the Concession Grantor shall request from the Bidder which submitted the most economically advantageous bid, to submit the following evidence, in uncertified copies, within the time limit specified in the request for the submission of evidence proving the absence of grounds for exclusion:

The absence of grounds for exclusion, referred to in item a) of the Public Call, is proven by the following evidence:

Legal entities and entrepreneurs:

- 1) Certificate of the competent Basic Court in whose territory the seat of the domestic legal entity or entrepreneur is located, i.e. the seat of the representative office or branch of the foreign legal entity confirming that the Bidder was not convicted in the previous five years from the expiration of the deadline for the submission of bids, i.e. applications, unless the final judgment did not determine another period of prohibition of participation in the public procurement procedure, for the following criminal offenses: criminal offense of tax evasion; criminal offense of fraud; criminal offense of unjustified obtaining and using loan and other benefits; criminal offense of abuse of official position; criminal offence of trading in influence; criminal offense of giving bribe; criminal offense of trafficking in human beings (for forms referred to in Article 388, paras 2, 3, 4, 6, 8 and 9 of the Criminal Code) and the criminal offense of establishing slavery and transporting persons in slavery (for forms referred to in Article 390 paras 1 and 2 of the Criminal Code).
- 2) Certificate of the competent High Court in whose territory the seat of the domestic legal entity or entrepreneur is located, i.e. the seat of the representative office or branch of the foreign legal entity confirming that the Bidder was not convicted in the previous five years from the expiration of the deadline for the submission of bids, i.e. applications, unless the final judgment does not determine other period of prohibition of participation in the public procurement procedure, for the following criminal offenses: criminal offense of abuse of official position, if the value of the obtained property gain exceeds 1,500,000.00 dinars; criminal offense of trafficking in human beings (for forms referred to in Article 388 paras 1, 5 and 7 of the Criminal Code); criminal offense of establishing slavery and transporting a person in slavery if it was committed against a minor and the criminal offense of accepting bribe.
- 3) Certificate of the Special Department of the High Court in Belgrade for Organized Crime confirming that the legal entity or entrepreneur has not been convicted of any of the following criminal offenses: criminal offenses of organized crime; criminal offense of association for the purpose of committing criminal offenses; criminal offense of abuse of official position, trading in influence, accepting bribe and giving bribe if the defendant or the person to whom the bribe is given is an official or a responsible person performing a function based on election, designation or appointment by the National Assembly, President, General Session of the Supreme Court of Cassation, High Judicial Council or the State Prosecutors' Council; criminal offenses against the economy, if the value of property gain exceeds 200,000,000 dinars, or if the value of public procurement exceeds 800,000,000 dinars for: the criminal offense of abuse in connection with public procurement, criminal offense of accepting bribe in performing economic activities, criminal offense of giving bribe in performing economic activities, criminal offense of fraud in performing economic activities, criminal offense of abuse of position of a responsible person, criminal offense of money laundering – if the property subject to money laundering originates from all the above criminal offenses; public offense of public incitement to commit terrorist acts; criminal offense of terrorist financing; criminal offense of terrorism; criminal offense of recruiting and training for terrorist acts and the criminal offense of terrorist association.
- 4) Certificate of the Special Department of Higher Courts in Belgrade, Novi Sad, Niš and Kraljevo for Fight against Corruption, confirming that the legal entity or entrepreneur has not been convicted of any of the following criminal offenses: the criminal offense of accepting bribe in the performance of economic activities; criminal offense of giving bribe in the performance of

economic activities; criminal offense of abuse in connection with public procurement; criminal offense of fraud in performing economic activities; criminal offense of the abuse of the position of a responsible person and the criminal offense of money laundering.

Legal representatives and natural persons:

1) Excerpt from the criminal records, i.e. the certificate of the competent police administration of the Ministry of the Interior, confirming that the legal representative or natural person has not been convicted of the following criminal offenses:

1) criminal offense which he/she committed as a member of an organized criminal group and the criminal offense of association for the purpose of committing criminal offenses;

2) criminal offense of the abuse of the position of a responsible person, criminal offense of abuse in connection with public procurement, criminal offense of accepting bribe in performing economic activities, criminal offense of giving bribe in performing economic activities, criminal offense of abuse of official position, criminal offense of trading in influence, criminal offense of receiving bribe and the criminal offense of giving bribe; criminal offense of fraud, criminal offense of unjustified acquisition and use of a loan and other benefits, criminal offense of fraud in the performance of economic activities and the criminal offense of tax evasion; criminal offense of terrorism, criminal offense of public incitement to commit terrorist acts, criminal offense of recruiting and training for the commission of terrorist acts and the criminal offense of terrorist association; criminal offense of money laundering, criminal offense of terrorist financing; criminal offense of trafficking in human beings and the criminal offense of establishing slavery and transporting persons in slavery.

The application can be submitted according to the place of birth or the place of residence of the legal representative or natural person. If the Bidder has several legal representatives, it is obliged to submit evidence for each of them.

The absence of grounds for exclusion, referred to in item b) of the Public Call, is proven by the following evidence:

1) Certificate of the competent tax authority that the Bidder has settled the due taxes, contributions for obligatory social insurance or that it has been granted a deferral of payment of the debt, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation.

2) Certificate of the competent local self-government tax authority that the Bidder has settled the due obligations of public revenues or that it has been granted a deferral of debt payment, including all accrued interest and fines, by a binding agreement or decision, in accordance with a special regulation. A legal entity which is in the process of privatization, instead of the evidence referred to in items 1) and 2), encloses a certificate from the competent authority that it is in the process of privatization. Economic entity established in another country: If the economic entity has a registered office in another country, as evidence, the Concession Grantor will accept the certificate of the competent authority in the country of the registered office of the economic entity. If the said evidence is not issued in the country in which the economic entity is established, i.e. in the country of which the person is a citizen, or if the evidence does not include all data related to the absence of grounds for exclusion, the economic entity may submit its written statement under criminal and material liability, certified before a judicial or administrative body, notary public or other competent body of that state, stating that there are no stated grounds for the exclusion of the economic entity.

Economic entity established in another country:

If the economic entity has its registered office in another state, as evidence that there are no grounds for exclusion, the Concession Grantor will accept the certificate of the competent authority in the state of the registered office of the economic entity. If the said evidence is not issued in the country in which the economic entity is established, i.e. in the country of which the person is a citizen, or if the evidence does not include all data related to the absence of grounds for exclusion, the economic entity may submit its written statement under criminal and material liability, certified before a judicial or administrative body, notary public or other competent body of that state, stating that there are no stated grounds for the exclusion of the economic entity.

AN ECONOMIC ENTITY, WHICH IS REGISTERED IN THE REGISTER OF BIDDERS, IS

NOT OBLIGED TO SUBMIT EVIDENCE REFERRED TO IN ITEMS A) AND B) OF THE PUBLIC CALL

It is considered that an economic entity registered in the Register of Bidders of the Business Registers Agency of the Republic of Serbia, has no grounds for exclusion from items a) and b) of the Public Call.

The Bidder, which has its registered office in another state and is registered in the Register of Bidders or the corresponding register in another state, is not obliged to submit evidence of the fulfillment of requirements from the previous paragraph, if it submits evidence that for the registration in the appropriate register it is necessary to meet the requirements from the previous paragraph. The Concession Grantor will accept as evidence an excerpt from the appropriate register, a certificate from the competent authority, a translation of the relevant regulation of another state or other evidence from which it can be determined that the requirements from the previous paragraph are requirements for the entry in the appropriate register. This evidence must be translated into Serbian, by a certified interpreter and certified at the notary public office.

Fulfillment of requirements for performing professional activity:

That the Bidder is registered with the competent authority, i.e. entered in the appropriate register, if such a register is kept in the country in which the economic entity has its registered office.

Proving method:

The Bidder is obliged to submit a completed and signed Form 4 - Statement of compliance with the criteria for the qualitative selection of an economic entity. Form 4 is signed by an authorized person of the economic entity.

Before making a decision in the concession award procedure, the Concession Grantor will request from the Bidder which submitted the most economically advantageous bid, to submit the following evidence, in uncertified copies, within the time limit specified in the request for the submission of evidence proving the fulfillment of requirements for performing its professional activity:

- Excerpt from the Register of Companies of the Business Registers Agency or another appropriate register, which is kept in the country in which the economic entity has its registered office.

If a joint bid or a bid with a subcontractor has been submitted, the Bidder is obliged to submit the required evidence for each member of the consortium or subcontractor.

THE ECONOMIC ENTITY, WHICH IS REGISTERED IN THE REGISTER OF BIDDERS, IS NOT OBLIGED TO SUBMIT EVIDENCE OF THE FULFILLMENT OF REQUIREMENTS FOR PERFORMING PROFESSIONAL ACTIVITY.

Professional capacity

It is necessary that the economic entity have the professional capacity to participate in the concession award procedure, i.e. that the economic entity, in the period of no more than the last five years, before the deadline for the submission of bids:

operated or operates a system of public bicycles, which it has set up, in at least three cities, at least one of which must have more than 500,000 inhabitants.

Proving method:

The economic entity is obliged to submit a completed and signed Form 4 - Statement of compliance with the criteria for the qualitative selection of an economic entity.

Before making a decision in the concession award procedure, the Concession Grantor will request from the Bidder which submitted the most economically advantageous bid, to submit the following evidence, in uncertified copies, within the time limit specified in the request for the submission of evidence proving the fulfillment of requirements regarding the required professional capacity:

- Form of the list of provided services, filled in and signed by the authorized person of the economic entity,
- Form of the certificate on provided services, filled in and signed by the authorized person of the Contracting Authority, for whose needs the service was rendered.

NOTE:

If the economic entity which submitted the most economically advantageous bid fails to submit the required evidence, does not prove within the deadline or submitted evidence that it meets the criteria for the qualitative selection of the economic entity, the Concession Grantor shall reject the bid of this economic entity and invite the next economic entity which submitted the most advantageous bid or shall suspend the concession award procedure, if there are reasons for suspension.

The Bidder is obliged to immediately notify the Concession Grantor in writing of any change in connection with the fulfillment of the requirements from the public contract award procedure, which occurs before the decision is made, and to document it in the prescribed manner.

7. Criteria for the selection of the most advantageous bid: most economically advantageous bid.

Bids of participants will be ranked based on the following criteria:

Ord. No.	Criterion	Maximum number of points
1	Concession fee	15
2	Option of detection of sidewalk driving	15
3	Dynamics of the implementation of the first phase	15
4	Checking the use of a protective helmet	15
5	Providing E-Cargo bicycle service on request	10
6	Speed control in zones	5
7	Control of zones with parking prohibition	5
8	Option of replacing the battery at the stations	5
9	Free Wi-Fi at the stations	5
10	GBFS and MDS	5
11	Customer support	5
	TOTAL	100

1. The criterion "Concession fee" is scored as follows:

- The bid with the highest amount of the concession fee will be scored with the maximum number of points for this criterion.
- The remaining considered bids will be scored as follows: considered concession fees (α) are divided by the highest offered concession fee (β) and the result obtained is multiplied by the maximum number of points for this criterion (15). The obtained result is mathematically rounded to one decimal place and represents the amount of points for this criterion.

$$\frac{\alpha}{\beta} \times 15 \text{ (points)}$$

2. Criterion "Option of detection of sidewalk driving"

- A participant having the option of detecting sidewalk driving for SoPB vehicles in its bid is scored with the maximum number of points for this criterion
- Participants not having the option of detection in their bid are scored with 0 points for this criterion

3. Dynamics of the implementation of the first phase (implementation deadline for the first phase is a maximum of 100 days from the day of concluding the Public Contract)

- The bid with the shortest implementation period is scored with the maximum number of points for this criterion
 - The bid with the second shortest implementation period is scored with 10 points for this criterion
 - The bid with the third shortest implementation period is scored with 5 points for this criterion
 - The remaining bids are scored with 0 points for this criterion
4. Checking the use of a protective helmet
 - The participant having the option to check the use of the protective helmet of the SoPB user in its bid, by scanning with a camera within the application, is scored with the maximum number of points for this criterion
 - Participants not having the option to check the use of the protective helmet of the SoPB user in their bids are scored with 0 points for this criterion
 5. Providing E-Cargo bicycle service on request
 - A participant offering the option of providing E-Cargo bicycles on request with a minimum of 10 E-Cargo bicycles is scored with the maximum number for this criterion
 - Participants not having the option to provide the E-Cargo bicycle service on request with a minimum of 10 E-Cargo bicycles are score with 0 points for this criterion
 6. Speed control in zones
 - A participant having the option of controlling the speed of the SoPB vehicle in the zones in its bid is scored with the maximum number of points for this criterion
 - Participants not having the option of controlling the speed of SoPB vehicles in the zones in their bids are scored with 0 points for this criterion.
 7. Control of zones with parking prohibition
 - A participant having the option of controlling the zones with no parking for SoPB vehicles in its bid is scored with the maximum number of points for this criterion
 - Participants not having the option of controlling the zones with no parking for SoPB vehicles in their bids are scored with 0 points for this criterion
 8. Option of replacing the battery at the stations
 - A participant offering the option of replacing the battery at the stations for SoPB vehicles is scored with the maximum number of points for this criterion
 - Participants not having the option of replacing the battery at the stations for SoPB vehicles in their bids are scored with 0 points for this criterion
 9. Free Wi-Fi at the stations
 - A participant having the option of free Wi-Fi at the SoPB stations is scored with the maximum number of points for this criterion
 - Participants not having the option of free Wi-Fi at Sthe SoPB stations are scored with 0 points for this criterion
 10. GBFS and MDS
 - A participant whose offered system meets the GBFS and MDS specifications is scored with the maximum number of points for this criterion
 - A participant whose offered system does not meet GBFS and MDS specifications is scored with 0 points for this criterion
 11. Customer support (the Bidder must offer at least one of the provided types of customer support)
 - A participant having the option of providing customer support through a live chat is scored with 3 points

- A participant having the option of providing customer support through a free phone line in its bid is scored with 1 point
- A participant having the option of providing customer support through e-mail in its bid is scored with 1 point

Reserve criteria for selecting the most advantageous bid

If two or more bids have the same number of points, the contract will be awarded to the Bidder which has offered a longer bid validity period. If, after ranking on the basis of selection criteria and reserve criteria, it is not possible to make a decision and select the most advantageous bid, the Concession Grantor will award the public contract to the Bidder which will be drawn, in a manner specified in the Tender Documentation.

8. Place, time and manner of opening bids: Public opening of bids will take place on 1st of March 2022, at 12:30, local time, in the premises of the Secretariat for Transport, II floor, Belgrade, 43-45 27. Marta Str, Belgrade.

9. Conditions under which the bidders' representatives may participate in the bid opening procedure: All interested persons may attend the opening of bids, and only authorized representatives of bidders may actively participate, who will submit their authorizations to the Expert Team before the opening of bids. The authorization must be signed by the authorized person of the Bidder.

10. Date of submission of the notification on the outcome of the procedure:

The Concession Grantor is obliged to deliver the Decision on the selection of the most advantageous bid, with a copy of the Minutes on Opening and Evaluation of Bids, without delay, to each Bidder by registered mail with a return receipt or in another manner that can serve as a proof of delivery.

11. Name and address of the body responsible for handling the applications for the protection of rights and deadlines for their submission:

Legal protection in the procedure of awarding a public contract is provided in accordance with the law governing public procurement.

Any person who is interested in participating or who participates in the procedure of awarding a public contract on the basis of law may submit to the Republic Commission for the Protection of Rights in Public Procurement Procedures an application for the protection of rights against decisions of the public body conducting procedures that can be separately challenged, and which were adopted unlawfully in the opinion of this person.

The application for the protection of rights is submitted to the Concession Grantor, and a copy is simultaneously submitted to the Republic Commission for the Protection of Rights in Public Procurement Procedures at the address: 22-26 Nemanjina Str, 11000 Belgrade.

The application for the protection of rights may be submitted throughout the concession award procedure, against any action of the Concession Grantor, unless otherwise provided by law.

Deadlines for submitting applications for the protection of rights are:

- No later than three days before the deadline for the submission of bids, in the event that the application for the protection of rights relates to tender documents or any other action related to the concession award procedure undertaken before the deadline for the submission of bids, and
- 15 days from the day of delivery of the Decision on the selection of the most advantageous bid or the Decision on the annulment of the concession award procedure to the Bidder.

If, in the same concession award procedure, the application for the protection of rights is re-filed by the same applicant, the actions of the Contracting Authority for which the applicant knew or could have known during the filing of the previous application cannot be challenged in this application.

When submitting the application for the protection of rights to the Concession Grantor, the applicant is obliged to submit the proof of payment of the fee, in accordance with the law.