On the basis of Article 28, paragraph 3 of the Law on Concessions and Public Private Partnership (Official Gazette of the Republic of Macedonia no.06/2012, 144/14, 33/15, 104/15and 215/15), Article 55 of the Law on Waters (Official Gazette of the Republic of Macedonia no. 87/08, 6/09, 161/09, 83/10, 51/11, 44/12, 23/13, 163/13,180/14 and 146/15) and Decision on the initiation of the procedure for awarding concession on waters utilization for electricity production by 37 small hydro power plants (Official Gazette of the Republic of Macedonia no.21/16), the Commission for application of the procedure for awarding concession on waters for electricity production by 37 small hydro power plantshereby announces

**PUBLIC CALL**

**to receive bids for awarding concession on waters utilization for electricity production by 37 small hydro power plants by DBOT (Design, Build, Operate, Transfer) model in the watersheds of the rivers: Vardar,Treska, Bregalnica, Strumica and Crn Drim.**

**1. Concession awarding authority shall be the Government of the Republic of Macedonia.**

2. Subject of concession shall be utilization of water for electricity production by [37 small hydro power plantsat the following locations](http://www.moepp.gov.mk/wp-content/uploads/2016/02/Javen-povik-za-37-MHE-na-Vardar-Treska-Bregalnica-Strumica-i-Crn-Drim.pdf):

**3**. All domestic or foreign legal or natural persons and consortia of those that collect tender documentation and fulfill the conditions specified in the tender documentation shall have the **right to participate in the public call**. The tender documentation can be collected in the archives of the Ministry of Environment and Physical Planning every working day.

The tender documentation contains hydrological, geological and topographical data and data regarding land ownership, as well as conditions to be met by concessionaire.

**4. Bidders shall submit evidence of their capability, including:**

-      **Capability for performance of professional activity:**

* А) А) For domestic bidders: *Document of registered activity (DRA form)* issued by the Central Registry of the Republic of Macedonia; B) For foreign bidders – a document by the competent authority -certificate that they are enrolled in the official commercial registry kept by the competent authority or certificate by the competent authority on certification on fulfilling the legally specified conditions;

-      **Economic and financial capability of bidders:**

* А) For domestic and foreign bidders: Statement on the balance sheetcertified by competent authority or audited Statement on the balance sheet for the last three fiscal yearsor excerpts from the report on the for the last three fiscal yearsin cases where publication of the for the last three fiscal yearsis regulated in the country of registration of the economic operator. The Audit report shall contain data on the overall economic performance of the bidder for the last three fiscal years (2013, 2014 and 2015). If the legal person has been registered for a period shorter than this, financial statements shall be delivered for the period of registration;
* А) For domestic and foreign bidders: statement of the overall turnover of the company (data from the balance of success issued by the competent authority or audited balance of success) for the last three financial years at maximum (2013, 2014 and 2015) for which such information is available depending on the date on which the company has been registerred or commenced to operate and depending on the availability of such information;
* *Overall income of bidders as cumulative sum in the last three years shall not be less than 500 EUR per kW installed capacity* in accordance with the offer in the filled in and orderly signed form by:ANNEX C: Letter of offer.
* If the legal person has been registered in a period shorter than three years, the required documents shall be submitted for the period from the registration by the latest fiscal year (The overall income of these bidders shall not be less than 500 EUR per kW installed capacityin the period from its registration, by the latest fiscal year in accordance with the offer in the filled in and orderly signed form by:ANNEX C: Letter of offer.

-      Personal status:

* А) For domestic persons: *Certificate of paid taxes, contributions and other public charges*, issued by the Public Revenue Office of the Republic of Macedonia. B) For foreign persons: Certificate by the competent authority in the country of origin of paid taxes and other public charges;
* А) For domestic persons: *Certificate that no liquidation procedure has been initiated against the person*, issued by the Central Registry of the Republic of Macedonia. B) For foreign legal persons: Document by the competent authority in the country of origin that no liquidation procedure has been initiated against the person;
* А) For domestic persons: *Certificate that no bankruptcy procedure has been initiated against the person*, issued by the Central Registry of the Republic of Macedonia. B) For foreign persons: Document by the competent authority in the country of origin that no bankruptcy procedure has been initiated against the person;
* Statement by the person that no effective sentence has been passed against it for participation in criminal organization, corruption, fraud or money laundry*,*
* Document that no secondary penalty has been passed against bidder to prohibit participation in public calls, awarding of contracts for public procurement and agreements for public private partnership*,*
* Document that no secondary penalty has been passed against bidder to prohibit*performance of certain activity temporarily or permanently,*
* Certificate that no misdemeanor sanction has been passed against the person involving prohibition to perform profession, activity or duty, i.e. temporary prohibition to perform certain activity*.*

Documents confirming the personal status of the bidder shall not be older than six months from the day of bids openning and shall be submitted as original or copy certified by the bidder.

* Statement signed by all members of the consortium on joint venture for the tender. In the statement, consortium members shall appoint leading member and name it clearly and state the proportional asset share of each member in the consortium.

**5. The entire bid shall be in Macedonian**. Accompanying documentation to the bid, required by the tender documentation, should be in its original form or copy certified by notary. Documentation shall not be older than six months, except financial statements.

6. **Bidders may submit bids for one or more locations for small hydro power plants, or for one or more groups of locations for small hydro power plants**, but not more than one bid for one location or group of locations. A legal person may at the same time be member of only one consortium submitting bid for the same location/group of locations. The procedure for concession awarding shall be carried out for each location separately. The minimum number of capable bidders that may submit bid per location is one.

**7. The bid shall contain the following**:

-       Letter of offer;

-       Evidence specified in point 4.2of this public call,

-       Presentation of the solution of facilities on topographic and geodetic layouts,

-       Data on specific flows (minimum, average monthly flows), profile of water intake for a period of ten years at minimum,

-       Quantity of water planned to be caught and manner of catching,

-       Manner of water discharge,

-       Basic characteristics of the facility to perform the activity; and

-       Signed statement by the members of the consortium on joint venture for participation in this procedure for awarding concession for water use, stating clearly the leading member and the proportional asset share of each member in the consortium

-       Guarantee for participation in the procedure.

**8. The person collecting the tender documentation has to submit authorization by the company for which the documentation is collected** and the authorization shall contain all necessary contact details (address, telephone, fax, and e-mail address of the company or the contact person authorized by the company).

To collect the tender documentation, prospective bidder shall pay unrecoverable amount of 300 EUR in denar counter value by the average foreign exchange rate of the NBRM on the day of payment. The payment shall be made in favour of the Ministry of Environment and Physical Planning, **with a note:** for collection of tender documentation for awarding concession for water use for electricity production by 37 small hydro power plants

**For domestic companies:**

**Treasury account**: 100000000063095

**Account of the Budget beneficiary**: 121011520278710

**Income code and program**: 725939-40

**Deponent**: National Bank of the Republic of Macedonia

**Tax number**: 4030998358508

**For the foreign companies:**

Ministry of Environment and Physical Planning

National Bank of the Republic of Macedonia

**SWIFT BIC: NBRM MK 2X**

**IBAN: MK07 1007 0100 0017 436**

**9. Selection of economically most favourable bid shall consider only bids containing full documentation** in accordance with the Instructions to bidders, that are integral part of the tender documentation.

1. **Criterion for selection of economically most favourable bid shall be based on the following formula:**

C = 12500 x Pi + U (in letters: C equals twelve thousand and five hundred multipled by Pi plus U)

Where:

C –Ranking criterion

Pi –Minimum installed capacity of the hydro power plant in kW that should be installed in accordance with the bidder’s offer and stated in the bidder’s statement

-     In case of group of locations Pi, the sum of installed capacities of all locations in the group will be selected

U –Offered addition to the minimum single compensation in Macedonian denars

**11. Only bids delivered to the archives of the Ministry of Environment and Physical Planning by 19 may 2016 at 10:00 hours central European time shall be considered.**

**12. Bids shall be submitted in one original copy. Additionally, the Bid for location shall be delivered on removable electronic device as well**.

**13. Public opening of bids will take place on 19 May 2016 at 11.00 hours.** Public opening will be carried out by reading Envelope 1. Compulsory documentation and in case compulsory documentation is complete, Envelope 2. Bid for location, i.e. Letter of offer, will be read. The Commission shall produce minutes of the public opening.

**14. Concession for water use shall be awarded for a period of 23 years in accordance with the Law on Waters and Law on Concessions and Public Private Partnership**. The obligations of the concessionaire, upon signing the Concession Agreement, shall be as follows:

-           Preparation of project documentation for the hydro power plant for which the bid is submitted,

-           Provision of all permits and fulfillment of conditions defined in the relevant permits in accordance with the legislation in the Republic of Macedonia;

-           Construction of facilities in line with the project documentation;

-           Provision of the necessary permits for operation of the hydro power plant, in accordance with the legislation in the Republic of Macedonia;

-           Management and maintenance of all structures composing the hydro power plant;

-           Transfer of all structures of the small hydro power plantand land on which those are located upon the expiry of the period of concession to the Government of the Republic of Macedonia, under conditions and in state defined in the Concession Agreement.

With regard to all issues related to this Public Call, prospective investors may contact the Ministry of Environment and Physical Planning by addressing the authorized contact person:

**Melita Gochevska** e-mail: [melitagocevska@yahoo.com,](mailto:melitagocevska@yahoo.com,) and

**Izmail Luma**e-mail: [ismail.luma@economy.gov.mk](mailto:ismail.luma@economy.gov.mk)

Tel: +389 3251420 Fax:   +3892 3251403

For more detailed information concerning locations for construction of small hydro power plants, please visit the web page:www.moepp.gov.mk and [http://shpp.moepp.gov.mk](http://shpp.moepp.gov.mk/)**.**

**15. Legal protection**

Each bidder shall have the right to an appeal within eight days from the day of receipt of the decision on the selection of the most favourable bid or within 15 days from the day of submission of the decision for procedure annulment. The appeal shall be filed before the State Commission deciding on appeals for public procurements, which decides on appeals in accordance with the Law on Public Procurements.

**Commission for Concession Awarding Procedure**