



HRVATSKA BANKA ZA OBNOVU I RAZVITAK

SIMPLE PROCUREMENT

File reference number: EVB 098-21

## INVITATION TO TENDER

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in a simple procurement procedure for legal services to be rendered by an expert in Marshall Islands law – Group I.

Zagreb,  
July 2021

## I. GENERAL INFORMATION

### 1. INFORMATION ON CONTRACTING AUTHORITY:

Name: Hrvatska banka za obnovu i razvitak (HBOR, Croatian Bank for Reconstruction and Development)

Headquarters: Zagreb, Strossmayerov trg 9

PIN: 26702280390

### 2. CONTACT PERSON OR CONTACT UNIT:

Contact:

Dinko Bačić / Legal Support to Special Finance Department

Phone: +385 1 4597 830

E-mail: [dbacic@hbor.hr](mailto:dbacic@hbor.hr)

Boris Savić/Procurement Unit

Phone: +385 1 4590 437

E-mail: [bsavic@hbor.hr](mailto:bsavic@hbor.hr)

## II. INFORMATION ON PROCUREMENT SUBJECT MATTER AND PROCEDURE

### 3. FILE REFERENCE NUMBER OF PROCUREMENT – Group I.:

EVB 098-21.

### 4. ESTIMATED VALUE OF PROCUREMENT:

100.000,00 HRK, Group I.: 52,000.00 HRK, VAT not included.

### 5. NAME OF PROCUREMENT SUBJECT MATTER – Group I.:

Legal services to be rendered by an expert in Marshall Islands law.

### 6. DESCRIPTION OF PROCUREMENT SUBJECT MATTER:

HBOR has concluded a loan agreement with a Croatian company (the „Loan Agreement“). The financing under the Loan Agreement is to be secured, inter alia, with a mortgage on a ship registered in the Croatian ship registry (Ship) which is owned by a company seated in the Marshall Islands (Mortgagor). As the Ship is registered in the Croatian ship registry, HBOR will draft the mortgage agreement (which will be governed by the Croatian law and drafted in Croatian language; the „Mortgage Agreement“) and register the mortgage on the Ship in the Croatian ship registry.

Having in mind previously mentioned, your engagement would include:

1. review of the English version (translated from Croatian) of the Mortgage Agreement

2. review of the English version (translated from Croatian) of the provisions of the Loan Agreement regarding the mortgage
3. issuance of a legal opinion.

Regarding the legal opinion, HBOR usually accepts advisor's standard legal opinion forms, but the text should, at least, contain the following confirmations exclusively from the aspect of the Marshall Islands law:

1. confirmation that the Mortgagor is authorized to enter into the Mortgage Agreement,
2. confirmation of the corporate authority of the Mortgagor's representatives,
3. standard due diligence checks of the Mortgagor and the necessary corporate resolutions, based on the documents delivered to the tenderer,
4. confirmation that the obligations of the Mortgagor in the Mortgage Agreement constitute legal, valid and binding obligations and do not contravene any existing applicable law, statute, rule, regulation or constitutional documents to which the Mortgagor is subject,
5. confirmation of all authorizations and approvals in connection with the validity and enforceability of the Mortgage Agreement have been obtained,
6. confirmation that according to the registers and data available to the tenderer (if any) no litigation, arbitration, administrative or other proceedings are presently current or pending against the Mortgagor which would be reasonably likely to have an effect on its obligations under the Mortgage Agreement,
7. other legal issues, if any, based on your knowledge of the legal system in Marshall Islands.

**7. AWARD CRITERION:**

The lowest price.

**8. PLACE AND DURATION OF SERVICE PERFORMANCE:**

Marshall Islands, no later than 30. July 2021.

**9. LIST OF FEES AND/OR EXPENSES AND/OR TECHNICAL SPECIFICATION:**

List of fees and/or expenses in accordance with Item 6 of the Invitation to Tender.

### **III. PROVISIONS ON TENDERER'S ABILITY**

**10. TERMS AND CONDITIONS OF ABILITY AND GROUNDS FOR EXCLUSION:**

- The Tenderer may, before making a decision on selection, request from the tenderer that submitted the most favourable tender, evidence proving that there are no grounds for exclusion prescribed by Article 251 and Article 252 of the Public Procurement Act (Official Gazette No. 120/16).
- Declaration of possession of expertise and experience in relation to the subject matter of the procurement – attachment 1.

### **IV. TENDER DATA**

**11. LANGUAGE OF THE TENDER:**

The tender is submitted in the English language.

**12. TENDER VALIDITY PERIOD:**

The period of tender validity is 60 (sixty) days from the expiry of deadline for submission of tenders. The contracting authority will reject any tender with a shorter option than the requested one.

**13. DEADLINE FOR SUBMISSION OF TENDERS:**

18. July 2021.

**14. MANNER OF TENDER PREPARATION:**

Tender must be binding and unconditional. It must contain the name and headquarters of the tenderer, address, PIN, account number, address for postal delivery, e-mail address, contact person of the tenderer, phone number, subject matter of procurement, tender price VAT not included, VAT amount, tender price VAT included if the tenderer is subject to the VAT system, information whether the tenderer is subject to the VAT system, date of the tender and tender validity period.

Please note that in case you submit a tender offer it **can not exclude the delivery of certain requested items listed in Item 6** of the Invitation to Tender and it has to be for a **fixed fee**.

**15. MANNER OF TENDER SUBMISSION:**

Tenders are submitted by electronic means to the following e-mail:

[jednostavnabava1@hbor.hr](mailto:jednostavnabava1@hbor.hr)

**V. DEADLINE, MANNER AND TERMS OF PAYMENT**

**16. DEADLINE, MANNER AND TERMS OF PAYMENT:**

The contracting authority will pay the performed services of the respective procurement not later than within 30 (thirty) days from the receipt of the tenderer's invoice.

**VI. MISCELLANEOUS**

**17. PUBLICATION OF RESULTS OF THE IMPLEMENTED SIMPLE PROCUREMENT PROCEDURE:**

Information on the selection of the most favourable tender will be submitted to the tenderer by the contracting authority not later than within 45 (forty-five) days from the expiry of the deadline for submission of tenders.

**18. DATE OF PREPARATION OF INVITATION TO TENDER:**

13. July 2021.

Yours sincerely,

Procurement Unit  
Boris Savić (signed)



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I declare that I have expertise and experience in relation to the subject matter of the procurement.

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Tenderer