



HRVATSKA BANKA ZA OBNOVU I RAZVITAK

SIMPLE PROCUREMENT

File reference number: EVB 128-20

## INVITATION TO TENDER

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in a simple procurement procedure for legal services to be rendered by an expert in law

Zagreb,  
November 2020

## 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:

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## II. INFORMATION ON PROCUREMENT SUBJECT MATTER AND PROCEDURE

### 3. FILE REFERENCE NUMBER OF PROCUREMENT:

EVB 128-20.

### 4. ESTIMATED VALUE OF PROCUREMENT:

HRK 199,000.00 HRK, VAT not included

### 5. NAME OF PROCUREMENT SUBJECT MATTER:

Legal services to be rendered by an expert in English law, Marshall Islands law and St Vincent and the Grenadines law.

### 6. DESCRIPTION OF PROCUREMENT SUBJECT MATTER:

Croatian Bank for Reconstruction and Development ("CBRD") has concluded a Loan Agreement (and 3 addendums) with a borrower (buyer) which is seated in the Republic of Marshall Islands, a co-debtor (builder) which is seated in the Republic of Croatia and a pledgor also seated in the Republic of Croatia. The facility is made available for construction, delivery and exploitation a vessel which is registered in the Republic of Croatia. The need has arisen to postpone the delivery deadline, so it will be necessary to further amend the Loan Agreement. The postponement of the delivery deadline is regulated via a document/s called a contract change order (to the Shipbuilding Contract "SBC"). As per information available to us to this date the builder and the buyer have signed 34 contract change orders which mostly stipulate modifications to the vessel's equipment and technical specifications, while some perhaps regulate delivery deadlines and changes in the purchase price.

The claims under the Loan Agreement (and its addendums) are, inter alia, secured with:

1. assignment by which the borrower's claims against the co-debtor (as the builder) related to the refund of advance payment with all ancillary rights, including the Guarantee of the Republic of Croatia, have been unconditionally assigned in favor of CBRD - Shipbuilding Contract Assignment between CBRD and the borrower executed under English law,
2. the right to Charter Hire and other rights under the Bareboat Charter Agreement and the Corporate Guarantee have been assigned in favor of CBRD - the Bareboat Charter Assignment between CBRD and the Borrower executed under English law,
3. the first priority pledge on shares of the borrower - the Share Pledge Agreement concluded between CBRD and the pledgor, seated in the Republic of Croatia, executed under the laws of the Republic of Marshall Islands and
4. the second priority mortgage (later became a first priority mortgage) has been created in favor of CBRD on another vessel - the Mortgage Deed concluded between CBRD and the owner (which is seated Liberia) of the vessel, as a mortgagor, executed under the laws of St. Vincent and the Grenadines,  
(hereinafter a), b), c) and d) together as "Security instruments").

Having in mind previously mentioned a tender must include a list of fees and/or expenses for:

1. a legal opinion regarding the compliance of the aforementioned (possible) amendments (to the Loan Agreement, SBC, BBC, etc.) and documents with the rest of the contractual documentation, particularly with the Security instruments (e.g. if the validity of the Security instruments is in any way effected and if any of the Security instruments need to be amended accordingly or perhaps some other documentation has to be amended or concluded or obtained),
2. compiling and reviewing the documentation that may need to be amended or concluded (e.g. addendums to the Security instruments) or obtained in relation to the aforementioned amendments.
3. Disbursements (if any).

**7. AWARD CRITERION:**

The lowest price.

**8. DURATION OF SERVICE PERFORMANCE:**

No later than 15. December 2020.

**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).

**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:**

9. November 2020

**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.

**15. MANNER OF TENDER SUBMISSION:**

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

[jednostavnabava4@hbor.hr](mailto:jednostavnabava4@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:

3. November 2020

Yours sincerely,

Procurement Unit

Boris Savić (signed)