

Pursuant to Articles 21 and 38 of the Law on Concessions (“Official Gazette of Montenegro”, No. 08/09), the Ministry of Transport and Maritime Affairs announces

**PUBLIC ANNOUNCEMENT  
FOR THE SUBMISSION OF PREQUALIFICATION APPLICATIONS FOR  
THE CONCESSION OF MONTENEGRO AIRPORTS**

In accordance with the Law on Concessions (“Official Gazette of Montenegro”, No. 08/09), at the proposal of the Ministry of Transport and Maritime Affairs (hereinafter: the Ministry), the Government of Montenegro adopted the concession act for awarding the concession for the Airports of Montenegro (International Airport Podgorica and International Airport Tivat) to a competitively selected best bidder (hereinafter: the Concessionaire) who shall establish and register a legal entity with seat in Montenegro to perform the concession activity.

**The subject of the concession is construction, reconstruction, modernization, maintenance and usage of the Montenegro Airports (hereinafter the “Project”).**

The intention is to provide, through the award of the concession, the necessary valorisation of Montenegro Airports in a long-term and sustainable manner that shall be in the interest of Montenegro and its further economic development.

The involvement of the private sector in the management of the Montenegro Airports is expected to result in improved passenger services, extension of routes, i.e. increased air accessibility and greater promotion of Montenegro as a tourist destination, which creates significant benefits at a national and regional level.

The selection of the private partner to implement the Project will be carried out in a two-tier procedure in accordance with Article 38 of the Law on Concessions (“Official Gazette of Montenegro”, No. 08/09) and in accordance with the Decree on a Closer Manner of Conducting Public Tenders in Open and Two-Tier Procedures for the Awarding of Concessions (“Official Gazette of Montenegro”, No. 67/09).

The two-tier procedure comprises:

- Phase 1: Request for Qualification (hereinafter “RFQ”), and
- Phase 2: Request for Proposals (hereinafter “RFP”),

All details pertaining to Phase 1 are provided in the RFQ documentation.

The right to participate in the tender procedure, namely, by submitting only one

proposal, is held by a domestic or foreign legal or natural person, acting as a sole bidder or in a consortium. A prospective bidder shall not have more than five members.

No prospective bidder may submit a prequalification application if:

- a) it or any of its members owns more than five percent of the shares (directly or indirectly) of another prospective bidder or another prospective bidder's member or of any of their respective affiliates; or
- b) any of its members has a direct or indirect legal or beneficial interest in 5% or more of the shares of another prospective bidder's member or of any of their affiliates; or
- c) another prospective bidder's member or any of its affiliates has a direct or indirect legal or beneficial interest of more than 5% or more of any of its members' shares.

If the prospective bidder or any of the members of the prospective bidder has a direct or indirect legal or ultimate interest in 5% or less of the shares of another prospective bidder or any of another prospective bidder's member or affiliates; or has a direct or indirect legal or ultimate interest of 5% or less of the shares of any of its members, this information must be provided to the contact at the bid commission at least ten days before the prequalification application submission deadline for approval by the bid commission.

No prospective bidder can be qualified if it or any of its members (in the case of a consortium) controls or is controlled by an airline company (or any other commercial aircraft operator).

### **Mandatory Conditions for Eligibility to Participate**

Prospective bidders shall have to demonstrate their eligibility to participate.

Not eligible to participate in the public bidding for the concession award are:

- companies, other legal entities and entrepreneurs who are the subject of bankruptcy or liquidation proceedings, except for reorganization procedure in accordance with the law governing insolvency of companies;
- companies, other legal entities, entrepreneurs and natural persons convicted by a final judgment for a criminal offense committed in the exercise of their professional activity;
- companies, other legal entities, entrepreneurs and natural persons having outstanding tax obligations and obligations under penalties

- imposed in criminal or misdemeanour proceedings, for a period of at least three years prior to announcement of the public announcement;
- business organizations, other legal entities, entrepreneurs, and natural persons performing activities (indirectly through a subsidiary or directly) or conducting transactions that are not in accordance with the sanctions issued by the United Nations Security Council or its committees or sanctions issued by Montenegro.

Prospective bidders shall prove their eligibility by submitting evidence according to each of the criteria issued by the competent authorities, which are no older than 90 days from the date of publication of this announcement.

Prospective bidders shall be required to provide evidence for demonstrating fulfilment of minimum tender requirements, in accordance with the prequalification documentation.

## **Qualification Criteria for qualifying bidders to participate in Phase 2**

The prospective bidders must fulfil all of the following technical and financial criteria:

### **Technical Criteria**

#### **Technical Criterion n°1**

The prospective bidder (if the prospective bidder is a consortium, the airport operator member) must demonstrate that the prospective bidder currently actively operates both landside and airside:

- a) at least one airport that provides its services to at least five million international passengers per year over the last three years, and at least one airport that services at least two million passengers individually per year over the last three years, or
- b) at least one airport that services at least ten million international passengers per year over the last three years.

#### **Technical Criterion n°2**

The prospective bidder (if the prospective bidder is a consortium, the airport operator member) must demonstrate responsibility for the (i) development, design, engineering, procurement and construction, or the (ii) management and monitoring of construction of an airport of a minimum aggregate value of EUR 300 million over the last ten years, with an aggregate construction value

of EUR 100 million in at least one airport.

### **Technical Criterion n°3**

The prospective bidder (if the prospective bidder is a consortium, the airport operator member) must demonstrate that it possesses its own operator licence, and not a licence provided through acquisition (agreement on business and technical cooperation or sale and purchase).

### **Technical Criterion n°4**

The prospective bidder (if the prospective bidder is a consortium, the airport operator member) must demonstrate that it possesses a confirmation of the quality services delivered to passengers, airport development, development of non-aeronautical facilities, and contribution to the air accessibility of the country by having the appropriate certificates.

## **Financial Criteria**

### **Financial Criterion n°1**

The prospective bidder (if the prospective bidder is a consortium, the financial member), must demonstrate that it has assets of at least EUR 200 million over the last five reported fiscal years.

In the case of a consortium, the aggregate assets of all members of the consortium must be at least EUR 400 million over the last five reported fiscal years.

### **Financial Criterion n°2**

The prospective bidder (if the prospective bidder is a consortium, the financial member), must demonstrate that it has financed infrastructural projects of an aggregate value of at least EUR 300 million, including at least one project worth EUR 100 million over the last 10 years.

### **Financial Criterion n°3**

If the prospective bidder is a consortium, the prospective bidder must certify that the share of the airport operator member shall be at least ten percent (10%)<sup>1</sup>.

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<sup>1</sup> The Airport Operator Member will be required to possess a minimum of 10% of the shares in the project Special Purpose Vehicle, in accordance with the concession agreement.

## **Submission of applications**

Applications for prequalification made in accordance with the guidelines from the RFQ documentation must be physically delivered to the bid commission no later than 12 p.m. Montenegrin time on November 25<sup>th</sup> 2019, to the following address:

***“Bid Commission for award of the concession for Montenegro Airports”  
Ministry of Transport and Maritime Affairs, Rimski trg 46, PC Vektra,  
81000, Podgorica, Montenegro.***

Submission of prequalification application electronically, by e-mail or by fax is not permitted.

The Ministry retains the right to extend the deadline for submitting applications for prequalification.

Opening of prequalification applications received as per the terms and conditions prescribed in the RFQ documentation shall be done by the bid commission on the same day at 1.00 p.m. Montenegrin time in the premises of the Ministry.

The decision of the bid commission on qualification for the RFP phase of the tender procedure shall be made within 30 days from the date of opening the prequalification applications and shall indicate the qualification or rejection of the application based on the determined prequalification criteria.

The prospective bidder who requires any clarification relating to the RFQ documentation may send an electronic request for clarification to the bid commission contact and copy the IFC coordinator.

Tender Commission Contact:	IFC Coordinator:
Ms. Milica Mićunović, Tender Commission Secretary Ministry of Transport and Maritime Affairs Phone: +382 20 234 179 +382 69 226 817 E-mail: <a href="mailto:amc@msp.gov.me">amc@msp.gov.me</a>	Mrs. Adele Paris, Project Coordinator IFC Transaction Advisory Services Phone: +381 11 330 8933 E-mail: <a href="mailto:Airports_Montenegro@ifc.org">Airports_Montenegro@ifc.org</a>

The prospective bidders who, after completing the evaluation of the prequalification applications by the bid commission, are designated as qualified bidders shall be invited to submit a bid, i.e. to participate in the RFP phase of the tender procedure.

Prequalification documentation for the project is accessible at the address <http://www.msp.gov.me/ministarstvo/Koncesije-Aerodroma-Crne-Gore>