

INVITATION TO TENDER FOR THE PROVISION OF REAL ESTATE SALES SERVICES THE SALE OF DIPLOMATIC REAL ESTATE IN NEW YORK (UNITED STATES OF AMERICA), TOKYO (JAPAN), BONN (GERMANY), AND BERNE (SWITZERLAND)

Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia, and the Republic of Serbia – as the sole Successor States to the former Socialist Federal Republic of Yugoslavia (hereinafter “the SFRY”) – and the co-owners of diplomatic and consular property of the SFRY, as the previous title owner, hereby issue an invitation to tender for the provision of the service of brokering the sale of the following immovable property¹:

- a) Permanent Mission of the SFRY to the UN, New York, USA (854 Fifth Avenue, N.Y. 10065); additional indicative data: block 1391, Lot 6, site area 3,600 sq. ft./30 x 120, gross living area 16,125 sq. ft, est. 1910;
- b) Residence of the Permanent Representative of the SFRY to the UN, New York, USA (730 Park Avenue, N.Y. 10021); additional indicative data: Apt. 16/17B, cooperative interest, 718/30.000 shares, block 1385, Lot 37, project name: Park 71st St. Corp., gross living area above grade 4,294 sq. ft., Act. Age: 1929;
- c) Embassy and residence of the SFRY in Tokyo, Japan (7-24, 4-chome, Kitashinagawa Shinagawa-ku, Tokyo); additional indicative data: land 316-37 Kita Shinagawa 4-Chome, Shinagawa Ward, Tokyo, registered total area 995.27 m² (app. 28 m x 30 m), building 316-37 Kita Shinagawa 4-Chome, Shinagawa Ward, Tokyo, total floor area 1,725.70 m² (size in building design document), time of completion 1965;
- d) Embassy of the SFRY in Bonn, Germany (Schlossallee 5, 5300 Bonn 2), additional indicative data: land register Mehlem, entry no. 2,865, building and garden/courtyard area 5,441 m², Schlossallee 1 and 5, floor area 1,565 m² (ground floor, cellar, attic, underground garage with 14 parking spaces);
- e) Embassy and residence of the SFRY in Berne, Switzerland (Seminarstrasse 5, 3006 Bern), additional indicative data: estate: nr. 199 Bern 4, land area: total 1,760 m², building gross area 540 m², garden area/courtyard 1,220 m², construction year: 1978.

The Successor States underline the following:

- The service of brokering the sale of all the immovable property listed above will be awarded to a single real estate agency, which will be awarded the contract by the Successor States;
- The deadline for submitting tenders is 30 days from the day following the issuing of this invitation to tender, while the Successor States will notify tenderers of their decision within 50 days from the deadline for submitting tenders;
- Among the references qualifying them to successfully broker the sale of the listed property, interested tenderers will submit the following documents, and define their conditions for providing brokerage services. In their offer, the interested tenderers will include:
 - a) Documents certifying that the tenderer is a registered company;
 - b) Documents proving that the tenderer has offices, branches, or partner organisations in the countries where the property on sale is located, operating in the listed cities (New York, USA; Tokyo, Japan; Bonn, Germany; Bern, Switzerland);
 - c) Documents showing the tenderer’s turnover amounted to at least US\$ 100 million² in the last three years;
 - d) Guarantee for the offer in the amount of US\$ 50,000.00 (the guarantee will be returned to the tenderer upon the signing of the brokerage contract);
 - e) Performance guarantee in the amount of US\$ 100,000.00 (the performance guarantee will be returned to the tenderer upon the completion of the contract);
 - f) Evidence of financial and business solvency;
 - g) Evidence of technical and professional capacities and references proving the successful provision of brokerage services;
 - h) Certificate of no conviction of the tenderer/legal entity and its CEO, in accordance with the legal provisions of the country of the registered seat of the tenderer and permanent residence of its CEO;
 - The period of validity of the tender shall be at least 90 days from the date of submission;
 - Interested tenderers will specify their tenders as a brokerage fee, which is a percentage of the total gross sales price of the property listed above;
 - The lowest brokerage fee shall be the decisive criterion in selecting the successful tenderer, provided that the tenderer meets all the above conditions;
 - Interested tenderers will submit their tenders (in a sealed envelope, marked with the designation ‘Do not open’) by registered mail addressed to: Stanislav Vidovič, Ministry of Foreign Affairs of the Republic of Slovenia, SI-1001 Ljubljana, Prešernova cesta 25.
 - The Successor States will provide appraisals of the market value of all the listed immovable property to the successful tenderer; the property’s appraised market value will represent the minimum asking price for the property concerned, unless otherwise decided by the Successor States;
 - The sale of the immovable property will be conducted preferably by way of public auction or by any other method in accordance with the local real estate market practice for each immovable property concerned, as advised by interested tenderers in their tenders;
 - The Successor States reserve the right not to select any tenderer, even if all conditions are met;
 - The immovable property listed in this invitation to tender may be sold separately or not. Each Successor State must confirm the sale of each immovable property under the terms to be negotiated with the best offer/potential buyer prior to concluding the sale if the purchase price offered is below the appraised market value or the minimum asking price.

¹ The information on property in this invitation to tender are only indicative. The Successor States accept no responsibility for their accuracy. Precise information may be obtained by consulting public databases of the countries where the immovable property is located. The Successor States will submit relevant data in their possession regarding the immovable property listed in this invitation to tender to the successful tenderer after the completion of the selection process.

² Or the equivalent in €, CHF, or ¥.

Contact details for additional information: gp.mzz@gov.si or sekretariat.mzz@gov.si.

TENDERER INFORMATION SHEET

Tenderer's legal name			
Tenderer's country of constitution			
Tenderer's year of constitution			
Tenderer's legal address			
Tenderer's authorized representative (name, address, telephone numbers, fax numbers, e-mail address)			
Eventual partner organizations in countries where the property for sale is located	a) New York: b) Tokyo: c) Bonn: d) Berne:		
Tenderer's turnover by year (indicated in local currency and in EUR applying the reference rates of the European Central Bank - http://www.ecb.europa.eu/home/html/index.en.html)	2013:	2014:	2015:
Submission of tender guarantee using the attached Form B-1 (<u>underline</u>)	yes	no	
Accept performance guarantee using the attached Form B-2 (<u>underline</u>)	yes	no	
Evidence of financial and business solvency (<u>underline</u>)	yes	no	
Evidence of technical and professional capacities and references proving the successful provision of brokerage services (<u>underline</u>)	yes	no	
Certificate of no conviction of the tenderer/legal entity and its CEO (<u>underline</u>)	yes	no	
Period of validity of the tender (minimum taking in consideration Invitation to tender)	(insert dd.mm.yyyy)		

provisions – deadline for submitting tender 30 days following issuing of invitation and notification of decision within 50 days from deadline for submission of tenders = 80 days)	
Brokerage fee (in % of total gross sales price of immovable property)	
Suggested method of sale for each immovable property	a) Permanent Mission, New York: b) Residence, New York: c) Embassy and residence, Tokyo: d) Embassy, Bonn: e) Embassy and residence, Berne:

TENDER BOND (GUARANTEE)

Name of the bank:

Place and date:

Beneficiary (Contracting Authority): Permanent Mission of the Republic of Slovenia to the United Nations in New York, 630 Third Avenue, 20th Floor, New York, N. Y. 10017, USA, representing the successor states of the former Socialist Federal Republic of Yugoslavia, namely Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia and the Republic of Serbia

Guarantee No.

In accordance with the Invitation to tender for the provision of real estate sales services – the sale of diplomatic real estate in New York (United States of America), Tokyo (Japan), Bonn (Germany), and Berne (Switzerland), dated _____ for the following transaction: 1. Service of brokering the sale of immovable property listed above by a single real estate agency, which will be awarded the contract by the successor states of the former SFRY

for the needs of the Contracting Authority (beneficiary of this guarantee), the Tenderer

is bound - in order to prove seriousness of the Tender in this procurement procedure - to submit a bank guarantee amounting to USD 50,000.00 (fifty thousand 00/100).

The bank is bound to pay the sum indicated in the following cases:

- a) if the Tenderer withdraws or changes the bid during the Tender validity period specified in the Tender (e.g. until the successor states of the former SFRY notify tenderers of their decision) or
- b) if the Tenderer having been notified of the acceptance of its Tender during the Tender validity period:
 - fails or refuses to conclude the contract in compliance with the provisions of the Instructions to Tenderers, or
 - fails or refuses to submit the performance bond in compliance with the provisions of the Instructions to Tenderers.

We hereby undertake to be bound within 15 days upon the receipt of the first written claim of the Contracting Authority to pay to the Contracting Authority the abovementioned sum without requiring any additional argumentation, if it states in its claim that this sum belongs to it due to the occurrence of one or both of the above cases and states which case or cases occurred.

The claim invoking the bond shall be submitted to the bank and it shall contain:

1. an original statement of the Contracting Authority invoking the performance bond in compliance with the aforementioned paragraph and
2. the original of the Tender Bond No. _____ / _____.

This bond decreases with each, by this guarantee, realized payment.

This bond shall be valid until the Tenderer is selected in the aforementioned Tender procedure and (in case the whole or partial Tender is accepted) until the moment when the selected Tenderer concludes the contract with the Contracting Authority and submits to it the performance bond, but no later than until the expiration of the validity of the contract.

If we do not receive any claim from you regarding the payment of the guaranteed sum within 90 days from the deadline for submitting tenders, this guarantee ceases to be valid regardless of whether it has been returned.

This guarantee is not transferable.

Any disputes between the beneficiary and the bank shall fall within the jurisdiction of the competent court in New York City and are subject to law, valid in New York City.

Bank
(Seal and signature)

INSTRUCTIONS FOR COMPLETING THE FORM*: Tender Bond (Form B-1)

The Tenderer may submit equivalent suretyship insurance with an insurance company with the same content as defined in this sample.

* These instructions need not be enclosed to the bid / the application.

PERFORMANCE BOND (GUARANTEE)

Name of the bank:

Place and date:

Beneficiary (Contracting Authority): Permanent Mission of the Republic of Slovenia to the United Nations in New York, 630 Third Avenue, 20th Floor, New York, N. Y. 10017, USA, representing the successor states of the former Socialist Federal Republic of Yugoslavia, namely Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia and the Republic of Serbia

Guarantee No.

In accordance with the contract _____ (contract title, contract number, date), concluded between the beneficiary and the contractor _____ (name of the Contractor) for the performance of _____ (subject matter of the contract), in the time limit _____ (date, days, months), in the quantity and quality, defined in the contract, the Contractor is bound to perform the following services:

Service of brokering the sale of immovable property listed above by a single real estate agency, which will be awarded the contract by the successor states of the former SFRY

On the Contractor's request, we hereby undertake to be irrevocably and unconditionally bound by this guarantee to pay USD 100,000.00 (in writing one hundred thousand 00/100) within 15 days upon the receipt of your first written claim, if the Contractor does not fulfill his contractual obligations in agreed quality, quantity and time limits defined in the aforementioned contract. Our obligation is also valid in case the fulfillment of contractual obligations is only partial.

The claim invoking the performance bond shall be submitted to the bank and it shall contain:

1. an original statement of the Contracting Authority invoking the performance bond in compliance with the previous paragraph, and
2. the original of the Performance Bond No. _____ / _____.

This performance bond decreases with each, by this guarantee, realized payment.

This performance bond shall be valid at the latest until _____. After the expiry of this date, the bond shall be void. Our obligation expires automatically regardless of whether the bond has been returned.

If at any time during the validity of this bond the beneficiary agrees with the Contractor to extend the time limit for the execution of the awarded project, or in case the Contractor fails to fulfill the contractual obligations, the Contractor and the bank may reach a mutual agreement to extend the validity of this bond.

This bond is not transferable.

Any disputes between the beneficiary and the bank shall fall within the jurisdiction of the competent court in New York City and are subject to law, which is valid in New York City.

Bank
(Seal and signature)

INSTRUCTIONS FOR COMPLETING THE FORM*: Performance Bond (Form B-2)

The Tenderer may submit equivalent suretyship insurance with an insurance company with the same content as defined in the sample.

* These instructions need not be enclosed to the Tender/ the application.