

According to the Decision of the Board of the Topionica i rafinacija bakra Bor d.o.o. u restrukturiranju (Copper smelting and refining plant Bor, Limited Liability Company, in restructuring) no. 37/1 dated 18 February 2006 and the Agreement of the Power of Attorney no. II, Cert.no. 3042/06 dated 22 December 2006, concluded between the Copper smelting and refining plant Bor L.L.C. in restructuring and the Privatization Agency,

**Privatization Agency of the Republic of Serbia** announces:

**PUBLIC INVITATION**

**FOR PARTICIPATION IN THE PUBLIC BIDDING FOR**

**PURCHASE OF THE PART OF ASSETS of the Copper smelting and refining plant Bor, Llc. in restructuring,**

**i.e.**

**Fabrika odlivaka Žagubica (Casting plant Žagubica)**

**«AS SEEN»**

**Sales Code: 310507-R-1854**

**1. Subject of Public Sale:**

Subject of sale are the immovable and movable assets owned by the **Copper smelting and refining plant Bor, Llc. in restructuring**, i.e. **Casting plant Žagubica**, which are constructions on the land covering the area of 4.05.64m<sup>2</sup>, which are placed on the Cadastral parcel no. 4394/1, 4423, 4424, 4425/1, 4426, 4427, 4428/1, 4429/1, 4429/3, 4430, all inscribed in the Possession Document no. 2480 of the Cadstral Municipality of Žagubica with production and secondary equipment, in accordance with the content of the selling documents. The subject facility comprises the total area of 4464 m<sup>2</sup> and consists of production plant, administration building, power plant, warehouse of paints and colours, porter's lodge, restaurant and neighbourhood facilities.

The stipulated assets are offered for sale as seen, without possibility of further complaints.

**Mandatory requirements of the Public Sale:**

The initial price at the Public Bidding amounts to **USD 775.710,00**.

The Sales-Purchase price is to be paid off AT ONCE.

Means of payment for the Sales-Purchase price can be SOLELY in domestic currency or in foreign convertible currency.

If a declared buyer is a domestic legal entity or individual, it can pay the Sales-Purchase price in the RSD equivalent, calculated according to the official intermediate exchange rate of the National Bank of Serbia (NBS) on the payment date.

### **Participation requirements:**

The right to participate in the Public Bidding have parties which have cumulatively fulfilled the following requirements:

- have purchased the Bidding documents;
- have signed the Confidentiality Agreement;
- have submitted the Application for participation in the Public Sale;
- have paid in the deposit for participation in the Public Bidding to the amount of **USD 232.713,00**, which can be paid in the RSD equivalent, calculated according to the official intermediate exchange rate of the NBS, current on the announcing date of the Public Invitation or have submitted the Bid Bond to the amount of **USD 232.713,00** along with the Application for participation in the Public Bidding, which can also be paid in the RSD equivalent, calculated according to the official intermediate exchange rate of the NBS, current on the announcing date of the Public Invitation for participation in the Public Bidding, and
- have registered for participation in the Public Bidding.

As a Bidder can apply also a Consortium consisted of domestic and/or foreign legal entities and/or individuals (hereinafter: Consortium). Through the Consortium Agreement members of Consortium have to authorize one of them to represent the Consortium (hereinafter: the Authorized Representative of the Consortium) to act on behalf of and for the account of the Consortium. The Consortium Agreement must stipulate the unlimited joint and several liabilities of all members of a Consortium.

The Consortium Agreement has to be submitted along with the Application for participation in the Public Bidding.

### **Selling (bidding) documents:**

Selling documents must contain:

- The Confidentiality Agreement
- Application form for participation in the Public Sale
- Draft Agreement on sale of assets
- Rules of the Public Bidding procedure – Instructions to Bidders
- Relevant property and legal documents
- Duplicate of the Public Invitation for participation in the Public bidding

Those who are interested can purchase selling documents at the price of **RSD 40.000,00** without VAT.

After the payment evidence has been submitted, the selling documents can be collected at the following address: Privatization Agency, Belgrade, 23 Terazije St, 5<sup>th</sup> floor, office 511.

The funds paid for the purchase of the selling documents are not to be returned.

**The selling documents are available to interested parties from 30 April 2007 until 22 May 2007, on working days from 09:00 to 16:00.**

The parties which have purchased the selling documents and signed the Confidentiality Agreement will be enabled to visit the Subject of sale.

The site visit schedule will be established in accordance with the Rules of the Public Bidding procedure – Instructions to Bidders.

**Contact person:**

Vuk Perić

Public Auction Center

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**Submission of Applications for participation in the Public Bidding:**

The Applications are to be submitted directly to the Privatization Agency, 23 Terazije St., Belgrade, 5<sup>th</sup> floor, office 511, in a sealed envelope, with the inscription:

Auction Sale Code: **310507-R-1854**

APPLICATION FOR PARTICIPATION IN THE PUBLIC BIDDING

Privatization Agency of the Republic of Serbia

23/V Terazije St, Belgrade

**The deadline for the Application submission for participation in the Public Bidding is 23 May 2007, at 17:00.**

Application for participation in the Public Bidding is to be completed in a separate form, which is an integral part of the Bidding documents. Along with the Application for participation in the Public Bidding, it is necessary to submit the signed and on each page initialed Draft SPA and the deposit payment evidence, i.e. the Bid Bond.

Incomplete and belated Applications shall not be taken into consideration.

The Commission for the Public Sale implementation will inform Bidders on approval of their Applications at the latest until one working day prior to the date of the Public Bidding performance.

The parties, whose Applications for participation in the Public Bidding have been approved, but who have failed to register, lose the right to be returned the deposit, i.e. the Bid Bond. The right to be returned the deposit, i.e. the Bid Bond, will lose also those parties, who have registered for the Public Bidding, but have failed to participate.

**Public Bidding performance:**

**Public Bidding will be held on 31 May 2007, at 14:00, at the address: Privatization Agency, Belgrade, 23 Terazije St, 2<sup>nd</sup> floor, Large Hall.**

**Registration of participants in the Public Bidding will be held on 31 May 2007, from 13:00 to 13:50, at the address: Privatization Agency, Belgrade, 23 Terazije St., 2<sup>nd</sup> floor, Small Hall.**

The method of the Public Bidding performance is described in detail in the Instructions to Bidders.

The deposit, i.e. the Bid Bond is to be returned to the participants who have not been declared buyers, within 10 days from the date of the Public Sale closing, except for the participant, who has bid the second-ranked offer at the Public Bidding.

**Conclusion of the Agreement on sale of assets:**

The text of the Draft Agreement on sale of assets cannot be changed.

The participant, who has been the first to bid the best offer in the course of the Public Bidding procedure and has been declared a buyer, will sign the Agreement on sale of assets with the seller.

The participant, who has been the first to bid the best offer in the course of the Public Bidding procedure, and has submitted to the Agency the Bid Bond along with the Application for participation, as a means of the deposit payment guarantee, has the obligation to pay the deposit amount into the Agency's account, not later than two days following the date of the Public Bidding performance.

If the declared buyer refuses to sign the Minutes on the Public Bidding or the Agreement on sale of assets or fails to pay the Sales-Purchase price within the established period, it will lose the right to be returned the deposit, i.e. the Bid Bond is to be cashed.

In the event that the declared buyer refuses to sign the Minutes on the Public Bidding or the Agreement on sale of assets or does not pay the Sales-Purchase price within the established period, but there have been other bids, the Agreement on sale of assets is to be concluded with the participant, who has bid the second-ranked offer, at the price, offered by that participant.

If the participant, who has bid the second-ranked offer in the course of the Public Bidding procedure, refuses to sign the Minutes or the Agreement on sale of assets or does not pay the Sales-Purchase price within the established period, it will lose the right to be returned the deposit, i.e. the Bid Bond is to be cashed.

**Right to amend the Public Invitation:**

Privatization Agency and the Copper smelting and refining plant Bor, Llc. in restructuring reserve the right to amend dates, deadlines and/or conditions set out in this Public Invitation, and shall bear no liability for potential costs or damages, which such corrections may cause to potential participants in the Public Bidding.

The Privatization Agency will inform potential participants on the amendments to the Public Invitation at the latest until the Public Bidding date.