

## Implementation of Public-Private Partnership in Culture and Recreation Gardens

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**Abstract:** This article talks about the activities of culture and recreation parks and their role today, the establishment of culture and recreation parks on the basis of public-private partnership.

**Key points:** culture, art, culture and recreation parks, public-private partnership, green zones, public partner.

Before talking about the processes of implementation of this public-private partnership in the field of culture and art, we will dwell in detail on the objects in the field and their tasks.

Recreational park (parks) - landscape architectural objects, covered with green crops, organized in a certain volumetric-spatial composition and classified according to their functions, location in the planning structure of settlements, as well as natural conditions, used for recreation of the population;

Green zones - areas of settlements for recreational purposes (elements of urban planning), as well as adjacent areas covered with green crops and performing nature protection functions and used for recreation of the population;

Public-private partnership is a legally formalized public partnership for a certain period of time in agreement with the district (city) administration for the purpose of solving socially important tasks under mutually beneficial conditions, attracting private investments, pooling resources, and distributing risks in the field of creating and using recreational parks. and a mutually beneficial partnership of a private partner;

State partner - for recreation parks attached to district (city) cultural departments - Ministry of Culture of the Republic of Karakalpakstan, regional cultural administrations and Tashkent City General Department of Culture or for recreation parks considered to be the founders of local state authorities - district (city) administrations;

A private partner is a legal entity that has concluded a public-private partnership agreement (concession agreement) with a state partner;

The selection commission is a collegial body established by the decision of the district (city) mayor to implement the selection procedures, including evaluation and comparison of applicants' applications, as well as to determine the winner of the selection;

Concession (concession agreement) is an agreement concluded for a certain period of time, according to which the state grants a foreign investor (concessionaire) the right to own land plots for construction, buildings and structures for reconstruction (without the right to save) and use them, as well as to equip recreational parks. products and incomes obtained by the concessionaire as a result of the concession activity are considered his property based on the volumes and conditions specified in the concession agreement.

The goals of public-private partnership in the establishment and use of recreation parks are:

to improve the services provided to consumers and to increase their accessibility by attracting foreign investments in the establishment, reconstruction, modernization, servicing or use of recreation parks;

ensure the efficiency of the use of the park property.

Public-private partnership is implemented in the following forms:

The plots of land in the territories of the active amusement parks are used for family recreation facilities, summer theaters, stages for performances of choreography and music groups and groups, lecture halls, reading rooms and libraries, attractions, dance halls and fields, tracks, children's towns, sports fields, separate fountains. or a complex of fountains, restaurants and shops, ski areas (used in winter), water sports and bathing facilities, jogging and walking paths, small architectural forms, monuments, statues, busts and other works of art , mobile circus arenas, mini-models of cities and some historical objects, living corners, buildings for creative amateurs, photo and video studios, computer game buildings, Internet cafes, boat stations (if there are large water bodies), medical centers, various sports and rental bases of cultural inventory for the construction of facilities;

reconstruction of recreational park buildings and structures for the purpose of receiving distributed income according to the lease agreement, and leasing them for further use;

allocating a plot of land, a building or structure to a foreign private partner for construction, reconstruction and equipment based on a concession agreement in accordance with the procedure established by law.

The composition includes the Ministry of Culture of the Republic of Uzbekistan, the Ministry of Economic Development and Poverty Alleviation, the Ministry of Finance, the Ministry of Construction, the territorial bodies of the Cadastre Agency under the State Tax Committee (or their powers are limited to district (city) units), as well as the selection commission, which includes representatives of local state authorities. conducts a competition when applications are received from at least two participants.

A fee in the amount of 0.25 of the base calculation amount determined by the law is collected by the selection commission for consideration of the application of the private partner and transferred to the special bank account of the state partner. The proposal of a public-private partnership project by a state partner or a private partner is the basis for a concession agreement in the implementation of public-private partnership in the establishment and use of recreation parks. A private partner who expressed a desire to participate in the organization of the entire recreation park or some objects on its territory under the terms of public-private partnership submits an appropriate application to the state partner.

#### **In the application:**

for legal entities - the name and location (postal address) of the private partner, for an individual - personal information and residential address;

project implementation goals;

information about the proposed object or plot of land.

The received application on the implementation of the public-private partnership project will be considered by the state partner together with the district (city) administration within ten days from the date of receipt of the application.

After the review of the application and the creative conclusion of the district (city) administration, the state partner will announce the competition. If the application is submitted in violation of the requirements, the documents will be returned to the applicant within one working day. In the submitted application, the notification of the violations of the requirements is submitted to the

private partner in written form, including the violation of certain norms of the law through the electronic information system, and the period during which the private partner can eliminate the specified violations and submit the documents to the state partner for re-examination (sent). The time period for the private partner to eliminate the violations and provide documents for re-examination should not be less than ten working days from the date of receipt of the written or electronic notification.

Resubmitted documents are considered received on the day of resubmission. There is no fee for re-examination of the application.

Public-Private Partnership Project Proposal Announcement can propose a public-private partnership project.

The state partner, together with the district (city) culture department, as well as the directorate of the recreation park, determines the land plots, buildings and structures to be put up for competition before the start of the competition. Within 30 calendar days before the beginning of the competition, the state partner will place the announcement on the official website of the Ministry of Culture, in other mass media, including the periodical publications of the Council of Ministers of the Republic of Karakalpakstan, regions and Tashkent city hokims. The tender announcement must include the following information:

- name and location (postal address), contact phone number and email address of the partner country;
- the name, location, number and classification of the facility;
- conditions for the implementation of the public-private partnership project;
- the minimum size of investment and social obligations required by the forms of implementation of public-private partnership;
- the date, time and place of holding the competition;
- the deadline for receiving tenders (with the date and time indicated).

To participate in the private partner competition, the public partner submits an application with the following documents attached:

information about the absence of debts for taxes, fees, other mandatory payments and financial sanctions, as of one month before the date of submission of the order for participation in the competition;

information about the net assets of the private partner, the guarantee of at least 25 percent of the project value from another organization confirming the financial possibilities of implementing the public-private partnership project;

draft proposal for the construction (reconstruction) of the recreation park;

preliminary technical and economic indicators of the construction of the amusement park;

Contestants who are in the process of reorganization, liquidation, or bankruptcy, or whose property has been seized, are not allowed to participate in the competition.

The participant whose tender proposal is considered the most suitable for the implementation of the public-private partnership project is recognized as the winner of the tender.

Also, according to the results of the competition, the reserve winner whose bid parameters are in accordance with the competition conditions, but are lower than the parameters proposed by the winner according to the competition documents, will also be determined. If the winner of the competition refuses or refuses to sign the public-private partnership agreement within ten working days, the agreement will be concluded with the reserve winner. The contract with the reserve winner is concluded in the same manner as the contract with the winner of the competition. If the reserve winner of the competition refuses or refuses to sign the public-private partnership agreement within ten working days, the results of the competition will be canceled and the competition will be

repeated within the time limits determined by the decision of the selection commission. The conditions of the initial selection will not be revised during the re-selection. If an application is received from only one participant, the competition will not be held, and the decision will be made by the selection committee within five working days after the 30-day period from the announcement of the competition, based on the results of the review of the participant's application and the documents attached to it.

The selection commission makes a positive or negative decision based on whether the private partner's proposal meets the following:

to the conditions of implementation of the public-private partnership project;

depending on the forms of implementation of public-private partnership — to the requirements of the minimum amount of necessary investment and social obligations.

The state partner is obliged to inform the participants of the competition by placing information on its official website on the day of the decision of the competition commission on the results of the competition. If the contestant is dissatisfied with the decision, he has the right to appeal to the court. Based on the positive decision of the selection commission, the state partner and the private partner will draw up legal documents and a lease agreement or concession agreement within ten working days from the date of adoption of this decision.

To return land plots to private partners after the specified period for leasing land plots and land plots in recreation parks attached to district (city) cultural departments, buildings and structures, equipment and attractions to district (city) cultural departments, land in recreation parks that are the founders of local government bodies plots, buildings and structures, equipment and attractions will be given on the basis of long-term lease for up to 49 years, provided that they are transferred to state enterprises. Land plots, buildings and structures, equipment and attractions, if necessary, will be made suitable for further use in accordance with the established technical regulations. Depending on the form of implementation of the lease agreement or concession agreement, it should include the following:

object and volume of private investments;

validity period and conditions of the lease agreement or concession agreement;

commissioning of the recreation park and its period of operation;

rights and obligations of the parties to the lease agreement or concession agreement;

information on sources of financing, project implementation schedules, technical control procedures for project implementation;

the procedure for monitoring and evaluating the level of implementation of the public-private partnership project;

requirements for the quality of services provided and (or) provided during the implementation of infrastructure objects, public-private partnership projects;

procedure and terms of submission of reports on fulfillment of obligations by the private partner;

the procedure and conditions for the distribution of risks related to the execution of a lease agreement or a concession agreement between a state partner and a private partner;

the procedure for ownership and use of infrastructure facilities provided by the state partner to the private partner for the implementation of the public-private partnership project;

the procedure for the use and maintenance of the recreation park or some of its facilities;

the procedure and terms of design, construction, reconstruction, repair and modernization of the recreation park or some of its objects;

the procedure for distribution of the right to an object or other property established during the execution of a lease agreement or concession agreement after the expiration of their validity period;  
the responsibility of the parties to comply with the terms of the lease agreement or concession agreement;

the procedure for making amendments and additions to the lease agreement or concession agreement;

the procedure for cancellation of the lease agreement or concession agreement, as well as the procedure for paying compensation and compensation for damages caused as a result of premature cancellation of the lease agreement or concession agreement;

sanctions for the private partner's failure to fulfill or fail to fulfill its obligations;

the procedure for resolving disputes arising during the implementation of a lease agreement or concession agreement.

The lease agreement or concession agreement may also contain other conditions that do not conflict with the law. The public partner provides the text of the draft lease agreement or concession agreement to the private partner in preparation for signing the lease agreement or concession agreement. When necessary, negotiations are held between the public partner and the private partner to agree on the terms of the lease agreement or concession agreement. The lease agreement or concession agreement is signed by the state partner and the private partner with the participation of local state authorities, one copy for each party - three copies.

The Ministry of Culture of the Republic of Uzbekistan maintains a single register of lease agreements or concession agreements. A lease agreement or a concession agreement shall be effective from the moment of signing by the parties and shall be valid until their expiration or cancellation. The lease agreement or concession agreement may be amended and supplemented in the following cases:

with the consent of the parties;

in connection with the introduction of amendments to the legal documents on the contractual relations of the state partner and the private partner related to recreation parks - at the request of the state partner;

according to the court order.

A lease agreement or a concession agreement is terminated in the following cases:

with the consent of the parties;

the private partner is in bankruptcy and liquidation;

if the private partner does not fulfill its obligations - at the request of the state partner;

in case the state partner does not fulfill its obligations - at the request of the private partner.

A lease agreement or a concession agreement is terminated upon their expiration. Expiration of the lease agreement or concession agreement does not release the parties from liability for their breach. Buildings and constructions in the territory of active recreation parks are sold and leased in accordance with the procedure established by law. The procedure for leasing land plots on the territory of recreation parks to private partners and the procedure for allocating land plots to foreign private partners for the construction of objects on the territory of recreation parks, as well as the procedure for the reconstruction and equipment of a state-owned object in the territory of a recreation park by a private partner are regulated by legislation.

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