



**CENTRALS I INFRAESTRUCTURES PER A LA MOBILITAT I LES ACTIVITATS
LOGÍSTIQUES, S.A.U. Empresa Pública de la Generalitat de Catalunya**

**SPECIFICATION OF ADMINISTRATIVE CLAUSES
SERVICE CONTRACT FOR DRAWING UP THE:**

**Basic project for the loading and unloading area of the El Far d'Empordà –
Vilamalla intermodal terminal**

Key: 2010/07/SER/PB_CARREGA_EM

October 2010

LIST OF MAIN CHARACTERISTICS FOR SPECIFICATIONS OF THE TENDER

Object:	Service contract for drawing up the “Basic project for the loading and unloading area of the El Far d’Empordà – Vilamalla intermodal terminal”
Lots:	Not applicable
Internal key:	2010/07/SER/PB_CARREGA_EMP
CPV code:	71300000-1
CPA code:	71.12
Form of procedure:	Ordinary
Awarding of contract:	Open
Standard regulation:	Yes
Financial status:	Economic and technical solvency as established in Annex 1
Business classification:	Not required
Estimated value of contract:	In agreement with the budget of the call for tenders
Budget for tender:	€335,000.00 (not including VAT)
Period of execution:	Six months
Variants:	Not admitted
Provisional guarantee fund:	Not applicable
Final guarantee fund:	10% of the Contract budget
Revision of prices:	Not applicable
Period of guarantee fund:	2 years
Presentation of tenders:	Place: CIMALSA (Entença 157, 4 th floor, 08028, Barcelona) Date: Until 2 December 2010 Time: 12.00
Opening of envelope 2:	Place: CIMALSA (Entença 157, 4 th floor, 08028, Barcelona) Date: 9 December 2010 Time: 10.00 . <i>(General evaluation of the CDs presented, of certification and that they contain the files requested)</i>
Opening of envelope 3:	Place: CIMALSA (Entença 157, 4 th floor, 08028, Barcelona) Date: 23 December 2010 Time: 10.00

(Evaluation of the economic offers)

Contracting Panel: CIMALSA (*DOGC no. 5528, 17.12.2009, page 94741*)

Digital support: All the documentation presented in envelope 1 (except the provisional guarantee where requested) and 2 must be in digital support, i.e. scanned and stored on a CD. The tenderer must digitally certify all documents. Certification of a file constitutes a declaration on the part of the tenderer of the authenticity of the documents included.

SPECIFICATION OF ADMINISTRATIVE CLAUSES

1. OBJECT OF THE CONTRACT

1.1. Object: This is a service contract for drawing up the “Basic project for the loading and unloading area of the El Far d’Empordà – Vilamalla intermodal terminal”.

The present tender is ruled by the following documents which will be part of the contract, and therefore they must be signed by the winner of the Contract at the time of formalisation to demonstrate their acceptance:

- **Technical Specifications**
- **Specification of Administrative Clauses (this document)**
- **Contract Type**

After publication of the call for tenders, interested parties may consult the documentation on the CIMALSA website (“Contractor profile”), www.cimalsa.es or www.cimalsa.cat. They can also go to the head office of CIMALSA, 157 Carrer Entença, 4th floor, 08029, Barcelona, between 9 am and 1 pm, Monday to Friday, except public holidays in Barcelona. Copies of the documentation will be given to interested parties, who will be charged the cost.

1.2. Lots: When applicable, lots for the Contract are identified in the list of characteristics.

1.3. CPA code: As stated in the list of characteristics.

1.4. CPV code: As stated in the list of characteristics.

2. REQUIREMENTS / SUITABILITY FOR THE CONTRACT

The Contract is for a basic project for the whole area of loading and unloading, with the corresponding organisation project for a precise evaluation of the investment costs, and the costs and characteristics of exploitation. The basic project must include both rail infrastructures and urbanisation of the terminal, as established in the Technical Specifications.

The call for tender for this Contract is for a specialised company, as CIMALSA does not have sufficient personnel with the necessary knowledge and experience to carry out the planned works.

3. ECONOMIC VALUE OF CONTRACT

3.1. Determination of prices: The system for determining the price is as stated in the contract type of the call for tender.

3.2. Estimated value of Contract: As stated in the list of characteristics.

3.3. Budget for tender: As stated in the list of characteristics. This is the maximum price for the tender for the Contract.

3.4. VAT: The calculation of the price quoted above does not include value added tax; VAT must be indicated separately.

4. CREDIT AVAILABILITY

All the necessary steps have been taken internally to ensure availability of funds to pay for the object of the Contract.

5. DURATION OF CONTRACT

5.1. Duration: The period of execution is as stated in the list of characteristics. The full duration of the Contract and the intermediate time limits are those set in the programme of works approved. They are written into the Contract and as such must be complied with.

5.2. Start: The time periods above begin from the date stated in the Contract.

6. ADMISSION OF VARIANTS

Variants or alternatives are accepted if this is stated in the list of characteristics.

7. EVALUATION OF TENDERS / AWARDING PROCEDURE

Opening and evaluation of the tenders is as stated in the list of characteristics.

The awarding procedure and type of contract is justified by the amount and specifications of the works required.

This call for tenders is subject to harmonized standard regulation, so the corresponding State and European regulation will be applied. As a result, any clauses in the administrative or technical specifications of this call for tenders which are in opposition or contradictory to these regulations are understood to be null and void, so do not invalidate this call for tenders.

8. PARTICIPATION IN THE TENDER

8.1. Persons able to participate: Natural and legal persons, Spanish or foreigners, temporary consortia or groupings, who are legally recognised and capacitated for the works, according to article 43 of the Spanish law on public sector and local entity contracts (LCSP), may participate when;

- a) They are excluded from the prohibitions on contracting according to article 49 in the LCSP, and can provide evidence for this through any of the means established in article 62 of the LCSP;
- b) They can provide evidence of the solvency required or the corresponding classification as stated in the list of characteristics;
- c) They have the business or professional capability to carry out the activity or service which is the object of the Contract;
- d) Their object or activity is directly related to the object of the Contract as stated in their statutes, rules of foundation or qualifications, for which evidence can be provided, and who have an organisation with sufficient personnel and material to carry out the Contract.

8.2. Accreditation:

- a) Spanish companies: If the company is entered in the Mercantile Register, certification is through a copy of the title of the legal valid status. If the company is not entered in the Mercantile Register, a copy of the valid statutes or act of foundation, in which figure the regulation of the activity, must be presented.
- b) Spanish individuals: A copy of the fiscal identification number (NIF) is required.
- c) Non-Spanish EU companies or individuals: A copy of inscription in the corresponding professional, society or commercial register of the country in question is required.
- d) Non-EU companies or individuals: A copy of the report, emitted by the embassy or consulate in Spain of the country of registration of the company, stating that the company figures in the corresponding professional, society, commercial or equivalent register, or that it normally operates locally in the area of the activities which is the object of the Contract.

8.3. Consortia or group of tenderers: Temporary consortia or groups of companies, set up for the Contract, may submit a tender with legalisation of the union only required if they are awarded the Contract. Each member of the consortium or grouping must present a written commitment to formalise the consortium or grouping if they are awarded the Contract, indicating their participation in the temporary consortium or grouping. These companies will be jointly liable to CIMALSA and one member must be designated as group leader or manager, with sufficient capacity to exercise and comply with the rights and obligations of the Contract throughout its duration.

Each member of the temporary consortium or grouping must provide evidence of their capacity to carry out the works, and of their economic and financial, and technical and professional solvency. The evidence provided by each member of the consortium or grouping will be checked to ensure that the consortium or grouping as a whole fulfils the criteria for selection.

8.4. Exclusion: Individuals or companies will be excluded from participation in the Contract if they have been involved in drawing up the technical specifications or the documents for the Contract, where this participation may restrict free competition or signify an advantage over other tenderers.

9. CLASSIFICATION AND SOLVENCY OF THE TENDERER

9.1. Classification: The tenderer must provide evidence, where applicable, of the business classification as stated in the list of characteristics. The requirement for classification does not exclude the need to provide evidence of solvency indicated in the two following sections.

9.2. Economic and financial solvency: Proof must be provided according to article 64 of the LCSP and included in **Annex 1**.

9.3. Technical and professional solvency: Proof must be provided according to article 67 of the LCSP and included in **Annex 1**.

9.4. Non-Spanish EU companies or individuals: In the case of companies from other member states of the EU or signatories of the European Economic Agreement, the

evidence required is according to articles 55.1 and 73 of the LCSP, article 9.2 of the general regulations on contracts of public administration (RGLCAP) and as included in **Annex 1**.

9.5. Non-EU companies or individuals: Proof of technical and professional, and economic and financial solvency is according to article 64 and 67 of the LCSP and as included in **Annex 1**.

9.6. Temporary consortia or groupings: All companies who form a temporary consortia or grouping must give evidence of solvency according to articles 64 and 67 of the LCSP and as included in **Annex 1**. Each member of the consortium or grouping must provide the required evidence of solvency. Where business classification is required, the members of the consortium or grouping are allowed to jointly present their respective classifications.

10. PRESENTATION OF DOCUMENTATION AND OFFERS

10.1. Location for presentation: Documents and offers must be presented at the location indicated in the list of characteristics, by the date and time indicated. Offers presented after the deadline will not be accepted under any condition.

10.2. Postal presentation: The offer can also be sent by post. In this case, the tenderer must have proof of the date of presenting the documents at the post office and inform the contracting authority of their transmittance, by fax (933 634 961) or by certified email (contractacio@cimalsa.cat) on the same day, which must be before the deadline for presentation of offers. Under no condition will a postal tender be accepted if the contracting authority has not received it within five calendar days after the deadline.

10.3. Effect and validity of offers: The offers are confidential and their submission implies that the tenderer accepts all the terms and conditions set out in the specifications, including annexes and all other documents which regulate this call for tenders, and a statement of compliance with each of the requisites to be contracted. The offer must be valid for a minimum of four (4) months from the date of opening of the economic offers.

10.4 Form of presentation: The tender must be signed by the tenderer or a representative and presented in three closed envelopes. On the outside of the envelope must figure:

- The title of the tender
- Number and content of the envelope
- Contact information of the tenderer: name, address, telephone, fax and **email address**
- The signature of the tenderer

The contact information, especially the email address, will be used for communication in general matters arising from processing, evaluating and awarding the Contract or any matter which may affect the tenderer.

Tenderers can present the document in Catalan or Spanish, or officially translated into Catalan or Spanish. Tenderers from other countries can also present the documentation in English, in a format (Word or similar) which allows free translation to Catalan (except legal documents, powers of attorney, and official or public documents) using applications freely available on the Internet. In case of doubts of interpretation,

the version translated in Catalan will override all others. If a foreign tenderer is awarded the Contract, any legal documents, powers of attorney, and official or public documents presented must be translated into Catalan before the Contract is granted.

10.5 Content of the envelopes

CONTENT OF ENVELOPE 1 - General documentation

Support: All documentation included in envelope 1 (except the guarantee where applicable) must be on digital support, i.e., scanned and stored on a CD. All documents (which can be saved in a single file) must be digitally certified by the tenderer. Certification of a file constitutes a declaration on the part of the tenderer of the authenticity of the documents included.

10.5.1. Companies not enrolled in the Generalitat de Catalunya electronic register of tenderers (RELI)

a. Legal recognition of companies and capacity to work

Documentation as evidence of the capacity to work and legal recognition as set out in clause twenty of these specifications.

In the case of a temporary consortium or group of companies presenting a joint offer, each member must present evidence of their legalisation and capacity. A private document must also be presented with the name of the companies forming the consortium or grouping, the percentage participation of each member, and the name of the person designated as group leader or manager who, throughout the duration of the Contract, will be the person fully able to respond to CIMALSA for the consortium or grouping. A document must also be presented, signed by a representative of each member of the temporary consortium or grouping, in which figures a commitment to legally constitute the temporary consortium or grouping in the case of being awarded the Contract.

b. Accreditation of representation and legal character of those signing the offer

A person who signs or appears in person as a representative of another must present the legal powers to do so and a notarised photocopy of their national identity card or passport. The power of attorney must be a copy of the public legal document entered in the corresponding official mercantile register.

c. Business classification, economic-financial and technical-professional solvency

As stated in clause nine of these specifications.

d. Declaration concerning exclusions for contracting

The tenderer must include a declaration stating that they are exempt from the prohibitions for contracting stated in article 49 of the LCSP, and that they have fulfilled all obligations relating to payment of tax and social security contributions, according to the model attached in **Annex 2**.

e. Original provisional guarantee

A provisional guarantee will be required if established in the list of characteristics.

In the case of temporary consortia or groupings, the provisional guarantee may be constituted by one or a number of the participating members. All members of the temporary union accept joint responsibility for covering the full amount of the guarantee required.

The provisional guarantee expires automatically and will be released to the tenderers immediately after the decision on awarding the Contract for which it is held. The provisional guarantee of the Contract winner will be retained until the final guarantee is constituted, and will be executed for tenderers who retire their offer before the Contract is awarded. The Contract winner may apply the provisional guarantee to the final guarantee or establish a new final guarantee. In the latter case, the provisional guarantee is cancelled simultaneously with the constitution of the final guarantee.

f. Jurisdictional acceptance of foreign companies

Foreign companies must include a declaration that they yield to the jurisdiction of the Spanish courts and tribunals regarding any order and for all incidents which derive, directly or indirectly, from the Contract, renouncing, if necessary, the jurisdiction of the country in which the tenderer is registered.

g. Business groups

When different offers are presented by members of the same business group (according to article 42.1 of the Code of Commerce) a specific declaration must be presented to this effect, according to the regulations specified in article 86 of the RGLCAP (general regulation of the law on public administration contracts, approved by Royal Decree 1098/2001, of 12 October). If this is not the case, the declaration need not be presented.

h. Number of disabled workers

Where the company has no less than 2% disabled workers, documentation demonstrating this should be included.

i. Offices in Spain

Foreign companies from outside the EU must provide evidence of having offices in Spain, with representatives legally capable of carrying out their operations, and entered in the Spanish Mercantile Register.

j. Commitment to assign materials and/or personnel

Statement of commitment by the company to assign, maintain and incorporate if necessary, when required by CIMALSA, sufficient and necessary personnel or material resources (without having to enumerate them in this statement) for the correct execution of the service, in accordance with the documentation which must be included in the offer.

k. Confidentiality

Where applicable, a declaration must be included stating which documents and/or data presented in the sections on character and solvency, in envelope number 1, the tenderer considers confidential. Documents which are for public access will not be considered confidential under any circumstances.

10.5.2. Companies enrolled in the Generalitat de Catalunya electronic register of tenderers (RELI)

Companies entered in the RELI of the Generalitat de Catalunya need only include, in envelope 1, a copy of the letter with the reference number of registration in the RELI, the provisional guarantee, if requested in the list of characteristics, and the applicable declarations included in “f” and “k” in section 10.5.1.

CONTENT OF ENVELOPE 2 – Technical proposal

Support: All documentation included in envelope 2 must be on digital support, i.e., scanned and stored on a CD. All documents (which can be saved in a single file) must be digitally certified by the tenderer. Certification of a file constitutes a declaration on the part of the tenderer of the authenticity of the documents included.

a. Technical report and methodology

A technical report must be included in envelope 2, **maximum** 15 pages, with the description of the methodology to be followed at each stage of the works, together with the relation between the critical points and activities in the development of the works and the determining factors of the area and project or professional services included in these specifications.

b. Programme and functional organisation

- b.1. In line with the technical report, a bar chart must be included of the predicted timing of the different tasks to be carried out, to set a deadline for drawing up the studies or providing the services, also indicating the most significant challenges in the execution of the Contract.
- b.2. Organisational proposal for the development of each activity defined in the programme, indicating the functional organisation.
- b.3 Plan to ensure project quality (PAQ-p), indicating the organisation of the teams and the work systems to ensure quality and completion within the time period set.

c. Additional resources and improvements

- c.1 Information on material and computing resources included in the execution of the Contract to guarantee the proposal is carried out.
- c.2 List of complementary or other services proposed by the tenderer in addition to those specified as required in the offer, included in the cost of the presented offer.
- c.3 Any data or report which may be considered of interest for a better evaluation of the offer.

CONTENT OF ENVELOPE 3 - Economic proposal

The economic proposal must be hard copy and prepared according to the model attached in **Annex 3**.

The economic proposal must include all costs which may be necessary to carry out the Contract in the conditions stated in these specifications and other documentation regulating this call for tenders, the Contract and the offer of the tenderer. It must also include taxes and fiscal charges of any kind which may be incurred on execution of the Contract.

10.6 Exclusion of offers

Without prejudice to other causes of exclusion established in these specifications and/or applicable regulations, the following will be excluded from participation:

1. Tenders which include handwritten documents and documents with omissions, errors or corrections which affect exact understanding of the conditions for evaluation of the offer, unless they can be corrected, and this is done within the deadline.
2. Tenders presented by any person for whom any of the circumstances stated in the LCSP, prohibiting the award of a contract, apply.
3. Offers which only refer to part of the object of the call for tenders.
4. Any tender presented after the deadline.
5. Two or more offers presented by the same person, acting as an individual or as a member of a temporary consortium or grouping of companies. In this case, all tenders presented by this person will be excluded.

11. Contracting panel

As stated in the list of characteristics.

12. Panel of experts

Not applicable, in compliance with the LCSP.

13. Evaluation of the offers

13.1. Opening and evaluation

First evaluation: The CIMALSA Contracting Panel will examine and select, after publicly opening the tenders, the legal validity of the documents in envelopes 1 and 2, and confirm that they contain all the documents required by these specifications or whether there is any omission or circumstance which would exclude the offer. If the Contracting Panel observes any defect which may be amended, this will be communicated to the tenderer, by certified email or other, so that the tenderer has the opportunity to correct the error within the time limit established by the Contracting Panel. Failure to correct the errors within this time limit will mean exclusion from further participation for the Contract. The Contracting Panel will decide on the admissibility and merits of the amendments presented by the tenderer. Prior to, or at the time of, opening envelope 3, the disqualified offers and the reason for exclusion will be made

known by the CIMALSA Contracting Panel.

Causes for disqualification: Specific causes for disqualification, apart from those stated in the applicable law, are due to:

- a) Not including any of the general documents required for presentation of the offer (envelope 1) or for the technical proposal of the offer (envelope 2), unless the Contracting Panel considers this may be corrected, and this is legally done within the time limit given.
- b) Not having sufficient economic-financial or technical-professional solvency.
- c) Lacking quality or with major defects, in the opinion of the Contracting Panel, in the technical proposal of the offer (envelope 2).
- d) The unjustifiable disparity of the offer.
- e) Any other lack of compliance with the terms or conditions of the specifications.

Opening: In accordance with the CIMALSA instructions for contracting, envelope 1 and 2 will be opened and evaluated once the deadline for presentation of offers is past. Envelope 3 will be opened publicly on the date indicated in the list of characteristics included in these specifications and the announcement of the call for tender.

13.2. Criteria for evaluation of offers

For the most advantageous evaluation of the proposals and the economic offer, attention should be paid to the evaluation criteria included in **Annex 4**.

13.3. Abnormal or disparate offers and reasons for exclusion

Determination of offers with abnormal or disparate prices must be carried out according to the procedure established in **Annex 4**.

13.4. Awarding

As this procedure is subject to harmonized standard regulation, that which appears in the prevailing LCSP will be applied.

Where the Board of Directors resolves the call for tenders as does the Contracting Panel, it is understood, unless otherwise stated, that the same grounds of the proposal will be adopted and accepted. Where the Board of Directors resolves the call for tenders distinctively from the Contracting Panel the reasons must be given.

CIMALSA reserves the right to limit adjudication to the acceptance of the conditions or requirements which can be established from viewing the proposals, with the object of completing or standardising them.

Participants will be notified by certified email or other means once the decision on awarding the Contract has been made.

The documentation in envelope number 1, except that of the winning tender, will be available in the CIMALSA offices, for all those interested, once the process of contracting has been finalised, and for a maximum period of one (1) month. After this period, the documents will be destroyed if they have not been collected.

For the award of the Contract to be completed, the Contract winner must prove that they have fulfilled all tax and social security obligations and have constituted a final guarantee. If this is not demonstrated, CIMALSA may award the Contract to the second

best offer, in compliance with the criteria stated, or may decide to open a new call for tenders.

13.5. Documentation required

Once notified of being awarded the Contract, the Contract winner must deliver the following to CIMALSA:

- The final guarantee, in the case of a bank guarantee, formalised according to the model attached in **Annex 5** of these specifications, for the amount indicated in the list of characteristics.
- In the case of a temporary consortium or grouping, the legal documentation for constitution and the assigned fiscal identification number.
- In the case of a foreign company winning the Contract, the translation of the public and official documents presented, not previously translated, except when CIMALSA expressly considers them exempt.
- In the case of the Contract winner not being enrolled in the RELI proof of fulfilling tax and social security obligations is required, namely:
 - IAE: Document accrediting payment of tax on economic activities in the current financial year, or the latest receipt for payment for the code of inscription corresponding to the object of the Contract, along with a statement of compliance for continuing to be registered for the tax. If the company is included in one of the exemptions stated in section 1 of article 83 of the law regulating local tax (Llei Reguladora de les Hisendes Locals), a statement of compliance is required, specifying the legal supposition of exemption.
 - AEAT: Certificate from the State Tax Administration Agency demonstrating that the company has fulfilled all tax obligations and no tax debts are due for payment to the State.
 - Social security: Certificate from the Treasury for social security payments demonstrating that the company has fulfilled all obligations for payment of social security contributions.
 - Generalitat de Catalunya: Certificate from the “*Intervenció General*” of the Generalitat de Catalunya, (through the department delegations, the Barcelona, Girona, Lleida and Tarragona delegations,) accrediting the lack of tax debts payable to the Generalitat de Catalunya.

In case of non-compliance, total or partial, of the obligations above, CIMALSA may retract the Contract from the winning tender in favour of the tender classified in second position, or may declare the call for tenders null and void.

13.6. Formalisation of the Contract

The Contract will be formalised in compliance with the type of contract attached to this List of Specifications, with an **electronic signature and digital certification**.

In the case of the Contract winner requesting the Contract be handled by a public notary, the costs will be payable by the Contract winner, who must also hand over an authorised second original and two simple copies to CIMALSA, within fifteen working days from the date of notarisation of the Contract.

ANNEX 1
ACCREDITATION OF ECONOMIC – FINANCIAL AND TECHNICAL –
PROFESSIONAL SOLVENCY

Proof of capacity

- A. Declarations by financial institutions
- B. Annual balance of accounts
- C. Declaration of business turnover
- D. Services implemented in the last ten years
- E. Declaration of the technical team

Specific requirements

D. Services implemented in the last ten years

Declaration by the representative of the company submitting the tender, indicating, by means of a diagram//spreadsheet, the similar or direct relation of the main finished works over the last ten years to the object of the call for tenders, in order of:

1. Projects freight rail terminals, indicating the value of the works, drawing up the project, the terms and whether public or private funded. **(A minimum of 5 projects are required, of which 2 must refer to projects implemented for operational inland terminals.)**
2. Road infrastructure projects, for planning or construction, or urbanisation projects for industrial and/or logistic zones, indicating the value of the works, drawing up the project, the terms and whether public or private funded. **(A minimum of 5 projects are required.)**
3. Proof of experience of **5 years exploitation** of a freight terminal and/or freight rail operator. (This may be a collaborator.)

In the case of temporary consortia or groupings, each member must separately provide evidence of their contribution to technical or professional solvency.

Proven experience is accumulative for determining the technical and professional solvency of temporary consortium or grouping.

E. Declaration of the technical team

A specialised technical team must be formed to carry out the works for this Contract.

The technical team will be coordinated and managed by a competent technician who will be authorised to assume responsibility as author of the study and act as the delegate for the Contract winner (Consultant), with competency to act on behalf of the Consultant and to maintain contact with CIMALSA.

The technical team will include those specifically responsible for the following areas:

- a) Head coordinator of the team
- b) Rail area
- c) Exploitation
- d) Urbanisation, services and affected services
- e) Environment
- f) Geology and geotechnical design
- g) Climatology, water and drainage

Where necessary, a person may be responsible for more than one of these areas.

To evaluate technical solvency, a diagram//spreadsheet must be presented with first names and surnames, national identity or passport number, year of qualifying, company and work carried out, of the technical team to ensure that each person responsible complies with the following requirements:

- a) For the head coordinator of the team and author of the project, with a university degree, **10 rail or road** (consultancy documents, or basic or construction projects) **projects, and/or urbanisation projects for industrials or logistic areas** are required.
- b) For the person responsible for the rail area, **2 projects implemented for rail terminals, constructed inland and operational, are required.** Projects for new terminals or alterations of the infrastructure of existing terminals for change in operation or function of the terminal are acceptable. Projects exclusively for electricity cabling, signalling, adaptation or renovation of freight platforms and loading bays, or maintenance will not be accepted.
- c) For the person responsible for exploitation, **a minimum of 5 years experience must be demonstrated, in exploitation of rail freight terminals and/or as a rail freight operator.** (This may be as a collaborator.)
- d) For the person responsible for the area of urbanisation, services and affected services, **experience in 5 projects of urbanisation of industrial and/or logistic zones of more than 20 ha** is required.
- e) For the person responsible for the environmental area, **participation in 5 environmental projects must be demonstrated.** (This may be as a collaborator.)
- f) For the person responsible for the area of geology and geotechnical design, **participation in the geotechnical design of 5 projects must be demonstrated.**
- g) For the person responsible for the area of climatology, water and drainage, **participation in the resolution of drainage and water studies for 5 infrastructure projects is required.** (Consultancy documents, basic or construction projects.)

A document accepting the responsibilities, signed by the technicians or designated

personnel, must also be provided. Where the person proposed is not a member of staff of the company presenting the tender, a document signed by the company in which the person works must, stating acceptance of the transfer must also be provided.

ANNEX 2

MODEL OF STATEMENT OF COMPLIANCE – PROHIBITIONS FOR CONTRACTING

I,, declare:

1. That neither..... (tenderer's name) nor its administrators and/or representatives are included in any of the situations which are stated in article 49 of the Llei de Contractes del Sector Públic (Law on Public Sector Contracts).
2. That the tenderer has fulfilled all tax obligations with the State, to date.
3. That the tenderer has fulfilled all social security contributions, to date.
4. That the tenderer has fulfilled all tax obligations with the Generalitat de Catalunya, to date.
5. That the tenderer is registered for tax payment for business activities (IAE), and all payments have been made, to date, for activities exercised subject to this tax.

.....

(Full name)

(Date)

.....

(Signature)

ANNEX 3

MODEL OF ECONOMIC OFFER

Having seen the announcement of the call for tenders in the press and read the conditions and specifications for awarding the *contract for preparing the “Basic project for the loading and unloading area of the El Far d’Empordà – Vilamalla intermodal terminal”*, I, Mr/Ms ***** resident at ***** (*full address*) in the name of ***** (*own company or that representing*) undertake to carry out the works, adhering strictly to the aforementioned conditions and specifications, for the quantity of ***** Euros (*write clearly, in words and figures, the amount for carrying out the service*), plus ***** Euros VAT, if applicable.

Total value of service (VAT not included): ***** Euros

(Date and signature of the tenderer)

ANNEX 4
CRITERIA FOR EVALUATION OF OFFERS

1. Evaluation of offers presented: The following criteria are taken into account:

a) Economic offer: maximum 40 points.

The maximum weighting (%) corresponds to the lowest offer as a reference. Fewer points are given to offers which are less economical, according to the formula:

$$P = 40 - ((b_{\max} - b)/4)*100$$

where **P** is the weighting for each tenderer

b_{max} is the lowest financial offer (%)

b is the financial offer of the tenderer (%)

b) Technical offer: maximum 60 points.

b.1. Technical report: maximum 40 points.

Evaluation takes into account the description of the methodology for the development of each of the works to be carried out, related to conditions, critical activities, challenges and other aspects which the tenderer considers relevant for correctly carrying out the works.

Higher weighting is given to proposals for methodology not defined in the technical specifications and not included in other sections (e.g. programming and functional organisation)

b.2. Programming and functional organisation: maximum 10 points.

Higher weighting is given for correct and accurate conception of the programme as well as the correct proportioning of the different activities and their precedents.

For the functional organisation, more points are given for the systems established for relations between the members of the team as well as those for controlling the quality and time limits of the works.

b.3. Additional resources and improvements: maximum 5 points.

Resources available for the Contract, mainly technical software, are also considered for the evaluation, taking into account that they are adequate for the correct development of the works.

Additional improvements will also receive more points, where they facilitate the development of the works and improve the final results.

b.4. Format for presentation of the tender: maximum 5 points.

The evaluation takes into account the structure of the offer, whether it is clear, well ordered, complete and in line with the order and numeration of the present specifications.

The **minimum number of points to be awarded the Contract** is 50, 30 points for the technical offer and 20 for the economic offer.

The Contract will be awarded to the offer with the highest weighting of all those admitted. CIMALSA can, however refuse all offers and declare the call for tenders null and void.

The Contract will be preferentially awarded to the company which employs a minimum of two percent disabled workers at the time of demonstrating their technical solvency, where the weighting of the company tender is equal to that with the highest weighting in consideration of the objective criteria which serve as the bases for awarding the Contract.

2. Disparity of the economic offer: Offers are considered as reference where they are not over the budget of the tender. When two or more companies within the same group present a number of offers, considering a group of companies when they are in one of the situations stated in article 42.1 of the Code of Commerce, only the lowest offer among them will be considered as a reference.

The average price is calculated as the mathematical average of all the offers admitted.

Economic offers are considered disproportionate when they are below 90% of the average.

If an economic offer is identified as being disproportional, the Contracting Panel will request from the affected tenderers, in writing, the information and justification they consider necessary in relation to the components of their offer. This must be complied with and received by the Contracting Panel within the period given to that effect. Once the requested information and justifications have been received, the Contracting Panel will agree on the admission or exclusion of the offer.

ANNEX 5

MODEL OF BANK GUARANTEE

(registered)

I,, in the name of and representing the bank, in capacity as the arising from the power of attorney conferred in the presence of the notary of, for Mr, dated, number, which is/are fully in force, hereby agree to act as joint guarantor for the company, in favour of "CENTRALS I INFRAESTRUCTURES PER A LA MOBILITAT I LES ACTIVITATS LOGÍSTIQUES, S.A. (CIMALSA)", up to the sum of Euros (*****% of the value of the Contract). Also to honour and guarantee payment of the full amount payable by the aforementioned company for all the obligations specified in the Contract awarded for the service of *drawing up the "Basic project for the loading and unloading area of the El Far d'Empordà – Vilamalla intermodal terminal"*.

The guarantee is given by the bank, expressly and legally renouncing legal reclamation, division procedures, orders or any other rights which may be applicable. To that effect the Bank declares that it is responsible, irrevocably, jointly and in solidarity with the company, for full payment to "CENTRALS I INFRAESTRUCTURES PER A LA MOBILITAT I LES ACTIVITATS LOGÍSTIQUES, S.A. (CIMALSA)", of the aforementioned service. When requested, payment will be made, unconditionally, within a maximum of eight calendar days, of the sum or sums due, which, up to agreement with the figure for which the Bank stands surety, (**** % of the value of the Contract) Euros, as expressed in the requirement, the Bank, expressly and solemnly renounces, without exception or reservation, all exceptions and reservations for payment of the amounts reclaimed, for whatever cause or reason these may be based on, including when opposition of reclamation is expressed by, or by any third party.