

**FOLDER OF SPECIFIC ADMINISTRATIVE CLAUSES GOVERNING THE  
PROJECT TENDER, WITH THE INTERVENTION OF THE JURY, FOR THE  
SELECTION OF THE BASIC PROJECT OF THE “VEGA BAJA MUSEUM” IN  
TOLEDO**

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## CHAPTER I

### GENERAL PRECEPTS

#### 1. JUSTIFICATION FOR AND OBJECTIVE OF THE CONTRACT

1.1 The aim of this tender is to reach an initial conceptual, typological, and architectural definition of a building that has three functions that are both distinct and closely related to each other: a Museum, a Site Interpretation Centre, and a Research Centre. All this is in accordance with the general programmes of these three areas, which are defined in the document entitled “Museum-CIS-CIP” on the website of TOLETUM VISIGODO S.L. (henceforth TOLETUM).

To these effects, the jury will select from the proposals presented by the entrants selected to pass to the second phase the basic project containing the architectural design that best resolves the heritage, functional, representative, and aesthetic requirements in relation to the surroundings and the budget, in accordance with that indicated in this Folder and in the Needs Programme referred to in the following paragraphs.

1.2 TOLETUM, as the party responsible for the administration of the Toledo Vega Baja, assumes in this respect and by virtue of the agreement formalised by the Association of Regions of Castilla-La Mancha, the Fundación Cultura y Deporte, and Toletum Visigodo S.L. on 25th September 2009 the call for and the processing of this tender in order to select the basic project that best brings together the determining factors established in this Folder, without detriment to the fact that it will subsequently be the Association of Regions of Castilla-La Mancha (*Junta de Comunidades de Castilla-La Mancha*, JCCM) that proceeds to award the contract for the drawing up of the project of execution and other aspects of the execution of the works for the “Vega Baja Museum” project of Toledo.

1.3 According to the foregoing, the project selected will form the basis of the project of execution and the health and safety study, the drawing up of which will subsequently be awarded to it, by means of the negotiated procedure held by the JCCM, to the winner of the tender for the basic project, according to that anticipated in Article 168.2b) of Law 30/2007 of 30th October on Public Sector Contracts (*Ley de Contratos del Sector Público*, LCSP). Likewise, and also by means of the negotiated procedure, it will be entrusted with the technical and facultative management of the works and the health and safety coordination, which will be shared with the technicians appointed by the contracting Administration.

1.4 The location of the building that is the subject of the contract is the area of the Vega Baja in Toledo, on the plot indicated on the plans attached as Annex I, and the project will undertake the construction of the building in accordance with the Needs Programme that accompanies this Folder as Annex II. Nevertheless, the entrants may propose an alternative location on the land publicly owned, to which effects the necessary documentation necessary for the identification of this land will be provided.

1.5 The codification corresponding to the nomenclature of the common vocabulary of public contracts (CPV) is 71200000-0 “*Architectural and connected services*”, and that corresponding to the classification of products by activities (CPA) is 74.20.0 “*Technical consultancy services in architecture, engineering, and related services*”, corresponding to category 12 of Annex II of the LCSP (CPV code in accordance with Regulation (EC) no. 213/2008 of 28th November, which modifies the common vocabulary of public contracts as referred to in the aforementioned Annex II).

## **2. CONTRACTING BODY AND PROFILE OF THE CONTRACTING PARTY**

- 2.1 The contracting body is the Board of Directors of TOLETUM, a public corporation subject as an adjudicating power to the legal principles of the LCSP.
- 2.2 In the profile of the contracting party of TOLETUM, by using its website ([www.teletumvisigodo.eu](http://www.teletumvisigodo.eu)), the entrants can have access to information on and the rules of the tender, together with whatever additional data and information may be useful for the presentation of the projects as requested by the entrants.

## **3. LEGAL SYSTEM OF THE CONTRACT**

- 3.1 The contract referred to in this Folder is considered to be a private contract in accordance with that anticipated in Article 20.1 of the LCSP.
- 3.2 The preparation and adjudication of the contract to which this Folder refers will be governed by this Folder and in addition, owing to the nature and the amount of a contract subject to harmonised regulation, by the LCSP and its development precepts. In addition, the remaining regulations of administrative law will be applied, or if appropriate those of private law.
- 3.3 As for its effects and termination, the contract will be governed by this Folder and other contractual documents. In addition, the remaining regulations of private law will be applied.
- 3.4 Likewise, taking into account the subject of the tender, the special contracting rules set down in Section Six of Chapter I, of Section I, and of Book I of the LCSP for project tenders will be applied.

## **4. AMOUNT OF THE PARTICIPATION PREMIUMS AND ESTIMATED VALUE OF THE CONTRACT**

- 4.1 The tender will be provided with a participation premium of thirty-four thousand four hundred and eighty-two euros and seventy-five cents (34,482.75 €) plus the corresponding VAT, payable to all tender participants selected to present their proposals for the second phase of the tender. These participation premiums will be paid once the complete documentation of their proposal has been provided, in the terms set down in Clauses 12 and 13 of this Folder.

- 4.2 To the effects of that set down in Article 168.4 of the LCSP, the estimated value of the services contract that may subsequently be adjudicated by the JCCM is considered to be the amount of one million eight hundred thousand euros (1,800,000 €), plus the corresponding VAT, with the following breakdown:
- Maximum budget for drawing up the execution project and the health and safety study: one million two hundred thousand euros (1,200,000 €), plus the corresponding VAT.
  - Maximum budget for the technical and facultative management of the work: six hundred thousand euros (600,000 €), plus the corresponding VAT.
- 4.3 The amount of this project tender, in accordance with that established in Article 168.4 of the LCSP, comes to two million one hundred and forty thousand eight hundred and twenty-seven euros and fifty cents (2,144,827.50 €), plus the corresponding VAT, a total amount that is equivalent to the sum of the participation premiums in the tender referred to in Stipulation 4.1 of this Folder, and of the estimated value of the service contract associated with the resolution of the tender that may subsequently be adjudicated by the JCCM.

## **5. CAPACITY FOR CONTRACTING**

- 5.1 The following entities may participate in the tender: natural or corporate persons whether from Spain or elsewhere, either individually or in a temporary union of employers, (i) that have full operating capacity; (ii) that are not affected by the prohibitions of contracting with the Public Sector set down in Article 49.1 of the LCSP, or by the incompatibilities anticipated in the said article, under the terms and conditions set down in the same, or in Law 11/2003 of 25th September of the Regional Government and Advisory Board of Castilla-La Mancha; and (iii) those accrediting their economic, financial, and technical or professional solvency in the terms established in this Tender.
- 5.2 Moreover, in the case of corporate persons, the considerations of the contract associated with this tender must be included within the purposes, objective, or scope of activity characteristic of them according to their charter or foundational rules.
- 5.3 Companies from outside the European Union must also fulfil the requirements established in Article 44 of the LCSP.
- 5.4 The following may not participate in the tender that is the subject of this Folder: the members of the jury (whether individually or as part of a company or association of companies), their members or habitual collaborators, or relatives of the members of the jury to the fourth degree of consanguinity and second of affinity.

## **6 PROCEDURE AND PHASES**

6.1 The tender that is the subject of this Folder will be resolved by means of the procedure of the project tender in accordance with that established in Article 168.2b) of the LCSP.

6.2 The tender will consist of three phases:

- Phase 1: the selection of entrants
- Phase 2: the presentation and assessment of proposals
- Phase 3: determining the winning project

## **CHAPTER II**

### **PRESENTATION OF PARTICIPATION APPLICATIONS BY THE INTERESTED PARTIES AND SELECTION OF ENTRANTS**

#### ***SECTION 1 - PRESENTATION OF PARTICIPANT APPLICATIONS AND DESCRIPTION OF THE DOCUMENTATION***

#### **7. PRESENTATION OF THE PARTICIPATION APPLICATIONS BY THE PARTIES INTERESTED IN TAKING PART IN THE TENDER**

7.1 The participation applications will be presented in the manner, within the deadline, and at the place indicated in the announcement of the tender and in this Folder and will include the documentation required in the same.

7.2 The presentation of the documentation and any notifications that may be necessary during the process must be addressed to:

**TOLETUM VISIGODO, S.L.**  
Calle Trinidad 5 – 1º A  
45002 Toledo, Spain

In their turn, notifications from the contracting body to the interested parties will be made through the person, postal address, telephone or fax numbers, and electronic mail address that they have indicated in their application to participate in the proposal.

7.3 Participation applications may be presented directly at the TOLETUM headquarters from Monday to Friday between 9.00 and 14.00 hours or sent by registered post or messaging service. If participation applications are sent by post they should be addressed as indicated and must comply with the requirements given in Article 80.4 of Royal Decree 1098/2001 of 12th October which approves the General Regulation of the Law on Public Administration Contracts (*Reglamento General de la Ley de Contratos de las Administraciones Públicas*, RGLCAP), stating the date and time of sending from the post office and announcing on the same day to the contracting body the sending of the proposal by telex, fax, or telegram, stating the reference number, the full title of the tender, and the identification of the participant.

In the absence of any of the above requirements the participation application will not be accepted if it is received by the contracting body after the date of the deadline mentioned in the announcement of the tender. Notwithstanding this, if ten calendar days have passed since that date without the application having been received, the latter will not be accepted under any circumstances.

- 7.4 Those interested in taking part in the tender may request additional information on the Folders or the complementary documentation at least 12 days before the deadline established for the reception of participation applications in the announcement of the tender. This information will be published in the profile of the contracting party of TOLETUM at least six days before the end of the deadline for the presentation of the participation application.
- 7.5 The presentation of participation applications assumes the unconditional acceptance by the interested parties of the clauses of this Folder with no exceptions.
- 7.6 Each interested party may submit only one participation application. Neither may it sign any participation application in a temporary association with other employers if it has done so individually, or appear in more than one temporary association. The contravening of these prohibitions will give rise to the exclusion of all participation applications signed by it from the tender.

## **8. FORM AND CONTENT OF THE PARTICIPATION APPLICATIONS**

- 8.1 Participation applications will consist of **TWO CLOSED ENVELOPES** named as follows (**ENVELOPE A “ADMINISTRATIVE DOCUMENTATION”** and **ENVELOPE B “TECHNICAL DOCUMENTATION”**), signed by the entrant or person representing it. The outside of the envelopes should be marked with the reference number and the name of the tender participated in, and the full name of the entrant or the trade name of the company together with its corresponding Tax Identity Number. Inside each envelope there will be a separate sheet containing a numbered list of its contents.
- 8.2 The documents to be included in each envelope must be originals or authenticated copies according to current legislation, and must be either drawn up in Spanish or accompanied by their corresponding official translations.
- 8.3 The contents of the envelopes are detailed below.

A) **ENVELOPE A “ADMINISTRATIVE DOCUMENTATION”**, which must include the following documents:

### *1. Application form*

Persons interested in taking part in this tender must fill in the application form according to the model provided in Annex III of this Folder.

## 2. *Capacity for action*

2.1.- If the company is a corporate person, the deed of incorporation or its modification, if appropriate, inscribed on the Register of Companies, when this requirement is demandable according to applicable mercantile law. If this is not the case, the document or deed of incorporation, charter, or certificate of establishment in which the rules regulating its operations are recorded, inscribed if appropriate on the corresponding official register, together with the Tax Identity Number (*Código de Identificación Fiscal*, CIF), all this in the form of originals or copies considered authentic by current legislation, or a photocopy certified by an official authorised to do so. These documents must reflect the precise legal situation of the entrant at the time of the presentation of the participation application.

2.2.- In the case of an individual employer, an ID card or document that may replace it in due form, as a copy considered authentic by current legislation, or a photocopy certified by an official authorised to do so.

2.3.- In the case of employers from countries other than Spain which are members of the European Union or signatories of the Agreement on the European Economic Space, capacity for action will be accredited by means of their inscription on a professional or business register, when this requirement is demanded by the legislation of the respective state, or the presentation of the certificates indicated in Annex I of the RGLCAP or any future ruling to replace it, for service contracts.

Non Spanish companies from European Union member states, which according to the legislation of the state in which they are established are qualified to provide the service in question, will have the capacity to contract with TOLETUM. When the legislation of the state in which these companies are established requires a special authorisation or adherence to a certain organisation in order to be able to provide the service in question, they must prove that they fulfil this requirement.

2.4.- In the case of European companies other than those included in the previous paragraph, a report from the Permanent Diplomatic Mission or Spanish Consular Section from the place of address of the company, in which it is recorded in the form of a company certificate that they are inscribed on the local professional, commercial, or a similar register, or failing this that they habitually operate as part of local traffic within the scope of the activities covered by the subject of the tender.

They must also include a report from the Spanish Permanent Diplomatic Mission or the General Secretariat of Foreign Trade of the Ministry of Industry, Tourism, and Commerce on the situation of the signatory state of the Agreement on Public Contracting of the World Trade Organisation.

## 3.- *Acknowledgement of powers*

Those appearing or signing participation applications in the name of another entity or representing a corporate person must also include a power of attorney to certify their representation declared to be sufficient, all this in the form of an original or as a certified copy. They must also present a certified photocopy of the ID of the person in whose favour the power or representation is granted. If the document accrediting the representation contains the permanent delegating of powers, it should be inscribed on the Register of Companies.

*4.- Declarations relating to not being affected by any prohibitions or incompatibilities in order to contract with the Public Sector, to being up-to-date with tax obligations and with National Insurance contributions, and that there are no debts in the executive period with the Association of Regions of Castilla-La Mancha and the Toledo Town Council.*

A responsible declaration, in keeping with the model established in Annex IV to this Folder, to the effect that the employer, if a natural person, or the company, its administrators and representatives, if a corporate person, together with the signatory of the participation application, are not affected by any prohibitions or incompatibilities for contracting indicated in Article 49.1 of the LCSP, under the terms and conditions anticipated in the same, or in Law 11/2003 of 25th September, of the Regional Government and the Advisory Council of Castilla-La Mancha. This declaration will expressly mention the circumstance of being up-to-date with tax obligations and also of having no debts in the executive period of payment, unless these are guaranteed, with the Association of Regions of Castilla-La Mancha and the Toledo Town Council.

*5.- Economic and financial and technical or professional solvency*

The interested parties must accredit their economic and financial and technical or professional solvency in accordance with that established in Articles 63 and the following of the LCSP, in the following terms and by means of the following measures.

a) Economic and financial solvency

Economic and financial solvency will be accredited by the following measures:

- A report from a financial institution accrediting that the entrant has sufficient solvency if it is awarded the service contract associated with the tender, in order to face the commitments deriving from it.

b) Technical or professional solvency

Technical or professional solvency will be accredited by the following measures:

- A list of the main services or pieces of work of drawing up projects and/or the management of work similar to that of the subject of the contract associated with the project tender for amounts of not less than two million euros (2,000,000.00 €), carried out in the last three years and including the amount, the dates, and the public or private beneficiaries of the same.
- A description of the technical team and technical units taking part in the contract, together with their academic and professional qualifications. Entrants must accredit the availability of higher qualifications in architecture, providing CVs and accrediting these by presenting a certified copy of architects' qualifications, or a

In temporary associations of companies, each of their components must accredit their capacity and solvency according to that established in this Folder, with the characteristics accredited for each of the components of the same accumulating to the effects of the determining of the solvency of the temporary association (Article 24.1 of the RGLCAP).

In order to accredit solvency, the employer may base itself on the solvency and means of other entities, regardless of the legal nature of the links it may have with them, provided that it shows that for the execution of the contract it in effect has these means in accordance with that established in Article 52 of the LCSP.

#### *6.- Allocating measures*

If the entrant will be able to call upon a technical team and technical units participating in the contract associated with this tender, which are not directly a part of the entrant's company, a declaration of the commitment to participate in the contract signed by them must be attached.

#### *7.- Temporary associations of employers*

So that concerning the adjudication of the contract associated with the tender the temporary association will be efficient for TOLETUM, each and every one of the entrants must present the documents required by this Clause, as well as a letter of joint commitment in which the following will be indicated: the names and circumstances of those making it up; the participation of each one of them; the assuming of the commitment to constitute formally a temporary association if they are awarded the service contract associated with the project tender, and the appointment of a representative or sole agent of the association with sufficient powers to exercise the rights and comply with the obligations deriving from the service contract. The aforementioned document must be signed by the representatives of each one of the entrants making up the association.

If as a consequence of the result of the tender the service contract associated with this tender should be awarded to a temporary association of employers, the latter will accredit its incorporation in a public document and state the Tax Identity Number given to the said association after the definitive adjudication and before the formalisation of the contract. The duration of the association will coincide with that of the service contract associated with this tender until its termination.

#### *8.- Jurisdiction of non-Spanish companies*

Companies from outside Spain must present a declaration stating that they submit to the jurisdiction of the law courts of the city of Toledo in the case of any incidents that may arise either directly or indirectly concerning the tender and subsequent contract, renouncing if appropriate any foreign jurisdiction that might correspond to them.

B) **ENVELOPE B “TECHNICAL DOCUMENTATION”**, which will include the necessary documentation for the assessment of the selection criteria of the entrants referred to in the following clause.

**9. SELECTION CRITERIA OF THE INTERESTED PARTIES ACCEPTED FOR THE SECOND PHASE OF THE TENDER**

- 9.1 In accordance with that established in these Specifications, the Selection Commission referred to in the following clause will select no less than five and no more than ten entrants, provided that this is possible in view of the participation applications received, which it will invite to present their respective proposals for the basic project in the second phase of the tender under a slogan and in strict anonymity.
- 9.2 The objective criteria that must be followed by the Selection Commission in order to select those interested parties to be invited to the second phase of the tender are as follows:

**PROFESSIONAL MERITS** *up to 60 points*

The technical capacity of the entrants will be valued in accordance with the following scoring system, which quantifies public recognition of their professional qualifications:

- Relevant distinctions and awards of recognised prestige. Depending on their scope or repercussion (local / regional / national / international), up to 20 points will be awarded.
- Professional publications. The publication of the work of the entrant (completed or in project form) will be valued. Depending on the frequency (occasional / habitual), the type of publication (specialised journal / catalogue / monograph) and the dissemination of the same (local / regional / national / international) up to 20 points will be awarded.
- Teaching and academic experience. Depending on the characteristics (occasional or habitual participation in courses, congresses.... / university teaching / emeritus professor / visiting professor / honorary doctor) and on the prestige of the institution or university, up to 15 points will be awarded.
- Research work and publications. Depending on the repercussions, up to 5 points will be awarded.

**RELEVANT ARCHITECTURAL PROJECTS** *up to 40 points*

Completed or ongoing projects and preliminary plans or ideas will be valued in accordance with the following criterion:

- Works or projects of similar characteristics. The degree of knowledge of the specific problems of the construction of buildings for public use will be valued, especially of those designed for a large number of staff and cultural equipment, and the pertinence of the responses given in the face

of situations similar to those of the subject of this tender. Depending on whether only the drawing up of projects is accredited or also the management of the works; on whether experience has been had on work of a size or budget smaller than, similar to, larger than, or much larger than those that are the subject of this tender; and on whether the promoter of the works carried out was public or private, up to 20 points will be awarded.

- Prizes obtained in competitions of projects, preliminary plans, or ideas for buildings of similar characteristics to those of the subject of this tender. Depending on the scope or repercussion (local / regional / national / international), on the prize obtained (first prize / other prizes / second prize / finalist / mention) and on the professional prestige of the entity and the jury, up to 20 points will be awarded.

## **10 ASSESSMENT OF THE DOCUMENTATION PRESENTED**

10.1 Once the deadline for the presentation or reception of the participation applications has expired (in the case of those sent by post), the body in charge of the registering of the same will certify the number of applications received together with the participating candidates, and will transfer the same to a Selection Commission that will consist of:

- The Managing Director of Toletum Visigodo S.L.
- A representative appointed by the Regional Ministry of Culture, Arts and Crafts, and Tourism
- A representative appointed by Toledo Town Council
- A representative of the Castilla-La Mancha Culture and Sports Foundation
- A representative appointed by the Toledo Branch of the Professional Association of Architects of Castilla-La Mancha

10.2 To the effects of the assessment of the documentation presented, the Selection Commission will proceed to open **ENVELOPE A “ADMINISTRATIVE DOCUMENTATION”** and will certify the list of documents present in the same. If any defects or omissions that can be easily be put right should be observed in the documentation presented, this will be communicated to the interested parties giving them no more than three working days to correct them or put them right. A record will be made in the report that must be drawn up to the effect that action has been taken according to that set down in this paragraph.

10.3 Once the documentation referred to in the previous paragraph has been assessed, and if appropriate when any defects or omissions in the documentation present have been corrected, the companies accepted will be determined together with those rejected and the reasons for this rejection; each one of them will be notified if they have been accepted for or rejected from the tender.

**SECTION 2 - ASSESSMENT OF THE SELECTION CRITERIA AND  
DETERMINING THE SELECTED ENTRANTS**

**11. OPENING AND EXAMINATION OF THE TECHNICAL DOCUMENTATION**

- 11.1 Once the previous operations have been carried out, the Selection Commission will proceed to open **ENVELOPE B “TECHNICAL DOCUMENTATION”** of the accepted entrants.
- 11.2 Having assessed the technical documentation according to the selection criteria expounded in Clause 9, the Selection Committee will select the candidates with the highest score (not less than five and not more than ten) to invite them to present, simultaneously and in writing, their proposals for the tender within five months from the notification of the invitation.
- 11.3 The list of candidates selected to present their proposals, together with that of those ruled out, will be published in the profile of the contracting party, with express mention of the score obtained by all of them. Likewise, individual written notification will be sent to inform the unsuccessful candidates of their exclusion from the second phase of the tender.
- 11.4 TOLETUM will send all the selected entrants any additional documentation that may be necessary for participation in this second phase of the tender.
- 11.5 In accordance with that anticipated in Clause 4 of this Folder, those selected for the second phase of the tender will receive for their participation in the same the sum of thirty-four thousand four hundred and thirty-two euros and seventy-five cents (34,482.75 €), which will be paid once the complete documentation of their proposal has been submitted with the contents indicated below.

**CHAPTER III**

**PROCESS OF ASSESSMENT OF THE PROJECTS PRESENTED FOR THE  
TENDER**

**SECTION I. PRESENTATION OF PROPOSALS**

**12. PRESENTATION OF PROPOSALS FOR TAKING PART IN THE  
TENDER**

- 12.1 The proposals of the entrants accepted for the second phase of the tender will be presented as established in Clause 7 of this Folder, taking into account the peculiarities anticipated in this Clause.

- 12.2 By virtue of that set down in Article 172.6 of the LCSP, with the aim of preserving anonymity in the making of decisions by the jury, the proposals will be presented under an identifying slogan freely chosen by the entrant that will appear in the upper right-hand corner of all documents and that under no circumstances may coincide with the name or trade name of the entrant. Proposals that do not respect the anonymity of the entrant will not be accepted.
- 12.3 Proposals sent by post will preserve the anonymity of their authors, which will mean that neither the outside of the envelopes nor the sender's receipt must contain any name to reveal their identity.
- 12.4 Given the speciality of the contract, TOLETUM will arbitrate a special procedure that will be given the appropriate publicity through the profile of the contracting party, in order to allow the personal visit of the successful entrants requesting this from the place of the enclave of the future works to be projected, maintaining in all cases anonymity as far as the jury of the tender is concerned. These visits may only take place within the deadline anticipated for the presentation of proposals.

### **13. FORM AND CONTENT OF THE PROPOSALS**

- 13.1 In order to guarantee the anonymity required in Article 172.6 of the LCSP, the documentation will be presented in a **SINGLE CLOSED PACKAGE** with no exterior identification apart from the name of the tender entered and the slogan chosen. This slogan will also appear on the outside of each of the envelopes included in the single package, together with the documentation included in **ENVELOPE 2 "TECHNICAL DOCUMENTATION"**.
- 13.2 The documents to be included in each envelope must be originals or copies that have been authenticated according to current legislation; they must be written in Spanish or be accompanied by their corresponding official translation.
- 13.3 There will be three envelopes inside the package, all of which should be identified with the name of the tender entered and the slogan chosen, and contain the following documentation:
- A) **ENVELOPE A "IDENTIFICATION FORM"**, which must be opaque and will contain the necessary data for identifying the proposals presented by the entrants.

In this respect the entrants invited to take part in this second phase must present an Identification Form according to the model attached as Annex V, in which will be specified the name of the entrant or entrants, the slogan under which they participate, the address, telephone number, fax number, e-mail address, and representative for notification purposes.

The document will also indicate clearly whether if it wins the entrant prefers to remain anonymous regarding both the public exhibition of the projects presented and their possible publication. If this indication is not given it will be understood that the entrant does not wish to remain anonymous.

In any case the winning project may not remain anonymous even if this is requested by the entrant.

**B) ENVELOPE B "TECHNICAL PROPOSAL"**, which will include the proposal for the basic project that is the subject of the tender

Given the volume of the documentation that may make up the basic project, if it should be necessary to submit the same in several envelopes or packets, each of which must be marked with the name of the tender, the slogan, and the identification **ENVELOPE 2 "TECHNICAL PROPOSAL"**, and will be expressed as an ordinal of the total (i.e. the first of three).

The basic project proposal must include the following:

- At least three and no more than five panels in UNE A-0 format (1,188 mm x 840 mm), mounted on flat, stiff, and resistant supports. They will be presented vertically and numbered from 1 to 5.
- The plans, elevations, sections, and other graphic documentation, together with an extract of the explanatory texts contained in the project report.
- The slogan chosen by the entrants will appear in the upper left-hand corner of each panel in lettering less than 15 mm high.
- Panel 1 will include the explanation of the general ideas listed in the project and will frame the proposal on the urban scale. Panels 2 and 3 will represent the project as a synthesis; the two remaining ones will be reserved for the presentation in greater detail at a suitable scale of both partial and detailed aspects.
- The entrants must likewise present two copies of a booklet of UNE A-3 size (297 mm x 420 mm) which reproduces the panels and will also include a report of no more than three double-space typed pages in two columns that describes the project succinctly; it must include a methodology and operation proposal for the development of the project over time, and an economic study with an estimate of the cost of execution of the work, guaranteeing the viability and economic rationality of the intervention.

As a general criterion it can be indicated that the level of definition of the graphic proposal must be sufficient for the jury to be able to assess it. The description must be reasonably concise.

Views, infographs, and other graphic documentation or any other material that may be convenient in order to understand the project may be contributed.

Together with this envelope up to 2 work models describing in sufficient detail the proposal contained in the project may be presented. If this is the case the models must be packaged and contain no indication identifying the entrant like ENVELOPE 2.

The models may not exceed a scale of 1/200 for the general situation and volume of the building or the maximum dimensions of 594 mm x 594 mm x 297 mm if certain spaces or building solutions need to be explained. The slogan adopted by the entrant will appear on the models with the same dimensions as those established for panels.

As well as the printed documents of the project and of the remaining material mentioned, computer documents in *pdf* format should be provided together with photographs of the models in *tif* or *jpg* format that likewise guarantee the anonymity of the entrants.

All the documents submitted should specify the work scales by means of a graphic representation.

Proposals may be submitted in Spanish or English.

All the documentation is confidential. For this reason it cannot contain any reference that would allow the jury to identify the author. If any identifying mark does exist, the proposal will be rejected.

If the jury considers it appropriate, failure to respect the presentation rules may mean the disqualification of the entrant.

#### **14. ASSESSMENT CRITERIA OF THE PROJECTS PRESENTED**

The criteria that are to serve as a basis for assessment of the projects presented by the jury will be as follows:

- Architectural quality: **50 points**  
The jury will assess the architectural quality of the proposals in accordance with:
  - Their conceptual content
  - The pertinence of the response regarding the problems of location and regarding the contents of the programme to be developed
  - The pertinence of the solutions regarding town planning problems
  - The nature of the spaces and of the technical solutions projected
- Adaptation to the needs programme: **20 points**
- Technical and building viability: **10 points**
- Viability of the energy solutions: **10 points**

They must adopt environmental and energy-saving criteria in both the overall conception of the building and its surroundings and also in the design and orientation of the interior spaces, together with in the choice of materials, building systems, and installations.

- Justification of the economic viability of the project with the estimated budget or a lower one: **10 points**

The economic rationality of the proposal will be assessed. The project must make compatible the aesthetic and functional characteristics and the degree of quality of the work with the final economic result of the operation.

## ***SECTION 2 - INTERVENTION OF THE JURY - ASSESSMENT PROCESS***

### **15. COMPOSITION AND DUTIES OF THE JURY**

15.1 To the effects of the assessment of the projects presented a jury for the tender is constituted that will consist of the following members:

- The mayor of Toledo, the President of TOLETUM, or a person to whom he may delegate, as President of the Jury
- The Regional Minister of Culture, Arts and Crafts, and Tourism, or a person to whom she may delegate
- A representative of the Ministry of Culture
- A representative of the Castilla-La Mancha Culture and Sports Foundation
- The Managing Director of TOLETUM
- Two architects nominated by TOLETUM
- An architect nominated by the Toledo Branch of the Professional Association of Architects
- Two architects nominated from among those proposed by the entrants under the terms set out below
- Moreover, a Secretary of the Jury will be nominated; he/she will be able to express an opinion but not vote.

In order to nominate the architects representing the entrants, the participants in this second phase of the tender must contact the contracting body, within three days counting from the notification of the invitation to present a proposal, in order to give the names of the two architects whom they have freely chosen and to indicate the necessary data for their correct identification by TOLETUM.

The two architects that have been designated by the most entrants (they must be proposed by 30% of the participants) will be invited to form part of the jury. If this circumstance does not occur, TOLETUM will send the participants of the second phase the names of the four architects most frequently nominated by the participants, indicating the result obtained by each of them in this initial pre-selection so that the entrants can make a fresh choice solely from these four names. If it should not be possible to draw up a list of four names owing to the disparity of the proposals, TOLETUM will choose from the names initially

proposed by the participants in the second phase of the four architects that will be proposed for the jury by the final voting by the entrants.

If the candidates chosen by the entrants cannot finally form part of the jury for whatever reason, TOLETUM will appoint the representatives of the entrants from among the architects nominated in second place.

- 15.2 The jury may be assisted by technical advisers nominated by the President who may give his opinion but cannot vote.
- 15.3 If the decisions taken by the jury are to be valid, the President and the Secretary must attend, or failing this, their replacements, and at least half of its members. Its decisions will be taken by simple majority with the President having the casting vote in the event of a tie.
- 15.4 Subject to the minimum rules indicated in this Clause, the jury will have the independence to regulate its own internal operation, meeting in as many sessions as it considers appropriate.
- 15.5 The composition of the jury, including both full and substitute members, will be publicised with the call announcement of the tender.
- 15.6 The members of the jury will be in all cases natural persons independent from the participants in the tender, and at least a third of them must hold the qualifications required in order to participate in this tender.

In the proceedings of the constitution of the jury its members will declare as to the absence of incompatibilities. If any incompatibility should exist, the member of the jury affected by the same must abandon it and another will be named to fulfil the requirement of not being affected by any incompatibility.

- 15.7 Without detriment to whatever duties may be necessary in order to carry out efficiently the work entrusted to the project tender jury, the following in particular are duties of the said jury:
  - Checking the documentation and the definitive acceptance of the proposals. The exclusion of proposals that do not fulfil the requirements given in these Specifications must be reasoned and a record made of this reasoning in the report issued to this effect.
  - Analysing the proposals presented and assessing them, to which end it may receive any technical and legal advice it considers appropriate.
  - Making a decision on the tender accompanied by a reasoned report to back it up, with observations and whatever other aspects may be considered appropriate by the members of the jury.
  - Ensuring and guaranteeing respect for anonymity until the time when the report is issued or the jury makes its decision.

## **16. OPENING OF THE PROPOSALS PRESENTED FOR THE TENDER**

- 16.1 When the deadline has ended for the presentation or reception of proposals (if they have been sent by post), the body in charge of their registering will certify the number of proposals received, expressing the identifying slogan of each one, and will pass them on to the jury.
- 16.2 After its constitution in the same proceedings, the jury will proceed to open the single package and to take care of the documentation, without opening **ENVELOPE 1 “IDENTIFICATION REPORT”** so as to maintain the anonymity of the entrants.
- 16.3 Subsequently **ENVELOPE 2 “TECHNICAL PROPOSAL”** of the accepted entrants will be opened.

## **17. TECHNICAL STUDY OF THE PROPOSALS AND ISSUING OF THE REPORT**

- 17.1 Once **ENVELOPE 2 “TECHNICAL PROPOSAL”** of the accepted entrants has been opened, all the proposals will be exposed for analysis by the members of the jury.
- 17.2 The jury may request clarifications or explanations from the various entrants on matters leaving room for doubt and which are considered important for its report. To this end, and in order to guarantee anonymity at all times, the points on which clarifications or explanations are requested will be published in the contracting party’s profile, identified by reference to the slogan of the entrant, who will be given five working days within which to write a reply, and under the slogan, to the request for information made by the jury.
- 17.3 On a date determined by mutual agreement between the members of the jury and always within the deadline indicated in this Folder for the jury to make a decision, a plenary meeting will be held in order to discuss the decision.
- 17.4 The minutes of the jury’s decision must be drawn up within a deadline of thirty working days starting from the reception of all the proposals. They will contain the classification of the projects, taking into account the assessment criteria established in these Specifications together with a reasoned report, in which each member of the jury states separately the reason for his or her vote.

These minutes will be passed to the contracting body so that the latter can proceed to resolve the tender and determine the winner.

- 17.5 The tender may be declared void if none of the solutions presented is appropriate to the ends pursued or is of sufficient quality in the opinion of the jury.
- 17.6 No appeal may be lodged against any decisions made by the jury, without detriment to those made against the resolution of the tender and the determining of the winner by the contracting body.

## **CHAPTER IV**

### **DETERMINING THE WINNER OF THE TENDER**

#### **18. DETERMINING THE WINNER**

- 18.1 Once the jury's decision is known and the minutes on the same have been drawn up, the contracting body will proceed to open **ENVELOPE 1 "IDENTIFICATION FORM"** with the aim of establishing the identity of the winning entrant chosen by the jury.
- 18.2 The resolution of the tender will be notified to all entrants assessed by the jury and will be published in the Official State Bulletin (*Boletín Oficial del Estado*, BOE) and in the profile of the contracting party.

#### **19. EXPOSURE OF THE PROJECTS AND INTELLECTUAL PROPERTY**

- 19.1 Once a decision has been made concerning the tender, all the proposals to be presented and accepted will be exhibited at a place and on a date to be determined. They may also be published, in which case the names of the authors will be stated, unless the latter have specifically expressed their wish to remain anonymous if they do not win.
- 19.2 To these effects, participation in the tender and the presentation of proposals for the same implies authorising TOLETUM to reproduce and distribute the said proposals; for public communication and in order to make the proposals available to the public; all this may be done on any medium for its exploitation in any form or means of dissemination, marketing, or exploitation (including promotion or advertising) for any part of the world for the full period of copyright protection, with the express power of authorising the exercising of these rights to any third parties.

This authorisation is understood to be exclusively granted until the publication of the resolution of the tender, as from when it will no longer be exclusive.

- 19.3 The condition of winner of the tender entails the transferring of the intellectual property rights on the project to TOLETUM insofar as its development is anticipated through the project of execution and its actual carrying out.

**20. RETURNING THE PROJECTS OF THE PARTICIPANTS**

Once the projects have been publicly exhibited as agreed at the time and in any case once a period of three months has passed since the publication in the BOE of the resolution of the tender, the entrants will have the right for one month to withdraw the documentation of their proposals.

Once this period has passed TOLETUM does not commit itself to taking care of and keeping the documentation presented.

**CHAPTER V**

**21. NEGOTIATED PROCEDURE FOR THE ADJUDICATION OF THE CONTRACT OF THE DRAWING UP OF THE PROJECT FOR EXECUTING THE WORKS AND OF THE HEALTH AND SAFETY STUDY, OF THE FACULTATIVE AND TECHNICAL MANAGEMENT OF THE WORKS**

Once the tender has been resolved, TOLETUM will notify the Association of Regions of Castilla-La Mancha so that the latter may set in motion the adjudication by a negotiated procedure in the absence of publicity, in accordance with that set down in Article 168.4 of the LCSP in relation to Article 158d) of the same Law, of the service contract for the drawing up of the project of execution and the health and safety study, and of the technical and facultative management of the work to the entrant who has won the project tender.

**ANNEX I**

**PLANS**

**ANNEX II**  
**NEEDS PROGRAMME**

ANNEX III

**INSCRIPTION FORM OF THE PROJECT TENDER WITH A JURY CALLED BY TOLETUM VISIGODO, S.L.**

I, Mr/Ms.....  
ID No.....in the name of ..... with  
Tax Identity Number.....

REQUEST:

To be inscribed on the project tender with the intervention of the following jury:

*Project tender, with the intervention of a jury in order to select the basic project of the “Vega Baja Museum” in Toledo* called by TOLETUM VISIGODO S.L. by means of its publication in the (Official Journal of Castilla-La Mancha – *Diario Oficial de Castilla-La Mancha, DOCM*; BOE; DOUE, Profile of the contracting party).....of day..... of..... 2009, the deadline for the presentation of the participation applications for which ends on day.....

Recording the following details of the interested party for the purposes of notifications and summons:

NAME.....  
ADDRESS.....  
TOWN (COUNTRY).....  
TELEPHONE NUMBER..... FAX.....  
E-MAIL ADDRESS.....  
PERSON TO CONTACT.....

(Place, date, signature, and stamp, if appropriate)

## ANNEX IV

### DECLARATION OF RESPONSIBILITY MODEL

I, Mr/Ms....., with ID no. ...., in my own name / in the name and representation of the company..... with Tax Identity Number....., **declare:**

**1.-** That the employer, in the case of a natural person, or if appropriate the company, its administrators and legal representatives, together with the signatory, is not affected by any of the cases of prohibition to contract with the Administration indicated in Article 49.1 of Law 30/2007 of 30th October on Public Sector Contracts (*Ley de Contratos del Sector Público*, LCSP) in which are specified the circumstances of:

a. Having been condemned by a final judgment for offences of unlawful assembly, the corruption of international economic transactions, the exercising of undue influences, bribery, fraud and extortion, offences against Public Finance and the Social Security, offences against workers' rights, the misappropriation and receiving of stolen goods and similar conduct, offences against the protection of the environment, or a sentence of special disqualification from the exercising of the profession, occupation, industry, or trade. The prohibition of contracting extends to those corporate persons whose administrators or representatives, with their post or representation being valid, are in the situation mentioned as a result of actions carried out in the name of or to the benefit of the said corporate persons, or in those in which the conditions, qualities, or relations required by the corresponding figure of crime in order to be the active subject of the same concur.

b. Having requested the declaration of bankruptcy, having been declared insolvent in any procedure, having been declared bankrupt, being subject to judicial intervention or having been disqualified according to Law 22/2003 of 9th July on Bankruptcy, without the period of disqualification established in the sentence of the declaration of bankruptcy having expired.

c. Having been penalised by a final judgment for a serious offence regarding market discipline, professional matters, or matters of labour integration and equal opportunities and the non discrimination of the disabled, or for a very serious offence on social matters, including offences on the prevention of occupational hazards, in accordance with that set down in the Revised Text of the Law on Offences and Sanctions in Social Order, approved by Royal Legislative Decree 5/2000 of 4th August, or on environmental matters, in accordance with that established in Royal Legislative Decree 1302/1986 of 28th June on the Assessment of Environmental Impact; in Law 22/1988 of 28th July on Coasts; in Law 4/1989 of 27th March on the Conservation of Natural Spaces and Wild Fauna and Flora; in Law 11/1997 of 24th April on Containers and Waste from Containers; in Law 10/1998 of 21st April on Waste; in the Revised Text of the Law on Water approved by Royal Legislative Decree 1/2001 of 20th July; and in Law 16/2002 of 1st July on the Prevention and Integrated Control of Pollution.

d. Not being up-to-date in compliance with the tax or Social Security obligations imposed by current precepts, in the terms determined according to the rules.

e. Having committed misrepresentation on making the declaration of responsibility referred to in Article 130.1c) of the LCSP or on providing any other details relating to its capacity and solvency, or failing to have complied for a reason imputable to it with the obligation to notify the information anticipated in Article 59.4 and in Article 305 of the LCSP.

f. The natural person or the administrators of the corporate person being affected by any of the cases mentioned in Law 5/2006 of 10th April on the regulation of conflicting interests of members of the Government and top officials of the General State Administration, of Law 53/1984 of 26th December on incompatibilities of the personnel in the service of the public administrations or in the case of any of the elective posts regulated by Constitutional Law 5/1985 of 19th June on the General Electoral Regime in the terms established in the same.

The prohibition will extend to corporate persons in whose capital the personnel and top officials of any public administration have shares, together with officials elect in the service of the same, in the terms and with the amounts established in the aforementioned legislation.

In both cases the prohibition extends equally to spouses, persons linked by a similar relationship of affective cohabitation, and descendants of the persons referred to in the previous paragraphs, provided that regarding the latter the said persons hold their legal representation.

g. Having contracted persons regarding whom the Official State Bulletin has published the non compliance referred to in Article 18.6 of Law 5/2006 of 10th April on the regulation of conflicting interests of members of the Government and top officials of the General State Administration, for having started to provide services in private companies directly related to the powers of the post filled for the two years following the date of the cessation of the same. The prohibition of contracting will be maintained during the time that the person contracted remains within the organisation of the company with a maximum limit of two years starting from cessation as a top official. Having been condemned by a final judgment for offences of misrepresentation of net wealth and against the socioeconomic order, bribery, misappropriation, the exercising of undue influences, the disclosure of information, the use of privileged information, offences against Public Finance and the Social Security, offences against workers' rights or for offences relating to the market and consumers. The prohibition of contracting extends to those corporate persons whose administrators or representatives, with their post or representation being valid, are in the situation mentioned as a result of actions carried out in the name of or to the benefit of the said corporate persons, or in those in which the conditions, qualities, or relations required by the corresponding figure of crime in order to be the active subject of the same concur.

**II.-** Likewise, that the employer, in the case of a natural person, or if appropriate the company, is not affected by any of the circumstances preventing employers from contracting with the public administration indicated in Article 49.2 of the LCSP, in which are specified the circumstances of:

- a. Having given rise, by having been declared guilty, to the definitive termination of any contract entered into with a public administration.
- b. Having violated a prohibition of contracting with any of the public administrations.
- c. Being affected by a prohibition to contract imposed as an administrative penalty in accordance with that set down in General Law on Subsidies 38/2003 of 17th November or in General Tax Law 58/2003 of 17th December.
- d. Having wrongfully withdrawn its proposition or candidature in an adjudication procedure, or having prevented the definitive adjudication of the contract in its favour as a result of not having filled in that set down in Article 135.4 within the deadline indicated because of actual malice, error, or negligence.
- e. Having failed to comply with the special conditions of execution of the contract established in accordance with that mentioned in Article 102, when this non compliance was defined in the Folder or in the contract as a serious violation in accordance with the development precepts of this Law, and when actual malice, error, and negligence by the employer concur.

**III.-** That the employer, in the case of a natural person, or if appropriate the company is not affected by any of the incompatibilities referred to in Law 11/2003 of 25th September of the Government and of the Advisory Commission of Castilla-La Mancha..

**IV.-** That the employer, in the case of a natural person, or if appropriate the company, declares expressly that:

- 1. He/she/it is up-to-date with his/her/its tax obligations, and that no tax debts exist either with the state, with the Association of Regions of Castilla-La Mancha, or with Toledo Town Council in the executive period, or in any case those existing have been postponed, divided up, or their suspension has been agreed on the occasion of the disputing of the corresponding liquidations.

For their accreditation I hereby authorise the contracting bodies and entities dependent on them to proceed to transfer the corresponding information when this has not officially been done.

- 2. He/she/it is up-to-date with his/her/its National Insurance obligations.

And so this may be placed on record to the legal effects of being able to contract with the administration, he/she/it signs this document with me in \_\_\_\_\_ on \_\_\_\_\_ 2009.

Signed, \_\_\_\_\_

Toledo, on \_\_\_\_\_ 2009

ANNEX V

IDENTIFICATION FORM

The proposal presented under the SLOGAN .....  
for the “*project tender, with the intervention of a jury for selecting the basic project of the “Vega Baja Museum” in Toledo*” called by TOLETUM VISIGODO S.L. has been put forward by:

Mr/Ms: ..... ID No. ....  
Mr/Ms: ..... ID No. ....

Company 1: ..... Tax Identity Number .....  
Represented by Mr/Ms: ..... ID No. ....  
Company 2: ..... Tax Identity Number .....  
Represented by Mr/Ms: ..... ID No. ....

The details for notification purposes are as follows:

Mr/Ms: .....  
Street: .....  
Address at..... Post Code .....  
Landline: ..... Mobile phone: ..... Fax : .....  
E-mail : .....

Likewise, he/she/it manifests his/her/its wish to MAINTAIN/NOT MAINTAIN (cross out as appropriate) his/her/its anonymity if the proposal presented under the SLOGAN ..... should not win this tender.

Signed, \_\_\_\_\_

Toledo, on \_\_\_\_ 2009