



**SOFIA MUNICIPALITY**  
ARCHITECTURE AND URBAN DEVELOPMENT DEPARTMENT  
CHIEF ARCHITECT OF SOFIA MUNICIPALITY

## **DOCUMENTATION**

HOLDING A RESTRICTED PROCEDURE FOR DESIGN CONTEST ON  
THE GROUNDS OF ART. 18, PARA 1, ITEM 11 IN CONJUNCTION  
WITH PARA 8, PPA WITH SUBJECT:

**DEVELOPMENT OF CONCEPTUAL ARCHITECTURAL AND URBAN PLANNING  
DESIGN FOR "ST. NEDELYA" SQUARE, SOFIA**

## **Table of Contents**

PUBLIC CONTRACT DESCRIPTION.....	3
I. REQUIREMENTS FOR CANDIDATES.....	5
II. PREPARATION AND SUBMISSION OF APPLICATIONS FOR PARTICIPATION ON PAPER.....	11
III. ACCESS TO THE PUBLIC PROCUREMENT DOCUMENTATION AND INFORMATION EXCHANGE.....	14
IV. CRITERIA FOR SELECTING CANDIDATES.....	15
V. CRITERIA FOR DECREASING THE NUMBER OF CANDIDATES.....	17
VI. JURY .....	19
VII. PROCEDURE FOR THE CONDUCT OF THE RESTRICTED DESIGN CONTEST.....	20
VIII. EVALUATION AND RANKING ACTIVITIES.....	22
IX. EVALUATION CRITERIA AND METHODOLOGY FOR EVALUATION OF THE TENDER DESIGNS.....	22
X. ESTIMATED CONTRACT VALUE. FUNDING.....	25
XI. DEADLINES.....	26
XII. CLOSING THE DESIGN CONTEST PROCEDURE .....	26
XIII. TERMINATION OF THE DESIGN CONTEST PROCEDURE.....	26

## **PUBLIC CONTRACT DESCRIPTION**

### **CONTRACTING AUTHORITY**

Sofia Municipality (SM), represented by the Chief Architect of SM, architect Zdravko Zdravkov, on the grounds of a Power of Attorney № COA18-PД09-1409/06.12.2018, issued by the Mayor of Sofia Municipality, Yordanka Fandakova, organizes and holds the competition procedure in accordance with the rules laid down by the Public Procurement Act (PPA) and the Implementing Regulations thereof (IRPPA).

### **COMPETITION TYPE**

In accordance with the provisions of Art. 18, para. 1, item 11, Art. 80, para. 1, item 2 and item 6, PPA and Art. 82 and 83, IRPPA:

The design contest shall be held with prizes awarded to the top 5-ranked participants.

The competition shall be restricted – the Contracting Authority shall restrict the number of participants who will be called to submit designs as follows:

- In case of submitted up to 20 applications incl. – 7 (seven) participants;
- In case of submitted 21 to 50 applications – 9 (nine) participants;
- In case of submitted 51 or more applications – 11 (eleven) participants.

The competition will be held preserving the anonymity of the participants until the jury ranks their designs.

The results of the evaluation shall be announced at a public meeting according to Art. 91, para. 3, IRPPA.

### **COMPETITION OBJECTIVE**

The competition is for the acquisition of a conceptual design as a basis for future designs.

The participant, ranked first by the jury will be invited to participate in negotiations for the award of a public procurement contract through a negotiation procedure without preliminary notice under Art. 79, para. 1, item 9, PPA in conjunction of Chapter Fifth, Section X, IRPPA for the service Development of a technical and detailed investment design for reconstruction of St. Nedelya Square and its adjacent spaces.

If the first ranked candidate does not accept the invitation and refuses to participate in the negotiation, an invitation shall be sent to the second-ranked participant. In the event that the participants ranked first and second refuse to participate in the negotiation, the Contracting Authority shall terminate the procedure. The Contracting Authority, Sofia Municipality, shall be entitled to conduct a procedure for the selection of a contractor for the design of the investment project (technical design phase and detailed design phase) using the awarded designs.

The awarded designs shall be considered produced as a result of a commission within the meaning of Art. 42 of the Copyright and Related Rights Act. After payment of the prizes to the participants' accounts stated in their applications, the Contracting Authority shall have the right to use the

designs of the rated participants without their permission and without having to pay any additional remuneration.

### **SUBJECT OF THE COMPETITION**

The participants in the competition should develop a conceptual architectural and urban planning design for “St. Nedelya” Square, Sofia.

The design process should comply with the requirements of the spatial planning regulations.

The complete list of the currently effective regulations in the field of investment design and construction is published on the website of the Ministry of Regional Development and Public Works - <http://www.mrrb.government.bg/bg/normativni-aktove/> .

### **COMPETITION SITE**

The competition area is the area of “St. Nedelya” Square and the adjacent spaces in its contact area. The scope of the competing designs is detailed in the Terms of Reference for developing the conceptual design.

### **PRIZES AND COPYRIGHT**

The Contracting Authority determines prizes in a total amount of BGN 250 000 (two hundred and fifty thousand) for the participants in the competition, which will be allocated as follows:

**For the I-ranking project** – money prize of BGN 70 000;

**For the II-ranking project** – money prize of BGN 60 000;

**For the III-ranking project** – money prize of BGN 50 000;

**For the IV-ranking project** – money prize of BGN 40 000;

**For the V-ranking project** – money prize of BGN 30 000.

The Contracting Authority shall award only the prizes specified above, and one participant shall not be allowed to occupy more than one place in the ranking. The jury may not award all prizes provided by the Contracting Authority.

The prize fund shall be disbursed to the ranked participants not later than 30 days after the conclusion of the jury and the decision of the Contracting Authority for the ranking of the participants enters into force.

The participant ranked first will be assigned to elaborate technical and detailed investment projects for reconstruction of "St. Nedelya" Square under the procedure of Art. 79, para. 1, item 9, PPA. If the first ranking participant refuses to participate in the procedure, the Contracting Authority shall hold the procedure with the participant ranked second. If the latter also refuses to participate, the competition shall be terminated.

By participating in this competition, the award winners shall explicitly acknowledge and agree that in the event of a refusal by the first and second ranked participants to participate in the procedure under Art. 79, para. 1, item 9, PPA or in the event that the negotiated procedure without prior notice does not end with the conclusion of a public procurement contract, the Contracting Authority, Sofia Municipality, shall be entitled to conduct a procedure for the selection of a

contractor for the development of investment project (technical design phase and detailed design phase) using one of the two conceptual designs.

Upon receipt of the prizes, the awarded candidates shall sign a contract. (Annex - Draft contract).

## **I. REQUIREMENTS FOR CANDIDATES.**

### **PERSONAL SITUATION OF CANDIDATES**

**1.1.** Candidate in the procedure may be any Bulgarian or foreign natural or legal person or associations thereof, and any other entity entitled to perform the activities covered by the subject of this public contract under the laws of the country where it is established.

Branch of a foreign entity may be an independent candidate in this procedure if it is able to submit independently applications for participation in accordance with the legislation of the country where it is established.

**1.2.** A candidate shall be **excluded from the procedure** if:

**1.2.1.** the candidate has been convicted in a judgment with the force of *res judicata*, save where it has been exculpated from:

- a) a crime within the meaning of Art. 108 a) of the Penal Code;
- b) a crime within the meaning of Art. 159 (a) - 159 (d) of the Penal Code;
- c) a crime against the labor rights of the citizens under Art. 172 of the Penal Code;
- d) a crime against youth, within the meaning of Art. 192a of the Penal Code;
- e) a crime against property under Art. 194-217 of the Penal Code;
- f) economic crime under Art. 219-252 of the Penal Code;
- g) a crime against the financial, tax or social security system, including money laundering, under Art. 253-260 of the Penal Code;
- h) bribe under Art. 301-307 of the Penal Code;
- i) participation in an organized criminal group under Art. 321 and 321a of the Penal Code;
- j) a crime against public health and against the environment, within the meaning of Art. 352-353 f) of the Penal Code.

**1.2.2.** the candidate has been convicted in a judgment with the force of *res judicata*, save where it has been exculpated from a crime similar to those under 1.2.1 in another Member State or third country;

**1.2.3.** the candidate has liabilities for taxes and compulsory social security contributions within the meaning of Art. 162, para. 2, item 1 of the Tax Insurance Procedure Code and interest thereon, to the country or to the municipality at the seat of the contracting authority and of the applicant, or similar liabilities established by an act of a competent authority under the law of the State where the candidate is established, unless the liabilities have been a rescheduled, deferred or collateralized, or a liability is established by virtue of an act, which has not entered into force;

**1.2.3.1.** item 1.2.3 shall not apply where:

- it is necessary to protect particularly important state or public interests;
- the amount of unpaid taxes or social security contributions is not more than 1 per cent of the total annual turnover for the last completed financial year.

**1.2.4.** inequality in the cases under Art. 44, para. 5 of the Public Procurement Act is in place;

**1.2.5.** it was found that:

**1.2.5.1.** the candidate has submitted a false document related to the verification of the absence of grounds for removal or the fulfilment of selection criteria;

**1.2.5.2.** the candidate has not provided required information related to the verification of the absence of grounds for removal or the fulfilment of selection criteria;

**1.2.6.** established by effective penal decree or court judgment violation of Art. 61, para. 1, Art. 62, para. 1 or 3, Art. 63, para. 1 or 2, Art. 118, Art. 128, Art. 228, para. 3, Art. 245 and Art. 301-305 of the Labor Code or Art. 13 para. 1 of the Labor Migration and Labor Mobility Act, or similar liabilities established by an act of a competent authority under the law of the State where the candidate is established;

**1.2.7.** there is a conflict of interest that cannot be eliminated.

*The Applicants shall provide the information on the above-mentioned requirements under item 1.2. /1.2.1. - 1.2.7./ by completing Part III of ESPD: EXCLUSION GROUNDS, letter A: GROUNDS RELATING TO CRIMINAL CONVICTIONS, letter B: GROUNDS RELATING TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS and letter C: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTERESTS OR PROFESSIONAL MISCONDUCT, according to the descriptions therein.*

*The Applicants shall provide the information on the requirements under item 1.2.1. regarding crimes under Art. 194-208, Art. 213a-217, Art. 219-252 and Art. 254a-260, Penal Code by completing Part III of ESPD - form - Template No. 2 (prepared in MS WORD file extension .doc): EXCLUSION GROUNDS, letter D: OTHER GROUNDS FOR EXCLUSION, WHICH MAY BE PRESCRIBED BY NATIONAL LEGISLATION OF THE CONTRACTING AUTHORITY OR ENTITY OF THE MEMBER STATE, according to the description therein. Applicants shall mark answer "no" if they fill out the provided by the Contracting Authority ESPD-request generated by the eESPD information system in Part III of the eESPD: EXCLUSION GROUNDS, letter D: Specific national grounds for exclusion and there are no grounds for exclusion under item 1.2.1. regarding crimes under Art. 194-208, Art. 213a-217, Art. 219-252 and Art. 254a-260, Penal Code.*

**1.3.** The grounds under items 1.2.1., 1.2.2. and 1.2.7. concern the persons representing the applicant, the members of management and supervisory bodies and other persons who have the power to exercise control over the decision-making of these bodies, namely:

1. persons representing the applicant;
2. persons who are members of the applicant's management and supervisory bodies;
3. other persons with status that allows them to influence directly the business of the enterprise in a manner equivalent to that valid for the persons representing it, the members of the management or supervisory bodies.

The persons under items 1 and 2 are as follows:

- in the case of a general partnership - persons under Art. 84, para. 1 and Art. 89, para. 1 of the Commerce Act;
- in the case of a limited partnership - the unlimited liability partners under Art. 105 of the Commerce Act;
- in the case of a limited liability company - the persons under Art. 141, para. 1 and 2 of the Commerce Act and in the case of a sole proprietor limited liability company - the persons under Art. 147, para. 1 of the Commerce Act;
- in the case of a joint-stock company - the persons under Art. 241, para. 1, Art. 242, para. 1 and Art. 244, para. 1 of the Commerce Act;
- in the case of a limited joint-stock partnership - the persons under Art. 256 in conjunction with Art. 244, para. 1 of the Commerce Act;
- in the case of a sole trader - the natural person - trader;

- in the case of a branch of a foreign person - the person who manages and represents the branch or has analogous rights under the law of the State where the branch is registered;
- the procurators - when the person has more than one procurator, only the procurator whose representative power includes the territory of the Republic of Bulgaria can submit the declaration.
- in other cases, including for foreign persons - the persons who represent, manage and control the applicant under the law of the State where they are established.

**1.3.1.** Where the requirements of under items 1.2.1., 1.2.2. and 1.2.7. concern more than one person, all persons shall sign the same European Single Procurement Document (ESPD).

**1.3.2.** When there is a need for personal data protection or there are differences in circumstances relating to personal status, information on requirements under items 1.2.1., 1.2.2. and item 1.2.7. shall be completed in a separate ESPD for each person or for some of the persons.

**1.3.3.** In the above cases, when more than one ESPD is submitted, the circumstances related to the selection criteria contain only in the ESPD signed by the person entitled to represent independently the respective entity.

**1.4.** An applicant for whom there are grounds under items 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.6, and 1.2.7 has the right to provide evidence that it has taken measures, that guarantee its reliability, despite the existence of the relevant grounds for exclusion. For this purpose, the applicant can demonstrate that the latter:

a/ has repaid its obligations under item 1.2.3, including accrued interest and / or fines, or that they are rescheduled, deferred or collateralized;

b/ has paid or is in the process of payment of due compensation for all damages incurred as a result of perpetrated crime or offense;

c/ has thoroughly clarified the facts and circumstances by actively cooperating with the competent authorities and has implemented specific prescriptions, technical, organizational and personnel measures to prevent new crimes or violations;

d/ has paid in full the claim under Art. 128, Art. 228, para. 3 or Art. 245 of the Labour Code.

**1.4.1.** The Contracting Authority shall assess the measures taken by the applicant, taking into account the severity and specific circumstances relating to the crime or violation. If the measures taken by the applicant are sufficient to ensure its reliability, the Contracting Authority shall not exclude it from the procedure.

**1.4.2.** An applicant who has been deprived of the right to participate in public procurement or concession procedures by virtue of a judgement with the force of *res judicata* or of other act pursuant to the law of the State where the judgment has been passed or the act has been issued, shall not be entitled to use the procedure set out in item 1.4. for the time determined by the judgement or the act.

**1.4.3.** Where for an applicant are present any of the grounds under items 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.6 and 1.2.7 and the applicant has taken measures before submitting the application for participation to prove reliability under item 1.4, these measures shall be described in ESPD.

**1.5.** On the grounds of Art. 3, item 8 of the Economic and Financial Relations with Companies Registered in Preferential Tax Jurisdictions, their Related Persons and their Beneficial Owners Act (EFCRPTJRPBOA), companies registered in preferential tax jurisdictions and persons controlled by them are prohibited to participate directly and / or indirectly in a public procurement procedure, including through a civil partnership / consortium, in which a company registered in a preferential tax jurisdiction participates;

*The grounds under Art. 3, item 8, EFCRPTJRPBOA shall not apply where:*

*1. the shares of the company in which, directly or indirectly, participates a company registered in a jurisdiction with preferential tax treatment are traded on a regulated market or multilateral trading facility in a Member State of the European Union or in another State party to*

*the European Economic Area or an equivalent regulated market as defined by a regulation of the Financial Supervision Commission, and the company is subject to the requirements of EU law on transparency regarding information about issuers whose securities are admitted to trading on a regulated market or multilateral trading facility or equivalent international standards and the beneficial owners – natural persons are disclosed in accordance with the respective special law;*

*2. a company registered in a preferential tax jurisdiction is part of an economic group whose parent company is a resident for tax purposes of a State with which the Republic of Bulgaria has a double taxation convention in force or an enforced agreement for exchange of information, and its beneficial owners – natural persons, are entered in the register under Art. 6, EFRCRPTJRPBOA;*

*3. a company registered in a preferential tax jurisdiction is part of an economic group, whose parent company or subsidiary is a Bulgarian resident and its beneficial owners - natural persons, are entered in the register under Art. 6, EFRCRPTJRPBOA or is traded on a regulated market or a multilateral trading facility in a Member State of the European Union or in another country party to the Agreement on the European Economic Area;*

*4. company in which, directly or indirectly, a company registered in a preferential tax jurisdiction participates is a publisher of periodical printed works and has provided information about the beneficial owners - natural persons, in accordance with the Compulsory Deposit of Printed and Other Works Act;*

*5. a company registered in a preferential tax jurisdiction is a resident for tax purposes of a country party to the Government Procurement Agreement of the World Trade Organization as well as a country with which the European Union has a bilateral agreement guaranteeing access to the EU public procurement market, and its beneficial owners - natural persons, are entered in the register under Art. 6, EFRCRPTJRPBOA - for the activities to which the Agreement applies;*

*6. a company registered in preferential tax jurisdiction is resident for tax purposes in an overseas country or territory pursuant to Council Decision 2013/755 / EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ("Overseas Association Decision ") (OJ, L 344/1 of 19 December 2013) and its beneficial owners - natural persons, are entered in the register under Art. 6, EFRCRPTJRPBOA - for the activities to which the Decision applies;*

*7. a company registered in a preferential tax jurisdiction is a resident for tax purposes of a country with which the Republic of Bulgaria has an international trade and/or economic agreement, including obligations under the General Agreement on Trade in Services of the World Trade Organization and its beneficial owners - natural persons, are entered in the register under Art. 6, EFRCRPTJRPBOA;*

*8. a company registered in a preferential tax jurisdiction is part of an economic group whose parent company is a resident for tax purposes of a country, with which the Republic of Bulgaria has an international trade and / or economic agreement, including obligations under the General Agreement on Trade with services of the World Trade Organization, and its beneficial owners - natural persons, are entered in the register under Art. 6, EFRCRPTJRPBOA.*

According to Art. 69, para. 1 of the Counter-Corruption and Unlawfully Acquired Asset Forfeiture Act (CCUAAFA), a person holding a senior public position, who in the last one year of the fulfilment of his / her duties or powers has been involved in carrying out procedures for public contracts or in procedures related to the disbursement of funds belonging to the European Union or granted by the European Union to the Bulgarian state, cannot participate in or represent a natural or legal person in such procedures before the institution in which he/she has held the position or before a legal entity controlled by it for a period of one year from his/her dismissal. The ban on participation in public procurement procedures or procedures concerning disbursement of funds



belonging to the European Union or granted from the European Union to the Bulgarian state, shall apply also to a legal entity in which the person under Art. 69, para. 1, CCUAAFA has become a partner, holds shares or is a manager or a member of a management or control body after his/her dismissal.

Candidates and, where applicable third parties should declare in ESPD that for them there are no circumstances under Art. 3, item 8 and Art. 5, para. 1, item 3 of the Economic and Financial Relations with Companies Registered in Preferential Tax Jurisdictions, their Related Persons and their Beneficial Owners Act and that for them there are no circumstances under Art. 69, para. 1 and para. 23, CCUAAFA.

*The Applicants shall provide the information on the above requirements by completing Part III of ESPD - form - Template No. 2 (prepared in MS WORD file extension .doc): EXCLUSION GROUNDS, letter D: OTHER GROUNDS FOR EXCLUSION, WHICH MAY BE PRESCRIBED IN THE NATIONAL LEGISLATION OF THE CONTRACTING AUTHORITY OR ENTITY OF A MEMBER STATE, according to the description therein. Applicants shall mark answer "no" if they fill out the provided by the Contracting Authority ESPD-request generated by the eESPD information system in Part III of the eESPD: EXCLUSION GROUNDS, letter D: Specific national grounds for exclusion and there are no grounds for exclusion under item 1.5.*

**1.6. The Contracting Authority shall exclude from the procedure a candidate:**

**1.6.1** for whom the grounds under item 1.2. have occurred before or during the procedure;

**1.6.2.** when the applicant in the procedure is an association of natural persons and / or legal entities and for a member of the association, exist any of the exclusion grounds under item 1.2.;

**1.7.** The grounds for exclusion shall be applicable until the expiration of the following deadlines:

- five years from the entry into force of the sentence - with regard to the circumstances under item 1.2.1. and item 1.2.2, unless another deadline is specified in the sentence;
- three years from the date of occurrence of the circumstances under item 1.2.5.1. and items 1.2.6 and 1.2.2. - 1.2.5., unless otherwise specified in the act establishing the circumstance.

**1.8.** When the applicant will use the resources of third parties, these requirements shall apply also to those third parties.

**GENERAL REQUIREMENTS:**

**1.9.** In case the candidate participates as a consortium, which is not registered as an independent legal entity, then the former should submit a copy of a document (a consortium agreement), which:

- appoints a partner to represent the consortium for the purposes of the public procurement contract;

- joint and several liability is agreed where such is not provided for under applicable law;
- lays down the legal basis for establishing the consortium;
- lays down the rights and obligations of the consortium members;
- lays down the division of responsibility between the consortium members;
- specifies activities to be performed by each consortium member.

**1.10.** The Contracting Authority does not require the establishment of a legal entity where the participant with a prize-winning design is a consortium of natural persons and / or legal entities.

**1.11.** When one of the prize-winning designs is of a participant – consortium, which is not a legal entity, the prize shall be given after the participant has submitted to the Contracting Authority a certified copy of a tax registration certificate and registration under BULSTAT or an equivalent document under the legislation of the State where the consortium is established.

**1.12.** Each participant in the completion may submit only one design.

**1.13.** A person participating in a consortium of another candidate may not submit a stand-alone application for participation.

**1.14.** To participate in the procedure, a natural or legal person may be member of only one consortium.

**1.15.** Related parties within the meaning of § 2, item 45 of the Additional Provisions, PPA cannot be independent candidates in the same procedure. Candidates and, where applicable third parties shall declare in ESPD that for them there are no circumstances within the meaning of § 1, items 13 and 14 of the Additional Provisions of the Public Offering of Securities Act.

*The Applicants shall provide the information on the above requirement by completing Part III of ESPD - form - Template No. 2 (prepared in MS WORD file extension .doc): EXCLUSION GROUNDS, letter D: OTHER GROUNDS FOR EXCLUSION, WHICH MAY BE PRESCRIBED BY NATIONAL LEGISLATION OF THE CONTRACTING AUTHORITY OR ENTITY OF A MEMBER STATE, according to the description therein. If the Applicants complete the provided template of eESPD (ESPD-request) generated by the eESPD information system, they shall mark answer "No" in Part III of eESPD: EXCLUSION GROUNDS, letter D: Specific national grounds for exclusion and there are no grounds for exclusion under item 1.15.*

**1.16.** When submitting an application, the applicant shall declare the lack of grounds for exclusion and compliance with the selection criteria by submitting ESPD. In ESPD, the applicant shall provide the relevant information required by the contracting authorities and indicates the national databases containing the declared circumstances or the competent authorities, which, under the law of the country where the applicant is established, are required to provide information.

**1.17.** Where the applicant has indicated that it will use the capacity of third persons to demonstrate compliance with the selection criteria, a separate ESPD shall be submitted for each of these persons containing the information under item 1.16.

**1.18.** Applicants may use ESPD that has already been used in a previous public procurement procedure, if they confirm that the information contained therein is still up to date. In these cases, instead of ESPD, a declaration confirming the timeliness of the data and the authenticity of the signatures in the published ESPD shall be submitted and the address at which the published ESPD can be accessed shall be specified.

**1.19.** The Contracting Authority may require at any time candidates to present all or part of the documents attesting the information referred to in the ESPD when this is necessary for lawful conduct of the procedure.

**1.20.** Candidates in the procedure can obtain the necessary information on the obligations related to taxes and social security, protection of employment and working conditions, environmental protection, which are in force in the Republic of Bulgaria and relevant to the subject of the contract, as follows:

**1.20.1.** on obligations relating to taxes and social security:

- National Revenue Agency (NRA) - tel.: 0700 18 700; [www.nap.bg](http://www.nap.bg)

**1.20.2.** on the circumstances concerning the protection of employment and working conditions:

- Ministry of Labour and Social Policy (MLSP) - Sofia 1051, 2, Triaditza Street, tel.: 02/811 94 43; <https://www.mlsp.government.bg/>

**1.20.3.** on the circumstances concerning environmental protection:

- Ministry of Environment and Water (MOEW) - Sofia 1000, 67, W. Gladston Street, tel.: 02/940 63 31; <http://www.moew.government.bg/>

**1.21.** In the process of the procedure, candidates are obliged to notify the Contracting Authority of all circumstances occurred with regard to their personal status within seven days of occurrence.

## II. PREPARATION AND SUBMISSION OF APPLICATIONS FOR PARTICIPATION ON PAPER

**2.1.** The application for participation in a restricted project competition shall be submitted by the applicant or by its authorized representative - either in person or by post or other courier service as registered mail with a return receipt, to the address of the Contracting Authority - Sofia Municipality - Architecture and Urban Development Department, 1000 Sofia, 5, Serdika Street, ground floor, registry office, within the term specified in the competition notice. The application for participation shall be submitted in sealed, opaque packaging containing:

- a list of the documents submitted;
- European Single Procurement Document (ESPD) for the applicant in accordance with the requirements of the law and the conditions of the Contracting Authority and, where applicable, ESPD for each of the members of a consortium, which is not a legal entity and for each person whose resources will be involved in the execution of the contract;
- documents proving the reliability measures taken, where applicable;
- the documents under Art. 37, para. 4, IRPPA, where applicable;
- documents under Art. 80, para. 6 for decreasing the number of applicants.

*The name of the applicant, including the members of the consortium, where applicable; address for correspondence, telephone, e-mail address and, if possible, fax; the name of competition shall be indicated on the packaging.*

The application forms should be drawn up in the Bulgarian language. All documents enclosed in a foreign language should be accompanied by a translation into the Bulgarian language. Failure to present a translation of a submitted document will be considered as a non-submitted document.

Applicants may submit their applications and attached documents in both languages - Bulgarian and English. The English translation is only informative to facilitate the jury. In case of a difference between the Bulgarian and English texts, the Bulgarian text shall prevail.

The applicant must examine all the forms, instructions and conditions given in this procurement documentation.

When preparing the application form, each candidate must adhere strictly to the conditions announced by the Contracting Authority.

Upon submission of copies of the required documents, they shall be certified with the text "true copy" - signed by the person who performed the certification and stamped with the seal of the applicant.

The application for participation shall be signed by the person representing the applicant or by duly authorized person/persons, where the power of attorney shall be enclosed with the application.

**2.2. The package** shall contain the following:

**2.2.1. A list of the submitted documents** contained in the application signed by the applicant. (Template № 1);

**2.2.2. European Single Procurement Document (ESPD)** for the applicant in accordance with the requirements of the law and the conditions of the Contracting Authority and, where applicable, ESPD for each of the members of a consortium, which is not a legal entity and for each person whose resources will be involved in the execution of the contract.

*According to Art. 67, para 4, PPA in conjunction with § 29, item. 5, b. „a” of the PPA Transitional and Final Provisions in force since April 1, 2018, the ESPD shall be provided*

electronically. The Contracting Authority will use the free service provided by the EC via the information system eESPD. The system is accessible through the Public Procurement Portal, Section PPR and e-Services /Electronic Services of the European Commission, as well as directly at <https://ec.europa.eu/tools/esp/>. For the specific procedure, the Contracting Authority creates a model of ESPD. Generated files (espdrequest) will be made available to interested parties electronically, with unlimited, full, free and direct access to the buyer's profile at the address specified in item 3.1. of Section III of this documentation, where the other procurement documentation is available. The business entity uploads the resulting XML file into the system, fills in the required data and downloads it (ESPD-response). Then the ESPD should be signed with an electronic signature by the respective persons.

Besides the EC eESPD system, the Contracting Authority provides all interested parties with a form – **Template No. 2** (prepared in MS WORD file extension .doc), in which the applicant shall fill in the required data, and then the respective persons should sign the ESPD with an electronic signature. Candidates in the procedure should provide ESPD in electronic form, digitally signed and saved on the appropriate optical medium, and enclosed with the package of documents for participation in the procedure. The format in which the document is submitted should not allow editing of its content.

Another submission option is through electronic access to the ESPD, prepared and signed electronically. In this case, the document should be provided with the so-called time stamp that certifies that ESPD is signed and uploaded to the Internet address to which it is sent before the deadline for receipt of applications. In the cases where ESPD is completed via the eESPD system, upon its submission, the version in PDF format should be signed with electronic signature.

**2.2.2.1.** When submitting the application, the applicant declares the absence of the grounds for exclusion and the compliance with the selection criteria by submitting the ESPD. In ESPD, the applicant shall provide the relevant information required by the contracting authority and indicates the national databases containing the declared circumstances or the competent authorities, which, under the law of the country where the applicant is established, are required to provide information.

**2.2.2.2.** Where the applicant has indicated that it will use the capacity of third persons to demonstrate compliance with the selection criteria, a separate ESPD shall be submitted for each of these persons containing the information under item 2.2.2.1.

*Third persons shall meet the relevant selection criteria and to demonstrate that, the applicant refers to their capacity and there are no grounds for their exclusion from the procedure.*

**2.2.2.3.** Applicants may use ESPD that has already been used in a previous public procurement procedure, if they confirm that the information contained therein is still up to date. Applicants can make use of this option when direct and unrestricted electronic access is provided to ESPD already prepared and signed electronically. In these cases, instead of ESPD, a free text declaration confirming the timeliness of the data and the authenticity of the signatures in the published ESPD shall be submitted with the selection procedure documents and the address at which the published ESPD can be accessed is specified.

**2.2.2.4.** Where the requirements of under items 1.2.1., 1.2.2. and 1.2.7. concern more than one person, all persons sign the same European Single Procurement Document (ESPD). When there is a need for personal data protection or differences in circumstances relating to personal status, information on requirements under items 1.2.1., 1.2.2. and item 1.2.7. shall be completed in a separate ESPD for each person or for some of the persons.

**2.2.2.5.** In the cases under item 2.2.2.4., when more than one ESPD is submitted, the circumstances related to the selection criteria shall be included only in the ESPD signed by the person entitled to represent the respective business entity independently.

**2.2.2.6.** According to Art. 59, para. 5, PPA, the Contracting Authority shall indicate the selection criteria and the documents, which prove their fulfilment in the notice for the competition, which announces opening of the procedure.

**2.2.2.7.** Data shall be provided in ESPD on public registers containing information on the declared circumstances or on the competent authority, which under the law of the respective country, is obliged *ex officio* to provide information on these circumstances to the contracting authority.

**2.2.2.8.** Where any of the grounds under items 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.6 and 1.2.7 is available for an applicant and before submitting the application for participation the latter has taken measures to prove reliability under item 1.4, these measures shall be described in ESPD.

**2.2.3. Documents proving the taken reliability measures /when applicable/:**

**2.2.3.1.** with regard to the circumstance under Art. 56, para. 1, item 1 and 2, PPA /item 1.4., b. "a" and b. "b" of the documentation/ - proof of payment or agreement or other document showing that the debts have been collateralized or that the parties have agreed to their deferral or rescheduling, together with a repayment schedule and/ or with specified dates for the final payment of outstanding debts or that the applicant is in the process of paying off due compensation;

**2.2.3.2.** with regard to the circumstance under Art. 56, para. 1, item 4, PPA / item 1.4., b. „c“ of the documentation/ - a document from the relevant Competent Authority to confirm the circumstances described;

**2.2.3.3.** with regard to the circumstance under Art. 56, para. 1, item 4, PPA / item 1.4., b. „d“ of the documentation/ - a certificate from the bodies of the Executive Agency "General Labour Inspectorate".

**2.2.4. A copy of a consortium agreement where the applicant is a consortium that is not a legal entity (where applicable)**

The document shall contain provisions, which:

- appoint a partner to represent the consortium for the purposes of the public procurement contract;
- agree joint and several liabilities where such is not provided for under the applicable law;
- lay down the legal basis for establishing the consortium;
- lay down the rights and obligations of the members of the consortium;
- lay down the division of responsibility among the consortium members;
- specify the activities to be performed by each member of the consortium.

**2.2.5.** Documents in connection with Art. 80, para. 6, PPA for decreasing the number of applicants in accordance with the requirements of Chapter V of this documentation:

- Short description of the site, including: project title, contracting authority/ investor, location, year of design and construction, explanatory memorandum with basic elements and solutions of the project – up to 3 pages, A4 format.
- Graphic materials for the site showing the area of the project, as well as copies and / or extracts from the project, showing undeniably the presence of the evaluation methodology components so that the jury can assess their availability. Graphic materials shall be provided in A3 format.
- Evidence of the expert's participation in the project - a copy of a contract with deleted confidential information and / or a reference / service note from the sponsor / employer containing the name of the project and the role of the expert and / or other document proving undeniably the expert's participation in the design of the site.

- Evidence of awarding a prize for the design from a competition organized by government and / or local administration - copies of award certificates and / or other document proving undoubtedly the award of the prize for the respective site.

**2.3.** All costs of preparing and submitting the application form are at the expense of the candidates in the procedure.

**2.4.** Each candidate may modify, supplement or withdraw their application by the deadline for submitting applications.

**2.4.1.** Withdrawal of the application for participation terminates further participation of the applicant in the procedure.

**2.4.2.** The supplement and modification of the application must comply with the requirements and conditions for submission of the initial application, and on the packaging shall be marked the text "Supplement/Modification of Application for Participation" (with incoming registration number).

**2.5.** If the applicant sends the application form by registered mail or courier service, the costs are at its expense. The applicant shall bear the risk of delay (actual receipt of the application after the final date and time) or the loss of the application.

**2.5.1.** Applications for participation submitted after the submission deadline, or are in unsealed packaging or in packaging with impaired integrity shall not be accepted.

**2.5.2.** In the event that at the time of the deadline for receiving applications for participation, there are people still waiting at the location designated for submission, they shall be included in a list that has to be signed by a representative of the Contracting Authority and the persons present. The applications for participation of the persons on the list shall be entered in the Register of the Contracting Authority. In this case, no applications for participation from persons not included in the list shall be accepted.

**2.6.** The submitted application forms shall be opened on the date and at the time indicated in the design contest notice, in the building of Sofia Municipality - Architecture and Urban Development Department, 1000 Sofia, 5 Serdika Str. The opening of the applications is public and may be attended by the candidates in the procedure or their authorized representatives as well as by representatives of the mass media.

### **III. ACCESS TO THE PUBLIC PROCUREMENT DOCUMENTATION AND INFORMATION EXCHANGE**

**3.1.** The Contracting Authority shall provide unlimited, full, free and direct access to the public procurement documentation on the official website of Sofia Municipality - Architecture and Urban Development Department, Section "Buyer Profile"

<https://platform.negometrix.com/PublicBuyerProfile/PublishedTenderInformation.aspx?tenderId=115832&companyId=20914>. It can be downloaded free of charge from that link by the deadline for receiving applications for participation.

**3.2.** According to Art. 33, para. 1, PPA, any interested person may request in writing from the contracting authority explanations of the decision, notice and the public procurement documentation up to 10 (ten) days before the deadline for receiving the applications for participation.

**3.3.** The Contracting Authority shall provide the explanations as an electronic document published on the "Buyer Profile" within 4 days of receiving the request, but not later than 6 (six) days before the deadline for receiving the applications for participation. The person who made the inquiry shall

not be indicated in the explanation. The Contracting Authority shall not provide explanations if the request has been received after the deadline set under Art. 33, para. 1, PPA.

**3.4.** The Contracting Authority shall notify each applicant / participant of any decision in the cases provided for in the PPA. The exchange of information between the Contracting Authority and the interested parties / applicants / participants shall be in writing, in the Bulgarian language and shall be carried out through:

- a) Delivery in person upon signed acknowledgement, or
- b) Electronically (by e-mail) - to the addresses specified by the Contracting Authority and the interested parties / applicants / participants, or
- c) by fax to the numbers specified by the Contracting Authority and the interested parties / applicants / participants, or
- d) by post or by courier service, to the address indicated by the interested party / applicant / participant, attested by a delivery notice, or
- e) by a combination of the means under letters "a" - "d".

*The exchange of information by delivery in person upon signature shall be carried out by the Contracting Authority through the contact persons specified in the notice. The interested person / applicant / participant receives information through the contact persons specified in the request / application for participation.*

*In the case of electronic notification or by fax, the notification shall be deemed regular if it is sent to the addresses in accordance with paragraph 3.4., b. "b" and "c" and an auto-generated message confirming receipt is received.*

*Upon any change in the address, e-mail or fax number for correspondence, the applicants / participants shall oblige to notify the contracting authority within 24 hours.*

*Wrongly specified address or fax number for correspondence or failure to notify of change of address or fax number for correspondence exempts the Contracting Authority from responsibility for improper sending of the notifications or information.*

**3.5.** According to Art. 43, para. 1, PPA, the Contracting Authority shall submit all its decisions under Art. 22, Para. 1, items 7 and 8, PPA to the applicants/participants within 3-day term from their issuance. The decisions shall indicate the relation to the electronic file in the buyer profile, where the protocols and the final reports of the jury are published. The decision shall be sent:

- to an address, indicated by the applicant or participant: by electronic mail, where the notice accompanying them shall be signed with an electronic signature, or by postal or other courier service by registered mail with a return receipt;
- by fax.

*Where the decision is not received by the applicant / participant in any of the ways, indicated above, the Contracting Authority shall publish a notice to him in the buyer profile. The decision shall be deemed delivered from the date of publication of the notice.*

#### **IV. CRITERIA FOR SELECTING CANDIDATES**

**4.1.** The candidate shall meet the following minimum requirements:

**A) Minimum requirements for economic and financial standing:**

The Contracting Authority does not set requirements regarding the economic and financial standing of the participants in the procedure.

**B) Minimum requirements for technical and professional ability of the candidate:**

**For the last 10 (ten) years from the date of submission of the application, candidates should have completed at least 1 (one) service identical or similar to the subject and volume of the public contract.**

*Service identical or similar to the subject and volume of this public contract means performance of services related to investment projects that have been developed, approved and implemented and / or are in the process of implementation for construction and / or reconstruction and / or overhaul and / or major renovation of squares and / or open pedestrian spaces to public buildings with area over 1,5 ha in urban territories.*

Reasons: The requirement for a similar service to be performed over the last ten years is set by the Contracting Authority on the grounds of Art. 63, para. 2, PPA because of the specificity of the tender and the limited number of orders awarded by other national contracting authorities for similar public procurement projects over the past three years. In this sense, the nature and volume of the subject matter of the contract and the need to ensure a higher level of competition imply increasing the period, which the Contracting Authority considers relevant to the experience of the candidates in the procedure.

*The Applicants shall provide the information on the above requirement for technical and professional ability by completing Part IV of ESPD: Selection Criteria, Section C: Technical and Professional Ability, item 1b) according to the description therein.*

In the cases under Art. 67, para. 5, PPA, in order to prove the above requirement, the applicant shall submit:

List of services that are identical or similar to the subject matter of the public procurement, performed in the last 10 (ten) years from the date of submission of the application for participation with a statement of the values, dates and recipients, together with proof of the service performed.

***On the grounds of Art. 67, para. 5, PPA, the Contracting Authority may request from the applicant at any time to produce all or part of the documents, which prove the information, indicated in the ESPD, where this is needed for the legality of the procedure.***

#### **Using the Capacity of Third Persons**

*The candidates may refer to the capacity of third persons, notwithstanding of the legal connection between them in relation to the criteria, related to the economic and financial standing, the technical abilities and the professional competence.*

*With regard to the criteria, related to the professional competence, the candidates may refer to the capacity of third persons, only if the persons, whose education, qualification or experience proves fulfilment of the requirements of the Contracting Authority, will participate in the performance of the part of the contract, for which this capacity is needed.*

*Where the candidate refers to the capacity of third persons, the former must prove that he/she will have their resources by producing documents for the obligations undertaken by the third persons.*

*The third persons shall meet the relevant selection criteria for the proof of which the candidate refers to their capacity and grounds for removal from the procedure for them should not be present. If a third person fails to meet some of these conditions, the Contracting Authority shall require the candidate to replace such third person.*



## V. CRITERIA FOR DECREASING THE NUMBER OF CANDIDATES

Due to the importance of the space of the “St. Nedelya” Square in urban, architectural, spatial, functional and cultural-historical terms, and the influence that the quality of the staff involved in the implementation of the subject matter of the competition may have, the Contracting Authority determines the professional competence of the personnel involved in the implementation of the subject matter of the tender as a criterion for decreasing the number of candidates.

Each candidate has to present a team that will perform the competition task. The team shall consist of at least the following key experts:

- Team leader – Architect;
- Urbanist (city-planner);
- Expert – immovable cultural heritage with a degree in architecture or archaeology;
- Landscape architect;
- Architect.

The evaluation of the professional competence of each of the proposed key experts will be based on his/her experience in designing urban and/or investment projects for urban space - a square and / or a pedestrian area. The evaluation of the jury will be made in the context of and with direct link to the subject matter of this competition. The experience of each expert is assessed based on a portfolio of **up to 5 designs of urban and/or investment projects**, containing the following for each of the designs:

1. Short description of the site, including: project title, contracting authority/ investor, urban place, year of design and construction, explanatory memorandum with basic elements and solutions of the project – up to 3 pages, A4.
2. Graphic materials for the site showing the area covered by the project, as well as copies and / or extracts from the design, showing undeniably the presence of the evaluation methodology components so that the jury can assess their availability. Graphic materials shall be provided in A3 format.
3. Evidence of the expert's participation in the project - a copy of a contract with deleted confidential information and / or a reference / service note from the client / employer containing the name of the project and the role of the expert and / or other document proving undeniably the expert's participation in the design of the site.
4. Evidence of awarding a prize from a competition organized by government and / or local administration - copies of the award certificates and / or other document proving undeniably the award of the prize for the respective site.

The assessment of the professional competence of each expert will be based on the designs submitted in the portfolio according to the following indicators:

1. First set of criteria related to the nature of the submitted designs:

Indicator	Points
Criterion C1: The designed site or at least one of the designed sites and / or its immediate boundary space includes sites of immovable cultural heritage	7
Criterion C2: The designed site or at least one of the designed sites includes an archaeological site (s)	10
Criterion C3: The designed site and at least one of the designed sites is awarded a prize from a competition organized by government and / or local administration:	
• 3 <sup>rd</sup> place	3
• 2 <sup>nd</sup> place	5
• 1 <sup>st</sup> place	8
<b>Total score for the design</b>	<b>Max. 25 points</b>

2. A second set of criteria related to the qualities of the submitted designs:

- 2.1. Criterion K1: innovativeness and sustainability of the solution, uniqueness of the architectural concept;
- 2.2. Criterion K2: functional solution, zoning and interconnections, balanced territory, effective inter-zone interaction;
- 2.3. Criterion K3: Appropriate communication-transport solution, accessibility and parking, provision of pedestrian connections;
- 2.4. Criterion K4: quality volume-space and architectural-art solution, public works and landscaping;
- 2.5. Criterion K5: continuity between historical structures, socialization of immovable cultural and archaeological values;

The jury shall evaluate criteria K1 to K5 on a three-step scale, which reflects the degree of compliance of the design with good professional practice as follows:

**15 points** – Design proposals that are appropriate and well developed, including innovation, originality and modernity of the solution.

**7 points** – Design proposals that are appropriate and well developed.

**1 point** – Design proposals that are that are inadequate and unsatisfactory.

The number of points awarded to each of the experts for their experience is determined by the following formula:

$$OE = \sum C1 \div C3 + \sum K1 \div K5,$$

where:

- OE is the assessment for professional competence of each of the proposed experts;
- C are the assessments of proposed designs in the portfolio according to the criteria related to the nature of the designs;
- K are the assessments of the proposed designs in the portfolio according to the criteria related to the qualities of the designs;

The maximum number of points for each submitted design for each expert is 100.

In relation to the role of key experts in the development of the competition task, the Contracting Authority determines a factor with the following relative weight in the overall score of each expert in the total score for the candidate:

<b>Total score for the expert</b>	<b>Weighting factor</b>
Team leader – Architect (TL)	0.30
Architect (A)	0.25
Expert – immovable cultural heritage (EICH)	0.20
Urbanist (city-planner) (U)	0.15
Landscape architect (LA)	0.10

The overall score of the candidate (OSC) according to the criterion for decreasing the number of candidates is calculated according to the following formula:

$$\text{OSC} = \text{OE}(\text{TL}) \times 0.30 + \text{OE}(\text{A}) \times 0.25 + \text{OE}(\text{EICH}) \times 0.20 + \text{OE}(\text{U}) \times 0.15 + \text{OE}(\text{LA}) \times 0.10$$

The possible total score for the criterion for decreasing the number of candidates is 100 points.

The Contracting Authority will send a call for design submission for the competition task to the candidates who have collected the highest number of points. The number of candidates that will receive a call is determined according to the number of participants that have applied for participation.

If there are no 7 (seven) candidates with a total score of 50 or more points, the jury may propose the Contracting Authority to terminate the competition.

*If the total score of two or more candidates is equal, the candidate whose team leader has higher number of points shall get a higher rank. In case of an equal number of points on this score too, the jury shall draw a public lot to determine the ranking of these candidates.*

## **VI. JURY**

**6.1.** The competition is held by a jury, which is independent in taking decisions or expressing opinions. Members of the jury should not have a conflict of interest with the applicants or participants.

**6.2.** The Contracting Authority shall announce the names of the persons nominated for jury members.

**6.3.** Anyone interested in participating in the design contest, within 3 days of announcing the nominees may submit to the Contracting Authority a reasoned objection against a nominated member of the jury or an alternate member with whom he/she is in a relationship of conflict of interest.

**6.4.** When the objections are filed within the time limit under item 6.3. and are justified, within 3 days, the Contracting Authority shall replace the respective nominated member of the jury or alternate member. The final nominal composition of the jury and alternates shall be announced no later than the deadline for receipt of tender designs.

**6.5.** The Contracting Authority shall announce the actions under items 6.2. and 6.4. through the buyer profile.

**6.6.** The Contracting Authority shall appoint a jury to carry out the pre-selection of the applications under the procedure set out in Art. 54, para. 7-9, 11-13, IRPPA, as well as for examination and evaluation of the tender designs. The appointment of the jury shall be done by an order, which defines the following:

**6.6.1.** the nominal composition and the person appointed as chair;

**6.6.2.** the deadlines for carrying out the work;

**6.6.3.** the place of storage of the documents relating to the design contest until the jury has completed its work.

**6.7.** The jury members are obliged to keep confidential the circumstances they have come to know in connection with their work, for which they shall submit written declarations, as well as for the lack of the circumstances under Art. 80, para. 7, second sentence of the PPA.

**6.8.** Minutes shall be kept of the meetings of the jury and, upon completion of the work; a report shall be drawn up, which shall be submitted to the Contracting Authority together with all the documentation of the competition.

**6.9.** Where necessary, the jury may propose to the Contracting Authority to commission expert assessments prepared by external experts.

## **VII. PROCEDURE FOR THE CONDUCT OF THE RESTRICTED DESIGN CONTEST**

**7.1.** The jury shall carry out a pre-selection under the procedure set out in Art. 54, para. 7-9, 11-13, IRPPA and according to the criteria for decreasing the number of candidates. The jury shall submit a record (protocol) of the selection outcomes to the Contracting Authority.

**7.2.** Within 5 working days from the date of adoption of the protocol, the Contracting Authority shall announce by decision the candidates who will be called to submit tender designs. The decision shall also include the candidates who do not meet the requirements of the contracting authority and the reasons therefor.

**7.3.** Within the deadline under Art. 55, para 2, IRPPA, the Contracting Authority shall send to the successful applicants a call to submit designs.

**7.4.** The tender design shall be submitted by the participant or by an authorized representative either in person or by post or other courier service as registered mail with a return receipt, to the

address of the Contracting Authority - Sofia Municipality - Architecture and Urban Development Department, 1000 Sofia, 5, Serdika Street, ground floor, Registry Office within the term specified in the call for tender designs, which shall not be less than 90 calendar days.

The tender designs shall be submitted in a sealed opaque packing, containing narrative and graphic part in compliance with the requirements of Section 6 of the Terms of Reference: REQUIREMENTS TO THE VOLUME AND CONTENT OF THE PRESENTED DESIGN MATERIALS.

In the packing, the participants present in free form and in a separate sealed envelope the estimated value for implementation of the investment project. The text "Estimated value for implementation of the investment project" shall be inscribed on the envelope.

*The name of the participant, including the members of the consortium, where applicable; address for correspondence, telephone and, if possible, fax and e-mail address and the title of competition shall be indicated on the packaging.*

The tender design shall be developed in the Bulgarian language. All documents enclosed in a foreign language should be accompanied by a translation into the Bulgarian language. Failure to present a translation of a submitted document will be considered as not submitted document.

Candidates may submit the tender designs in bilingual version - in Bulgarian and English. The English translation is only informative to facilitate the jury. In the case of discrepancy between the Bulgarian and English texts, the text in the Bulgarian language shall prevail.

In the event that the tender design or the explanatory note thereto, in its graphic or textual part, contains data identifying the participant, the latter shall be excluded from participating in the award procedure.

Acceptance of the tender design shall be certified by formal receipt issued by the relevant official containing as follows:

- the incoming registration number with which the tender design was received, the date, time and venue of receipt;
- the name of the official who received the tender designs;
- the type, number and state of the tender designs;
- the signature of the official who received the tender designs.

The participant must examine all the forms, instructions and conditions given in this public procurement documentation.

When elaborating the design, each participant must adhere strictly to the conditions announced by the Contracting Authority.

Upon submission of copies of the required documents, they shall be certified with the text "true copy" - signed by the person who performed the certification and stamped with the seal of the participant.

**7.5.** After the deadline for receipt of tender designs, the Contracting Authority shall appoint officials to perform ex-ante activities to ensure the anonymity of the designs prior to their examination by the jury.

**7.6.** The appointed officials are obliged to keep confidential the circumstances they have come to know in connection with their activities under item 7.5., for which they shall submit written declarations.

**7.7.** The officials open the packages and check the state of the tender designs. If some of the designs were found to be in a shape that allows for breach of their anonymity, the officials shall

forward them to the Contracting Authority, accompanied by a report describing the non-conformities found, and propose these designs not to be admitted to the procedure.

**7.8.** A separate number shall be assigned to each tender design and shall be placed on all the materials in the package.

**7.9.** The officials shall draw up a list of the numbers and the corresponding names of the participants. The list shall be put in an opaque envelope and sealed.

**7.10.** The materials under item 7.8. and the envelope under item 7.9. shall be submitted to the jury.

## **VIII. EVALUATION AND RANKING ACTIVITIES**

**8.1.** The jury shall examine and evaluate the submitted designs in closed sessions in relation to the criteria set out in the notice and in the documentation of the competition and shall rank the designs that meet the conditions previously announced. When examining and evaluating projects, the jury, if necessary, may raise questions relating to various aspects of the design that need clarification.

**8.2.** The jury cannot be given guidance on design evaluation. Their decisions on the assessment are independent and final.

**8.3.** The results of the evaluation shall be announced at a public meeting that can be attended by the participants in the procedure or their authorized representatives as well as by representatives of the mass media. The envelope under item 7.9 shall be opened at the meeting and the names of the participants whose designs were successfully ranked shall be announced.

**8.4.** The Contracting Authority shall announce the date, time and venue of the activities under item 3 on the competition website and on the buyers profile on its website.

**8.5.** Upon completion of its work, the jury shall prepare a report containing:

**8.5.1.** the composition of the jury, including the changes that have occurred in the course of its work;

**8.5.2.** the number and date of the order for the appointment of the jury, as well as the orders amending the terms of office and composition thereof;

**8.5.3.** the participants in the contest;

**8.5.4.** a brief description of the workflow, including activities related to opening, examining and evaluating the designs;

**8.5.5.** design scores and justifications for the decisions of the jury;

**8.5.6.** successful designs and participants proposed for awards;

**8.5.7.** the designs proposed for exclusion because they do not meet the previously announced conditions, when applicable;

**8.5.8.** the participants proposed for exclusion, when applicable;

**8.5.9.** the reasons for the proposals under items 8.5.7. and 8.5.8;

**8.5.10.** the reservations of the jury members, if any.

**8.6.** All documents drawn up in the course of the work of the jury, such as minutes of meetings, evaluation tables, reasons for reservations, etc. shall be enclosed with the report.

## **IX. EVALUATION CRITERIA AND METHODOLOGY FOR EVALUATION OF THE TENDER DESIGNS**

This methodology contains precise guidelines for determining the integrated assessment of each design proposal. The methodology includes the indicators for determining the comprehensive score and the number of points for each of them, as well as precise guidelines for determining the rating for each indicator.

The jury shall apply the methodology to the designs of the participants who have not been excluded from the procedure and who meet the requirements announced by the Contracting Authority.

The evaluation criterion for the tender designs is the optimal quality/price ratio. The evaluation of the tender designs shall be carried out according to the following indicators with the respective relative weight in the comprehensive score as follows:

Indicators	Weighting
Indicators including qualitative, environmental and social aspects	90
Estimated value for implementation of construction	10

The indicators, including qualitative, environmental and social aspects, are as follows:

**Indicator 1. Rationality, effectiveness and feasibility of the proposed communication and transport solution** - providing car and pedestrian access to every building, parking and environment for disadvantaged people (I1);

**Indicator 2. Applicability of the functional structure** of the square space and its contact areas - provision of activities necessary for residents and visitors to the square space (I2);

**Indicator 3. Historical continuity** - implementation of continuity between existing structures of proven architectural and artistic value and successfully functioning newly created structures (I3);

**Indicator 4. Spatial integrity** of the square and its contact areas (I4);

**Indicator 5. Socialization of the immovable cultural and archaeological values** by appropriate, accessible and safe exposure for the finds and visitors (I5);

**Indicator 6. Contemporary and appropriate urban design and development** related to volume-structure solution, colour, pavements, decorative lighting, architectural details, landscaping, trees and shrub vegetation, urban furnishings (I6);

**Indicator 7. Sustainable balance between the requirements and preferences of all stakeholders in the urban process** with priority given to the public interest (I7);

**Indicator 8. Durability of the materials proposed** for implementation and maintenance (I8);

**Indicator 9. Option for stepwise implementation** of the site and its contact zones (I9).

The jury shall evaluate indicators 1 to 9 on a three-tier scale shown in the evaluation table below. They reflect the compliance of the tender design with the requirements of the Contracting Authority set out in the Terms of Reference and good professional practices as follows:

Indicator No.		
<i>(to be completed for each of the indicators 1 to 9)</i>		
Criterion	Score in points	Rationale for the score

<b>Satisfactory solution:</b>  <i>The solution presented covers all the requirements of the Terms of Reference;</i>	1	
<b>Good solution</b>  <i>The solution presented covers all the requirements of the Terms of Reference;</i>  <i>Appropriateness and feasibility of the solution is justified in all aspects of the Terms of Reference;</i>	5	
<b>Excellent solution</b>  <i>The solution presented covers all the requirements of the Terms of Reference;</i>  <i>Appropriateness and feasibility of the solution is justified in all aspects of the Terms of Reference;</i>  <i>The presented solution is innovative (in line with modern urban planning and urban environment ideas), original (unusual, non-conventional) and with creative individuality</i>	10	

The overall score (OS) of the participant according to the indicators that measure qualitative, environmental and social aspects is calculated by the following formula:

$$OS = I1 + I2 + I3 + I4 + I5 + I6 + I7 + I8 + I9,$$

where the maximum number of points a participant can get is 90.

**The indicator “Estimated value for implementation of the construction“ (EV)** is measured by the following formula:

$$EV = (EV_{\min} / EV_{\text{part}}) \times 10,$$

where:



$EV_{\min}$  – the lowest implementation value offered by the eligible participants.

$EV_{\text{part}}$  – the implementation value offered by the respective participant.

**The comprehensive score (CS)** of each participant is calculated by the following formula:

$$CS = OS + EV$$

where the maximum number of points that a participant can get is 100.

*The proposed estimated values are verified to ensure that they are prepared and presented in accordance with the requirements set out in the documentation for participation in the procedure. In case of a difference between the amounts expressed in figures and words, the verbal expression of the amount is regarded as correct.*

*In assessing each of the indicators, the jury calculates the points to the second decimal place.*

The jury ranks the participants in descending order of the number of points obtained by each of them in the comprehensive score.

If none of the participants has received a comprehensive score of 70 or more points, the jury shall have the right not to award a first prize and to propose to the Contracting Authority not to conduct a negotiated procedure without prior notice under Art. 79, para. 1, item 9, PPA.

The jury may propose to the Contracting Authority to terminate the competition if there are no 7 (seven) participants who have received a comprehensive score of 50 or more points.

*In the event that the comprehensive scores of two or more tender designs are equal, the tender design, which offers a lower price for implementation of the investment project, shall get a higher rank. If the prices are also equal, scores for the indicator with the highest weighting shall be compared and the tender design with the higher score for this indicator shall be selected. In case the ranking of the tender designs cannot be determined by this order, the jury shall draw a public lot to determine the ranking of the tender designs with equal comprehensive scores.*

## **X. ESTIMATED CONTRACT VALUE. FUNDING**

The total maximum estimated value **of this public contract** amounts to **BGN 750 000 (seven hundred and fifty thousand) exclusive of VAT, including:**

- the total amount of the prizes – BGN 250 000 (two hundred and fifty thousand) exclusive of VAT;**
- the estimated value exclusive of VAT of the public service contract, which may be awarded through a negotiated procedure without prior notice – BGN 500 000 /five hundred thousand/ exclusive of VAT.**

**Note:** *The total maximum estimated value of the design services for the preparation and implementation of all necessary co-ordination procedures during the design phase of the future*

*detailed investment project is BGN 500 000 /five hundred thousand/ exclusive of VAT, which represents the estimated value for the award of the public service contract under the procedure of Art. 79, para. 1, item 9, PPA.*

**Note:** *The costs of calling for competition, the awards of the ranked participants, the remuneration of the officials and the jury shall be covered in full by the Contracting Authority.*

## **XI. DEADLINES**

**11.1.** The Contracting Authority shall set a deadline for the submission of applications for participation, which shall be specified in the notice.

**11.2.** Within the time limit under Art. 55, para. 2, IRPPA, the Contracting Authority shall send a call to the successful applicants to submit designs, setting a deadline for submission not shorter than 90 calendar days.

**11.3.** The Contracting Authority shall announce the date, time and venue for holding a public jury meeting, at which the results of the evaluation and ranking of the participants in the competition shall be announced in accordance with Art. 91, para. 3, IRPPA, by publication on its official website [www.sofia-agk.com](http://www.sofia-agk.com), buyer profile section and on the website of the competition [www.svetanedelya.com](http://www.svetanedelya.com).

## **XII. CLOSING THE DESIGN CONTEST PROCEDURE**

Within 10 days of approval of the jury report, the Contracting Authority shall announce by decision the ranking of the participants according to the jury's report as well as the prizes. The decision shall be published in the buyer profile section and sent to all participants in the contest.

## **XIII. TERMINATION OF THE DESIGN CONTEST PROCEDURE**

**13.1.** The Contracting Authority shall terminate the design contest procedure by a decision if:

- not a single application or tender design has been submitted;
- not a single eligible application for participation has been submitted;
- all the tender designs do not meet the pre-announced conditions of the Contracting Authority;
- during the opening and holding of the competition were found breaches that could not be removed without changing the conditions under which the contest was announced;
- there is no further need for conducting the contest or for awarding the contract under the procedure of Art. 79, para. 1, item 9, PPA as a result of a substantial change in the circumstances or in the event of failure to provide funding for the performance of the contract for reasons that the Contracting Authority could not foresee;
- significant changes to the terms and conditions of the competition are necessary that would change the circle of stakeholders.

**13.2.** The Contracting Authority may terminate the procedure by a reasoned decision where:

- only one application or only one tender design has been submitted;
- only one eligible application for participation has been submitted;

- there is only one tender design, which meets the pre-announced conditions of the Contracting Authority.

Within 3 days of the decision to terminate the design contest procedure, the Contracting Authority shall notify the candidates or participants, shall publish it on the Buyer Profile and send it to the Executive Director of the Public Procurement Agency.

**13.3.** In case of termination of the design contest procedure after the final date for submission of the tender designs, the Contracting Authority shall return the designs received to the respective participants.

**Appendices:**

1. List of the submitted documents – Template No. 1;
2. European Single Procurement Document (ESPD) – Template No. 2;
3. Draft contract;
4. Terms of Reference for the development of a conceptual architectural and urban planning design for “St. Nedelya” Square, Sofia.

**For all issues not covered by this document, the provisions of the PPA and the IRPPA shall apply.**