



SELECTION GUIDE

Works Concession no. 1644

Regarding the redevelopment of the TIR Centre located in the port area

Dialogue procedure

Regional Authority of the Port of Brussels

Place des Armateurs 6
1000 Brussels

Deadline for submission of Requests to Participate:

15 October 2026 before 4.00 pm

Deadline for submitting questions: September 30th at 11.59 pm

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Concessionaire	The Tenderer with which the Concession is concluded.
RD Concessions	Royal Decree of 25 June 2017 on the awarding and general implementation rules for concession contracts.
Candidate	A legal entity, or a grouping without legal personality of several legal entities, that submits a Request to Participate under this Award Procedure.
Concession	The works concession that is the subject of this Award Procedure.
Standstill period	A period of fifteen days from the notification of the reasoned decision, during which the concession contract may not be concluded.
Request to Participate	The Request to Participate submitted by a Candidate in response to the contract notice and the Selection Guide.
Concession documents	The documents and provisions applicable to the Award Procedure, including the Selection Guide, the Descriptive Document(s), the documents provided for information, the performance specifications and all other documents provided by the Contracting Authority to the Candidates/Participants/Tenderers under the Award Procedure.
Original Descriptive Document	The descriptive document, which forms part of the Concession documents and may be amended. This document is sent after the selection of Candidates and serves as the basis for the dialogue phase.
Final Descriptive Document	The descriptive document, which forms part of the Concession documents and which is sent after the dialogue phase has been completed. This document serves as the basis on which the tenders are prepared.
Selection Guide	This selection guide, including all appendices.
Law on Recognition	Law of 20 March 1991 regulating the recognition of contractors for works and the relevant implementing decrees.
Law on Remedies	Law of 17 June 2013 on the motivation, information and legal remedies in respect of public procurement contracts and certain contracts for works, services, supplies and concessions.
Law of 17 June 2016 on Concessions	Law of 17 June 2016 on concession contracts.
Participant	A Candidate selected to participate in the dialogue phase.
Dialogue phase	The phase that follows the selection phase and precedes the award phase, during which a dialogue may be conducted about the solutions subsequently proposed by the Participants.
Award phase	The phase of the Award Procedure that follows the dialogue phase, during which Tenderers submit a tender based on the Final Descriptive Document. Without prejudice to Article 56 of the Law of 17 June 2016 on Concessions, this phase continues until the Concession is awarded to the Tenderer who has submitted the most economically advantageous tender based on the award

	criteria.
Contracting Authority	The Regional Authority of the Port of Brussels (hereinafter 'Port of Brussels'), a legal entity under public law established by the Order of 3 December 1992 on the operation and development of the canal, the port, the outer port and their appurtenances in the Brussels-Capital Region (Belgian Official Gazette, 21 January 1993), with its registered office at 1000 Brussels, Place des Armateurs 6.
Project	The project for the redevelopment and operation of the TIR Centre.
Award Procedure	The award procedure for this concession contract.
Tenderer	A legal entity, or a grouping without legal personality of several legal entities, that submits a Tender under this Award Procedure
Preferred tenderer	The single Tenderer that, after the Award phase, has submitted the most economically advantageous regular tender, taking into account the best price-quality ratio, and that may be invited by the Contracting Authority to negotiate the content of its tender.

PART 1. INTRODUCTION

1. CONTRACTING AUTHORITY

This Concession is awarded by the Regional Authority of the Port of Brussels (hereinafter 'Port of Brussels'), a legal entity under public law established by the Order of 3 December 1992 on the operation and development of the canal, the port, the outer port and their appurtenances in the Brussels-Capital Region (Belgian Official Gazette, 21 January 1993), with its registered office at 1000 Brussels, Place des Armateurs 6 and represented by Gert Van der Eeken and Caroline Hermanus, Director-General and Deputy Director-General of the Port of Brussels respectively.

All correspondence relating to this Concession must be sent to: projecttir@port.brussels.

The Port of Brussels acts, among other things, as a port operator. The Port of Brussels is, in this context, the public property operator for logistics in Brussels. It makes the land, buildings and areas of water within its property available to companies,¹ through public property concession contracts, for a fixed period, in order for them to develop economic activities broadly related to transport and logistics. The Port of Brussels also manages the "Transport International Routier (TIR) logistics centre" (hereinafter "TIR Centre"), a large storage complex located at Avenue du Port 104-110, 1000 Brussels.

2. PROJECT DESCRIPTION

2.1 Context of the Project

In order to successfully carry out the TIR Centre redevelopment project, the Port of Brussels intends to appoint a partner to be responsible for the design, construction, financing, maintenance and operation of the TIR Centre.

The Contracting Authority reserves the right to include additional (but ancillary) contracts in this Project, and to launch separate (public) contracts, as needed, with the aim of implementing certain specific aspects of the Project, the scope of which may be adjusted (limited or extended), without its purpose being amended.

2.2 Nature of the Project

The Contracting Authority wishes to implement the redevelopment project for the TIR Centre under a works concession, within the meaning of Article 2, 7°, a) of the Law of 17 June 2016 on Concessions, pursuant to which the partner shall be responsible for the design, construction, financing, maintenance and operation of the TIR Centre.

In accordance with Article 70, §1 of the RD Concessions, the Concession documents may, for the purposes of defining the arrangements for the performance of the works, apply all or some of the provisions relating to works contracts of the Royal Decree of 14 January 2013 laying down the general rules for the

¹ As well as private individuals in the specific case of houseboats.

performance of public contracts. The Contracting Authority will specify in the Concession documents and, at the latest in the Final Descriptive Document, to what extent the RD Concessions shall be derogated from and, where applicable, which provisions of the Royal Decree of 14 January 2013 shall be made applicable and to what extent.

The Contracting Authority further specifies that the Project shall be implemented in a manner that is neutral with regard to the ESA ("European System of Accounts").

2.3 Purpose of the Concession and requirements of the Contracting Authority

The purpose of this Concession is the redevelopment and operation of the TIR Centre, a site consisting of land and buildings located less than 3 km from the hypercentre of Brussels. The TIR Centre consists of a complex of five buildings (four of which have four floors) with a total usable area of 115,014 m² of storage space and 11,767 m² of office space.

Additional information regarding the Project and the requirements of the Contracting Authority is provided in **Appendix 1**.

The purpose of this Concession is the redevelopment and operation of the TIR Centre, as part of a coherent approach to enhancing the value of the site. The operational scope of the project is expected to be further refined during the dialogue procedure.

The activities carried out shall fall within the uses permitted under Provision 6 of the Regional Land Use Plan (PRAS) for "port and transport activity zones". This not only covers port and logistics activities, but also industrial or artisanal activities whose purpose is the production or transformation of movable property on the site, or any other activity permitted by the PRAS.

3. THE AWARD PROCEDURE

3.1 The choice of Award Procedure

In accordance with Article 38 of the Law of 17 June 2016 on Concessions, the Contracting Authority is free to organise the Award Procedure for this Concession. In exercising this freedom, the Contracting Authority has chosen to structure the Award Procedure on the basis of a dialogue procedure, inspired by the **competitive dialogue** as provided for by the Law of 17 June 2016 on public contracts. The principles of this procedure - in particular the selection phase, the dialogue phase and the award phase - shall be applied *mutatis mutandis*, without the Contracting Authority undertaking to comply with all the provisions of the Law of 17 June 2016 on public contracts governing competitive dialogue. The Contracting Authority reserves the right, among other things, to negotiate the tenders received.

The Contracting Authority has opted for this dialogue procedure in view of the complexity and scale of the Project, for which it is not yet in a position to define the specific arrangements that will meet its needs. The dialogue phase shall be used to identify and determine appropriate solutions (see point 0 of Part 1 of the Selection Guide).

3.2 Conduct of the Award Procedure

The Award Procedure selected by the Contracting Authority, namely the dialogue procedure, consists of

three consecutive phases, which are explained hereafter.

The conduct of the procedure is provided for information purposes only, it being understood that its key elements shall be clarified and, where applicable, confirmed as soon as possible, in order to provide clear and appropriate information to Candidates. The Candidate cannot derive any rights from this information.

a. Selection phase

The Contracting Authority will select the Candidates in accordance with the provisions set out in this Selection Guide.

Three Candidates that meet the requirements will be selected by the Contracting Authority to participate in the dialogue phase. A fourth Candidate may be selected under the conditions set out in point 3.5 below. To this end, the Contracting Authority shall, where necessary, carry out an additional selection in order to limit the number of Participants in the dialogue phase in accordance with the rules and on the basis of the objective criteria set out in point 0 of Part 3 of the Selection Guide. If there are fewer than three selected Participants, the Contracting Authority reserves the right to start the dialogue phase with these three Participants.

Selected and non-selected candidates will be notified in accordance with the Law on Remedies.

b. Dialogue phase

After completing the selection process, the Contracting Authority will begin the dialogue phase. The Contracting Authority will send the Participants the Original Descriptive Document and the invitation to enter into dialogue at the same time. The Original Descriptive Document will form the basis for the dialogue phase.

The purpose of the dialogue is to ascertain which resources are most suitable for meeting the requirements of the Contracting Authority (see Appendix 1). The preferred scenario established in the context of the study carried out by Quares should only serve as a guideline for the further implementation of the project for the redevelopment of the TIR Centre. The future programme will be developed in consultation with private market participants during the dialogue phase.

The dialogue will take place in several successive phases. It will start with a general information session, followed by a number of specific sessions, which are described below.

During the general session, the Contracting Authority will explain how the dialogue phase and the specific sessions will be conducted. The Contracting Authority will review the various matters to be addressed during the dialogue and on which the Participants are expected to propose solutions.

During the specific sessions, the dialogue will be structured so that the discussion first focuses on the action plan for developing the planned solutions, before moving on to the solutions themselves.

The specific sessions will cover at least the technical and financial parameters of the Project, including the term of the Concession and the nature of the rights in rem likely to be granted to the Concessionaire.

The sessions will focus particularly on the key elements of the Project, the options for the refurbishment of the TIR Centre and the arrangements for their implementation. The discussions will provide an opportunity to examine the various possible implementation stages, as well as the mechanisms required to ensure continuity of operations at the TIR Centre during the works. The Project's programme, along with the technical requirements likely to constitute the specifications or implementation conditions, will also be covered. These different aspects will be refined and further developed in the Final Descriptive Document.

These sessions may also focus on the consultation with all *stakeholders* concerned by the Project - and even include this consultation - and the conditions arising from it.

Regarding the financial parameters, the dialogue will address the remuneration of the Concessionaire and, where applicable, the Licensor, risk assignment, the term of the Concession and the nature of rights in rem that may be granted to the Concessionaire over the land and structures forming the public property of the Contracting Authority, in accordance with Article 70, §2 of the RD Concessions. In this regard, pursuant to Article 37, §2 of the Law of 17 June 2016 on Concessions, the term of the Concession is limited and cannot exceed the period reasonably expected by the Concessionaire for it to recover the investments made to operate the structures or services with a return on the invested capital, given the investments needed to achieve the specific contractual objectives, including initial investments and those made during the term of the Concession. The term of the Concession shall therefore be determined during the dialogue phase, taking account of the solutions proposed by the Participants and legal limits (in particular Article 4 of the Port Statutes).

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The Contracting Authority reserves the right to add one or more specific dialogue sessions.

At the end of these various specific sessions, the participants must propose one or more solutions. The Contracting Authority plans to make practical and duly substantiated decisions after each session. The solution(s) proposed by the Participants during the dialogue phase must, in any event, address the various matters discussed during the dialogue.

The Contracting Authority reserves the right to limit, in the advanced dialogue phases, the number of solutions that may be delivered and, where applicable, the number of Participants, in a transparent manner and on the basis of objective and non-discriminatory criteria, in accordance with Article 46, §3 of the Law of 17 June 2016 on Concessions. The Original Descriptive Document and, where applicable, the amended versions of this document sent to the selected Candidates during the dialogue phase will contain the necessary information in this regard.

The Contracting Authority reserves the right to amend and/or supplement the Original Descriptive Document as the Award Procedure and dialogue phase progress, in accordance with the legislation on concessions, the general principles of good governance, and the provisions of this Selection Guide. The Original Descriptive Document may be amended, *inter alia*, on the basis of the solutions proposed by the Participants during the dialogue phase.

The dialogue will continue until the Contracting Authority can identify one or more solutions likely to meet

its needs and these solutions can be converted into one or more tenders.

The Contracting Authority will inform the Participants when the Dialogue Phase has been concluded, and at the same time provide them with the Final Descriptive Document, as well as an invitation to tender, in accordance with the solution(s) discussed and selected by the Contracting Authority.

c. Award phase

During the award phase, Participants will be invited to submit a tender based on the Final Descriptive Document.

The Contracting Authority will evaluate the tenders received on the basis of the award criteria stipulated in the Final Descriptive Document. The Contracting Authority reserves the right to negotiate the tenders with one or more Tenderers, provided that this does not change the essential aspects of the Concession, its minimum requirements or its award criteria. The Contracting Authority may conduct negotiations with the Tenderer that has submitted the Tender that proposes the best price-quality ratio (Preferred Tenderer) in order to confirm the financial commitments or other conditions set out in the tender.

3.3 Provisional timetable

The Contracting Authority envisages the following indicative timetable:

Selection phase	
Contract notice and publication of Selection Guide	Q3 2026
Submission of Requests to Participate	Q4 2026
Selection decision	Q1 2027
Dialogue phase	
Sending of the Original Descriptive Document	Q1 2027
Dialogue sessions and review of the solutions	Q2 2027 – Q4 2027
Conclusion of the dialogue phase	Q1 2028
Award phase	
Sending of the Final Descriptive Document	Q1 2028
Submission of tenders	Q3 2028
Final ranking of tenders and award of the Concession	Q4 2028
Phase with the Preferred Tenderer	
Negotiations	Q4 2028 - Q1 2029
Notification of the award decision and conclusion of the contract	Q1 2029

This timetable is for information purposes only and does not represent any commitment on the part of the Contracting Authority. It may be amended and stages may be added or removed, depending, among other things, on the circumstances that arise during this procedure.

3.4 Award Criteria

The Original Descriptive Document shall detail the applicable award criteria. It has already set out that the

Concession shall be awarded to the Tenderer that submits the most economically advantageous tender, taking into account the best price-quality ratio, on the basis of several award criteria related in particular to price, quality and performance period. These criteria may also take into consideration the total cost of the life cycle (LCC – Life Cycle Cost), the quality of the maintenance and management plan, etc.

In accordance with Articles 46, §2 and 55, §3 of the Law of 17 June 2016 on Concessions, the award criteria and the arrangements for their application shall be set out in the Original Descriptive Document.

PART 2. GENERAL INFORMATION

1. CONFIDENTIALITY

By participating in this procedure, Candidates (Participants/Tenderers) undertake to guarantee the confidentiality of all confidential information they receive from the Contracting Authority and not to disclose it to third parties.

Candidates may, however, communicate this information to their employees, subcontractors or advisers involved in this Award Procedure, provided that they are subject to a duty of confidentiality.

2. ADDITIONS, AMENDMENTS AND CLARIFICATIONS TO THE SELECTION GUIDE

The Contracting Authority may supplement, clarify and amend the Selection Guide, provided that it complies with the principle of equality and the principles of good governance. In the event of amendments, the Contracting Authority will, if necessary, publish a corrigendum (possibly accompanied by an extension of the deadline for submitting Requests to Participate).

Due to developments in its expertise or unforeseen circumstances, the Contracting Authority may also include provisions in the Original Descriptive Document or the Final Descriptive Document that depart from or supplement this Selection Guide, without, however, making any substantial changes to the provisions of the Selection Guide.

3. CONSEQUENCES OF SUBMITTING A REQUEST TO PARTICIPATE

By submitting a Request to Participate, the Candidate accepts all the provisions of the Selection Guide and waives all other conditions (such as its own general terms and conditions). The Candidate also agrees to the implementation of the procedure as described in the Selection Guide, and agrees to be bound by the provisions thereof.

If the Candidate has any remarks on the content or legality of the provisions of the Selection Guide or the Award Procedure, it must notify the Contracting Authority by email (stating the reasons) immediately on becoming aware of them and no later than ten calendar days before the deadline for submitting Requests to Participate. In the event of non-compliance with this obligation, the Candidate may not subsequently invoke any illegality, error, omission or other issue.

By submitting a Request to Participate, the Candidate declares that it has reviewed and accepted the risks associated with the Request to Participate under this Award Procedure. Interested Candidates are presumed, (i) on the basis of their expertise and experience, to be able to assess the risks inherent in the Award Procedure and to understand and evaluate the information provided in this document, and (ii) to seek the assistance of advisers to analyse the procedure and the documentation. In this regard, interested Candidates are expected to carry out an independent analysis and evaluation of the information provided and, where necessary, to verify the accuracy and completeness of the information.

The Contracting Authority does not provide any implicit or explicit guarantee as to the completeness,

relevance or interpretation of the information contained in this document or any other information that may subsequently be provided in the context of this Award Procedure, which remains entirely at the risk of the interested Candidate. It therefore accepts no liability for any damage or loss that the interested Candidate may incur as a result of (examples) (i) the use of this document, the changes made to it or the information contained therein, (ii) the fact that the interested Candidate has relied on this information, or (iii) the absence, irrelevance or interpretation of the information in this document. The Candidate must take this into account in its Request to Participate and, subsequently, in its solution and its Tender. By submitting a Request to Participate and, where applicable, solutions and a Tender, the Candidate accepts this exclusion of liability. Interested Candidates that, on the basis of the information contained in this document or information provided up to the deadline for submitting Requests to Participate, decide not to submit a Request to Participate, also accept this exclusion of liability.

4. LANGUAGE

The Award Procedure shall be conducted in French and Dutch.

The Request to Participate must be written in French or Dutch. However, Candidates are free to include texts and documents in English with their Request to Participate. In this case, the Contracting Authority may request a translation of any document provided in another language into French or Dutch. The Candidate shall cover any translation costs and shall remain responsible for any translation errors.

5. SUBMISSION OF THE REQUEST TO PARTICIPATE AND SIGNATURE

5.1 Questions and answers

Candidates may submit questions to the Contracting Authority up to **15 calendar days** before the deadline for submitting Requests to Participate, which is until 30 September **2026 at 11.59 pm**. All questions must refer to the Selection Guide, stating the article number, page and paragraph to which the question relates.

The Contracting Authority will only answer questions of a general nature intended to provide additional clarification on the provisions of the Selection Guide. The answers will then be published anonymously on the e-Procurement platform.

Candidates may also ask confidential questions. If the Contracting Authority accepts the confidential nature of the question, both the question and the answer will be handled confidentially. The Candidate must expressly request such confidential handling. Otherwise, the Contracting Authority will consider the question to be non-confidential.

Candidates may raise objections to certain aspects of the Selection Guide. However, if these objections are not formulated as questions, the Contracting Authority is not required to respond to them. In any event, the Contracting Authority shall not be required to take them into account. Nevertheless, these objections may lead to a correction or clarification which, as appropriate, may result in an extension to submission deadline.

The Contracting Authority will only answer questions submitted via the e-Procurement platform.

5.2 Submission

Requests to Participate must be submitted before the date and time specified in the contract notice published on e-Procurement, namely **15 October at 4.00 pm**. Requests to Participate may only be submitted electronically via the e-Procurement platform (<https://www.publicprocurement.be>), which ensures compliance with the conditions of Article 32 of the Law of 17 June 2016 on Concessions.

Requests to Participate submitted in any other way, including requests sent by email or on paper, will not be taken into consideration by the Contracting Authority.

Further information can be found on the website <https://bosa.belgium.be/fr/nouvelle-plateforme-e-procurement> or obtained from the e-procurement helpdesk <https://bosa.belgium.be/fr/applications/centre-daide-pour-la-plateforme-e-procurement>; (+32) (0) 2 740 80 00).

Requests to Participate must be submitted in PDF format. The maximum size per document is 80 MB. A document that is too large may be divided into several sub-documents. However, the total file size may not exceed 350 MB.

Economic operators that wish to submit a Request to Participate are advised to familiarise themselves with the e-Procurement platform and how it works, and not wait until the last minute to submit their request.

5.3 Signature

The Candidate or the person with the required authority (in accordance with Article 18, §5, of the RD Concessions) is required to sign the Request to Participate with a valid qualified electronic signature, in accordance with Article 18 of the RD Concessions. The qualified electronic signature must be placed on the submission report in e-Tendering. A scanned signature is not sufficient.

If a Request to Participate is submitted by a grouping without legal personality (comprised of several legal entities), it must be signed by the person(s) authorised or mandated to represent each participant in the grouping.

The Candidate must attach the necessary documents (official record or private deed) proving the authority of such person(s) (extracts from the articles of association, appointment decisions, powers of attorney, etc.) to its Request to Participate.

Economic operators wishing to submit a Request to Participate are advised to read the information on this subject, which can be found on the FPS Policy and Support (BOSA) website (https://bosa.service-now.com/csp?id=kb_article_view&sys_kb_id=7eed11ffc3288fd49735944a050131de).

5.4 Form and composition of the Candidate

The Candidate is free to determine its legal form. The Candidate may be a legal entity. It may also be a grouping without legal personality consisting of several legal entities and/or natural persons, in which case the Candidate shall, under its own responsibility, submit a Request to Participate on behalf of a special purpose vehicle (SPV), to be incorporated during the performance or already incorporated.

Where the Candidate takes the form of a grouping without legal personality, it is expressly agreed that this grouping may assign all its rights and obligations arising under this Concession to an SPV incorporated for that purpose, without such assignment being regarded as a substantial modification of the Concession. Until the SPV has been duly incorporated and acquired legal personality, the grouping shall be deemed to act in the name and on behalf of the SPV in formation. Once the SPV has been incorporated, any subsequent assignment by the SPV to a third party of the rights arising under the contract shall be subject to the express written consent of the Contracting Authority.

The SPV is authorised to satisfy the selection criteria by relying on the capabilities, experience, expertise and resources of the Candidate or members of the grouping, which shall undertake to make those capabilities and resources available to the SPV unconditionally throughout the performance of the contract. These commitments to make the relevant resources and capabilities available shall be set out in writing and attached to the Request to Participate.

Furthermore, any modification of the composition of the grouping taking place after submission of the Request to Participate is subject to the prior written consent of the Contracting Authority and cannot result in the Candidate ceasing to satisfy the selection conditions. All members of the grouping undertake to maintain their participation and their commitments throughout the procedure and during the performance of the contract. As additional security, the Contracting Authority may require one or more companies that are members of the grouping - or a parent company of any such company - to act as a joint and several guarantor in favour of the Contracting Authority, in order to secure the performance of the contract by the SPV throughout its term.

The members of the grouping without legal personality making up the Candidate, other than subcontractors and architects, are jointly and severally liable for the obligations of the Candidate, unless the grouping plans to assign all its rights and obligations arising under this Concession to an SPV incorporated for that purpose.

5.5 Completeness of the Request to Participate

Without prejudice to the option for the Contracting Authority to request additional information, clarifications or explanations (see Article 48, §4 of the Law of 17 June 2016 on Concessions and Article 44 of the RD Concessions), an incomplete Request to Participate or a Request to Participate that does not meet the formal requirements and/or the grounds for exclusion and/or the qualitative selection criteria as set out in the Selection Guide, may be excluded. The Contracting Authority hereby emphasises that, where it requests additional information, explanations or clarifications, it reserves the right – without being obliged to do so – to deem the Request to Participate as irregular on the grounds that it is incomplete, if no response, or an incomplete response, is received within the prescribed time limit.

If, for any reason whatsoever, the Candidate is unable to provide all or part of the requested information, it must expressly state this and justify/explain its situation.

6. CANCELLATION AND SUSPENSION OF THE PROCEDURE

In accordance with Article 56 of the Law of 17 June 2016 on Concessions, the Contracting Authority may decide at any time to cancel or suspend the Award Procedure. The cancellation or suspension of the Award

Procedure shall not entitle Candidates/Tenderers to any compensation or give rise to any other claim.

7. COMPENSATION FOR UNSUCCESSFUL CANDIDATES

To help cover the costs incurred by economic operators under this procedure, the Contracting Authority provides for the payment of lump-sum compensation in the circumstances described below.

Lump-sum compensation of between EUR 5,000 and EUR 20,000 including VAT will be paid to Candidates selected by the Contracting Authority to participate in the dialogue procedure and that are not invited to submit a Tender at the end of that procedure. This compensation will be paid **at the end of the dialogue phase**. It will vary depending on the stage at which the Candidate ceases to participate in the procedure; the earlier the Candidate leaves the dialogue phase, the lower the amount of compensation. The amount will be calculated in proportion to the number of specific sessions in which the Candidate has participated, relative to the total number of specific sessions held.

Lump-sum compensation of between EUR 40,000 and EUR 60,000 including VAT will be paid to Candidates that have submitted a regular Tender at the end of the dialogue phase. This compensation shall be awarded after the award of the Concession and only to Tenderers that have not been awarded the Concession.

The Port reserves the right to subject the granting of this compensation to compliance with certain conditions, which, where applicable, will be set out in the Original Descriptive Document.

The two forms of compensation are not cumulative, meaning that Candidates invited to submit a tender cannot claim the separate compensation provided for participation in the dialogue phase.

The Candidate/Tenderer shall bear all other costs associated with its participation in this Award Procedure.

8. ACCESS TO INFORMATION

In the context of this Award Procedure, the Contracting Authority must provide an (electronic) data room containing all relevant documents for this Award Procedure. Before access to this (electronic) data room can be granted, Candidates must sign the regulations for the data room, stating the email address that the Candidate will use (**see Appendix 4**).

PART 3. ADMINISTRATIVE PROVISIONS

1. APPLICABLE LEGAL FRAMEWORK

Unless otherwise specified, the regulations governing works concessions apply, including all amendments in force on the opening date of the Requests to Participate, including:

- the Law of 17 June 2016 on concession contracts, "Law of 17 June on Concessions";
- the Law of 7 June 2013 on the motivation, information and legal remedies in respect of public procurement contracts and certain contracts for works, services, supplies and concessions; as amended by the Law of 16 February 2017, the "Law on Remedies";
- the Royal Decree of 25 June 2017 on the awarding and general implementation rules for

- concession contracts, "RD Concessions";
- the Royal Decree of 14 January 2013 laying down the general rules of performance of public contracts, the "RD Performance Public Contracts" or "GRP", insofar as it shall be applicable;
 - the Law of 20 March 1991 regulating the recognition of contractors for works and the relevant implementing decrees, "Law on Recognition".

This Concession is also subject to social legislation and anti-discrimination regulations.

This Concession is also subject to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

This Concession is also subject, where applicable, to the provisions of Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market.

Regulations relating to waste, permits, soil management and urban planning also apply to this Concession.

2. GROUNDS FOR EXCLUSION

The Candidate cannot be in any of the situations referred to in Articles 50 to 54 of the Law of 17 June 2016 on Concessions and Articles 31 to 42 of the RD Concessions. These are mandatory grounds for exclusion, grounds for exclusion relating to tax and social security debts and optional grounds for exclusion.

The aforementioned provisions also apply (see Article 54 of the Law of 17 June 2016 on Concessions):

- to each participant in the grouping when the Request to Participate is submitted by a grouping without legal personality (composed of several legal entities and/or natural persons);
- to third parties whose capacity is relied upon to meet the requirements of the qualitative selection.

The Candidate must immediately inform the Contracting Authority of any change in the composition of the grouping or any reliance on the capacities of a new entity - particularly through the substitution of an existing member or the creation of a project company - whether this change occurs during the Award Procedure, shortly before the award or during the performance of the contract. The exclusion of one of the companies in the grouping or an entity whose capacity is relied upon may result in the Candidate being excluded.² Where a new entity joins a grouping, or where reliance is placed on the capacities of another entity, the Contracting Authority shall verify that this entity satisfies the selection criteria and is not subject to any grounds for exclusion, pursuant to Article 49 of the Law of June 2016 on Concessions and Article 42 of the RD Concessions. If the entity is subject to a mandatory ground for exclusion or does not satisfy an applicable selection criterion, its replacement must be required.

2.1 Mandatory grounds for exclusion

In accordance with Article 50 of the Law of 17 June 2016 on Concessions, and except where the Candidate demonstrates that it has taken sufficient measures to prove its reliability, the Contracting Authority shall, at any stage of the procedure, exclude a Candidate from participation in the award procedure where it has

² This is without prejudice to the replacement of the entity in accordance with Article 42, §1 of the RD Concessions.

established or is otherwise informed that this Candidate has been convicted of one of the following offences by a judicial decision which has the force of res judicata:

- 1° participation in a criminal organisation;
- 2° corruption;
- 3° fraud;
- 4° terrorist offences, offences related to terrorist activities or inciting, aiding and abetting or attempting to commit such an offence;
- 5° money laundering or terrorist financing;
- 6° child labour and other forms of human trafficking;
- 7° employment of illegally resident third country nationals, provided that it is a concession awarded for activities other than those listed in Appendix II.

The grounds for exclusion referred to in 1° to 6° apply for a period of five years from the judgement date. The ground for exclusion referred to in 7° only applies for a period of five years from the end of the infringement.

Even in the absence of a final court decision, the Contracting Authority shall exclude any Candidate that has employed illegally resident third-country nationals, as soon as this infringement has been established by an administrative or judicial decision, including a written notification drawn up pursuant to Article 49/2 of the Social Penal Code. This derogation does not affect the possibility for the Candidate to invoke corrective measures, where appropriate, as referred to in Article 53 of the Law of 17 June 2016 on Concessions.

These mandatory grounds for exclusion also apply to all members of the Candidate's administrative, management or supervisory body (this applies, where applicable, to each of the participants of the grouping without legal personality) and third parties whose capacity is relied upon and persons who exercise powers of representation, decision-making or control within it. For each of the entities concerned, the Candidate shall attach an overview of these persons based on the template provided in Appendix 5.

The Contracting Authority may, in exceptional cases and for compelling reasons of public interest, authorise a derogation from the mandatory exclusion.

2.2 Mandatory grounds for exclusion relating to tax and social security debts

In accordance with Article 51 of the Law of 17 June 2016 on Concessions, the Contracting Authority shall exclude, at any stage of the award procedure, a Candidate that does not fulfil its obligations relating to the payment of taxes or social security contributions, except:

- 1° where the amount outstanding does not exceed EUR 3,000; or
- 2° where the Candidate or Tenderer can demonstrate that it holds one or more claims against a Contracting Authority or public undertaking that are certain, due and free of any commitment to third parties. These claims must be at least equal to the amount of the tax or social security debts in arrears, reduced by EUR 3,000.

Where it finds that the tax and social security debts are higher than the amount of EUR 3,000 (referred to in point 1°), the Contracting Authority shall ask the Candidate whether it is in the situation referred to in point 2°.

The Contracting Authority shall give every economic operator the opportunity to comply with its social and

tax obligations during the award procedure, after it has established for the first time that the Candidate does not meet the requirements in this regard. Once this has been established, the Contracting Authority shall give the economic operator a period of five working days to provide proof of regularisation. This regularisation is only possible once.

In accordance with Article 51, §3 of the Law of 17 June 2016 on Concessions, this exclusion no longer applies where the Candidate has fulfilled its obligations by paying or entering into a binding agreement to pay the taxes or social security contributions due, including, where appropriate, any interest or fines, provided that this payment or the conclusion of the binding agreement occurred before a Request to Participate was submitted.

2.3 Optional grounds for exclusion

In accordance with Article 52 of the Law of 17 June 2016 on Concessions, except in cases where the Candidate can demonstrate, in accordance with Article 53 of the Law of 17 June 2016 on Concessions, that it has taken sufficient measures to prove its reliability, the Contracting Authority may exclude a Candidate from participating in the award procedure at any stage in the following cases:

- 1° if the Contracting Authority can demonstrate, by any appropriate means, that the Candidate has failed to comply with the applicable environmental, social and labour law obligations;
- 2° if the Candidate is bankrupt, in liquidation, has ceased trading, is undergoing judicial reorganisation, has filed for bankruptcy, is the subject of liquidation or judicial reorganisation proceedings, or is in a comparable situation resulting from a similar procedure existing in other national regulations;
- 3° if the Contracting Authority can demonstrate, by any appropriate means, that the Candidate has committed serious professional misconduct that calls into question its integrity;
- 4° if the Contracting Authority has sufficient plausible evidence to conclude that the Candidate has committed acts, concluded agreements or made arrangements aimed at distorting competition;
- 5° if a conflict of interest within the meaning of Article 26 of the Law of 17 June 2016 on Concessions cannot be remedied by other less intrusive measures;
- 6° if, due to the previous involvement of the Candidate in the preparation of the award procedure, a distortion of competition, as referred to in Article 40 of the Law of 17 June 2016 on Concessions cannot be remedied by other less intrusive measures;
- 7° if significant or persistent shortcomings on the part of the Candidate have been identified in the performance of an essential obligation under a previous concession or a previous contract with a contracting authority within the meaning of this Law or the Law on Public Contracts, where such shortcomings resulted in termination of the concession, damages, ex officio measures or another comparable sanction;
- 8° if the Candidate has been found guilty of false statements in supplying the information required for verifying that there are no grounds for exclusion, or compliance with the selection criteria, or it has withheld information or is unable to submit the supporting documents required;
- 9° if the Candidate has attempted to unduly influence the decision-making process of the Contracting Authority, or to obtain confidential information that may give it an unfair advantage during the award procedure, or through serious negligence, has provided misleading information which could have a decisive influence on the decisions regarding exclusion, selection or awarding.

These grounds for exclusions shall only apply for a period of three years from the date of the event in question.

However, if the conduct giving rise to the grounds for exclusion referred to in points 1°, 3°, 4°, 8° or 9°, has been punished by a decision by a competent administrative or judicial authority, handed down in proceedings governed by Union or national law and aimed at identifying conduct which is contrary to a rule of law, the three-year period referred to above shall be calculated from the date of that decision. However, the Contracting authority may make an exclusion decision before the decision of the competent authority, provided that all the conditions are met, including the condition relating to the calculation of the three-year period referred to above.

Unless otherwise specified in the Concession documents, the Contracting Authority shall not be required to verify the absence of optional grounds for exclusion in respect of members of the administrative, management or supervisory body of the Candidate or Tenderer or of persons with powers of representation, decision-making or control within it.

2.4 Means of proof

The Candidate must complete the Provisional Evidence Document, provided in Appendix 6, and attach it to its Request to Participate.

This is an official declaration by which the economic operator:

- declares that the grounds for exclusion do not apply or that corrective measures have been taken;
- declares that the relevant selection conditions are met and, where applicable, that it complies with the criteria used to limit the number of selected Candidates;
- provides the information enabling the Contracting Authority to access databases available free of charge in order to verify the absence of grounds for exclusion and compliance with the selection conditions and, where applicable, the objective criteria used to limit the number of selected Candidates;³
- agrees to issue the supporting documents where there is no database available free of charge.

If the Candidate relies on the capacities of other entities, in accordance with Article 49 of the Law of 17 June 2016 on Concessions, it must attach part A of the Provisional Evidence Document, completed by these third parties, to its Request to Participate.

If a Candidate participates in the form of a grouping without legal personality, every member of this grouping shall complete and attach part A of the Provisional Evidence Document to the Request to Participate. The Provisional Evidence Document shall be signed when the Request to Participate is submitted via e-Procurement, by affixing an electronic signature to the submission report (so-called "global" signature within the meaning of Article 18, § 3 of the RD Concessions). The Candidate (or the members of an economic grouping) is therefore not required to sign the Provisional Evidence Document individually.

At any time during the Award Procedure, the Contracting Authority may ask the Candidates/Tenderers to provide all or some of the supporting documents, if this is required to ensure the smooth running of the procedure.

During the selection phase and once again later, before awarding the Concession, the Contracting Authority will verify the accuracy of the declarations in the Provisional Evidence Document(s) completed by the Candidates. To this end, the Candidates must attach the following documents to their Request to Participate:⁴

- For the mandatory grounds for exclusion
- For all Candidates, all members of the grouping and for any third party whose capacity is relied upon, regardless of their nationality:
 - an extract from the criminal record issued less than 6 months before the deadline for submitting the Request to Participate;⁵
 - the completed summary form attached to Appendix 5;
 - extracts from the criminal records of the members of the administrative, management or supervisory body of the company, and of those with powers of representation, decision-making or control within it, issued less than 6 months before the deadline for receipt of the Request to Participate.⁶
- For grounds for exclusion relating to social and tax debts
- In the case of a Belgian economic operator, the Contracting Authority itself will request the certificates confirming that social security contributions have been paid, there are no tax debts and the company is not in a state of bankruptcy from the competent national institutions. However, if no such certificate is available to the Contracting Authority, it may ask the Candidate to provide it.
- In the case of a Belgian company that employs staff subject to the social security legislation of another EU Member State, it shall attach a certificate issued by the competent authority confirming that it has fulfilled its obligations regarding the payment of its social security contributions in accordance with the legal provisions of the country in which it is established.
- In the case of a foreign economic operator, certificates issued by the competent authority of the country of origin must be attached, showing that it has fulfilled its obligations regarding the payment of its social security contributions and its tax obligations and that it is not bankrupt.

If the country concerned fails to provide (i) the extract from the criminal record or equivalent document and/or (ii) the certificates concerning the payment of social security and tax contributions, and only in that case, the following arrangement shall apply: these documents shall be replaced by a sworn statement or, in countries where a sworn statement is not required, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a qualified professional body in the country of origin or the country where the person concerned is established.

2.5 Corrective Measures

In accordance with Article 53 of the Law of 17 June 2016 on Concessions, any Candidate that is subject to one of the mandatory grounds for exclusion referred to in Article 50 of the Law of 17 June 2016 on Concessions or to one of the optional grounds for exclusion referred to in Article 52 of the Law of 17 June

⁴ Unless the Contracting Authority can obtain the relevant certificates or information directly from a national database available free of charge in a Member State.

⁵ In the case of a foreign company with its registered office in the EU, it shall attach an extract from the criminal record or, failing that, an equivalent document issued by the competent judicial or administrative authority of the country, showing that there are no grounds for exclusion as referred to in Article 50 of the Law of 17 June 2016 on Concessions.

⁶ In the case of a foreign person residing in the EU, they shall attach an extract from the criminal record or, failing that, an equivalent document issued by the competent judicial or administrative authority of the country, showing that there are no grounds for exclusion as referred to in Article 50 of the Law of 17 June 2016 on Concessions.

2016 on Concessions may prove that the measures taken by it are sufficient to demonstrate its reliability despite the fact there is a relevant ground for exclusion.

If this proof is deemed to be sufficient by the Contracting Authority, the Candidate in question shall not be excluded from the award procedure.

To this end, the Candidate shall prove, for the mandatory grounds for exclusion, on its own initiative, that it has paid or agreed to pay compensation for any damages caused by the criminal offence or error, that it has clarified the facts and circumstances by actively cooperating with the investigating authorities and that it has taken appropriate practical technical, organisational and personnel to prevent further criminal offences or errors.

The measures taken by the Candidate shall be assessed by the Contracting Authority, taking into account the seriousness of the criminal offence or error as well as the specific circumstances.

An economic operator that has been excluded from participation in contract or concession award procedures by a final judgement shall not be allowed to benefit from corrective measures in the Member States where the judgement is effective during the period of exclusion laid down in the aforementioned judgement.

For the grounds for exclusion referred to in Article 50 of the Law of 17 June 2016 on Concessions, the Candidate must, on its own initiative, state in its Request to Participate whether it has taken corrective measures. Article 53, §2 of the Law of 17 June 2016 on Concessions applies in this case.

With regard to the grounds for exclusion referred to in Article 52 of the Law of 17 June 2016, the Candidate shall demonstrate that it has taken appropriate corrective measures. This option also applies if the Candidate does not refer to the corrective measures in its Provisional Evidence Document.

The Contracting Authority reserves the right to obtain additional information (by any means) to verify that a company is not in a situation of exclusion. The Candidate is obliged to answer any questions or to provide any explanations and documents requested by the Contracting Authority in order to verify that the Candidate is not in a situation of exclusion. Failure to provide the requested answers, explanations or documents may result in the exclusion of the economic operator concerned from the Request to Participate.

3. SELECTION CRITERIA

3.1 Economic and financial capacity

In its Request to Participate, the Candidate must demonstrate that it meets the following selection criteria relating to its financial and economic capacity:

- the Candidate (or, where applicable, all members of the grouping without legal personality) must have achieved on average a minimum (consolidated) annual turnover of at least EUR 100 million during the last three financial years closed at the time of submission of its Request to Participate;
- the Candidate (or, where applicable, all members of the grouping without legal personality) must be able to demonstrate that at least EUR 10 million can be provided to fulfil the Concession, in the form of equity capital and/or a subordinated loan and placed at its disposal.

Subject to compliance with the other conditions set out in point 4.1 of Part 3 of the Selection Guide, the Candidate may rely on one or more third parties to demonstrate its financial and economic capacity. To this end, the Candidate shall attach to its Request to Participate the commitment of the third party or parties to make the necessary resources available **(see Appendix 8)**.

In addition to submitting the Provisional Evidence Document, compliance with these requirements shall be verified on the basis of the following documents:

- **a statement from the auditor (or other authorised person) regarding the total turnover of the Candidate** (of the members of the grouping of economic operators and/or of the entities whose capacity is relied upon) for each of the last three available financial years.
- **a statement from a financial institution** confirming that the Candidate (the members of the grouping of economic operators and/or the entities whose capacity is relied upon) has sufficient funds to contribute to the Concession in the form of equity capital and/or a subordinated loan.
- **the annual accounts** of the Candidate⁷ (members of the grouping of economic operators and/or entities whose capacity is relied upon). The annual accounts of Belgian companies do not need to be attached to the Request to Participate. The Contracting Authority can consult these annual accounts itself via the Central Balance Sheet Office of the National Bank of Belgium. Foreign Candidates must attach their annual accounts for the last three financial years to their Request to Participate, unless the Contracting Authority can consult them directly via a national database that is available free of charge in each Member State. In such cases, the Candidate must include the necessary information in its Request to Participate (web link or exact location on the website where the Contracting Authority can find this information).

The foregoing does not affect the Contracting Authority's right to request the annual accounts of a Candidate, a member of the grouping or a third party whose capacity is relied upon.

3.2 Technical and professional capacity

Recognition

The Project requires Class 8 recognition within the meaning of the RD of 27 September 1991 specifying the classification of works according to their nature into categories and subcategories with regard to the recognition of contractors. At the very least, proof must be provided that it will meet the conditions for obtaining Class 8 recognition.

Furthermore, the Candidate must be a recognised Class 8 contractor in subcategory D (general building contractor) or subcategory E (civil engineering company) within the meaning of the Royal Decree of 27 September 1991.

The Candidate may meet these requirements by relying on the capacity of a third party, provided that it establishes that it actually has the resources of this third party for the performance of the Concession and that this third party itself satisfies the applicable selection requirements and the rules on grounds for exclusion.

This criterion is assessed as follows:

⁷ If approved annual accounts are not currently available for the last closed financial year, the Candidate must attach the most recent interim figures for that financial year to its Request to Participate, the authenticity of which is confirmed by a written statement from the auditor (or, if there is no auditor, from an external accountant).

- Candidates that have the required recognition - whether a member of the grouping or relying on the capacity of a third party - must state this in their Request to Participate. The Contracting Authority shall verify whether the Candidate has the required recognition by consulting the databases which it can access free of charge;
- Foreign Candidates that hold a certificate or are registered on an official list of approved contractors in another European Union Member State must state this in their Request to Participate, and attach the certificate issued by the competent certification body or proof of this registration confirmed by the competent body of the Member State, as well as any document that can demonstrate equivalence between this certification or registration and the required recognition. These certificates indicate the references on the basis of which the Candidate was registered on the official list or obtained certification, as well as its classification on that list. In addition, foreign Candidates shall inform the Contracting Authority of the national database available free of charge where the Contracting Authority can directly and electronically request the required certificate(s) or proof of registration.

Candidates that do not have the required Belgian recognition and are not registered on an official list of recognised contractors in another European Union Member State, shall indicate this in their Request to Participate and attach proof that they meet the conditions set out by or pursuant to the Law on Recognition.

References

The Candidate shall demonstrate that it has the required technical and professional capacity by providing references demonstrating its experience in projects similar to the current Project. For each reference, the Candidate shall explain how it is relevant and useful in the context of this Concession and, to this end, shall complete the form in Appendix 7 for each reference, or rather for each field of expertise (see below).

The experience must have been gained by the Candidate itself or by a member of the economic grouping. If the Candidate relies on the experience of a third party, this experience must have been gained by that third party, which must effectively participate in the performance of the services for which this experience is mentioned.

Experience gained by the Candidate (or a member of the grouping) or the third party while it was a member of a grouping without legal personality shall only be considered as experience of that Candidate (or member of the grouping) or third party, if the Candidate (or member of the grouping) or the third party can demonstrate, on the basis of a clear division of tasks between all members of the grouping without legal personality, that it has actually gained experience relevant to this Concession.

The foregoing must be clearly and accurately detailed in the form **(see Appendix 7)**. The Candidate shall bear responsibility for any lack of clarity in their Request to Participate.

In such cases, the references must reflect specific experience in several fields of expertise:

1. **First field of expertise:** at least two references relating to the design, *project management* and performance of works for the (re)construction of a building with a floor area of at least 20,000 m² and a value of at least EUR 50 million (excluding VAT), and which involves land use planning, landscaping and biodiversity preservation. The works must have been at least provisionally accepted by the submission deadline for Requests to Participate;

2. Second field of expertise: at least one and a maximum of three references demonstrating that the Candidate has experience in the design, *project management* and performance of works for the (re)construction of a logistics centre or a similar project (specifying how the project is similar). The works must have been at least provisionally accepted by the submission deadline for Requests to Participate;

3. Third field of expertise : at least one and a maximum of three references demonstrating that the Candidate has experience in terms of the operational management, maintenance and operation of a logistics centre or a similar project (specifying how the project is similar) and for which the construction cost is at least EUR 50 million (excluding VAT). This experience must have been acquired as an owner, a holder of a right in rem, or under a works concession, a services concession or a DBFM/DBFMO-type contract, pursuant to which the Candidate bore all or part of the operating risk.

For each reference submitted under this field of expertise, the Candidate shall describe the role performed in the operation and maintenance phase (nature of the services provided, duration of the operating period covered, area managed and, where applicable, value of the operating contract). The Candidate shall use the form included in **Appendix 7** for this purpose.

4. Fourth field of expertise: at least one and a maximum of two references relating to the performance of works for the construction of a building with a value of at least EUR 40 million, where sustainable management of resources and materials is the main focus of the project. The works must have been at least provisionally accepted by the submission deadline for Requests to Participate;

One reference may relate to several of the above fields of expertise. However, the Candidate must submit a separate form (**Appendix 7**) for each field of expertise, even if the reference is already given for another field of expertise.

The Candidate must submit at least three different references in total.

For each field of expertise, the Candidate shall submit the required references and rank them in order of relevance (from most relevant to least relevant). If there is no clear ranking, the Contracting Authority will assume that the order in which the completed forms are included in the Request to Participate is the order of relevance (see point 3.4 of Part 3 of the Selection Guide).

The projects cited as references must have been subject to a provisional acceptance or commissioning less than 10 years prior to the submission deadline for Requests to Participate. The project(s) listed as references for the fourth field of expertise must have been subject to a provisional acceptance or commissioning less than 5 years prior to the submission deadline for Requests to Participate.

The Candidate shall provide the following information for each reference (see Appendix 7):

- the total remuneration for the services provided by the contractor or service provider (see above for the relevant amounts);
- the project implementation period (stating the start date and, where applicable, the end date of the project);
- the name and contact details of a contact person within the company, institution or organisation for which the project was carried out;

- whether the work carried out in the various fields of expertise has been performed to a high standard (at least performed correctly so far), as evidenced by a certificate of satisfactory performance issued by the client in question.

3.3 Additional selection

The Contracting Authority will select a maximum of three or four candidates to participate in the next phase of the Award Procedure.

If fewer than three candidates meet the selection criteria, the Award Procedure may be continued by inviting the Candidates that have the required capacity to participate in the dialogue phase.

If more than three candidates meet the selection criteria, the Contracting Authority will carry out an additional (quantitative) selection. This shall be carried out by assigning a score to the first reference provided by the Candidate for each field of expertise referred to in point 0 of Part 3 of the Selection Guide. These references shall be assessed on the basis of their relevance in demonstrating the Candidate's experience in projects similar to this Concession in the relevant field of expertise. The following aspects shall be reviewed in particular: the purpose of the project submitted as a reference, the Candidate's role in the project and the value of the project.

The following assessment method shall be applied for each reference assessed:

- 10/10: extremely relevant
- 7.5/10: very relevant
- 5/10: sufficiently relevant
- 2.5/10: not very relevant
- 0/10: irrelevant

The Contracting Authority may also award scores that fall between the aforementioned values.

If the reference to be assessed is not accompanied by a signed certificate of satisfactory performance, if not all the required information is provided in the form (**Appendix 7**) or if the project was not completed within 10 years (or 5 years for the fourth field of expertise) of the submission deadline for Requests to Participate, that field shall receive a score of 0.

The scores for each field of expertise are then added together to determine the final total score for each Candidate.

In the event of a tie between several Candidates, the Contracting Authority shall take into account and assess the second references submitted for each field of expertise for these Candidates. The same assessment method will be used. If there is no second reference, this will result in a score of 0. The additional selection will be based on the total score for the second references.

3.4 Scenarios for accepting a fourth Candidate

The Contracting Authority may select a fourth Candidate to continue the procedure if it meets the following cumulative conditions:

- 1° the Candidate meets the selection criteria and no grounds for exclusion are applicable to it;

- 2° the Candidate's first reference achieves an average score of at least 50% across all fields of expertise;
- 3° the assessment of the applications identifies one of the following situations:
 - a. based on the assessment of the first reference, a candidate is tied with one of the first three candidates;
 - b. based on the assessment of the first reference, the Candidate ranked fourth achieves an average score of at least 75% across all fields of expertise.

4. RELIANCE ON THE CAPACITY OF OTHER ENTITIES

In accordance with Article 49 of the Law of 17 June 2016 on Concessions and Article 42 of the RD Concessions, as well as the provisions of this Selection Guide, Candidates may rely on the capacity of other entities, regardless of the legal nature of their links with such entities, with regard to the criteria relating to financial and economic capacity set out in point 0 of Part 3 of this Selection Guide and/or the criteria relating to technical and professional capacity set out in point 0 of Part 3 of this Selection Guide.⁸ A grouping of economic operators may also rely on the capacities of the members of the grouping or other entities.

In its Request to Participate, the Candidate shall identify the third parties whose capacity it relies upon to meet the selection conditions. It shall also attach Part A of the Provisional Evidence Document completed by these third parties.

4.1 Economic and financial capacity

If the Candidate relies on the financial and economic capacity of other entities, the Candidate and these entities are jointly and severally liable for the performance of the Concession. In such cases, the Candidate must provide proof of the third party's commitment to make its capacity available and attach the written and signed acceptance of this joint and several liability to its Request to Participate (**Appendix 8**). The entity concerned then undertakes to make the resources available to the Candidate if it is awarded the Concession. Supporting documents proving the authority to sign (extracts from the articles of association, appointment decisions, powers of attorney, etc.) must be attached to the Request to Participate.

An alternative arrangement regarding the joint and several liability may be provided for.

4.2 Technical and professional capacity

If the Candidate relies on the technical and professional capacity of other entities, it must attach the duly signed and dated commitment of these entities with its Request to Participate (**Appendix 8**). The entity concerned undertakes to make the resources available to the Candidate if it is awarded the Concession and, where applicable, to actually perform the works or services concerned. Supporting documents proving the authority to sign (extracts from the articles of association, appointment decisions, powers of attorney, etc.) must be attached to the Request to Participate.

⁸ See point 0 of Part 3 of this Selection Guide regarding the obligation to attach a Provisional Evidence Document for third parties whose capacity is relied upon.

5. COMMUNICATION

By submitting a Request to Participate for the Concession, the Candidate agrees that communication between the Contracting Authority and the candidate shall predominantly be electronic (see point 1 of Part 2 of this Selection Guide). In its Request to Participate, the Candidate must provide the name of one contact person with whom the Contracting Authority will communicate. To this end, the Candidate shall complete **Appendix 9** of this Selection Guide and include it with its Request to Participate. All communications will be sent to the email address of this contact person.

6. CONTENTS OF THE REQUEST TO PARTICIPATE

The Request to Participate must include the following information and documents:

- the completed Request to Participate form (**see Appendix 3**);
- proof of the authority to sign of the Candidate (or each of the members of the grouping) (see point 5.3 of Part 2 of this Selection Guide) and any third parties whose capacity is relied upon (see points 0 and 0 of Part 3 of this Selection Guide);
- the signed regulations regarding the data room (**see Appendix 4**);

the completed Provisional Evidence Document (see point 2.4 of Part 3 of this Selection Guide);

- an overview of the members of the administrative, management or supervisory body of the Candidate (or the members of the grouping) and any third parties whose capacity is relied upon, as well as persons who hold powers of representation, decision-making or control within it (**see Appendix 5** of this Selection Guide);
- extracts from the criminal records of the Candidate (or of all members of the grouping), of any third parties whose capacity is relied upon, as well as members of their administrative, management or supervisory body exercising powers of representation, decision-making or control within it (see point 2.4 of Part 3 of this Selection Guide);
- certificates relating to tax and social security debts (insofar as the Contracting Authority cannot obtain this information itself - see point 2.4 of Part 3 of this Selection Guide);
- non-bankruptcy certificates (insofar as the Contracting Authority cannot obtain this information itself - see point 2.4 of Part 3 of this Selection Guide);
- proof of corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions (see point 2.5 of Part 3 of this Selection Guide);
- the commitments relating to the provision of resources in respect of suitability to pursue the professional activity (recognition) and/or the provision of economic and financial resources and/or the provision of technical and professional expertise (**see Appendix 8** and also point 4 of Part 3 of this Selection Guide);
- the statement from the auditor (or other authorised person) regarding the total turnover of the Candidate (of the members of the grouping of economic operators and/or of the entities whose capacity is relied upon) for each of the last three available financial years;
- a statement from a financial institution confirming that the Candidate (the members of the grouping of economic operators and/or the entities whose capacity is relied upon) has sufficient resources to contribute to the Concession in the form of equity capital and/or a subordinated loan;
- the annual accounts for the last three closed financial years of the foreign companies concerned (or a precise indication of where the Contracting Authority can consult them) (see point 0 of Part

- 3 of this Selection Guide);
- the information on recognition (see point 3.1 of Part 3 of this Selection Guide);
 - the references (see Appendix 7 and point 0 of Part 3 of this Selection Guide), including the certificates of satisfactory performance issued by the clients in question;
 - the completed contact person form **(Appendix 9)**.

PART 4. APPENDICES

Appendix 1. "TIR Centre Redevelopment" Project and requirements of the Contracting Authority

Appendix 2. Executive summary of the study carried out by Quares

Appendix 3. Request to Participate Form

Appendix 4. Regulations relating to the (electronic) data room

Appendix 5. Overview of the members of the administrative, management or supervisory body of the Candidate (or the members of the Candidate economic grouping) and any third parties whose capacity is relied upon and who hold powers of representation, decision-making or control

Appendix 6. Provisional Evidence Document

Appendix 7. Form for references

Appendix 8. Form for the commitment to make third-party resources available

Appendix 9. Contact person form

APPENDIX 1. "TIR CENTRE REDEVELOPMENT" PROJECT AND REQUIREMENTS OF THE CONTRACTING AUTHORITY

1. LOCATION AND PURPOSE OF THE TIR CENTRE

The TIR centre⁹ is located at Avenue du Port 104-110, 1000 Brussels. This central location is located to the north of the Brussels Pentagon and immediately adjacent to the new Tour & Taxis and Tivoli districts.

The TIR site is easily accessible from the northern ring road and can be used as a base for supplying the historic city centre and the surrounding neighbourhoods and municipalities.

The TIR site is separated from the neighbouring sites along the canal by Avenue du Port. There is currently no physical connection between the TIR site and the waterway.



Location of the TIR logistics centre in the immediate vicinity of the Brussels Pentagon

The TIR site is marked in blue on the Regional Land Use Plan (PRAS) which designates it as an area for port activities and transport.

⁹ TIR stands for Transport International Routier (International Road Transport). This name no longer corresponds to its redevelopment as an urban logistics hub.



Excerpt from the Regional Land Use Plan (TIR site on the left)

Pursuant to the legal provisions on land use, the following activities may be developed in these areas:

- Art. 6.1

1. Port and logistics activities, in particular transshipment, distribution, packaging, wholesale, transport and storage;
2. Industrial or artisan activities for the production or processing of movable goods on the site;
3. Activities aimed at improving the environment, such as sewage treatment and waste elimination, treatment, recycling and collection processes.

- Art. 6.2

These areas may also be used for community facilities or public services, as well as for commercial activities that normally complement the activities referred to in point 6.1, including banks, service stations, cafés and restaurants, provided that the total floor area occupied by these functions does not exceed 300 m² per building. The floor area of the commercial activities referred to above may be increased subject to the following conditions: 1° the increase is duly justified on social and economic grounds; 2° local circumstances allow for such an increase without compromising the main functions of the area; 3° the acts and works are subject to special publicity requirements.

However, the floor area of commercial units that normally complement the activities referred to in point 6.1 is limited to 1,000 m² per building.

- Art. 6.3

These areas may also be used for accommodation that is complementary and ancillary to the main functions of the area, including accommodation for security personnel.

- Art. 6.4

The areas along the quay are primarily intended for waterway-related activities.

- Art. 6.5

General conditions for all uses specified in regulations 6.1 to 6.4: 1° the nature of the activities must be compatible with the other activities or uses of the block to which the project relates and of the surrounding blocks; 2° the urban characteristics of the buildings and the landscaping of their surroundings must make it possible for them to blend into the urban environment.

- Art. 6.6

The construction of industrial rail connections is permitted. These connections may cross roads at ground level if local circumstances so require.

2. DESCRIPTION OF THE TIR CENTRE

The TIR Centre is an exceptional logistics site - consisting of land and buildings - located less than 3 km from the centre of Brussels. As the owner and manager of the site, the Port of Brussels is responsible for the development and operation of this infrastructure.



TIR site with the various buildings (A, B, C, D and E)

The TIR Centre consists of a complex of five buildings (four of which have four floors) with a total usable area of 115,014 m² of storage space and 11,767 m² of office space. The buildings were constructed between 1957 and 1974. The buildings are currently operated by the Port itself, which grants them under a public property concession to around one hundred users, mainly logistics service providers and wholesalers. The roofs of buildings A, C, D and E accommodate a solar energy installation (under a concession for the operation of the roof area).

	Bâtiment A	Bâtiment B	Bâtiment C	Bâtiment D	Bâtiment E	Total
R-D-C	750	700	8 300	10 500	6 600	26 850
R+1	750	700	10 800	12 400	7 500	32 150
R+2	750	700	10 800	12 400	7 500	32 150
R+3	50	700	10 800	12 400	7 500	31 450
R+4		100		2 800	3 300	6 200
R+5				1 200		1 200
Total	2 300	2 900	40 700	51 700	32 400	130 000

Table 1 Surface areas in m² per building and per floor of the TIR Centre

The TIR offers many advantages for the site's users:

- an ideal location in the immediate vicinity of the city centre (less than 3 km from the pedestrian zone);
- easy accessibility from the Brussels ring road, as set out in the Strategic Plan for Goods Transport in the Brussels-Capital Region (2013) and in the Good Move Regional Mobility Plan 2020-2030, which includes a route for PLUS freight traffic between the Brussels ring road and the TIR logistics centre (distance approximately 6 km);
- significant potential for organising efficient urban logistics;
- storage capacity in variable modules;
- a diversified range of logistics services and customs facilities.



Location of the TIR Centre close to the low-traffic city centre

3. THE REQUIREMENTS OF THE CONTRACTING AUTHORITY AND THE AMBITION FOR THE REDEVELOPMENT OF THE TIR CENTRE

On 25 April 2019, the Brussels Government tasked the Port of Brussels with developing a concrete, evidence-based strategy for the redevelopment of the TIR.

The current ambition for the TIR Centre is to:

- transform the TIR Centre into a high-quality logistics site that can make a significant contribution to the sustainability of urban logistics in the Brussels-Capital Region.
- ensure the optimal integration of the site into the surrounding districts of Tivoli, Tour & Taxis and the Port district by modernising the buildings, greening the site and minimising the impact of

mobility on the surrounding neighbourhoods.

The Port of Brussels' "Horizon 2040" Master Plan sets out that the TIR Centre is identified in the Brussels Regional Programme for a Circular Economy (BRPCE) as a hotspot for the circular economy and as an urban distribution centre (UDC) by the regional mobility plan and the Port (see the Strategic Plan for Goods Transport of the Brussels-Capital Region). It therefore makes sense to develop economic and logistics activities that are aligned with this and can be developed within the conceptual framework defined in this plan.¹⁰

The management contract (2021-2025) between the Brussels-Capital Region and the Port of Brussels stipulates that:

- one of the strategic objectives pursued by the Region and the Port (Art. 3) is as follows: "in accordance with the DPG, to study the development of scenarios for the future of the TIR Centre by making it a lever for exemplary sustainable urban distribution or, where applicable, implementing a repositioning strategy" and that;
- "the Port will propose scenarios for the future of the TIR Centre in the course of 2021. This strategic urban distribution site must be reinvested in or, where appropriate, be subject to a repositioning strategy, in accordance with the DPG. One of the scenarios involves transforming the TIR Centre into logistics spaces for urban distribution and productive functions, working with Brussels Mobility, the Urban Development Corporation (SAU), perspective.brussels, Brussels Environment and hub.brussels, and in line with the objectives of the Regional Mobility Plan" (Art. 16. Commitment of the parties).

The Brussels Government's Regional Policy Declaration of 13 February 2026 sets out several policy directions relevant to this project:

- the Government will conduct the planned review of the "Good Move" Regional Mobility Plan (RMP), which will be followed by a new Regional Mobility Plan. New traffic plans will be developed with the aim of creating balance between residential calming, the flow of transit arteries and economic accessibility. Furthermore, the Government confirms the creation of the Tour & Taxis tram. These developments are capable of influencing the operating conditions for the TIR Centre in terms of urban distribution and site accessibility.
- the Government intends to create a new public limited company-type structure called "infrastructure.brussels", designed to bring together operational public services including the Build, Maintain and DITP divisions of Brussels Mobility and the Port of Brussels' infrastructure (excluding economic concessions);
- in order to generate an "investment shock", the Government will set up the "Urban Free Zone" status specifically targeting the Port area to support the establishment of new companies. This strategy is based on the simultaneous activation of three levers: a tax incentive lever comprising a targeted reduction of property tax and registration fees; an administrative acceleration lever ("Fast Track") through a one-stop shop centralising all procedures; and a skills-development lever, in partnership with Actiris, to provide tailored HR support to companies. These benefits, if achieved, are designed to strengthen the economic appeal of the site for future users and operators in the framework of the project.

¹⁰Master plan "Horizon 2040" of the Port of Brussels, Development of the "TIR/TACT Centre" zone in the urban economy zone (mini master plan), pp. 241 to 243.

For information purposes only, it should be noted that Minister Laurent Hublet's road map for reviving the Brussels' economy, entitled "Bruxelles All.In" also contains elements relevant to the TIR Centre redevelopment project, including the establishment of Brussels economic acceleration zones (BEAZ) with the Port of Brussels playing a central role.

Indeed, the Government has decided to abandon the term "Urban Free Zone" mentioned in the Regional Policy Declaration because this is too close to the notion of "free zones" in European law and has chosen the term Brussels Economic Acceleration Zones.

The outlines of the BEAZ are described as follows:

- "A. define a clear territorial boundary based on the codes of the Regional Land Use Plan or the land registry, taking into account the future designation of support zones under the Federal competitiveness pact;
- B. create a dedicated Actiris unit for the BEAZ, improve accessibility in terms of mobility and establish a one-stop shop ("Fast Track") for all administrative procedures (permits, environment, mobility, aid);
- C. fully exploit the Region's fiscal autonomy to introduce a specific tax system for the BEAZ. This system could focus in particular on property taxation or provide for a regional tax reduction on the regional share of personal income tax designed to benefit certain categories of job seekers to be defined by the Government;
- D. make use, where possible, of European instruments and financing, such as the "Net Zero Acceleration Valleys", in order to strengthen the attractiveness of the BEAZ (a sort of European "supplement")."

The road map specifies that "when a conversion project of a certain size is planned in these zones, the developer or the company will be able to conclude an agreement/contract with the Government and with the municipality concerned in order to take advantage of certain benefits during the conversion:

- a close working relationship between the relevant administrations and the developer, with a view to streamlining the granting of permits to the promoter;
- a temporary reduction in property tax or regional land tax;
- the potential temporary suspension of registration fees.

These benefits would only be granted on condition that the developer commits to achieving certain objectives in terms of transition, sustainability (such as circular construction) and social issues (for example, integration of spaces for a daycare centre in the master plan, job creation, etc.)."

According to "Bruxelles All.In", the objective is to "make the Port of Brussels a pillar of the Region's strategic and economic autonomy as well as a central actor in its climate transition." To achieve this, the road map sets out four transformations that the Port must undergo, namely:

- 1) Regain the capacity to invest and transform: "Today, its capacity for action remains limited by a financial framework that curbs its modernisation and development. By shifting its governance and financing model towards a greater focus on enhancing the value of its assets and on investment, the Port will accelerate its transformation, mobilise new sources of funding and prepare the

infrastructure Brussels will need in the future."

- 2) Become the heart of Brussels' sustainable urban logistics: "The Port will establish itself as the Region's main logistics gateway and play a central role in supplying the city and decarbonising its logistics."
- 3) Consolidate a hub of strategic industries: "As a priority, land policy will support industrial activities essential to Brussels' resilience and prosperity: construction, recycling and reuse, agrifood, energy, health and high-value-added industries."
- 4) Make the Port a laboratory of innovation: "The Port is becoming a leading player in new mobility and the logistics of the future: decarbonising river transport, digitalising port operations and supporting disruptive innovations such as autonomous shipping or logistics drones."

For information, the BCR Government is planning to ensure that the future Brussels economic acceleration zone (BEAZ) "coincides" with the potential future competitiveness pact zone (Law of 15 May 2014). This would enable the companies located in this zone and those that invest in it to benefit from an exemption of 25% on payroll withholding tax for two years for every new position created. Discussions with the Federal authorities are underway on this subject.

The objectives/expectations of the Port of Brussels with regard to the redevelopment of the TIR Centre, as set out in the Port of Brussels' "Horizon 2040" Master Plan, are as follows:

- more intensive use of existing infrastructure that is unique in Brussels;
- a contribution to sustainable urban logistics;
- a concept of integrated logistics and urban production;
- an increase in "palletised traffic" and the development of new river traffic via the Vergote UTC (urban transshipment centre);
- the development of a preferred location for the creation of an incubator for innovation in logistics activities and sustainable urban mobility (including water transport) and sustainable energy.¹¹

The repositioning of the TIR Centre as an urban distribution centre must also take into account the evolution of its immediate surroundings and provide better integration with the nearby urban environment. The district is accommodating new functions and uses (redevelopment of the Tour & Taxis site, etc.) and numerous projects are currently being implemented and/or studied (Kanal, parks, renovation of housing, new school, etc.). The Port of Brussels' "Horizon 2040" Master Plan states that, as part of the redevelopment of the TIR Centre, functional and urban planning links should be developed with economic projects in the surrounding area: TACT, BE-HERE, Greenbizz, Masui district, etc.¹²

The new structure must improve connections with the surrounding neighbourhood and facilitate movement through the site for users and residents, while complying with the applicable planning requirements referred to above.

¹¹ Port of Brussels' "Horizon 2040" Master Plan, Development of the "TIR/TACT Centre" zone in the urban economy zone (mini master plan), pp. 241 to 243.

¹² Master plan "Horizon 2040" of the Port of Brussels, Development of the "TIR/TACT Centre" zone in the urban economy zone (mini master plan), pp. 241 to 243.

Other types of activities, such as recreational or production activities, could be incorporated into the programme, based on a rationale of mixed functions, taking into account the surrounding economic and social fabric.

In 2020, the Port of Brussels commissioned a consortium led by Quares Consulting to carry out a redevelopment study. Various scenarios were examined. The study shows that the preferred scenario for the time being is redevelopment as a logistics centre or, more specifically, as an urban distribution centre.

The Executive Summary of this study is included in **Appendix 2**.

This study's preferred scenario is considered to be purely informative for the completion of the Project. The Contracting Authority welcomes any alternative or additional programme that enhances all the uses permitted in the zone as defined by the PRAS requirements, especially Industrial or artisanal production activities. It may move away from the programme proposed during the dialogue phase.

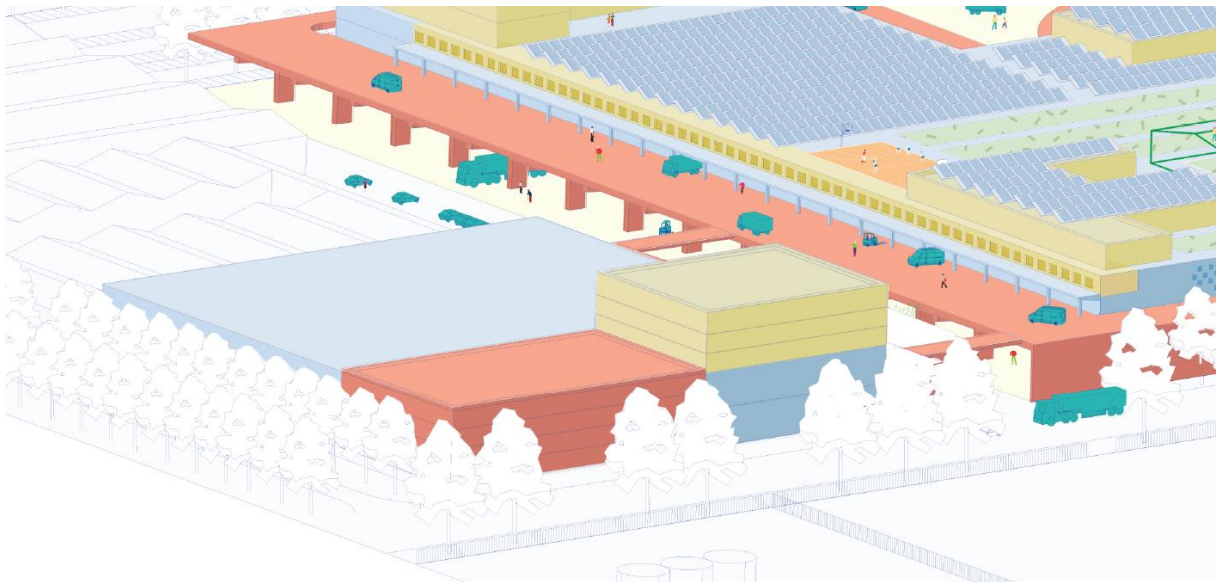


Illustration: development scenario from the Quares study

The full implementation of the preferred scenario, including renovation, was estimated in the development study to have a total investment cost of around EUR 77 million euros. This is an estimate based on a study carried out by Quares in 2021. The amount is provided for information purposes only.

APPENDIX 2. EXECUTIVE SUMMARY OF THE STUDY CARRIED OUT BY QUARES

See separate appendix.

APPENDIX 3. REQUEST TO PARTICIPATE FORM

1. IDENTIFICATION OF THE CANDIDATE

Candidate Information

Name

Legal form

Nationality

Company number

Address/registered office

Email

Telephone

Candidate is comprised of (if applicable):

- a) Company name
 Legal form
 Nationality
 Company number
 Registered office
 Email
 Telephone

- b) Company name
 Legal form
 Nationality
 Company number
 Registered office
 Email
 Telephone

- c) Company name
 Legal form
 Nationality
 Company number
 Registered office
 Email
 Telephone

[Details to be completed for each member of the economic grouping/consortium]

2. IDENTIFICATION OF THE SIGNATORY(IES)

The undersigned:

1. Title
Name
Position
Email
Telephone
2. Title
Name
Position
Email
Telephone

hereby submit their Request to Participate in the Award Procedure for Concession No. 1644 to the Contracting Authority.

The undersigned, as representatives of the Candidate (or members of the grouping), declare that:

1. they have read and understood the Selection Guide for this Award Procedure. They declare that they accept the procedure set out therein without reservation;
2. they understand that failure to comply with the procedure set out in the Selection Guide or related additional clarifications provided by the Contracting Authority may result in them being excluded;
3. they are jointly and severally liable to the Contracting Authority for compliance with all obligations arising from the Selection Guide and any additional clarifications relating thereto;
4. in good faith, that all information they have provided and will provide to the Contracting Authority in the context of this Award Procedure is accurate and that they understand that any inaccuracies identified by the Contracting Authority could result in the Candidate's exclusion from further participation in this Award Procedure;
5. that no agreement has been concluded on behalf of the Candidate that is in breach of competition law, the legislation on the recognition of contractors, the regulations on architects and the regulations on public contracts and concessions.

[The Request to Participate is signed as a whole in accordance with Article 18, § 5 of the RD Concessions].

APPENDIX 4. REGULATIONS RELATING TO THE (ELECTRONIC) DATA ROOM

Access to and use of the (electronic) data room for the "TIR Centre redevelopment" project, as well as the use of electronic means in the context of the Award Procedure for this Concession, are subject to the following terms and conditions of use (hereinafter "terms and conditions of use"). Individuals who have access to the data room are requested to read these conditions carefully before using it.

Purpose of the data room

The Contracting Authority has established a data room to provide quick and easy access to documents relevant to the TIR Centre redevelopment project.

Agreement on the use of electronic means

The Candidate is informed and accepts that the Contracting Authority will make documents available via its website port.brussels and, in some cases, will communicate via email.

The Candidate also understands and accepts that, without prejudice to the obligation to submit the Request to Participate and the Tender via e-tendering (see point 0 of Part 2 of the Selection Guide), the Contracting Authority may request that communication with the Candidate takes place exclusively by electronic means.

The email address to be used for this purpose is projecttir@port.brussels. The Candidate will use the email address [to be completed]. The Candidate declares that they will use the email address provided for electronic communication and information exchanges with the Contracting Authority. It agrees that electronic communication and information exchanges from the Contracting Authority will be sent to this email address.

Confidentiality

The documents made available via the website port.brussels must be handled confidentially. Individuals who have access to the data room may, under no circumstances, distribute, publish, pass on or make the documents available to third parties in any form whatsoever, with the exception of their agents, employees or subcontractors involved in the project. The documents may not be modified. Individuals who have access to the data room shall ensure that their agents, employees or subcontractors comply with this confidentiality obligation.

By submitting its Request to Participate, the Candidate undertakes to sign a confidentiality agreement with the Contracting Authority. Candidates will only be granted access to this data room after signing this agreement.

Liability

The Contracting Authority makes every effort to ensure that the documents provided are complete and accurate and that the integrity of the data storage is protected. Despite these efforts, inaccuracies cannot

be ruled out. If the supplied documents contain inaccuracies or if certain documents are unavailable, every effort will be made to correct this as soon as possible and to inform the Candidates.

The Contracting Authority makes every effort to secure the system and to limit the inconvenience caused by technical malfunctions as much as possible. However, the Contracting Authority cannot rule out the possibility of incorrect technical actions or unauthorised interventions. For this reason, the Contracting Authority cannot guarantee that access to the data room will not be interrupted or disrupted by such problems.

The Contracting Authority cannot in any way be held liable for direct or indirect damage resulting from the use of the system or the information provided. Individuals who have access to the data room are themselves responsible for any damage to their computer system or loss of data as a result of downloading documents.

Applicable law and competent courts

These terms and conditions are subject to Belgian law. In the event of a dispute, only the Courts and tribunals of the district of Brussels shall have jurisdiction.

[The Request to Participate is signed as a whole in accordance with Article 18, § 5 of the RD Concessions].

APPENDIX 5. OVERVIEW OF THE MEMBERS OF THE ADMINISTRATIVE, MANAGEMENT OR SUPERVISORY BODY OF THE CANDIDATE (OR THE MEMBERS OF THE CANDIDATE ECONOMIC GROUPING) AND ANY THIRD PARTIES WHOSE CAPACITY IS RELIED UPON AND PERSONS WHO HOLD POWERS OF REPRESENTATION, DECISION-MAKING OR CONTROL

Name	First name	National Register no.	Company	Mandate	End of mandate

APPENDIX 6. PROVISIONAL EVIDENCE DOCUMENT

Appendix 6A: Sworn declaration concerning grounds for exclusion

This Appendix 6A is a sworn declaration by the economic operators and acts as provisional evidence of their situation with regard to the grounds for exclusion in Articles 50 to 52 of the Law of 17 June 2016 on Concessions.

This is an official declaration by which the economic operator states that it is not in one of the situations which must or may lead to the exclusion of an operator, mentions any corrective measures it has taken, where applicable, and states the elements that enable the Contracting Authority to verify the declarations.

This Appendix does not exempt economic operators from providing the means of evidence provided for in Article 35 of the RD Concessions.

This Appendix must be completed by any natural or legal person or public entity, as well as by any member of a grouping of such persons or entities (including temporary business associations), participating in a concession award procedure as a Candidate or Tenderer. Likewise, this Appendix must be completed by the third parties whose capacity is relied upon in accordance with Article 49 of the Law of 17 June 2016 on Concessions. Where applicable, it must also be completed by prospective subcontractors whose capacity is not relied upon for the purposes of selection.

For the purposes of this Appendix, economic operator means:

- the Candidate or Tenderer;
- each member of the grouping when the Candidate or Tenderer is a grouping;
- the third party whose capacity is relied upon for the selection conditions;
- prospective subcontractors whose capacities are not relied upon for the selection conditions.

This Appendix consists of the following parts:

- Part I. Information on the Concession Award Procedure and the Contracting Authority.
- Part II. Information on the economic operator.
- Part III. Grounds for exclusion:
 - A: Grounds related to criminal convictions (Art. 50, §1 of the Law of 17 June 2016 on Concessions and Article 31 of the RD Concessions).
 - B: Grounds related to the payment of taxes or social security contributions (Art. 51, §1 of the Law of 17 June 2016 on Concessions and Article 32 of the RD Concessions).
 - C: Other grounds for exclusion (Art. 52 of the Law of 17 June 2016 on Concessions).

- Part I. Information on the Concession Award Procedure and the Contracting Authority

- A. Information about publication
 - Reference of the relevant notice published in the Official Journal of the European Union:
 - Number of the notice received:

- Number of the notice in the OJ:
- URL of the OJ Supplement:
- Reference of the relevant notice published in the Bulletin of Adjudications:
- Publication number in the Bulletin of Adjudications:
- URL of the Bulletin of Adjudications:

B. Identity of the Contracting Authority

- Official name:
- Country:

C. Information relating to the Award Procedure

- Title:
- Brief Description:
- Reference number allocated to the dossier by the Contracting Authority (if applicable):

Part II. Information on the economic operator

A. Information on the economic operator

1. Identity

- Name or company name:
- Corporate form (if applicable):
- Address of domicile or registered office:
Street and number:
Postcode:
City:
Country:
- Internet address (website address) (if applicable):
- Email address:
- Telephone:
- Contact person(s):
- VAT number (if applicable):

If no VAT number is available, please provide an alternative national identification number, if applicable and where necessary

- Is the economic operator a micro company or a small or medium-sized enterprise? Yes/No

2. Reserved concessions

- Only if the Concession is reserved: is the economic operator a sheltered workshop or a "social enterprise", or does it plan to perform the Concession in the context of sheltered employment programmes? Yes/No
- What is the corresponding percentage of disadvantaged workers and workers with disabilities?
- If necessary, please specify whether the employees concerned belong to one or more specific categories of disadvantaged workers or workers with disabilities

B. Grouping of economic operators

- Is the economic operator taking part in the Concession award procedure with others? Yes/No
- Ensure that the other parties involved provide a separate declaration
- Please specify the role of the economic operator within the grouping of economic operators (group leader, responsible for the performance of specific tasks, etc.):
- Please identify the other economic operators participating jointly in the Concession award procedure:
If applicable, name of the participating grouping:

C. Information relating to reliance on the capacities of other entities

- Does the economic operator rely on the capacities of other entities to meet the selection requirements in the concession documents? Yes/No
- For each of the entities concerned, please provide a separate declaration containing the information requested in sections A and B of this Part and in Part III, duly completed and signed

by the relevant entities.

- Please note that this must also include all technicians or technical bodies that are not directly part of the economic operator's undertaking, in particular those responsible for quality control and, in the case of works concessions, the technicians or technical bodies which the economic operator may rely upon for the performance of the work.

D. Information on the subcontractors referred to in Article 43 of this Decree

(To be completed only if this information is explicitly requested by the Contracting Authority)

- Does the economic operator intend to subcontract any part of the contract to third parties? Yes/No
- If yes, and to the best of your knowledge, please specify which parts of the Concession and to which subcontractors:

If the Contracting Authority explicitly requests this information in addition to that referred to in Part I, please provide the information requested in Sections A and B of this Part and Part III for each subcontractor identified.

Part III: Grounds for exclusion

A. Grounds related to criminal convictions (Art. 50, §1 of the Law of 17 June 2016 on Concessions, as implemented by Article 31 of the RD Concessions).

1. Participation in a criminal organisation

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been convicted by a final judgement of participation in a criminal organisation, where that conviction was handed down no more than five years ago or included a period of exclusion, specified directly in the judgement, that is still applicable?

Participation in a criminal organisation is defined in Article 324a of the Criminal Code and Article 2 of the Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime.

- Your answer: Yes/No
- Date of conviction:
- Reason:
- Identity of the convicted person:
- If applicable, duration of the exclusion period:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable?
Yes/No
Please describe these:
- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

2. Corruption

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been convicted by a final judgement of corruption, where that conviction was handed down no more than five years ago or included a period of exclusion, specified directly in the judgement, that is still applicable?

Corruption is defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 1), Article 2(1) of the Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54) and Articles 246 and 250 of the Criminal Code.

- Your answer: Yes/No
- Date of conviction:
- Reason:
- Identity of the convicted person:
- If applicable, duration of the exclusion period:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
- Is the information included in this point available electronically? Yes/No
- Please describe it:
- URL:
- Code:
- Issuer:

3. Fraud

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been convicted by a final judgement of fraud, where that conviction was handed down no more than five years ago or included a period of exclusion, specified directly in the judgement, that is still applicable?

Fraud is defined in Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48).

- Your answer: Yes/No
- Date of conviction:
- Reason:
- Identity of the convicted person:
- If applicable, duration of the exclusion period:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No

Please describe these:

- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

4. Terrorist offences, offences related to terrorist activities or inciting, aiding and abetting or attempting to commit such an offence

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been convicted by a final judgement of a terrorist offence or offence related to terrorist activities, where that conviction was handed down no more than five years ago or included a period of exclusion, specified directly in the judgement, that is still applicable?

Terrorist offences and offences related to terrorist activities are defined in Article 137 of the Criminal Code and in Articles 1 and 3 of the Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3). This ground for exclusion also includes incitement to commit an offence, aiding and abetting an offence and attempting to commit an offence, as referred to in Article 4 of that Framework Decision.

- Your answer: Yes/No
- Date of conviction:
- Reason:
- Identity of the convicted person:
- If applicable, duration of the exclusion period:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No

Please describe these:

- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

5. Money laundering or terrorist financing

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been convicted by a final judgement of money laundering or terrorist financing, where that conviction was handed down no more than five years ago or included a period of exclusion, specified directly in the judgement, that is still applicable?

Money laundering and terrorist financing are defined in Article 5 of the Law of 11 January 1993 on preventing the use of the financial system for the purpose of money laundering and terrorist financing, and in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

- Your answer: Yes/No
- Date of conviction:
- Reason:
- Identity of the convicted person:
- If applicable, duration of the exclusion period:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
- Please describe these:
- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

6. Child labour and other forms of human trafficking

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been convicted by a final judgement of child labour and other forms of human trafficking, where that conviction was handed down no more than five years ago or included a period of exclusion, specified directly in the judgement, that is still applicable?

Child labour and other forms of human trafficking are defined in Article 433d of the Criminal Code, as well as in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

- Your answer: Yes/No
- Date of conviction:
- Reason:
- Identity of the convicted person:
- If applicable, duration of the exclusion period:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

7. Employment of illegally resident third country nationals

- Has the economic operator itself, or any person who is a member of its administrative, management or supervisory body or who has powers of representation, decision-making or control within it, been found to have committed an offence by a judicial or administrative decision, including by written notification pursuant to Article 49/2 of the Social Criminal Code?

- Your answer: Yes/No
- Date of finding:
- Reason:
- Identity of the convicted person:
- If applicable, date of the end of the infringement:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
Please describe these:
- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

B. Grounds related to the payment of taxes or social security contributions

1. Payment of taxes

- Has the economic operator failed to fulfil its obligations relating to the payment of taxes in its country of establishment and in Belgium, if applicable?
- Under the terms of the RD Concessions, for operators established in Belgium, the taxes taken into consideration are those payable to the FPS Finance.
- An operator is considered in good standing in terms of the payment of taxes if:
 - 1° it has a tax debt of no more than 3,000 euros; or
 - 2° it can demonstrate that it holds one or more claims against a Contracting Authority or public undertaking that are certain, due and free of any commitment to third parties. These claims amount to a sum equal to its tax debt, less 3,000 euros.
- Your answer? Yes/No
- Country or Member State concerned:
- Amount involved:
- Has this breach of obligations been established by means other than a judicial or administrative decision? Yes/No
- If this breach of obligations was established by a judicial or administrative decision, was that decision final and binding? Yes/No
- Please indicate the date of the conviction or decision:
- Has the economic operator fulfilled its obligations by paying or entering into a binding agreement to pay taxes due, including, where applicable, any overdue interest or fines? Yes/No
- Please specify:
- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

2. Payment of social security contributions

- Has the economic operator failed to fulfil its obligations relating to the payment of social security contributions in its country of establishment and in Belgium, if applicable?
- Under the terms of the RD Concessions, for operators employing personnel subject to the Law of

27 June 1969 revising the Decree-Law of 28 December 1944 concerning the social security of workers, the obligations to pay social security contributions to be taken into consideration are the obligations towards the NSSO.

- An operator is considered in good standing in terms of the payment of social security obligations if:
 - 1° it has a contributions debt of no more than 3,000 euros; or
 - 2° it can demonstrate that it holds one or more claims against a Contracting Authority or public undertaking that are certain, due and free of any commitment to third parties. These claims amount to a sum equal to its social security debt, less 3,000 euros.
- Your answer? Yes/No
- Country or Member State concerned:
- Amount involved:
- Has this breach of obligations been established by means other than a judicial or administrative decision? Yes/No
- If this breach of obligations was established by a judicial or administrative decision, was that decision final and binding? Yes/No
- Please indicate the date of the conviction or decision:
- Has the economic operator fulfilled its obligations by paying or entering into a binding agreement to pay social security contributions due, including, where applicable, any overdue interest or fines? Yes/No
- Please specify:
- Is the information referred to in this point available electronically? Yes/No
- URL:
- Code:
- Issuer:

C. Other grounds

1. Failure to comply with the applicable obligations in the fields of environmental, social and labour law
 - Has the economic operator, to its knowledge, failed to comply with its obligations in the field of environmental, social and labour law during the last three years?
 - Applicable obligations in the fields of environmental, social and labour law established by European Union law, national law, collective agreements or international provisions in the field of environmental, social and labour law listed in Appendix IV of the Law or Appendix X of Directive 2014/24/EU.
 - Your answer? Yes/No
 - Please specify:
 - Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
 - Please describe these:
2. Insolvency situations
 - If the operator is bankrupt, in liquidation, has ceased trading, is undergoing judicial reorganisation,

has filed for bankruptcy, is the subject of liquidation or judicial reorganisation proceedings, or is in a comparable situation resulting from a similar procedure existing in other national regulations?

- Your answer? Yes/No
- Please specify:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No

3. Grave professional misconduct

- Over the last three years, has the operator committed grave professional misconduct that calls into question its integrity?
- Your answer? Yes/No
- Please specify:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable?
- Your answer? Yes/No
- Please specify:

4. Agreements with other economic operators to distort competition

- Over the last three years, has the operator committed acts, entered into agreements or engaged in arrangements aimed at distorting competition?
- Your answer? Yes/No
- Please specify:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No

5. Conflict of interest created by its participation in the Concession Award Procedure

- Is the operator aware of any current conflict of interest or any conflict of interest that has arisen during the last three years?
- The concept of conflict of interest refers to any situation in which, during the award or performance of the contract, any civil servant concerned, any public official or any other person connected to a Contracting Authority in any way whatsoever, as well as any person capable of influencing the Award Procedure or its outcome, has a direct or indirect financial, economic or other personal interest which could be perceived as compromising their impartiality or independence in relation to the award or performance of the concession.
- The existence of a conflict of interest is presumed in all cases:
 - 1° where there is a kinship or affinity in the direct line up to the third degree or in the collateral line up to the fourth degree, or in the event of legal cohabitation, between the civil servant, public official or any person capable of influencing the Award Procedure or its outcome, and any Candidate or Tenderers or any other natural person exercising powers of representation, decision-making or control on behalf of any of them;
 - 2° where the civil servant, public official or any person capable of influencing the Award Procedure or its outcome is, either directly or through an intermediary, the owner, co-owner or active partner of one of the Candidate or Tenderer undertakings, or exercises, in law or in fact, either directly or,

- where applicable, through an intermediary, powers of representation, decision-making or control.
- Your answer? Yes/No
 - Please specify:
 - Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable?
6. Direct or indirect involvement in the preparation of this Concession Award Procedure
- Over the last three years, has the economic operator, or an undertaking linked to it, advised the Contracting Authority or been otherwise involved in preparing the Concession Award Procedure?
 - Your answer? Yes/No
 - Please specify:
 - Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
7. Significant or persistent shortcomings on the part of the economic operator
- Over the last three years, have any persistent shortcomings on the part of the economic operator been identified in the performance of an essential obligation under a previous concession or a previous contract with a contracting authority, and resulted in termination of the concession, damages, ex officio measures or another comparable sanction?
 - Your answer? Yes/No
 - Please specify:
 - Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
8. Undue influence and similar situations
- Over the last three years, has the economic operator attempted to unduly influence the decision-making process of the Contracting Authority, to obtain confidential information that may give it an unfair advantage during the Concession Award Procedure or, or through serious negligence, has provided misleading information which could have a decisive influence on the decisions regarding exclusion, selection or awarding?
 - Your answer? Yes/No
 - Please specify:
 - Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No
9. False statements
- Is the economic operator current, or has it been during the last three years, in any of the following situations:
 - a) it has been found guilty of false statements in supplying the information required for verifying that there are no grounds for exclusion, or compliance with the selection conditions;
 - b) it has withheld information;
 - c) it is unable to submit the supporting documents required immediately?
 - Your answer? Yes/No

- Please specify:
- Have you taken corrective measures within the meaning of Article 53 of the Law of 17 June 2016 on Concessions to demonstrate that you are reliable? Yes/No

The undersigned solemnly declare that the information provided in Parts II and III above is true and correct and that it has been provided in full awareness of the consequences of any false statement.

The undersigned formally declare that they are able, upon request and without delay, to provide the certificates and other supporting documents referred to in the regulations or concession documents.

The undersigned expressly consent to the Contracting Authority having access to the supporting documents which substantiate the information provided in this declaration.

Date, place and, where required or necessary, signature(s):

Name

Job title

Signature

Appendix 6B: Sworn declaration relating to the selection conditions

This Appendix is a sworn declaration by the economic operators and acts as provisional evidence of their situation with regard to the selection conditions set out in Article 37 of the RD Concessions.

This is an official declaration by which the economic operator (i) confirms that it meets the selection conditions set out by the Contracting Authority in the Concession notice and, for two-stage procedures, that it meets the criteria for limiting the number of selected Candidates set out in the Concession notice, and (ii) provides all the information enabling the Contracting Authority to verify these declarations via databases that are available free of charge.

This Appendix does not exempt economic operators from providing the supporting documents required by the Contracting Authority to establish that they meet the selection conditions.

This Appendix must be completed and signed by the Candidates and Tenderers.

This Appendix consists of the following parts:

- I. Economic and financial capacity
- II. Technical and professional capacity

I. Economic and financial capacity

- The economic operator solemnly declares:
 - that it has achieved a minimum (consolidated) annual turnover of at least EUR 100 million during each of the last three financial years closed at the time of submission of its Request to Participate:
Financial year [N-3]: _____
Financial year [N-2]: _____
Financial year [N-1] : _____

 - that it is able to demonstrate that at least EUR 10 million can be provided to fulfil the Concession, in the form of equity capital and/or a subordinated loan: Yes/No
- Does the economic operator rely on the capacity of other entities to meet the economic and financial capacity conditions referred to above? Yes/No

II. Technical and professional capacity

- The economic operator solemnly declares:

A. Recognition

- Having Class 8 recognition in subcategory D (general building contractor) or subcategory E (civil engineering company) within the meaning of the Royal Decree of 27 September 1991: Yes/No

- If yes, recognition number:
- If no, provide proof of equivalent conditions (to be attached to the Request to Participate)

B. References

- First field of expertise - Does the economic operator have at least two references relating to the design, *project management* and performance of works for the (re)construction of a building with a floor area of at least 20,000 m² and a value of at least EUR 50 million (excluding VAT), and which involves land use planning, landscaping and biodiversity preservation and which has been subject to provisional acceptance less than 10 years prior to the submission deadline? Yes/No
- Second field of expertise - Does the economic operator have at least one and a maximum of three references relating to the design, *project management* and performance of works for the (re)construction of a logistics centre or a similar project and which has been subject to provisional acceptance less than 10 years prior to the submission deadline? Yes/No
- Third field of expertise - Does the economic operator have at least one and a maximum of three references demonstrating that it has experience in terms of the operational management, maintenance and operation of a logistics centre or a similar project (specifying how the project is similar) and for which the construction cost is at least EUR 50 million (excluding VAT). This experience must have been acquired under a works concession, a services concession or a DBFM/DBFMO-type contract, pursuant to which the Candidate bore all or part of the operating risk. Yes/No
- Fourth field of expertise - Does the economic operator have at least one and maximum two references relating to the performance of works for the construction of a building with a value of at least EUR 40 million, where sustainable management of resources and materials was the main focus of the project and which has been subject to provisional acceptance less than 5 years prior to the submission deadline? Yes/No
- Does the economic operator rely on the capacity of other entities to meet the technical and professional capacity conditions referred to above? Yes/No

The undersigned solemnly declare that the information provided in Parts II and III above is true and correct and that it has been provided in full awareness of the consequences of any false statement.

The undersigned formally declare that they are able, upon request and without delay, to provide the certificates and other supporting documents referred to in the regulations or concession documents.

The undersigned expressly consent to the Contracting Authority having access to the supporting documents which substantiate the information provided in this declaration.

Date, place and, where required or necessary, signature(s):

Name

Position

Signature

APPENDIX 7. FORM FOR REFERENCES

Reference no. ...for the field of expertise...:

Project name	
Location	
Implementation period	
Start and end date ¹³	
Contracting Authority/Client	
Contact person and details of the Contracting Authority/Client	
Remuneration for the services provided	
Value of the project	
Name of the company that performed the reference contract ¹⁴	
Was the reference contract performed in the form of a consortium?	☐ NO ☐ YES (demonstrate that you have the relevant experience by describing the division of tasks between the members of the consortium)
Description of the services performed by the Candidate, indicating the relevant reference	
Relevance and usefulness of the reference for this Concession	
Certificate of satisfactory performance	Appendix .. to this Request to Participate

¹³ For fields of expertise 1, 2 and 4, the provisional acceptance date must be stated here.

¹⁴ Name of the Candidate, member of the Candidate economic grouping or third party whose capacity will be relied upon (see point 0 of Part 3 of this Selection Guide).

APPENDIX 8. TEMPLATE FOR THE COMMITMENT TO PROVIDE RESOURCES

[Identification of the entity: name, address, company registration number]

validly represented by the undersigned, [name and position of the signatory + proof of representation], unilaterally undertakes, in the context of Concession no. 1644 and on condition that this Concession is awarded to [name, address and company registration number of the Candidate/Tenderer for the contract], to make the necessary resources and capacities available to the aforementioned Candidate/Tenderer for the purpose of performing the Concession [tick as appropriate and, if necessary, add a description of the resources that will be made available]

- with regard to economic and financial capacity, in which case it undertakes and accepts joint and several liability for the performance of the aforementioned contract (see Article 49 of the Law of 17 June 2016 on Concessions); and/or
- with regard to technical and professional capacity in the area of [description], (limited to the [description] part of the contract), unilaterally undertakes, if the resources and capacities made available relate to the educational and professional qualifications and/or relevant professional experience in the area of [description] necessary for the performance of the contract, to perform the [description] part of the contract itself,

declares that it is not subject to any of the grounds for exclusion set out in Articles 50 to 52 inclusive of the Law of 17 June 2016 on Concessions.

Done at [place], on [date]

[Signature]

[Name]

APPENDIX 9. CONTACT PERSON FORM

First name	
Name	
Position	
Email	
Telephone no.	