



ORDINUL
ARHITECTILOR
DIN ROMÂNIA

DESIGN COMPETITION

Cetățuia Hill



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1. GENERAL INFORMATION

1.1 Promoter and Organizer of the Competition

1.1.1 The Promoter of the Competition is Cluj-Napoca Municipality. The Promotor's contact information is: no. 3 Calea Moșilor, Cluj-Napoca, Cluj County, Tel. +40-264 596030, e-mail: www.primariaclujnapoca.ro. The Promoter of the Competition shall ensure the budgetary funds for the prizes and for the design services associated to the contract awarded to the winner of the Competition.

1.1.2 The organizer of the competition is the Order of Architects of Romania.

1.1.3 The Secretariat of the competition is ensured by the **Order of Architects of Romania**, with its registered office in Bucharest, no. 19 Pictor Arthur Verona Str., District 1, postal code 010312, e-mail: concursuri@oar.archi, website www.oar.archi (Competitions section).

1.1.4 The Competition is organized in accordance with the Competition Rules of the International Union of Architects – UIA – and the provisions of the International Regulations for architecture and urban design Competitions, adopted at the General Conference of UNESCO in 1956, as revised on November 27, 1978, in compliance with the legal provisions in force regarding the award of public procurement contracts.

1.2 Purpose of the Competition

1.2.1 The Design Competition has as purpose the selection of the best design as to develop the **Cetățuia** ensemble in Cluj Napoca, **with the purpose of assigning the design services contract**.

1.2.2 The design competition is organized as an independent procedure, in accordance with art. 105 letter a) of Law no. 98/2016 regarding public procurement, and subsequently, pursuant to provisions under art. 104 para. (7) of the same law, the design services contract is to be awarded to the winner of the competition, following a negotiation procedure without prior publication of a participation announcement.

1.3 Type of Competition

1.3.1 The Design Competition is a public, one-phase competition, open to Romania, all countries of the European Union, of the European Economic Area, and to the Swiss Confederation.

1.3.2 The Design Competition is defined under art. 3 para. (1) letter (j) of Law no. 98/2016 on public procurement, as being "the procedure which enables the contracting authority to acquire, mainly in the fields of urban planning and design, architecture and engineering or data processing, a plan or design selected by a jury in competition circumstances, with or without awarding prizes".

1.3.3 The Design Competition is organized in compliance with the national legal provisions on public procurement (Law no. 98/2016 on public procurement and Government Decision no. 395/2016 regarding the approval of the methodological norms for the application of the provisions referring to the award of the public procurement contract/frame agreement of Law no. 98/2016 on public procurement).

1.3.4 The anonymity shall be raised for all projects admitted to the Jury assessment phase after the Jury deliberation report is signed by all members of the Jury. (in accordance with art. 109 para. 3 letter a) of Law no. 98/2016 regarding public procurement)

1.3.5 The decision of the Jury shall be binding upon the Promoter as regards the selection of the projects submitted within the Competition, the designated winning solution, and the solutions to be granted awards.

1.4 Language of the Competition

1.4.1 The Competition documentation is drafted in Romanian and English. The Jury report shall be drafted in English and in Romanian, and it shall be signed by all members of the jury, including deputy members.

1.4.2 All the Competition documents (drawings, financial proposal) shall be drafted in English.

1.4.3 All documents requested and inserted into the sealed envelope shall be in English for foreign candidates, and in Romanian for Romanian candidates.

1.4.4 The winner of the Competition shall submit, on the date on which negotiations begin, all the documents necessary for starting the negotiations, in original or certified copies, together with their translation into Romanian, if applicable, translation performed by certified translators.

1.5 Jury of the Competition

1.5.1 The Jury shall be composed of 7 full members + 2 deputies.

Permanent members:

arch. Miriam García García

arch. Köllő Miklós

arch. Eugen Pănescu

arch. Iulia Stanciu

arch. Ligia Subțirică

landscape architect Diana Culescu

landscape architect Hermann Georg Gunnlaugsson

Deputy members:

arch. Anca Virginaș

anthropologist Laura Panait

1.5.2 The Jury meetings shall take place in the City of Cluj-Napoca, in a space provided by the Promoter.

1.5.3 All the members of the Jury shall attend all the Jury meetings.

1.5.4 The deputy members shall participate at the Jury deliberations; however, they shall not have the right to vote, except for when they are asked to replace a permanent member of the Jury.

Should a permanent member of the Jury be absent from the first Jury meeting, a deputy member shall replace him or her as a voting member throughout all the Jury proceeding. Should a full Jury member be absent for a short period of time from the Jury meetings, for any reason whatsoever, a

deputy member shall vote in his or her name, and any decision adopted during this time is irreversible. Should a Jury member be absent for a long period of time or should he or she leave before the Jury proceeding is completed, his or her right to vote shall be exercised by a deputy member. After the replacement is made, the deputy shall act as full Jury member, and perform his or her corresponding duties until the end of the Competition.

1.5.5 The Jury is sovereign. Its decision cannot be challenged, and it is mandatory for the Promoter. Each Jury member is entitled to one vote. The Jury decisions shall be adopted by majority vote. In case of a tie, the Chairperson of the Jury shall have the casting vote.

1.5.6 The Jury of the Competition has the following duties and responsibilities:

- To elect a Chairperson, by voting procedure, during the first Jury meeting;
- To analyse and adopt a decision upon the report submitted by the Technical Committee;
- To mutually agree upon the working methodology;
- To evaluate all the submitted projects, based on the criteria applied for selecting the winning project, as defined in the Competition Brief and Competition notice;
- To establish the **final ranking and a single Competition winner**;
- The jury drafts and provides the Promoter with the final report regarding the jury proceedings and the competition results, justifying its choices and including any recommendations it may have for the Promoter. The Jury report shall be drafted in English and in Romanian, and it shall be signed by all members of the jury, including deputy members.

1.5.7 The professional consultant of the Competition, the chairperson of the Technical Committee, and the experts of the Jury shall attend the Jury meetings, but without having the right to vote.

1.5.8 The Secretariat of the Jury is provided by an architect appointed by the Organizer.

1.6 Secretariat of the Competition

1.6.1 Communication between candidates and the Competition Secretariat shall be made exclusively by e-mail at concursuri@oar.archi or by means of SEAP <http://sicap-prod.e-licitatie.ro/pub>

1.6.2. The Secretariat has the following duties:

- to ensure the registration of the candidates;
- to register the written questions of the candidates, and to send them to the Promoter, and to the professional consultant of the Competition;
- to publish on the Competition website the documents entitled "Questions and Answers" from the two rounds, according to the Competition schedule; the questions and answers shall also be published on <http://sicap-prod.e-licitatie.ro/pub>
- to support the candidates in downloading the documentation, by providing written technical assistance by e-mail at: concursuri@oar.archi
- to ensure the communication and the announcement of the results of the Jury deliberations.

1.6.3 The Reception Secretariat performs tasks related to the receipt, registration of the receipt, and management of the projects participating in the Competition.

1.6.4. The Jury Secretariat performs tasks related to supporting the Jury in drafting the Jury Report, and to providing all necessary materials requested by it.

2. PARTICIPATION IN THE COMPETITION

2.1 Eligible candidates

2.1.1 The candidates can be organized as private architecture offices, groups of private architecture offices, private architecture firms, or any other legal entities qualified to provide architectural services, according to the national laws of their country of origin, or as legal entities (design firms) in Romania or other countries, either individual or joint ventures. For joint ventures, the leader of each joint venture shall register the project in the Competition.

2.1.2 The candidates entering the Competition as legal entities shall have as associate or employee a certified architect, member of the Order of Architects of Romania or of a similar organization in his or her country of origin, legally practicing and having the required qualification as architect, in compliance with the national legislation of his or her country of origin. The candidates, whether individually or as joint ventures, must have the legal capacity of concluding a design services contract in Romania, which will have to be proven to the Promoter, should they win the Competition.

2.1.3 It is recommended that other specialists are consulted and included in the team, such as:

landscape architect, geologist, roads engineer, architect - expert certified by the Ministry of Culture

2.1.4. The following persons are forbidden to participate in the Competition:

1. Jury members and deputy members
2. The professional consultant of the Competition
3. Members of the Technical Committee
4. Members of the Competition Secretariat
5. Members of the team drawing up the brief of the Competition and the Competition Rules, including the specialized consultants
6. The Promoter
7. The members of the Board of Directors of the Order of Architects of Romania
8. Relatives of the persons mentioned in sections 1-7 above, up to the third degree of relationship
9. Any other persons who are reasonably or factually presumed of having an interest, directly or indirectly, whether personal, financial, economic or otherwise, or who are in a situation likely to affect its independence or impartiality during the assessment process and those established as being in conflict of interests according to provisions under Law 98/2016.

2.2 Participation documents to be submitted by candidates

2.2.1 The guarantee for participation in the public procurement procedure

(1) Each participant shall attach to the **outer packaging/tube of the drawings a transparent envelope** which will contain the filled-in **Form 9** (Addendum 2.2) **or an original document**, certifying the deposit of a bank guarantee worth RON 500, in either of the following ways:

- **by bank transfer to Cluj-Napoca Municipality:**

Tax code 4305857, SWIFT code: TREZ216; Transfer account RON deposit:

RO17TREZ2165006XXX006924, confirmed by the bank until the date on which the projects are submitted;

- **by guarantee instrument issued**, according to law, by a bank or an insurance company, and submitted in original, worth RON 500, valid for the period stipulated by law, as follows:

- bank guarantee letter for the guaranteed amount, or
- insurance policy for the guaranteed amount

(2) The guarantee instrument issued by a bank/insurance company abroad shall be submitted in original, and it shall be accompanied by a certified and notarized translation into English.

(3) Regardless of the circumstances, the proof of lodging the guarantee for participation shall be submitted by the time limit indicated in the Competition schedule for the Technical Committee to begin its activities.

(4) The validity of the guarantee for participation is of at least 90 days from the date of submitting the projects, in accordance with the Competition schedule.

(5) The contracting authority has the right to retain the participation guarantee, the candidate thus losing the constituted amount, should he/she find himself/herself in one of the situations stipulated under art. 37 of the Methodological Norms from June 2, 2016 for the application of provisions regarding the awarding of the public procurement contract/framework-agreement under Law no. 98/2016 regarding public procurement, adopted through Government Decision no. 395/2016:

- a) the candidate withdraws its offer during its validity period;
- b) its offer being established as the winning offer, it does not constitute a performance bond during the offer's validity period and, under any circumstance, no later than 5 working days from the signing of the public procurement contract, in accordance with art. 39 para. (3) of the Methodological Norms from June 2, 2016 for the application of provisions regarding the awarding of the public procurement contract/framework-agreement under Law no. 98/2016 regarding public procurement, adopted through Government Decision no. 395/2016.
- c) following the establishment of his or her offer as the winning one, the candidate refuses to sign the public procurement contract/frame agreement within the validity period of the offer.

(6) Should the guarantee for participation be lodged by bank transfer to the Promoter, the release of the guarantee shall be done based on the request transmitted by the candidate to the Promoter, after the expiration of the term established for appeal resolution.

(7) The candidate shall bear all the out-of-pocket expenses and bank charges that the release of the guarantee entails.

(8) The offers which are not accompanied by the deposit for participation in the amount, form, and validity period required by means of the award documentation shall be rejected as unacceptable.

2.2.2 Participation forms

The candidate must present within a white, non-transparent, A4 size, sealed (closed) envelope, **bearing the identity alphanumeric chosen symbol** (details under art. 3.7.1), which shall be submitted simultaneously with the drawings in a package/drawing tube, the following forms:

(1) The dated, filled-in, signed, and/or stamped **OAR Participation form** (Annex 2.2), which shall contain the following mandatory information:

- data regarding the candidate entering the project in the Competition, independently or as leader of joint venture;

-
- data regarding authorship – main author, contributing author(s), collaborator(s), or specialized consultants, if applicable;
 - data regarding the name and the legal status of the associates, if applicable;
 - consent or disagreement regarding the reveal of the author's/team's identity upon the exhibition or publication of the project;
 - sworn declaration that, should the design services contract be awarded to him or her, the candidate, as individual or as joint venture, shall provide full design services for all the fields of specialty and the design phases requested by the Promoter;
 - sworn declaration that, over the past 5 years, he or she was not convicted by means of a Court's final decision for participating to activities of organized crime groups, for corruption, fraud, and/or money laundering activities;

The Participation form is included in the Competition documentation, under Addendum 2 – Competition Rules, in two versions: one for candidates or leaders of joint ventures having the status of private architecture offices, groups of private architecture offices, private architecture firms, or certified natural persons (according to the national laws of their country of origin), and one for candidates or leaders of joint ventures having the status of legal entities. A single form shall be submitted, depending on the version applicable to the candidate.

(2) European Single Procurement Document (Annex 2.2 – DEAU/ESPD form)

The DEAU/ESPD form can be filled-in online, at <https://ec.europa.eu/growth/tools-databases/espd/filter>, by crossing off the "*Sunt un operator economic*" ("I am an economic operator") option, and by uploading the espd-request.xml file (Addendum 2.2) and selecting the option *Importați DEAU (Import DEAU)*. The document filled-in online must be saved in PDF format, then printed, and included in the sealed envelope.

The DEAU/ESPD must be filled-in **for each** of the: **tenderer / associate / subcontractor / third party supporter**.

(3) Offer form (Annex 2.2)

The offer form shall be filled-in in RON, no VAT included, for the design services and it shall fall within the estimated value made available by the City Hall for this purpose; the financial proposal and the delivery term shall be the negotiation elements with the first-place winner appointed by the jury. (the model under Addendum 2.2 shall be used)

(4) The Contract

The model of the contract must be included within the sealed envelope, signed (assumed) on each page.

Clarifications or amendments may be requested with regards to the contract clauses only before submitting the offer during the "Questions and answers" sessions.

(5) Association agreement, if the case may be (Form 6 - Addendum 2.2).

2.2.3 The content of the sealed envelope shall be checked by the Competition Secretariat, after the signing of the Jury Report, and after anonymity is raised. **In the case of awarded projects, the lack of the Participation forms, filled-in and signed, in accordance with the Competition Rules automatically leads to the withdrawal of the prize, and in the case of the winning project, the loss of its status** (rejection of the offer according to art. 137 from HG 395/2016).

2.3 Projects' eligibility to the Jury assessment phase

2.3.1 In order to be admitted to the Jury assessment phase, the projects must comply with:

- the competition brief and competition rules;
- delivery date;
- presentation requirements;
- anonymity.

2.3.2 The deviations detected before the Jury assessment phase by **the Reception Secretariat** of the projects and which **automatically entail the rejection of a project, pursuant to the provisions of the Government Decision 395/2016**, are the following:

- exceeding the deadline indicated in the Competition schedule – date and time – for direct handover to the secretariat or handover to another address other than that established in the participation announcement and the competition rules, ascertained by the secretariat upon the receipt of the project (art. 136, 137 under Government Decision 395/2016);
- the lack of the valid document regarding the guarantee for participation in the amount, form and with the validity period required in the Competition Rules, ascertained by the secretariat upon the receipt of the project;
- submitting **the sealed envelope** separately or attaching it to the outside of the packaging / tube, ascertained by the Secretariat upon receiving the project.

2.3.3 The Reception Secretariat shall draft a report within which it shall note the manner of meeting requirements provided under art. 2.3.2. The projects which do not meet the requirements shall be rejected, in accordance with art. 64 para. 2 and 7 under Government Decision 395/2016.

2.3.4 The deviations detected before the Jury assessment phase by the **Technical Committee** and which may entail the Jury's decision to reject a project from the Jury assessment phase, are the following:

- the absence of the sealed envelope or its insertion into the packaging/tube does not comply with the provisions of the Competition Rules;
- the drawings and the sealed envelope are not marked with the identity symbol, or that, on the drawings, it is not covered with black paper;
- the lack of a financial proposal (model Addendum 2.3);
- violation of provisions regarding anonymity, according to art. 3.7.

2.3.5 The Technical Committee shall draft a report documenting the fulfilment of the formal requirements regarding the manner in which the projects are presented, and the conditions for the participation in the Competition, which must be submitted to the Jury at the beginning of the Jury proceedings.

3. CONDUCTING THE COMPETITION

3.1. Launch of the Competition

The Competition shall be launched on the date when the Competition notice is published in the Electronic System for Public Procurement, under the Design Competition Section. The Organizer shall ensure the design and the operation of a webpage for the Competition at the website address <www.oar.archi> , under the "Concursuri" ("Competitions") Section. The webpage of the Competition shall include the general presentation of the Competition in Romanian and in English,

the Competition documentation, the answers to the requests for clarifications, the results of the Jury assessment phase, and other relevant notices.

3.2 Registration in the Competition

3.2.1 Launch of the Competition: the date when the Competition notice is published in the Electronic System for Public Procurement. Registration in the Competition can be done over the whole period of the Competition.

3.2.2 The candidates have at their disposal the following registration method: registration on the webpage dedicated to the Competition, "Concursuri" ("Competitions") Section, by choosing the sub-section "Vreau să particip la concurs" ("I want to participate in the Competition").

3.2.3 The registration enables the candidate to receive answers to the questions, and newsletters regarding the running of the Competition.

3.2.4 Registration does not condition the participation in the Competition.

3.3 Documentation made available to the candidates

3.3.1 The Competition documentation is in electronic format exclusively, and can be downloaded from the Competition website www.oar.archi ("Concursuri" (Competitions) sections) and from <http://sicap-prod.e-licitatie.ro/pub>.

3.3.2 The Competition documentation includes:

ADDENDUM 1 - COMPETITION BRIEF

ADDENDUM 2 - COMPETITION RULES

- 2.1 Competition Rules
- 2.2 Participation forms
- 2.3 Financial proposal
- 2.4 Winner negotiation forms
- 2.5 Design services contract
- 2.6 Cost estimation
- 2.7 Identification forms
- 2.8 Competition documentation list

ADDENDUM 3 - URBAN REGULATIONS DOCUMENTATION AND LICENSES

- 3.1 Urban Planning Certificate
- 3.2 Excerpt from the General Urban Plan_PUG

ADDENDUM 4 - STUDIES

- 4.1 Historical study
- 4.2 Landscaping study
- 4.3 Geotechnical study

ADDENDUM 5 - TECHNICAL ASSESSMENTS

- 5.1 Geotechnical assessment

ADDENDUM 6 - SUPPORT DOCUMENTATION

- 6.1 Cetățuia Plan in dwg format
- 6.2 Delimitation of study and intervention area
- 6.3 PUG framing and marking elements of the site and its vicinities
- 6.4 Topographical mapping with overlaying on study and intervention area

ADDENDUM 7 - PHOTOGRAPHIC DOCUMENTARY

- 7.1 Current images
- 7.2 Archive images

ADDENDUM 8 - ADDITIONAL DOCUMENTATION

- 8.1 Eastern Gate Project

3.3.3 The use of the graphic and photographic documentation above, outside the purpose of this Competition, is forbidden.

3.4 The right of the candidates to request clarifications

3.4.1 The answers to the requests for clarifications or to questions asked shall be organized in two rounds. The deadline for receiving demands for clarifications or questions, as well as the deadline for transmitting the answers, are established in the Competition schedule.

3.4.2 Any interested candidate is entitled to request clarifications in writing, with regards to the Competition documentation. The requests or questions can be sent only in writing, by means of the Competition website www.oar.archi, by accessing the “Adauga o întrebare” (“Add a question”) Section or SEAP, in the “Intrebari” (“Questions”) section associated to the competition notice. The candidate must comply with the deadline indicated in the Competition Rules and must ensure that the requests for clarification or the questions were received at the Competition Secretariat.

3.4.3 The questions raised during the site visit shall be recorded and shall be included in the Round I “Questions and answers” document.

3.4.4 The Promoter of the Competition shall ensure, by means of the Organizer, that the answers to the requests for clarification or to the questions asked, together with the corresponding questions, are posted on the Competition webpage www.oar.archi and on <http://sicap-prod.e-licitatie.ro/pub>, in a clear, full, and unambiguous manner, while complying with the deadline indicated in the Competition schedule, and taking measures for protecting the identity of the persons who requested those clarifications.

3.4.5 The answers to the requests for clarification or questions **may offer details or supplement certain provisions of the Competition documentation**, and shall become an integral part of the Competition documentation.

3.5 Site visit

3.5.1 The Promoter of the Competition shall organize a site visit on the date indicated in the Competition schedule. The costs and travel arrangements to the site shall be the responsibility of the candidates.

3.5.2 The candidates will be able to ask questions during the site visit. All the questions, as well as the answers given by the Promoter and the Organizer shall be recorded and shall become an

integral part of the "Questions and answers" document. The document shall be posted on the Competition official website and sent by the Competition Secretariat by e-mail to all the candidates registered in the Competition up to that date.

3.5.3 The candidates interested in visiting the site shall register by means of the Competition website, under the "Inscriere pentru vizită" ("Registration for site visit") Section, within the time limit indicated in the Competition schedule.

3.6. Content of the projects

3.6.1 Each candidate can submit **a single project in the Competition**, pursuant to the provisions of the Competition Rules.

3.6.2 Each project shall include in a single package/tube the following elements:

a. 3 sheets of paper rolled in a package/tube;

b. The financial proposal, in English, drafted on A4 size white paper.

Each project shall contain the financial proposal (approximative estimate of the design services in accordance with the model under Addendum 2.3).

The financial proposal shall specify its value in RON, without VAT (using the BNR (Romanian National Bank) exchange rate valid on the date of launch on SEAP).

The financial proposal shall constitute the negotiation basis for concluding the design services contract with the winner of the Competition. **The lack of the financial proposal shall lead to disqualification.**

The financial proposal shall not exceed the estimated value of the maximum cap, in accordance with Doc. "Estimated maximum cost of investment and design" - Addendum 2.6

c. A sealed (closed) white paper, non-transparent, A4 size envelope, containing:

- the participation forms in accordance with art. 2.2.2;
- the A4 size identity form, printed on white paper, which will be used by the Organizers for the Competition Exhibition (model under Addendum 2.7);
- a memory stick/ USB memory card, containing:
 - images of the diminished drawings
 - .jpg format, 72 dpi resolution, for online publication
 - .jpg format, 150 dpi resolution, for the competition catalogue,
 - the presentation text of the submitted solution in .doc format,
 - the participation forms in .doc format, pursuant to item 2.2.2,
 - the financial proposal in .doc format.

CETĂȚUIA HILL CLUJ-NAPOCA

Design competition for “Cetățuia Hill” urban ensemble in Cluj-Napoca

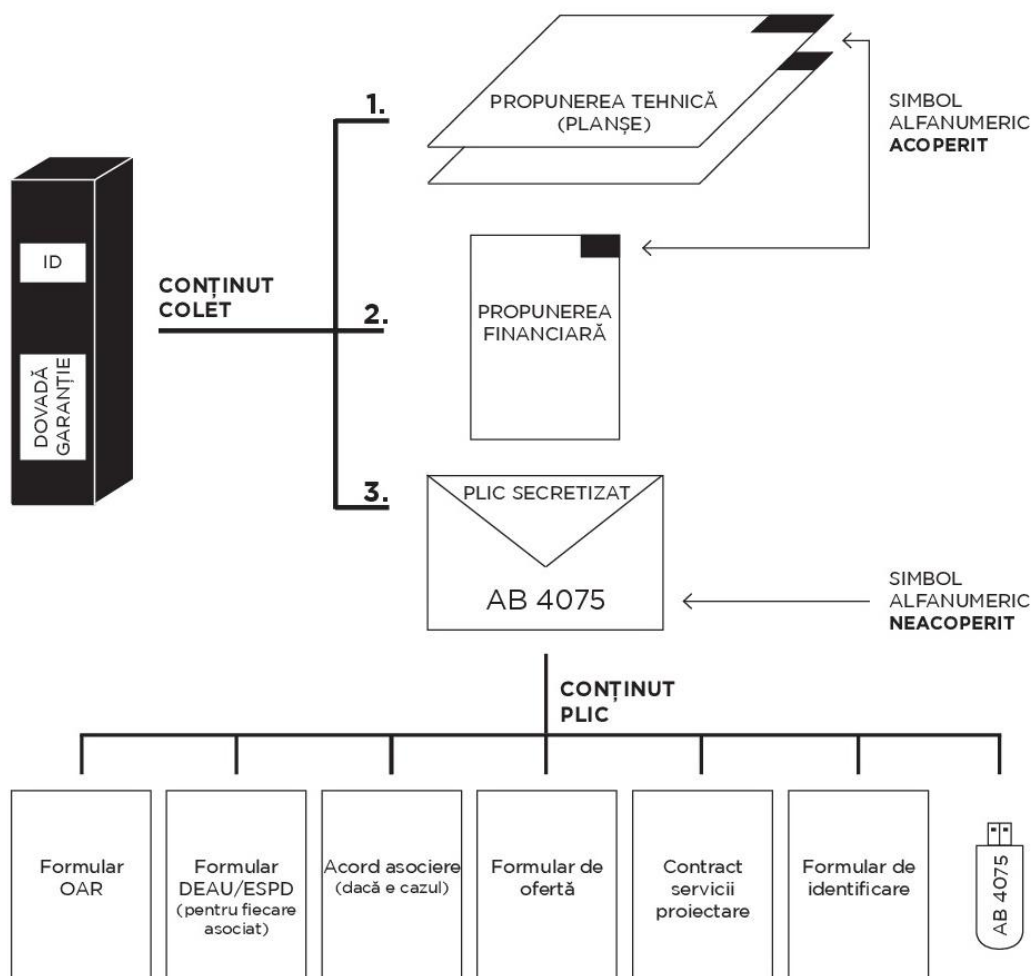


Image translation, from left to right, from top to bottom:

Guarantee proof;

Package content:

1. Technical proposal (drawings) – **COVERED** alphanumeric symbol
2. Financial proposal
3. Sealed envelope – AB 4075 – Alphanumeric symbol **NOT COVERED**

Envelope content:

OAR form, DEAU/ESPD Form (for each associate), Association agreement (if applicable), Tender form, Design services contract, Identity form, AB 4075.

3.6.3 The projects shall be presented on 3 sheets of paper, 841x1189 mm format (A0), on white paper, in landscape format, not lined on a rigid surface.

NOTE:

all drawn parts can be represented through any 2D and 3D graphic means.

the explicative text (as clear and succinct as possible) which supports the concept, must be integrated within the 3 drawings.

3.6.4 The drawings shall be numbered in the bottom right corner – format: "page no. / total of pages" (ex.: 1/3, 2/3, 3/3).

3.6.5 The drawings will contain in the upper side the title: CETATUIA HILL DESIGN COMPETITION

3.6.6 The project drawings shall be rolled and inserted into a package or a tube. Folded drawings are not accepted.

3.7 Anonymity of the projects

3.7.1 In order to protect anonymity, each project shall be marked with an **identity alphanumeric symbol**. It shall consist of 2 letters followed by 4 digits, to be chosen by the candidate.

3.7.2 The identity symbol shall be recorded **on the front page of each drawing and on the financial proposal** in the right upper corner (as in the above image), in a square covered with 5x3 cm black paper, sealed only along the edges, on both sides.

3.7.3 (1) The identity symbol shall be marked and not covered by black paper, on the white, non-transparent, A4 size envelope (described under item 3.6.2.c).

(2) The envelope shall be sealed/closed, and it shall not be placed in another envelope, but directly into the package/tube containing the drawings.

3.7.4 The identity symbol shall be marked on the memory stick in permanent black marker. The stick shall be placed into the sealed envelope.

3.7.5 The Technical Committee shall ensure the protection of anonymity by assigning a two-digit or three-digit random number (competition number) to each project, number which will be used throughout the entire Jury assessment phase.

3.7.6 Under the penalty of being excluded from the Jury assessment phase, the drawings shall not bear any indication related to the identity of the candidate.

3.7.7 Highly personalized graphic presentations shall be avoided, such as the company logo, in order to ensure the protection of anonymity.

3.7.8 The anonymity shall be raised only after the Jury Report is signed, by all the members of the Jury, by opening the sealed envelopes.

3.7.9 The identification data of the authors of the awarded projects shall be made publicly available, together with the announcement of the Jury assessment results.

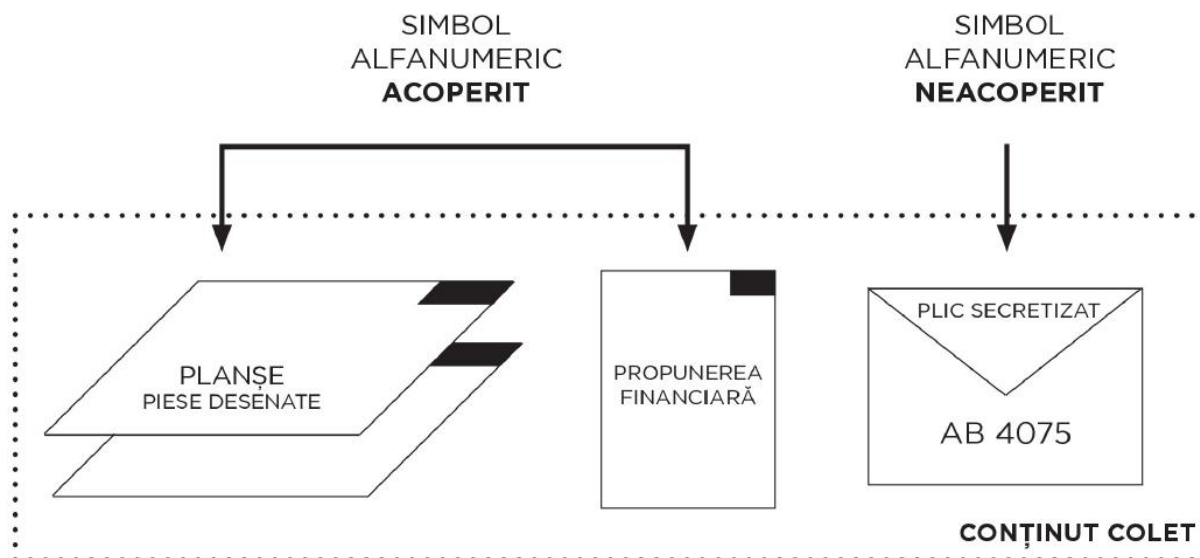


Image translation, from left to right, from top to bottom:

COVERED alphanumeric symbol, Alphanumeric symbol **NOT COVERED**

Drawings, Drawn elements

Financial proposal

Sealed envelope – AB 4075

Package content

3.8 Project submission

3.8.1 It is recommended that the candidates choose a package/tube which will ensure the integrity of the rolled-up drawings and of the memory stick. The package/tube shall be marked as follows:

FOR THE CETĂȚUIA HILL COMPETITION.

3.8.2 (1) The projects shall be handed over personally or sent by courier to the headquarters of the Secretariat acknowledging the receipt of the projects, at the following address: **Cluj Napoca, postal code 400129, No. 22 Eroilor Blvd., ap. 10.**

(tel. 0040 728 330 140)

(2) The date and time for submitting the projects to the Competition Secretariat, either personally or by courier, is the one indicated in the Competition schedule. Exceeding that deadline shall incur the rejection of the offer.

3.8.3 The candidates shall receive a registration number in a nominal receipt table for projects handed over to the Secretariat in person. The table contains only the registration number and the time when the project was submitted.

3.8.4 The projects sent by courier must also arrive in time with the delivery deadline, in accordance with the Competition schedule. The candidates shall send the projects only with acknowledgement of receipt. The candidates shall ensure that the expedition date and time are marked on the package/tube, and that the sent materials shall reach the headquarters of the Competition Secretariat before the deadline indicated in the competition schedule. The projects that arrive after the time stipulated in the competition schedule shall be rejected and the authors shall be notified within 24 hours.

The projects sent by courier shall also receive a registration number in the same receipt table. The Secretariat shall not be responsible for confirming that it has received the project to the sender.

3.8.5 No completions or replacements may be made to the drawings, envelope or memory stick after the submission of a project.

3.8.6 Should a candidate request the withdrawal of the handed over project, this is allowed only until the submission deadline (date and time) indicated in the competition schedule, with the obligation of concluding a withdrawal protocol.

3.9 The receipt and verification of the projects

3.9.1 The Reception Secretariat shall remove from the package/tube, upon registration, any indication related to the identity of the sender.

3.9.2 On the date and time indicated in the competition schedule, the Reception Secretariat shall hand over to the Technical Committee, on the basis of a report, all the projects with regards to which none of deviations indicated under art. 2.3.2 have been ascertained.

3.9.3 The Organizer shall appoint a **Technical Committee** with the purpose of verifying the content of the submitted and registered projects, which shall be composed of at least 3 architects. The Chairperson of the Technical Committee shall attend the Jury meetings, without having the right to vote. The number of members of the Technical Committee can be supplemented by two members, should the number of the projects submitted exceed 100. The Technical Committee shall verify the projects and shall submit its findings and observations to the Jury, in order to ease its decision.

3.9.4 On the date and time indicated in the competition schedule, the Committee shall open the packages/tubes containing the projects and shall assign a two-digit or three-digit random number to each project (competition number), which shall be marked on the package/tube and on the elements of the project.

3.9.5 The Technical Committee shall ensure that the formal handover requirements are met in accordance with the competition brief and competition rules, as well as the protection of anonymity. The Technical Committee shall check whether each project contains all the elements indicated in the competition rules or competition brief, as well as their manner of presentation.

3.9.6 The projects which do not comply with the provisions of the competition rules, shall be submitted for rejection, pending Jury decision on this matter.

3.9.7 The sealed envelopes of the verified projects shall be placed by the Chairperson of the Technical Committee in a sealed box, which shall be kept at the Organizer's headquarters, in a place inaccessible to the general public.

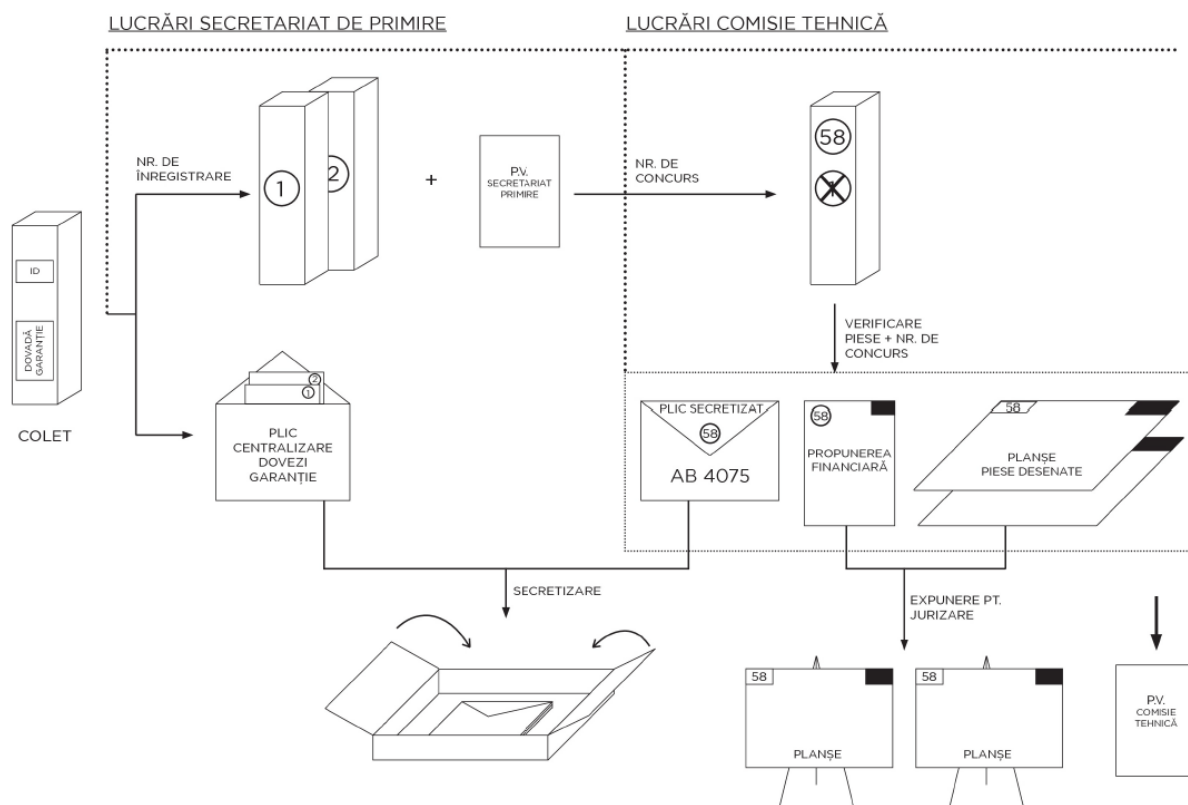


Image translation, from left to right, from top to bottom:

Secreteriat acknowledging receipts proceedings, Technical committee proceedings

Guarantee proof – Package

Registration number + Secreteriat acknowledging receipts -> Competition number

Envelope

Centralization of guarantee proof – Sealed envelope AB 4075 – Financial proposal – Drawings-Drawn elements

Sealing – Exhibit for jury assessment

Drawings – Drawings

Technical Committee

3.10 The Jury assessments

3.10.1 Only the professional consultant of the competition, the Chairperson of the Technical Committee that verified the projects, the Jury Secretary, the Organizer’s technical team, and some external Experts, upon the request of the Jury, shall be allowed to attend the Jury meetings, without having the right to vote.

3.10.2 The Jury shall elect a Chairperson by voting procedure and shall establish its own working methodology.

3.10.3 The Jury meetings shall be held in English. The Jury Report shall be drafted in English and in Romanian, and it shall be signed by all members of the jury at the end of the proceedings.

3.10.4 The Jury is required to assess the submitted projects based on the selection criteria applied as to establish the winning project indicated in the competition brief and competition notice and to establish a ranking according to which the competition winner shall be designated, and to award

the prizes. At the end of the proceedings, the Jury shall draft the Jury Report regarding the Jury proceedings and the results of the competition, which will then be submitted to the Promoter.

3.10.5 At the end of the assessments and after the Jury Report is signed by all the Jury members, the Jury Secretary shall proceed with opening the sealed envelopes, in order to identify the authors of the awarded and indicated projects, and this procedure will be recorded in an Addendum to the Jury Report, which will then be submitted to the Promoter.

3.11 Confidentiality

3.11.1 No candidate shall contact the Jury members in relation to the Competition or to his or her own project. The Promoter, Organizer or the Secretariat may be contacted with regards to the competition only in writing.

3.11.2 The members of the Jury, the Jury Secretariat and the invited consultants shall be bound to keep the content of the Jury deliberations confidential. The Jury meetings are not public. No person is allowed in the location where the Jury meetings are held, except for those persons indicated under art. 3.10.1.

3.10.1. With the exception of the Jury members, announced by name at the beginning of the competition, all the other persons accepted in the location where the Jury meetings are held or which are involved in the project receipt and verification process, shall sign a confidentiality statement and a statement declaring that they are not in a conflict of interest situation.

3.12 Criteria applied for establishing the winning project

3.12.1 The criteria applied for establishing the winning project are indicated in the competition brief and in the competition notice.

3.13 Jury recommendations

3.13.1 Considering the fact that the final purpose of the competition is to establish the winning project, the Jury shall record in the Report the conclusions of the deliberations and the recommendations for the drafting of the technical project.

3.14 Communication of results

3.14.1 The Promoter and the Organizer shall inform all candidates and the general public of the competition results by means of the competition webpage www.oar.archi (“Concursuri” (“Competitions”) Section), on the date indicated in the competition schedule and on <http://sicap-prod.e-licitatie.ro/pub>, where the assignment announcement shall be published.

The Cluj Napoca City Hall shall announce the final result of the assignment procedure after the negotiation phase, without prior publication.

3.15 Appeals

3.15.1 The Jury decision regarding the assessment of the projects cannot be challenged and cannot represent a legal entity.

3.15.2 Any eventual appeals may be submitted in accordance with art. 2 under Law no. 101/ 2016 on remedies and means of appeal regarding the award of public procurement contracts, sectoral contracts, and public works and services concession contracts, to the **National Council for Solving Complaints** headquartered in Bucharest, no. 6 Stavropoleos Street, District 3, postal code: 030084, e-mail: office@cnscl.ro, telephone (4) 021.310.46.41, fax (4) 021.310.46.42, website www.cnscl.ro.

3.16 Publication of the Competition results and exhibition of the projects

3.16.1 The Organizers shall publish the competition results within the time limit indicated in the competition rules, mentioning the names of the authors of the awarded projects.

3.16.2 After the Jury assessment phase is over, the Promoter and the Organizer shall organize a public exhibition of all projects submitted to the competition in the City of Cluj-Napoca. After the expiration of the appeals resolution period, the exhibition shall host the award ceremony. The Organizer may afterwards publish a virtual gallery of the projects submitted to the competition and a competition album.

3.16.3 The Organizer shall be responsible for the management of the submitted projects, within a location provided by the Promoter.

(1) The projects rejected due to deviations stipulated under art. 2.3.2 may be retrieved from the Competition Secretariat by their authors at their own expense, immediately after having received the notification regarding the rejection of the project.

(2) The projects which have not been procured by the Promoter may be retrieved from the Organizer's headquarters by their authors, at their own expense, within at most 90 days from the end of the exhibition.

(3) The projects which have been procured by the Promoter shall be handed over to the Promoter, after the end of the exhibition and the payment of awards.

3.17 Competition schedule

Official launch of the Competition	Date of publication within the SEAP
Registration to site visits until	19.04.2019
Site visit	20.04.2019
Deadline for receiving questions Round 1	22.04.2019
Deadline for answering questions Round 1	30.04.2019
Deadline for receiving questions Round 2	03.06.2019
Deadline for answering questions Round 2	10.06.2019
Deadline for project submission	24.06.2019, 16:00

CETĂȚUIA HILL CLUJ-NAPOCA

Design competition for “Cetățuia Hill” urban ensemble in Cluj-Napoca

Preliminary assessment of the projects (verification by the Technical Committee)	25-27.06.2019
Jury assessment of the projects	28-30.06.2019
Official announcement of the winner (press conference with the Jury)	1.07.2019
Publishing the results on the competition's official website	1.07.2019
Deadline for appeals submission	11.07.2019

The deadline (date and time) are taken in consideration in accordance with Romania's local time.

3.18 Awards

3.18.1 The granted prizes are as follows:

- First Prize: the design contract with an estimated value of
RON 1,476,149, no VAT included

- Second prize: **RON 70,000**

- Third prize: **RON 45,000**

The amounts representing the second and third prizes include VAT, and as for their payment, the beneficiary shall invoice the entire amount set as prize.

Should any disputes between the two parties appear, the Promoter shall reinitiate the negotiation procedure with the other awarded candidates, in descending order of their ranking positions in the competition.

3.18.2 The Promoter undertakes to pay the prizes within 30 calendar days from the winners' submission of documents in this respect at the City Hall Register Office (request and invoice). This deadline may be extended only due to reasons which are objective and beyond the Promoter's control and will.

3.18.3 The amount of money awarded as prizes shall be taxed in Romania, according to the provisions of the Fiscal Code in force. Payments shall be made in RON for all the candidates, whether Romanian or citizens of another country, at the National Bank of Romania exchange rate valid on the date of the Competition's official launch.

4. CAPITALISATION OF THE PROJECTS

4.1 Property rights on the projects

4.1.1 After the Competition, all the prize-awarded projects shall be subject to copyright provisions under Law no. **8/1996 regarding copyright and related rights, with subsequent amendments and completions.**

4.1.2 The winners, as intellectual authors of the submitted projects, shall retain and exercise the intellectual property rights. No amendment or addition to the works shall be done without the prior written consent of the authors.

4.1.3 Following the Competition and the award of the public procurement contract, the execution of the winning project shall be done in collaboration with the Promoter, the project may be subjected to amendments without affecting the architectural part. The only exceptions from this provision are those amendments imposed through the recommendations of the Jury, found within the Jury Report.

4.1.4 The authors of the winning project shall cease their patrimonial rights on the works to the Promoter, based on the subsequently concluded contract, in accordance with art. 39 para. (1) under the same law.

4.1.5 By surrendering their patrimonial rights, the authors authorize the Promoter and the Organizer of the competition to publish those images in printed or digital format, without any other agreement or reimbursement, and to exhibit them in the exhibitions organized during the competition.

4.1.6 The Competition Promoter and Organizer shall bear no responsibility for the potential copyright infringements performed by the candidates registered in the competition. The sender of the project shall bear exclusive responsibility in this respect.

4.1.7 When filling in the participation form included in Addendum 2 – Competition Rules, in the competition documentation, which will be handed over in a sealed envelope, together with the drawings, the candidates shall be asked to express their consent in writing for revealing the true identity of the author and/or of the project team, after anonymity is raised, when exhibiting or publishing the projects.

4.2 Conclusion of the contract for the technical project

4.2.1 The decision of the Jury with regards to establishing the winner shall be binding upon the Promoter.

4.2.2. After the competition, the Promoter shall conclude a contract for complete design services for Cetățuia Hill ensemble (the surface under the property of Cluj-Napoca City Hall) with the winning team.

The estimate value of the contract which shall be awarded to the winner following the competition is of RON 1,476,149 VAT excluded, for the following design missions:

Services denomination	Duration declared by the tenderer (calendar days)	Tendered value (RON without VAT)
Complete design services		
Master plan		
Feasibility study		
PUZ (zonal urban plan)/ PUD (detailed urban plan) (if applicable)		

PAC (construction authorization project) + POE (execution organization project)		
PT (Technical Project) + DDE (Detailed Execution)		
Technical assistance		

Mentions

1. The documentations under contract following the bid will be drafted in accordance with HG no. 907 / 29.11.2016 on the drafting stages and framework-content of the technical-economic documentations relating to the investment objectives/projects financed from public funds.
2. The documentations shall be delivered after having been verified in accordance with all requirements. The designer agrees to deliver the design documentations with the approval / stamp of the project verifier, in accordance with all of the requirements, as indicated in the project (the value shall be included within the tendered financial proposal).
3. The designer agrees to ensure technical assistance throughout the entire implementation period of the project, until the final receipt of the project.
4. The designer shall create renderings of the projects which shall be used by the Promoter with the purpose of promotion or with other purposes.

4.2.4 The design services contract model is included in the competition documentation, under Addendum 2.5 – Competition Rules.

4.2.5 The winner of the competition, to whom the work shall be awarded, shall be invited by the Promoter to the negotiation procedure, without prior publication of participation notice, in accordance with provisions under art. 104 para. (7) of Law no. 98/2016 regarding public procurement, as to conclude the design services contract. The negotiation shall have as subject the price and time for completion.

We mention that the negotiation may be made only as to decrease the proposed values, not to increase them.

We mention that the negotiation may not have as subject the architecture solution.

4.2.6 Should the Promoter not conclude the design services contract with the competition winner, for reasons beyond his control, the Promoter has the right to invite the other candidates in decreasing order of their ranking, as established by the Jury, to the negotiation procedure, without prior publication of a participation notice, with the purpose of concluding the contract.

4.2.7 The Promoter, simultaneous with the invitation to negotiation, without prior publication of a participation notice, shall request that the winning candidate submit the following mandatory documents, translated and notarized in Romanian (if applicable), as proof for his or her legal capacity to conclude and execute a design services contract in Romania, pursuant to legal provisions:

ROMANIAN NATIONALITY	FOREIGN NATIONALITY
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<p>All documents reflecting the sworn declaration, according to the European Single Procurement Document (DEAU/ESPD)</p> <p>- according to the provisions of the data sheet: Form 10 – performance bond (Addendum 2.4), Form 11 – expression of interest (Addendum 2.4), Form 6 – joint venture agreement / if applicable (Addendum 2.2)</p>	
<p>Criminal records (criminal records for legal entities) – it shall be submitted only at the contracting authority's request to the candidate ranked first; it must be valid at the date of its submission</p>	
<p>Qualified chartered architect in accordance with the provisions under Law 84/2001, member of the OAR/equivalent international organization – supporting documents</p>	
<p>Tax registration certificate with regards to local and state budget taxes and duties</p>	<p>Foreign legal entities/certified natural persons shall submit supporting documents issued by the authorities of their country of origin (certificates, criminal records, other equivalent documents) as proof for having fulfilled their financial obligations of paying their taxes, duties, and contributions to the state and local budget, in accordance with the requirements of the contracting authority.</p>
<p>Confirmation of company details issued by the Trade Register Office, in original or notarized copy, or legible certified true copy.</p> <p>The candidate shall take full responsibility for the information provided in these documents as being real/valid at the project submission deadline.</p> <p>The object of the contract must find its equivalence in the NACE (Classification of Economic Activities in the European Community) code in the confirmation of company details issued by the Trade Register Office.</p>	<p>For foreign legal entities/certified natural persons:</p> <p>Documents standing as proof for an incorporation/registration form or membership from a professional point of view, in accordance with the provisions of the candidate's country of residence, in the language they were issued in, together with their certified translation into English or Romanian. The object of the procedure must find its equivalence in the fields of activity indicated in the submitted documents.</p> <p>The candidate shall take full responsibility for the information provided in these documents as being real/valid at the project submission deadline.</p>

4.2.8 Foreign legal entities shall submit at the beginning of the negotiation the proving documents issued by the authorities of their country of origin. The documents shall be submitted in any of the following forms: in original/notarized copy/legible certified true copy, signed and stamped, together with their certified translation into Romanian, translation mandatorily performed by authorized translators.

4.2.9 To sign the contract, the winner of the competition shall accept the compulsory condition that the project shall be carried out based on contractual collaboration with the specialists and experts necessary in the field, and the project shall be delivered verified by experts certified in all specialties provided by law.

5. PROCESSING OF PERSONAL DATA

5.1 All participants to the Competition are guaranteed the rights in accordance Law no. 677/2001 regarding the protection of individuals with regards to the processing of personal data and the free movement of such data, and to the Romanian legislation regarding commercial communications, and the Organizer shall undertake to fulfil all the legal requirements applicable to this Competition, with the purpose of protecting the rights of the candidates.

5.2 The personal data of the awarded candidates to whom payments will be made, shall be transferred to the Promoter, and shall remain in his accounting records, in accordance with the fiscal legislation provisions.

5.3 The candidates express their consent that, should their projects be awarded, the Promoter is permitted to publish their photos and video recordings taken at exhibitions or at award ceremonies, on the Order of Architects in Romania or on the Promoter's websites.

6. LITIGATIONS

6.1 In the case of potential conflicts arising between the Promoter or the Organizer and the candidates in the competition, these shall be settled amicably. If amicable settlement is not possible, the parties shall refer the disputes to the competent Romanian courts.

7. ANNULMENT OF THE COMPETITION

7.1 The annulment of the competition may be realized only by observing the provisions under art. 212 of Law no. 98/2016 regarding public procurement.

8. COMPETITION RULES

8.1 The Competition Rules is an integral part of the competition documentation and may be downloaded from the www.oar.archi ("Concursuri" (competitions) section) website. **By entering this competition, the candidates agree to abide by these Competition Rules. Any amendments to these Competition Rules shall be communicated to the candidates.**

Competition Rules approved
Promoter: **Cluj-Napoca City Hall**

Mayor,
Emil BOC

Drafted on behalf of the Organizer:
The Order of Architects of Romania

Arch. Mirona Crăciun
Architecture competition consultant