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## **East Park Cluj-Napoca**

Design Competition

### **Annex 2.1 - Competition Rules**



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## 1. GENERAL DATA

### 1.1. Contracting authority and organizer of the competition

**1.1.1 The Contracting Authority** is the **Municipality of Cluj-Napoca** represented by Emil Boc – as Mayor, with the headquarters in Calea Moșilor, nr. 3, Cluj Napoca, Cod poștal 400001, Cluj-Napoca, Cod fiscal 4305857, Telefon +40-264 596030, [dezvoltare@primariaclujnapoca.ro](mailto:dezvoltare@primariaclujnapoca.ro), [www.primariaclujnapoca.ro](http://www.primariaclujnapoca.ro).

The contracting authority of the competition provides the budget funds for the awards and the design services that will be contracted with the winner of the competition.

**1.1.2 The organizer of the competition** is the **Romanian Order of Architects**, headquartered in Bucharest, 19 Pictor Arthur Verona Street, Sector 1, zip code 010312, e-mail: [concursuri@oar.archi](mailto:concursuri@oar.archi), site: [www.oar.archi](http://www.oar.archi), legally represented by Mr. Arch. Alexandru Găvozdea, as President.

**1.1.3 The Secretariat of the competition** is provided by the Romanian Order of Architects, headquartered in Bucharest, 19 Arthur Verona, pictor, Street, Sector 1, zip code 010312, e-mail: [concursuri@oar.archi](mailto:concursuri@oar.archi), site: [www.oar.archi](http://www.oar.archi) (Competition 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, the provisions of the Guide of good practice in organizing OAR design competitions, published in 2018, 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 aims at **selecting the best project for the Cluj-Napoca East Park, for the award of the design 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**, single-stage 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) 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 Contracting Authority as regards the selection of the projects submitted within the Competition, the designated winning project, and the projects to be granted awards.

### 1.4 LANGUAGE OF THE COMPETITION

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

**1.4.2** The competition entries will be drafted as follows: project sheets – in English, Financial Proposal - bilingual, according to the form in Annex 2.3.

**1.4.3** The participation documents requested and inserted into the sealed envelope shall be bilingual, except for the DUA/E/SPD Form (the European Single Procurement Document), that shall be signed and presented in Romanian.

Foreign participants who prefer signing the English version of the provided DUA/E/SPD Form shall also insert into the sealed envelope an authorized Romanian translation – signed and stamped by a certified translator (as stated by art. 2.2. of the Competition Rules).



**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 is composed of 7 (seven) full members and 2 (two) deputy members.

### **Full members:**

Catherine Mosbach

Peter Veenstra

Catherine Franceschi-Zaharia

Ligia Subțirică – Representative of the Contracting Authority

Șerban Țigănaș – Representative of the OAR Transilvania Territorial Branch

Radu Tudor Ponta

### **Deputy members:**

Cristian Domșa

Tamina Lolev

**1.5.2** The works of the jury will be held in the municipality of Cluj-Napoca, in a space provided by the the Organizer.

**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 full member of the Jury. If a full member of the Jury is missing for the opening of the Jury sessions, a deputy member shall replace them for the entire Jury proceedings. Priority will be given to the deputy representative of the missing profession. Should a full Jury member be absent for a short period of time from the Jury meetings (*less than 4 hours*), 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 (*over 4 hours*) 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 Contracting Authority. Each Jury member is entitled to one



vote. The Jury decisions shall be adopted consensus. In case consensus cannot be reached, the decision shall be taken 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;
- The Jury analyses and adopts a decision upon the report submitted by Chairman of the Technical Committee;
- The Jury mutually agrees upon the working methodology;
- The Jury evaluates all the submitted projects, based on the criteria applied for selecting the winning project, as defined in the Competition Brief and Competition notice;
- The Jury establishes the final ranking and a single Competition winner;
- The Jury drafts and provides the Contracting Authority with the Jury Report regarding the jury proceedings and the competition results, justifying its choices and including any recommendations it may have for the Contracting Authority;
- The Jury Report shall have as an annex the table with the award criteria points for each participant project;
- The Jury Report and its annexes are documents drawn up in Romanian and English and signed by all the members of the Jury.

**1.5.7** The coordinator of the Competition, the Professional advisor of the competition, the chairperson of the Technical Committee, and the specialized consultants 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](mailto:concursuri@oar.archi) or by means of the official page of the competition.

**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 Contracting Authority, and to the professional and technical 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 at <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](mailto: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 competitors may be individual architecture offices, partnerships formed by individual architecture offices, or other legal forms of exercising the profession of architect or urban planner, according to the national legislation of the state of origin or legal persons (design companies) in Romania or in other countries, either individually or as a joint venture. In the case of a joint venture, its leader will register the project in the contest.

**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 in 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 Contracting Authority, should they win the Competition.

**2.1.3** The following persons are not entitled to participate in the competition:

1. The Jury members and the deputy members, as follows:
  - Full members: Catherine Mosbach, Peter Veenstra, Catherine Franceschi-Zaharia, Ligia Subțirică, Șerban Țigănaș, Toader Popescu, Radu Tudor Ponta
  - Deputy members: Cristian Domșa, Tamina Lolev



2. The professional advisor of the competition, arch. Kázmér Kovács, arch. Răzvan Vasîu
3. The members of the Technical Committee;
4. The members of the Competition Secretariat;
5. The members of the team drawing up the Competition brief and the Competition Rules, including the specialized consultants: arch. Mirona Crăciun, arh. Ilinca Pop.
6. The persons having decision rights within the Contracting Authority – *as stated in the Procurement Data Sheet, Annex 2.1 – 2.1.2 Procurement Data Sheet.*
7. The members of the Board of Directors of the Order of Architects in Romania (OAR), as follows: arch. Alexandru Găvozdea, arch. Ana Maria Zahariade, arch. Adrian Gavril Pop, arch. Cristian Oprea, arch. Raluca Munteanu, arch. Oana Simionescu, arch. Michaela Gafar.
8. Spouses, in-laws and 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 submitted by candidates**

### **2.2.1 Participation forms**

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

The sealed envelope shall contain the following forms:

**(1) OAR Participation Form** (Annex 2.2 – OAR Form) dated, filled in, signed and/or stamped, mandatorily mentioning:

- 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;



- affidavit 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 Contracting Authority;

The Participation form is included in the Competition documentation, in Annex 2.2 – 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) DUAЕ/ESPD Form – European Single Procurement Document (Annex 2.2 – DEAU/ESPD form)**

In order to maintain the anonymity of the competition, DUAЕ/ESPD **MUST NOT BE COMPLETED DIRECTLY IN SEAP** (the Electronic Platform for Public Procurement). The DUAЕ/ESPD Form shall be filled in in an editable format made available as part of the present documentation.

The DUAЕ/ESPD Form shall be signed and presented in Romanian. Foreign participants who prefer signing the English version of the provided DUAЕ/ESPD Form **shall also insert into the sealed envelope an authorized Romanian translation** – signed and stamped by a certified translator (as stated by art. 2.2. of the Competition Rules).

**Important:** The DUAЕ/ESPD form must be filled in for each tenderer / associate / subcontractor / supporting third party, **under the sanction of rejection of the competition entry** following the opening of the sealed envelopes (according to point 3.10.5 of the present Competition Rules).

#### **(3) Offer form (Annex 2.2 – Forms, Form 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 Contracting Authority 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 Annex 2.2 shall be used).

#### **(4) The Contract (Annex 2.5 – Design services contract)**

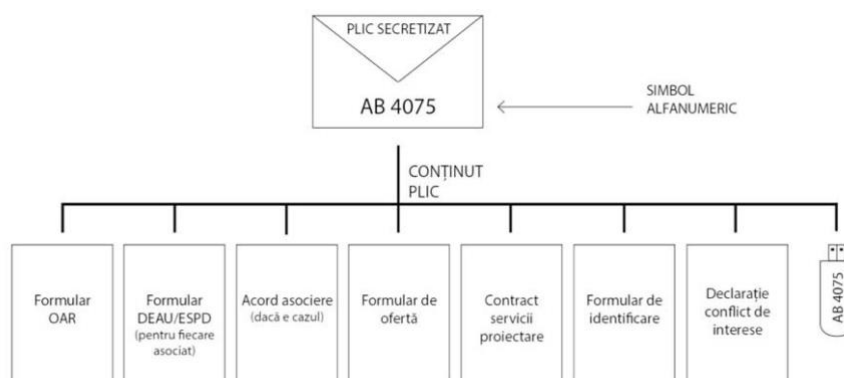
The bilingual model of the contract must be included within the sealed envelope, signed (assumed) on each page. Clarifications or amendments

may be requested with regards to the contract clauses only before submitting the offer during the “Questions and answers” sessions.

**(5) The Joint-Venture Agreement/Subcontractor Agreement**, if applicable (Annex 2.2 Forms – Form 3 and 4).

**(6) Affidavit on conflict of interests** (Annex 2.2 Forms– Form 5).

**Note: The Financial Proposal is a competition material – under anonymity and shall not be included in the sealed envelope.**



*Sealed envelope – AB 4075 – alphanumerical symbol*

*Envelope content:*

*OAR form, DEAU/ESPD Form for each tenderer / associate / subcontractor / supporting third party, Joint Venture agreement (if applicable), Tender form, Design services contract, Identification form, Affidavit on the conflict of interests, memory stick – alphanumerical symbol*

**2.2.2** The content of the sealed envelope shall be opened and 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 this status.

## 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 design directions provided by the competition brief



- the 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 (HG) 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 of Government Decision (HG) 395/2016);
- **handing over separately or pasting the sealed envelope outside the packaging / tube**, as noted by the secretariat upon receipt of 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 (HG) 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 non-insertion into the packaging/tube, as stated by the Competition Rules;
- the missing identity symbol on the sealed envelope or the absence of the black paper cover from the competition materials (project sheets and Financial Proposal);
- the absence of the Financial Proposal (model in Annex 2.3 – 2.3.1 Financial Proposal);
- violation of the 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 (art. 2.3.4), 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](http://www.oar.archi) (Competition section). The webpage of the Competition shall include the general presentation of the Competition, 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 participants have at their disposal the following registration method: registration on the webpage dedicated to the Competition, Competition 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](http://www.oar.archi) (Competitions section) and from <http://sicap-prod.e-licitatie.ro/pub>.

**3.3.2** The Competition documentation includes:

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#### **ANNEX 1 – COMPETITION BRIEF**

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#### **ANNEX 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 Maximum Cost Estimate
- 2.7 Identification form
- 2.8 Templates for Participants
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- 3.2 Territorial units of reference
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- 7.4** Lake 4 and Lake 5, Area I
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- 7.6** Public garden area, former nursery- Area B
- 7.7** Forested area north of the site - Area C.1
- 7.8** Methane gas master zone
- 7.9** Access node area - Park Between Lakes - Area F
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## **ANNEX 8 – ADDITIONAL DOCUMENTATION**

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- 8.1** Reports – Public Survey
- 8.2.** Zonal Urban Plan Sopor

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

### **3.4 The candidates' right to request clarifications**

**3.4.1** The answers to the requests for clarifications or to questions asked shall be organized in several 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, by accessing the “Adauga o întrebare” (“Add a question”) Section. 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 Contracting Authority 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](http://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 Contracting Authority 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 may submit **one single project** in the Competition, pursuant to the provisions of these Competition Rules.

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

**a. The technical proposal (the submitted project):** 4 sheets, A0 format (900 x 1540 mm), horizontal layout (landscape), rolled in a packaging/tube;

**b. The financial proposal, bilingual,** drafted on A4 size white paper.

Each project shall contain the Financial Proposal (approximative estimate of the design services in accordance with the model in Annex 2.3 - 2.3.1. Financial Proposal Template).

The Financial Proposal shall specify its values in RON and EUR, without VAT (using the BNR (Romanian National Bank) exchange rate valid on the date of launch on SEAP).

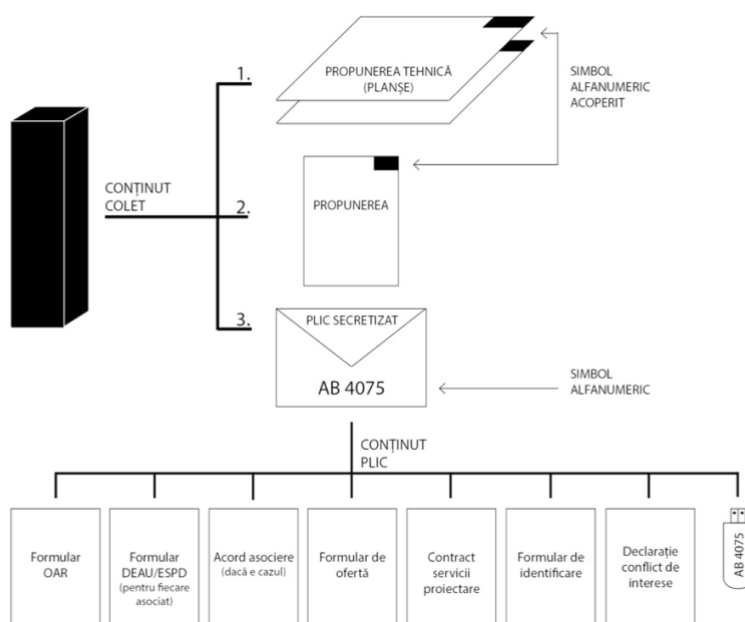
The Financial Proposal shall constitute the negotiation basis for concluding the design services contract with the winner of the Competition.

**The absence of the financial proposal shall lead to disqualification.**

**The financial proposal shall not exceed the maximum cost estimate, in accordance with Doc. “Estimated maximum cost of investment and design services.” – Annex 2.6.**

**c. A sealed (closed) white, non-transparent, A4 size paper 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 in Annex 2.9);
- memory stick / USB memory card, containing:
  - images of the downsized drawings
    - .jpg, 72 dpi resolution, for online publication
    - .jpg, 150 dpi resolution, for the competition catalogue
  - the presentation text of the submitted project in .doc format,
  - the participation forms in .doc format, pursuant to Art. 2.2.2
  - the financial proposal in .doc format.





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

*Package content:*

- 1. Technical proposal (drawings) – COVERED alphanumerical symbol*
- 2. Financial Proposal – COVERED alphanumerical symbol*
- 3. Sealed envelope – AB 4075 – alphanumerical symbol*

*Envelope content:*

*OAR form, DEAU/ESPD Form for each tenderer / associate / subcontractor / supporting third party, Joint Venture agreement (if applicable), Tender form, Design services contract, Identification form, Affidavit on the conflict of interests, memory stick – alphanumerical symbol*

**3.6.3 The projects shall be presented on 4 sheets of paper, 900 x 1540 mm format (extended A0 format), on white paper, horizontal layout (landscape), unglued to a rigid surface, having the North and drawing scales indicated.**

**NOTE:**

- all drawn parts can be represented through any 2D and 3D graphic means.
- The explanatory text (as clear and succinct as possible) which supports the concept, must be integrated within the 3 (maximum 4) sheets of paper.

**3.6.4** The drawings shall be numbered in the bottom right corner – format: “page no. / total of pages” (e.g.: 1/3, 2/3, 3/3 or 1/4, 2/4, 3/4 and 4/4).

**3.6.5** The project sheets will contain in the upper side the title: **EAST PARK CLUJ-NAPOCA.**

**3.6.6** The project sheets will be rolled and placed in a package or tube. Folded sheets are not allowed.

**3.7 Anonymity of the projects**

**3.7.1** In order to protect anonymity, each project shall be marked with an **identity alphanumerical 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 sheet and on the Financial Proposal** in the right upper corner, 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 paragraph 3.6.2.c).

**(2)** The envelope shall be submitted sealed/glued, 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.

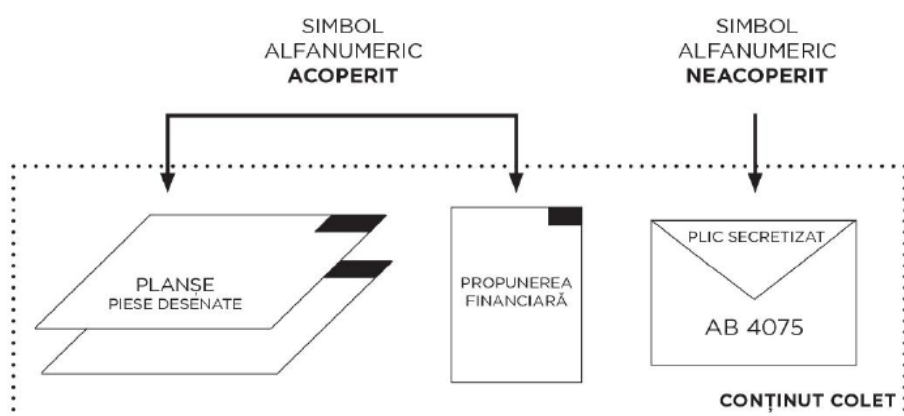
**3.7.5** The Technical Committee shall ensure the protection of anonymity by assigning a three-digit random number (competition number) to each project, number which will be used throughout the entire Jury assessment phase).

**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*

*Sheets, Drawn elements*

*Financial proposal*

*Sealed envelope – AB 4075 Package content*



**Note: The Financial Proposal (anonymized) shall not be signed or stamped.**

### **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 COMPETITION EAST PARK CLUJ-NAPOCA.**

**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:

***The Romanian Order of Architects – Transilvania**, with the headquarters in Bd-ul Eroilor, No. 22, ap. 10, postal code 400129, Cluj-Napoca, Romania, Telephone 0728330140, E-mail [secretar@oartransilvania.ro](mailto:secretar@oartransilvania.ro), [www.oartransilvania.ro](http://www.oartransilvania.ro)*

**(2)** The deadline for submitting the projects to the Competition Secretariat, either personally or by courier, is the one indicated in the Competition schedule.

**Exceeding the deadline shall lead to 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 parcels 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 local Secretariat shall not be responsible for confirming that it has received the project to the sender.

**3.8.5** No supplementations 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 a submitted project, this is allowed only until the submission deadline (date and time) indicated in the competition schedule for submission, with the obligation of concluding a withdrawal report.

### **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.

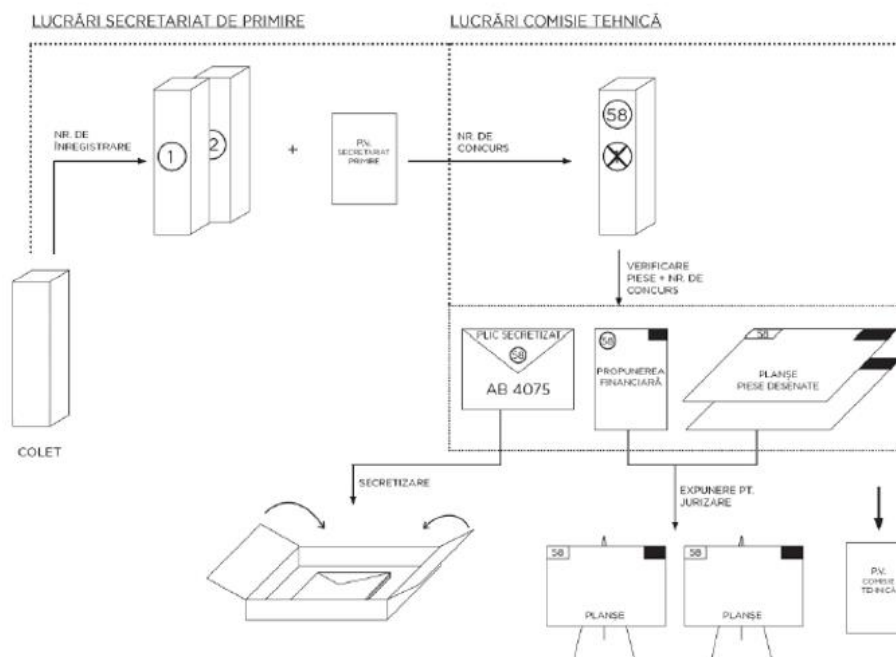
**3.9.3 The Organizer shall appoint a Technical Committee** with the purpose of verifying the content of the submitted and registered projects, which shall be composed of at least 3 architects. The Chairperson of the Technical Committee shall attend the Jury meetings, without having the right to vote. The number of members of the Technical Committee may 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.

**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 three-digit random number to each project (competition number), which shall be marked on the package/tube and on the competition materials.

**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:*  
 Secretariat acknowledging receipts proceedings, Technical committee proceedings  
 Registration number + Secretariat acknowledging receipts -> Competition number Envelope  
 Sealed envelope AB 4075 – Financial proposal – Drawings-Drawn elements  
 Sealing – Exhibit for jury assessment  
 Drawings – Drawings  
 Technical Committee Report

### 3.10 The jury proceedings

**3.10.1** Only the presence of the professional and technical advisor of the competition, the chairman of the technical commission that verified the projects, the secretary of the jury, the technical team of the Organizer and some external experts, at the jury's request, is admitted to the jury's proceedings.

**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 Contracting Authority.

**3.10.5** At the end of the proceedings and after the Jury Report and its annexes are 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 the existence of the participation forms. This procedure will be recorded in an Annex to the Jury Report, which will then be submitted to the Contracting Authority.

**Important: The lack of the participation documents filled in according to point 2.2 of the present Competition Rules leads to the rejection of the offer.**

### **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 Contracting Authority, 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.

**3.11.3** 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 Jury report the conclusions of the deliberations and the recommendations for the drafting of the technical project.

**3.13.2** The jury's recommendations for the elaboration of the technical project, contained in the Jury Report, will become an annex to the design services contract.

### **3.14 Communication of results**

**3.14.1** The Contracting Authority and the Organizer shall inform all candidates and the general public of the competition results by means of the competition webpage [www.oar.archi](http://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 award announcement is going to be published.

The Contracting Authority – The Municipality of Cluj-Napoca shall announce the final result of the award procedure after the negotiation phase, without prior publication.

### **3.15 Appeals**

**3.15.1** The Jury's decision regarding the evaluation of the projects may not be challenged, as stated by the national and international jurisprudence.

**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, zip code: 030084, e-mail: [office@cnscl.ro](mailto:office@cnscl.ro), telephone (4) 021.310.46.41, fax (4) 021.310.46.42, website [www.cnscl.ro](http://www.cnscl.ro).

**3.15.3** Before addressing the National Council for Solving Complaints, the injured person notifies the Contracting Authority about the alleged violation of the procedural aspects and of the legal provisions regarding public procurement and the intention to notify the National Council for Solving Complaints, while observing the provisions of art. 6 of Law no. 101/2016.



### **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 completion of the jury proceedings, the Contracting Authority and the Organizer will organize in Cluj-Napoca a public exhibition of all the projects in the competition. After the deadline for resolving the appeals has expired, the exhibition may host the award ceremony. The organizer may then publish a virtual gallery of the projects participating in the competition and an album of the competition.

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

**(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 Contracting Authority may be retrieved from the Organizer's headquarters by their authors, at their own expense, within at most 90 days from the disassembly of the exhibition.

**(3)** The projects which have been procured by the Contracting Authority shall be handed over to it, after the disassembly of the exhibition and the payment of awards.

### **3.17 Competition schedule**

<b>Activity</b>	<b>Period</b>
Official launch of the competition	The official launch in SEAP
Site visit registrations	06.11.2020
Site visit	07.11.2020
Deadline for receiving questions Round 1	09.11.2020
Deadline for answering questions Round 1	16.11.2020
Deadline for receiving questions Round 2	06.12.2020
Deadline for answering questions Round 2	14.12.2020
Deadline for receiving questions Round 3	11.01.2021



Activity	Period
Deadline for answering questions Round 3	18.01.2021
Deadline for project submission	<b>29.01.2021 H 16:00</b>
Preliminary analysis of the projects (verification by the Technical Committee)	01-03.02.2021
Jury assessment of the projects	05-07.02.2021
Official announcement of the winner (press conference with the Jury)	<b>08.02.2021</b>
Publishing the results on the competition's official website	09.02.2021
Deadline for submitting appeals	10 days from the publication of the results in SEAP

**The deadline (date and time) are considered according to the official time in the territory of Romania.**

### **3.18 Awards**

**3.18.1** The prizes granted are as follows:

Prize	Value
First Prize	The design services contract with an estimated value of <b>6.288.360 RON</b> , exclusive of VAT
Second Prize	120.000 RON
Third Prize	60.000 RON

**3.18.2** The amounts representing the second and third prizes do not include VAT, and as for their payment, the beneficiary shall invoice the entire amount set as prize (application template for receiving the prize - Annex 2.8).

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



**3.18.4** The Contracting Authority undertakes to pay the prizes within 30 calendar days from the winners' submission of documents in this respect at the registry of the Contracting Authority (application and invoice). This deadline may be extended only due to reasons which are objective and beyond the Contracting Authority's control and will. The prizes will be paid after the final result of the procedure has been announced.

**3.18.5** The amounts due as prizes are taxed in Romania, according to the provisions of the Fiscal Code in force. For all competitors, Romanian citizens or citizens of another state, the payment of the prizes will be made in RON, at the exchange rate established by the National Bank of Romania on the official launch date of the competition.

## **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 Contracting Authority, 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 assign their patrimonial rights on the works to the Contracting Authority, based on the subsequently concluded contract, in accordance with art. Art. 40 para. (1) of the same law.

**4.1.5** The Contracting Authority and the Competition Organizer have the right to publish the works participating in the competition, in printed or digital format, without any other agreement or payment, as well as the right to be presented in the exhibitions organized within the contest.

**4.1.6** The Contracting Authority and Organizer of the Competition shall bear no liability for the potential copyright infringements performed by the candidates registered in the competition. The sender of the project shall bear exclusive responsibility in this regard.



**4.1.7** When filling in the participation form included in Annex 2.2 – 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 Contracting Authority.

**4.2.2** After this competition, the Contracting Authority shall conclude a contract for complete design services for the **East Park** project with the winning team.

**4.2.3** The maximum cost estimate of the investment is the equivalent in RON of the value **58.833.360,00 EUR**, without VAT (according to the cost estimate, Annex 2.6).

**4.2.4** The estimated value of the design services contract, including technical assistance, is the equivalent in RON of the value of **6.288.360 RON**, without VAT, for the following design missions:

<b>Crt. no.</b>	<b>Name of services</b>
<b>1.</b>	<b>Final design concept</b>
<b>1.1.</b>	Preliminary studies
<b>1.2.</b>	Summary of the preliminary studies
<b>1.3.</b>	Summary of the negotiations with the Contracting Authority
<b>2.</b>	<b>Zonal Urban Plan</b>
<b>3.</b>	<b>Biotope and biotope protection area</b>
<b>3.1.</b>	Feasibility study (SF)
<b>3.2.</b>	Documentation for authorizing the execution of works (DTAC)
<b>3.3.</b>	Technical documentation for execution (PT + DDE)
<b>3.4.</b>	Technical assistance
<b>4.</b>	<b>Public Park Arrangement</b>
<b>4.1.</b>	Feasibility study (SF)
<b>4.2.</b>	Documentation for authorizing the execution of works (DTAC)

4.3.	Technical documentation for execution (PT + DDE)
4.4.	Technical assistance
5.	<b>Lake 3 Arrangement</b>
5.1.	Feasibility study (SF)
5.2.	Documentation for authorizing the execution of works (DTAC)
5.3.	Technical documentation for execution (PT + DDE)
5.4.	Technical assistance

### Mentions:

**a.** The winning designer will first draft the Zonal Urban Plan, including the necessary documentation for the approvals and agreements required by the Urbanism Certificate and including the eventual observations of the approving institutions and of the Technical Commission of Urbanism and Territorial Planning of Cluj County Council. The designer will also carry out the necessary studies for the urban planning documentation (for example the traffic study).

**b.** A final draft shall be drawn up incorporating all the observations of the Jury. Once the solution has been established, the actual planning documentation for the whole complex will be elaborated, in the form of three distinct projects, according to the features of each main function, namely:

- Biotope and biotope protection area
- Public Park Arrangement
- Lake 3 Arrangement

The three projects are inseparable, but have specificities that need to be treated separately: in the case of the biotope, the emphasis is on designing the protection belt, based on the data from the field and neighborhoods; in the case of the public garden the focus is on the composition of a landscaping project specific to the East Park urban garden etc. The three projects will present the following documentation: feasibility study, technical documentation for the authorization of investment works, technical project and execution details.

**c.** The documentations will include the design of the spaces adjacent to the accesses provided in the East Park, as well as the interior design of the proposed buildings, the endowment and equipment of the spaces.

**d.** The documentation contracted following the competition will be elaborated in accordance with the provisions of GD no. 907 / 29.11.2016 on the stages of elaboration and the framework content of the technical-economic documentation related to the objectives / investment projects financed from



public funds. The studies required by the Urbanism Certificate and by the approving institutions will also be carried out.

**e.** The designer undertakes to provide technical assistance throughout the implementation of the project, until the final reception of the work.

**f. The documentation will be handed over verified to all the necessary requirements. The designer undertakes to submit the design documentation with the visa / stamp of the project verifier to all requirements, according to the requirements of the project. The designers will include the cost of the verifications in the proposed budget for each technical documentation.**

**g.** The amount of fees for obtaining approvals, agreements and authorizations shall be paid by the Contracting Authority.

**h.** The geotechnical study carried out by the Contracting Authority indicates that the foundation infrastructure is extremely unstable, which implies the realization of exclusively buildings with light structures. Following the submission of the feasibility study and the documentation for approving the intervention works, the Contracting Authority will carry out a stability study based on the geotechnical study and the submitted project. The recommendations and conclusions of the stability study will be integrated in the later stages of the project, and if it is found that soil stabilization works will be needed, the cost for the design and execution of these works will be borne by the Contracting Authority.

**4.2.5** The design services contract model is included in the competition documentation, in Annex 2.5.

**4.2.6** The winner of the competition, to whom the work shall be awarded, shall be invited by the Contracting Authority to the negotiation procedure, without prior publication of a participation notice, in accordance with the provisions under art. 104 para. (7) of Law no. 98/2016 regarding public procurement, in order to conclude the design services contract. The subject of negotiation will be the price and duration of execution.

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 architectural solution.**

**4.2.7** Should the Contracting Authority not conclude the design services contract with the competition winner, for reasons beyond its control, the Contracting Authority 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.

**4.2.8** The Contracting Authority will request **the winning competitor** along with the invitation to negotiate without prior publication of a participation notice, the submission of the following mandatory documents, translated in Romanian and notarized (if applicable), proving the capacity to conclude and execute a design service contract on the territory of Romania, according to the law:

Romanian nationality	Foreign nationality
All documents reflecting the affidavit, according to the European Single Procurement Document (DEAU/ESPD), according to the provisions of the data sheet: Form 10 – performance bond (Annex 2), Form 11 – expression of interest (Annex 2.4), Forms 3 and 4 – Joint venture agreement / if applicable (Annex 2.2)	
<b>Qualified chartered architect</b> , in accordance with the provisions under Law 84/2001, member of the OAR/equivalent international organization – supporting documents	
<b>Tax registration certificate</b> with regard to local and state budget taxes and duties	Foreign legal entities/certified natural persons shall submit <b>supporting documents</b> issued by the authorities of their country of origin (certificates, criminal records, other equivalent documents) as proof for having fulfilled their <b>financial obligations of paying their taxes, duties, and contributions to the state and local budget</b> , in accordance with the requirements of the contracting authority.
<b>Confirmation of company details issued by the Trade Register Office</b> , in original or notarized copy, or legible certified true copy.  The candidate shall take full responsibility for the information provided in these documents as being real/valid at the project	For foreign legal entities / natural persons:  <b>Documents standing as proof for an incorporation/registration form or membership from a professional point of view</b> , in accordance with the provisions of the candidate's country of residence, in the language they were issued in, together with their



Romanian nationality	Foreign nationality
submission deadline.  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.	certified translation into Romanian or English. The object of the procedure must find its equivalence in the fields of activity indicated in the submitted documents.  The candidate shall take full responsibility for the information provided in these documents as being real/valid at the project submission deadline.

**4.2.9** Foreign legal entities/individuals 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.

**4.2.10** In order 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 specialties provided by law.

## 5. PROCESSING OF PERSONAL DATA

**5.1** All participants in the Competition are guaranteed their 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 competitors to whom the prizes will be paid will be transferred to the Contracting Authority and will remain in its accounting, in accordance with the provisions of the fiscal legislation.

**5.3** The competitors agree that, if their projects will be awarded, photos, video recordings with them at exhibitions and awards celebrations will be published on the website of OAR or of the Contracting Authority.



## **6. LITIGATIONS**

**6.1** In the case of potential conflicts arising between the Contracting Authority 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](http://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.

Approved by,

Autoritatea Contractantă:  
Municipality of Cluj-Napoca

Mayor,  
Emil Boc

Drafted by:  
arch. Mirona Crăciun  
Ordinul Arhitecților din România,