

**CALL PROCEDURE FOR THE PRESENTATION OF PRIVATE
INITIATIVES FOR THE DRAFT:**

**"DESIGN, FINANCING, CONSTRUCTION, OPERATION AND MAINTENANCE
OF THE SOUTH VIADUCT OF GUAYAQUIL, LOCATED IN THE PROVINCE OF
GUAYAS".**

CALL PROCEDURE FOR PRESENTATION OF INITIATIVES PRIVATE FOR THE PROJECT:

"DESIGN, FINANCING, CONSTRUCTION, OPERATION AND MAINTENANCE OF THE VIADUCTO SUR DE GUAYAQUIL, LOCATED IN THE PROVINCE OF GUAYAS "

Background:

The National Government, through the Undersecretariat of Delegations of Transport Services and Public Works of the Ministry of Transport and Public Works, in order to safeguard investments made in transport infrastructure in projects that are executed through delegated management, promote private investment, improve the provision of transport infrastructure services, guarantee users safe services and contribute to the social and economic development of the country, executes a sustainable management model for investment and maintenance of the Competition Transport Infrastructure and rectory of the Ministry of Transport and Public Works, and specifically for the delegated management processes for the State Road Network.

Article 314 *ibid*, provides that: "The State will be responsible for the provision of public services of drinking water and irrigation, sanitation, electricity, telecommunications, roads, port and airport infrastructures and the others that the Law determines." According to this same article, "the State will guarantee that public services and their provision respond to the principles of obligation, generality, uniformity, efficiency, responsibility, universality, accessibility, regularity, continuity and quality, and will provide that the prices and rates of the public services are equitable, for which it will establish their control and regulation".

Article 316 of the same normative body indicates that the State may delegate the management of public services to joint ventures in which it has a majority shareholding; and, the second subsection determines that: "The State may, exceptionally, delegate to the private initiative and the popular and solidarity economy, the exercise of these activities, in the cases established by law." The Ministry of Transportation and Public Works of Ecuador, in order to improve connectivity in the city of Guayaquil, summons legal entities, national or foreign, associations, consortia or commitments of these, legally capable of contracting, who are interested in presenting private initiatives for project: **"DESIGN, FINANCING, CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SOUTH VIADUCT OF GUAYAQUIL, LOCATED IN THE PROVINCE OF GUAYAS"**.

The Ministry of Transportation and Public Works of Ecuador, in order to improve connectivity in the city of Guayaquil, summons legal entities, national or foreign, associations, consortia or commitments of these, legally capable of contracting, who are interested in presenting private initiatives for project: **"DESIGN, FINANCING, CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SOUTH VIADUCT OF GUAYAQUIL, LOCATED IN THE PROVINCE OF GUAYAS"**.

Objective of the call:

Receive Private Initiatives for project: "**DESIGN, FINANCING, CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SOUTH VIADUCT OF GUAYAQUIL, LOCATED IN THE PROVINCE OF GUAYAS**",

1. CONDITIONS OF THE PROCEDURE

- This procedure is subject to the provisions of Executive Decree 1190 and Ministerial Agreement No. 006-2021 of the Ministry of Transportation and Public Works.
- The Organic Law of the National Public Procurement System, its Regulations, and other related regulations shall not be applicable in this procedure.
- The procedure for registering and submitting Private Initiatives, as they are not part of the National Public Procurement System, will be open and will begin with the call on the MTOP website on July 25, 2021.
- Proponents submitting their initiatives private companies will deliver their qualifying documentation until November 5, 2021.
- During the analysis period, the Ministry of Transportation and Public Works may request clarification of the documentation provided.
- Within a term of up to 30 days after receiving the initiatives, the proponents will be notified of the results of the evaluation of the private initiatives. The Annexes detailed in this call are available on the MTOP website, at the address <http://www.obraspublicas.gob.ec/>.
- The documentation presented by the bidders during this process will not be understood as commercial offers. Likewise, the MTOP will not have the obligation to process or accept the proposals or requirements, by express act or by administrative silence.
- The proponents will not have the right to demand from the MTOP any economic benefit, compensation or remuneration as a result of the expenses and costs incurred in the preparation of the Preliminary Project. Likewise, they will not have the right to file any claim or recourse regarding this procedure.
- In the event that the pre-selected bidder with the highest score expressly expresses his desire not to be invited directly to the substantiation of the delegation process of the South Viaduct Project, MTOP will be empowered to invite the second best-scored company within this procedure.
- The entity reserves the right to verify the authenticity of the information provided

2. FORMALITIES TO SUBMIT THE DOCUMENTATION

2.1 How to present the documentation: The proponent must submit the information required in this document, both in its content and in the term, IN PHYSICAL AND DIGITAL FORMAT, duly numbered and filed.

The information and forms are:

- Presentation letter
- Form I General data of the proponent
- Form II Experience in construction and maintenance of bridges and road infrastructure and / or delegation modalities (concession, APP, others)
- Form III Experience in administration of delegation projects
- Form IV Financial situation Financing
Financing Letter of Intent

3. ELIGIBILITY REQUIREMENTS

3.1 LETTER OF PRESENTATION (FORMAT) and (FORM I)

A "cover letter" signed by the legal representative must be submitted indicating general information about the company and its specific line of business, accompanied by the following information.

- RUC or its equivalent in the case of foreign companies.
- Appointment of the Legal Representative registered in the commercial register or its equivalent in the case of foreign companies.
- Certificate of not being a non-compliant contractor with the State, if applicable.

In the case of consortia or potential consortia, each one of the consortia must submit the indicated information, as well as an association commitment (notarized) to participate in this capacity.

The members of a consortium may also qualify in a particular way, but they may not qualify in two or more consortia.

3.2 LETTER OF PRESENTATION (FORMAT) and (FORM I)

Bidders must demonstrate experience in construction and maintenance of road infrastructure projects and / or delegation modalities (concession, APP, others), according to the following criteria:

CRITERION

1. The proponent has executed bridge construction work in the last 15 years, prior to the submission of this document.
2. The proponent has built bridges in a cumulative length of 3 km (maximum in five projects) in length in the last 15 years prior to the submission of this document.
3. The proponent accredits experience in bridge rehabilitation and maintenance.
4. The proponent accredits experience in construction and maintenance of more than 40 km of road infrastructures, during the last ten (10) years.

ACCREDITATION

The proponent must present Delivery Certificates Provisional or definitive reception of the contracts that prove the required experience.

In the case of presenting the experience as a consortium, the amount will be considered based on its percentage of participation in the Consortium.

The technical eligibility requirements may be accredited through the experience of the interested party, their associated companies or, through any of the members of the Consortium or their commitment.

3.3 EXPERIENCE IN DELEGATION PROJECTS (FORM III)

CRITERION

Proponents must demonstrate their experience in at least one road delegation project over a length of at least 40 km.

ACCREDITATION

Presentation of the delegation contract.

The technical eligibility requirements may be accredited through the experience of the interested party, their associated companies or, through any of the members of the Consortium or their commitment.

3.4 FINANCIAL SITUATION (FORM IV)

CRITERION

- Income Tax Declaration or its equivalent to be presented by the foreign proposer
- Current economic - financial situation of the company (audited balance sheets for the last 3 years)
- Financial indices

ACCREDITATION

Presentation of information and compliance with indices.

The economic and financial eligibility requirements may be accredited through the experience of the interested party, their associated companies or, through any of the members of the Consortium or their commitment.

3.5 LETTER OF INTENT OF FINANCING

CRITERION

- Project financing intention

ACCREDITATION

- Presentation of the letter of intent.

4. INFORMATION IN CHARGE OF THE MINISTRY OF TRANSPORTATION AND PUBLIC WORKS

- Project baseline (Annex 1)

5. EVALUATION OF THE DOCUMENTATION.

- **Documentation integrity (present / not present):** The integrity of the Documentation will be evaluated considering the presentation of the Forms and minimum requirements provided for in this procedure.
- **Evaluation (complies / does not comply):** The rating parameters proposed to The following are the minimum conditions that the documentation provided by the interested party must meet.
- **Qualification parameters:** The entity defined the parameters; their conditions minimum or maximum mandatory compliance and the means of verification.

ELIGIBILITY REQUIREMENTS ASSESSMENT AND RATING METHODOLOGY

PRESENTATION OF REQUIREMENTS:

PARAMETER	PRESENTS	DO NOT PRESENTS	OBSERVATIONS
1. Cover letter			
2. General data of the proponent			
3. Experience in road construction and maintenance projects and / or delegation modalities			
4. Experience in delegation projects			
5. Income Tax Declaration (or its equivalent)			
6. Financial situation			
7. Letter of Intention of Financing			
8. Economic-financial proposal			

Proponents who present all the above requirements, evaluation. will go to the phase of

ASSESSMENT OF ELIGIBILITY REQUIREMENTS

3. EXPERIENCE IN PROJECTS OF CONSTRUCTION AND	COMPLIES	COMPLIES FAILS	OBSERVATIONS

ROAD MAINTENANCE (FORM II)			
1. The proponent has executed bridge construction work in the last 15 years, prior to the submission of this document.			
2. The proponent has built bridges in a cumulative length of 3 km (maximum in five projects) in length in the last 15 years prior to the submission of this document.			
3. The proponent accredits experience in bridge rehabilitation and maintenance.			
4. The proponent accredits experience in construction and maintenance of more than 40 km of road infrastructures, during the last ten (10) years.			

4. EXPERIENCE IN DELEGATION PROJECTS (FORM III)	COMPLIES	FAILS	OBSERVATIONS
1. The proponent must demonstrate their experience in delegation projects			

5. FISCAL AND ECONOMIC INFORMATION - FINANCIAL (FORM IV)	COMPLIES	FAILS	OBSERVATIONS
1. Income Tax Declaration			
2. Accounting equity (3 years)			
3. Liquidity ratio (3 years)			
4. Solvency ratio (3 years)			
5. Debt ratio (3 years)			

6. Proposal financial economic-			
---------------------------------	--	--	--

7. LETTER OF INTENT OF BONDING	COMPLIES	FAILS	OBSERVATIONS
1. Presentation Financing Letter of			

Bidders who meet all the above requirements will go to the phase of qualification:

- **QUALIFICATION OF ELIGIBILITY REQUIREMENTS**

Weighing:

Below are the factors subject to qualification:

PARAMETER	WEIGHING	SCORE
1. Experience in road construction and maintenance projects and / or delegation projects	40%	The proponent who meets the requirements in the evaluation phase will obtain the maximum score.
2. Experience in delegation projects	40%	The proponent who meets the requirements in the evaluation phase will obtain the maximum score.
3. Less required state contribution	40%	According to the formula
TOTAL	100%	100

Qualification of the lowest required state contribution (20%):

First step:

Definition of the weighted factor:

$$1 - \frac{1}{\frac{(\text{aporte estatal})(1.n)}{10.000.000}} = \text{Factor ponderado}$$

Where:

- (1,n)=De 1 to n values of the state contribution
- The state contribution values will be evaluated in constant values
- This equation will allow obtaining the weighted factors of the total of the proposed state contributions; Once the highest weighted factor has been identified, it will be assigned 15 points.

Second step:

Definition of qualification:

$$\frac{\text{Menor Factor Ponderado} * 20}{\text{Factor Ponderado (1, n)}} = \text{Calificación}$$