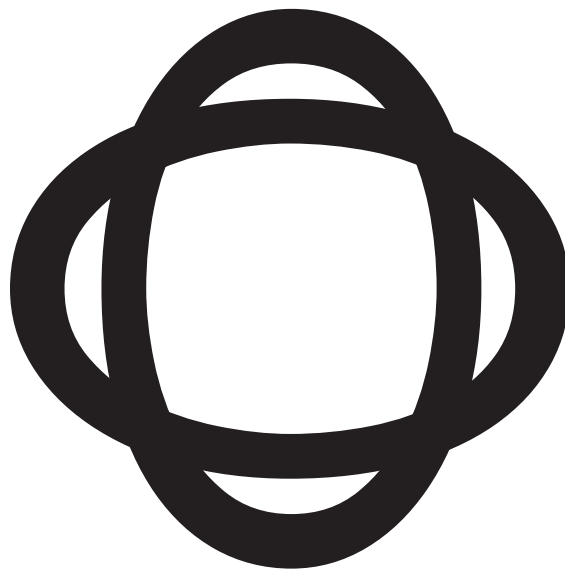


Selection guideline

4601



Additions and clarifications as regards the project:

**The drafting of a development vision (fixed part), the all-inclusive study and design assignment for the construction of a new S.M.A.K., Municipal Museum of Contemporary Art (conditional part A) and the all-inclusive study and design assignment for the shell structure of the underground parts for a new S.M.A.K. (conditional part B), within the cluster of buildings in the Citadelpark in Ghent
with regard to the Open Call regulations**

In so far as the stipulations in this selection guideline deviate from the Open Call Regulations, these special stipulations always take precedence.

1. Grounds for exclusion (Art. 67-70 act, Art. 61-64 and 73 RD award)

The candidate must not find themselves in one of the situations referred to in Articles 67 to 69 of the Public Procurement Act. This includes the mandatory grounds for exclusion, the grounds for exclusion in connection with tax and social debts, and the optional grounds for exclusion.

If a mandatory or optional ground for exclusion applies to the candidate, the candidate may prove that the corrective measures they have taken are sufficient to demonstrate their reliability despite the applicable ground for exclusion. If the commissioning authority considers such proof to be sufficient, the candidate concerned shall not be excluded from the award procedure. Therefore, the commissioning authority strongly recommends to submit the corrective measures with the candidature.

1.1 Supporting documents regarding the grounds for exclusion

- The candidate shall submit a completed European Single Procurement Document (ESPD) as a declaration that no grounds for exclusion apply to them.
- The commissioning authority will request the criminal records extract before the selection limitation is made.
- Non-Belgian candidates must submit the certificates regarding tax and social debts and a certificate of non-bankruptcy via their 'My Open Call account' on the website. If these certificates are not available at the time of the candidature, a declaration under oath in anticipation of the necessary supporting documents will suffice. The candidate shall upload these supporting documents as soon as possible via 'My Open Call account'. Uploading or updating these supporting documents can be done throughout the year and is not tied to a specific Open Call procedure.

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2. Selection phase (Art. 71 act, Art. 65-69 and 70-71 RD award)

The selection phase takes place in two stages. In the first stage (2.2), the suitability of candidates to carry out the professional activities (2.2.1) and their compliance with the criteria relating to technical and professional competence (2.2.2) are examined. The criteria against which technical professional competence is assessed are general design competence, professional competence and relevant professional experience; for each of these criteria a threshold is set which candidates wishing to be selected must meet.

If the number of candidates remaining after the threshold check in the first stage is higher than the number envisaged, further selection will take place in a second stage (2.3). This means that the number of candidates selected in the first stage is reduced. The contracting authority limits the number of candidates by comparing their requests for participation in terms of general design expertise and relevant experience. Two of the 'selection criteria' are therefore used differently in this stage: instead of imposing a threshold for selection, these criteria are used to assess which candidate best meets the criteria, taking into account the contracting authority's principles and expectations. In order to perform this 'double' selection test, the contracting authority needs information. In order to make clear to the tenderers what information is precisely required, a list of 'supporting documents' to be produced or filled in is provided (2.1). It is on the basis of this information that the contracting authority makes its decisions in the selection phase.

2.1 Supporting documents

2.1.1 Suitability to pursue the professional activity

- a certificate of registration with the Belgian Architects' Association (to be added to portfolio)
- or a certificate stating that the candidate holds one of the diplomas, certificates or other titles listed in the appendix to the Act of 20 February 1939 and a certificate stating that the designer is lawfully practising the activities in question in the country where he is based.

2.1.2 Technical and professional competence

GENERAL DESIGN-BASED EXPERTISE

- A motivation text (max. 2000-character) to enter on the website

PROFESSIONAL COMPETENCE

- For each member of the project team: a CV of max. two A4 pages in a legible font size, including relevant training, work experience or educational assignments. These CVs will be added to the portfolio.

RELEVANT PROFESSIONAL EXPERIENCE

- 3 relevant reference projects
- Motivation of 'the relevance to the candidature' (max. 1000-character) for each of the three reference projects
- For each reference project, a descriptive note is added of max. four A4 pages portrait format (about half text, half images). These notes are added to the portfolio and contain the following information:
 - A brief description to contextualize the project (the commissioning authority, the budget, the period of execution and execution time, the main challenges of the project, the design principles used by the designer to raise the project to a higher level.)
 - Designation of the leader of the reference within the design team, supplemented with an indication of which tasks/aspects of the reference project were carried out by the leader of the reference;
 - Visual material that shows the architectural and spatial quality.
- It is important that the requested references are documented in such a way that the assessment can be done efficiently.

2.2 Selection

In order to submit their candidature for this assignment, the candidate must meet the following selection criteria:

2.2.1 Suitability to pursue the professional activity:

The requirements with regard to the suitability to pursue the professional activity are:

- proof of registration with the Belgian Order of Architects (add to portfolio)
- either proof that the candidate holds one of the diplomas, certificates or other titles listed in the appendix to the Act of 20 February 1939 and a certificate that the designer is lawfully engaged in the relevant activities in the country where they are based.

A candidate can be selected if the requested documents are submitted

2.2.2 Technical and professional competence

GENERAL DESIGN-BASED EXPERTISE

In addition to the provisions in the regulations, this concerns the know-how and the capacity of the designer to realize, through their design, objectives that are not merely related to the specific assignment as such, but to public commissioning in a broad sense. Candidates must demonstrate that, by taking into account the context of the spatial assignment, they can guarantee the public function of the design. The commissioning authority thus assesses insight into the social dimension of the assignment.

A candidate can be selected if it appears that the motivation text about the social dimension of the assignment has been submitted and if this motivation text contains arguments by which the candidate demonstrates that their work method can realize a social objective and guarantee the public function.

PROFESSIONAL COMPETENCE

For this assignment, the commissioning authority wishes to call upon a candidate with the expertise required to carry out the assignment. For this, the commissioning authority wishes to call upon a team of maximum three members, among whom the following experts or expertise:

- At least 2 architecture experts with 10 years' experience as project manager on a public project with a construction budget of at least € 10 million, excl. VAT.
- At least one of these 2 experts can show at least 10 years' experience in projects for a Belgian government.

A candidate can be selected if they submit a design team that, based on the submitted CVs and any signed letters of intent, meets the above requirements.

Additional areas of expertise (e.g. stability and technology engineer, theatre techniques, interior architect, restoration architect, mobility, participation, etc.) are not explicitly requested at this stage of the application process. Additional areas of expertise that the tenderer considers necessary for the execution of the assignment can be added at the offer stage.

2.2.3 relevant professional experience

The candidate illustrates their competences (design quality, conceptual ability, relevant experience, project management, etc.) by means of three relevant and qualitative references and a motivation why the reference project is relevant for this candidature.

The three reference projects meet the following criteria:

- One of the reference projects shows that the candidate has experience in designing a public building for a Belgian government.
- One of the reference projects shows the candidate's experience in designing a building in direct relation to a valuable cultural-historical site.
- One of the reference projects shows that the candidate has experience in building a project with a specific relation to public (park) space.
- One of the reference projects has a minimum construction budget of € 10,000,000 excl. VAT.

The following applies to these reference projects:

- The references should explain what role the designer played in the submitted project.
- The references show how the designer deals with the existing context and surroundings.
- The reference projects can be either built, under construction, or in the design phase. Competition entries are allowed if the assignment was awarded to the candidate.

A candidate can be selected if three references are provided in accordance with the above requirements and if the commissioning authority considers that the relevance to the assignment has been demonstrated.

As reference projects, all projects in which a member of the design team was involved are eligible.

The submission of more than three reference projects is not authorized, as this does complicate the comparability of the different candidatures. If a tenderer submits more than three projects, the commissioning authority reserves the right to consider only the three projects that are the most prominent in the portfolio.

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2.3 Selection limitation (art 79 Public Procurement Act)

The commissioning authority will limit the number of qualitatively selected candidates to the specified maximum of candidates, being the most suitable candidates on the basis of the 'general design-based expertise' and the 'relevant professional experience'. The Contracting Authority will make this ranking by assessing two of the selection criteria in a different way: insofar as there are enough qualitatively selected Candidates, it will assess the extent to which they meet the Contracting Authority's expectations, as understood from the objectives of the Open Call.

In this phase, the contracting authority will therefore proceed in a comparative manner. In what follows, the criteria used to restrict selection will be discussed.

GENERAL DESIGN-BASED EXPERTISE

The level of ambition of the 'motivation of the social dimension' is assessed. The know-how and the capacity of the designer to realise objectives through his design that are not merely related to the specific assignment as such, but to public commissioning in a broad sense, are hereby assessed together with the degree to which the 'social dimension' is reflected in the three reference projects. (on 25 points out of 75).

RELEVANT PROFESSIONAL EXPERIENCE

- The relevance of the three reference projects is assessed, taking into account the motivation for the relevance (25 points out of the 75).
- The commissioning authority bases its assessment on the design-based relevance rather than on the relevance in terms of programme and budget.
- The quality of the three reference projects is considered, with the architectural/spatial quality being taken into consideration (on 25 points out of the 75):

Architectural quality is considered by the contracting authority:

The extent to which the project relates to the environment in which it is realised. An architecturally qualitative building is contemporary in its design. It is culturally sustainable because it creates social added value for the community of users and neighbours. Architectural quality is present if the building or design has its own character and identity, determined by the representation of the starting points or ambitions underlying it.'

The motivation of the social dimension, the relevance of the three reference projects and the quality of the three reference projects are marked according to a five-part scale with the following points distribution:

- Limited: 5 points
- Satisfactory: 10 points
- Good: 15 points
- Very good: 20 points
- Excellent: 25 points

To indicate small differences, the contracting authority may use intermediate points (Example: 16, 17, 18 and 19 are points between good and very good). Based on the number of points, a ranking is drawn up in which the first candidates (according to the selection limitation) are deemed the most suitable. These are the candidates who are invited to submit a tender.

In case of a tie in the determination of the most suitable candidates, the equally ranked teams are ranked according to the score of the “quality of the three reference projects”, if the score is still the same: according to the score of “the relevance of the three reference projects” and if the score is still the same: according to the score of the “Motivation of the social dimension”.

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3. The Uniform European Procurement Document (ESPD)

In accordance with Article 73 of the Public Procurement Act, the candidate submits a completed Uniform European Procurement Document (ESPD). The ESPD consists of a self-declaration that the commissioning authority accepts as preliminary evidence that no ground for exclusion applies to the candidate and that the candidate meets the qualitative selection criteria.

The manual for creating an ESPD can be found on the website.

The completed ESPD of each registered design team is uploaded to the ‘My Open Call profile’ on the website.

Subcontractors do not have to submit an ESPD insofar as their capacity to fulfil the selection criteria is not called upon.

4. Reliance on capacity and subcontracting

Appeal to capacity in the context of selection (and unincorporated combinations) (art. 78 CC)

In order to meet the aforementioned selection criteria, the candidate may rely on the economic and financial capacity and/or the technical and professional capacity of other entities (subcontractors, affiliated companies, etc.). If this is the case, the candidate includes in the portfolio a document entitled ‘reliance on the capacity of another entity’. In this document the candidate mentions these other entities (subcontractors) and indicates how they are called upon.

In that case, the following rules apply:

- The candidate shall add the necessary documents to the portfolio, demonstrating the commitment of these subcontractors or other entities to provide the candidate with the resources required for the contract.
- These subcontractors or entities must not be subject to any grounds for exclusion. The documents

proving the grounds for exclusion (and the CEI) must also be submitted for all subcontractors whose capacities are relied on.

- If the contractor relies on capacity in the context of study and professional qualifications or relevant professional experience, he shall be obliged to actually use the subcontractors whose capacity he relies on for the performance of the contract. The use of other subcontractors is subject to the prior consent of the contracting authority (Art. 73§1, paragraph 1 RD Placement).
- If the candidate invokes his capacity in the context of economic and financial criteria, the entities or subcontractor invoked by the candidate are jointly and severally liable for the performance of the contract. The entities or subcontractors in question must accept this joint and several liability in writing in the aforementioned undertaking. If the aforementioned written acceptance is not given, the candidate may not invoke the capacity of that entity. This provision shall be without prejudice to provisions on joint and several liability under other laws, particularly those concerning social, fiscal and salary debts.
- However, such joint and several liability shall not apply to an architect who is part of a consortium in which a contractor is also present.
- The entities or subcontractors whose capacity is called upon should not find themselves in a situation of exclusion as referred to in articles 67 to 69 of the Public Procurement Act (see also above). If this is the case, the contracting authority may request the replacement of the entity in question. Failure to comply with a request for replacement will result in a decision of non-selection. Under the same conditions, a combination of entrepreneurs without legal personality (Temporary Partnership - TV) can rely on the capacity of the participants in the combination or of other entities. A combination of entrepreneurs submits an application for participation as a single entity. When applying online, it shall indicate which of the participants will represent the consortium (contact office) towards the contracting authority. Each participant in the consortium is jointly and severally liable to the contracting authority.
- The supporting documents regarding the grounds for exclusion (as well as the UEA) must also be submitted for each member of the consortium. If the candidate is selected to submit a tender in the second phase of the award procedure, the contracting authority will check whether the indications of capacity in the tender correspond to those in the request for participation (art. 73§2, para. 3KB Award).

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IF THE CANDIDATE APPEALS TO THE CAPACITY OF ANOTHER PARTY, THE COMMITMENT AGREEMENT AND ESPD SHALL BE ADDED TO THE PORTFOLIO FOR EACH PARTY APPEALED TO

Subcontracting without reliance on financial capacity

It is prohibited for a subcontractor to subcontract the whole of the contract awarded to him to another subcontractor. It is also prohibited for a subcontractor to retain sole coordination of the contract. It is always prohibited to use subcontractors who are in one of the cases referred to in Article 13 of the Execution RD.

Safeguarding competition

- A candidate may submit only one request for participation.
- The same entrepreneur can be a subcontractor of several candidates.
- In the second phase, only selected candidates can submit a tender. The joint submission of a single tender by several selected candidates is prohibited. In the second phase, a tenderer may submit only one tender. Each participant in a combination of entrepreneurs without legal personality is considered a tenderer. A tenderer cannot therefore submit a single tender alone and a single tender as part of a consortium.

5. Portfolio

- When applying on the website, each candidate must upload a portfolio. A 'candidate' can be an individual agency or a temporary partnership.
- the portfolio is uploaded in .pdf, .doc or .docx format and should not exceed 20 pages per project for which one is a candidate and 50MB
- Portfolios with more than 20 pages will be shortened to the first 20 pages. Page 21 and onwards will not be considered in the further selection process. the UEAs and commitment agreements from and with subcontractors relied upon in the context of 'carrying capacity appeals, will not be counted in the page count.
- If the same agency or temporary partnership is a candidate for several projects within this Open Call, the various portfolios will be made into one pdf. The maximum number of pages will then be '20 pages x the number of projects for which one is a candidate'. It is strongly recommended to make the distinction between the candidacy for the various projects clear and obvious in the portfolio
- Examples (non-exhaustive):
 - You are a candidate with your own agency for 'project A': You submit 1 portfolio containing the requested information for 'project A'.
 - You are a candidate with your own agency for 'project A' and 'project B': You submit 1 portfolio containing the requested information for 'project A' and 'project B'.
 - Your agency forms a temporary partnership with another agency and you are a candidate for 'project A': You submit 1 portfolio as a temporary partnership containing the requested information for 'project A'.
 - Your agency forms a temporary partnership with another agency and you are a candidate for 'project A' and 'project B': You submit 1 portfolio as a temporary partnership containing the requested information for 'project A' and 'project B'
 - You are a candidate with your own agency for 'project A' and with a temporary partnership for 'project B': You submit 2 portfolios: one portfolio for your agency with the requested information for 'project A AND one portfolio as a temporary partnership with the requested information for 'project B
 - You are a candidate with your own agency for 'project A' and with a 'temporary partnership X' for 'project B' and with another 'temporary partnership Y' for 'project C': You submit 3 portfolios: one portfolio (with the info of your agency) for 'project A' with the requested information for 'project A AND one portfolio together with the partner of 'partnership X' with the information for 'project B AND one portfolio together with the partner of 'maatschap Y' with the information for 'project C
 - You are a candidate with your own agency for 'project A' and 'project B' AND with a temporary partnership for 'project C': You submit 2 portfolios: one portfolio for your agency with the requested information for 'project A' and 'project B AND one portfolio together with the partner of the partnership with the information for 'project C C'

6. Overview of documents to be submitted and where they should be submitted

TO BE ENTERED ON THE WEBSITE, IN THE ONLINE PROFILE OF THE OFFICE

in each candidate's account (after logging in at <https://vlaamsbouwmeester.be/en/instruments/open-call/my-open-call/login> > my data. If a candidate has not yet created an account on www.vlaamsbouwmeester.be, the office can be registered on this web page.

- Contact details
- Company number
- The ESPD

In addition, non-Belgian agencies should add the following information:

- Proof of compliance with social security obligations
- Proof of compliance with tax obligations
- Proof of non-bankruptcy and financial status

To be entered on the website, in the module for the project candidature

- Selection of the projects for which the candidate is applying
- Choice of the office or partnership putting itself forward as candidate, including the creation of a new partnership (per project for which the candidate is applying)
- 'Motivation of the social dimension' in max 2000 characters (per project for which the candidate is applying)
- Three reference projects (per project for which the candidate is applying)
- Motivation of relevance to the three reference projects (max 1000 words per project)
- Upload portfolio (portfolio contents, see next)
- A portfolio is drawn up per form of candidacy. A form of candidacy can consist of a single office or a partnership of several offices.
- If a form of candidacy (office or partnership) is a candidate for several projects, a single portfolio will be drawn up that is submitted for all projects for which the form of candidacy is a candidate

CONTENT OF THE PORTFOLIO

- see point 5 for the form requirements of the portfolio
- document(s) proving 'suitability to pursue the professional activity' (Order of Architects, 1 A4 page)
- For each member of the project team: a CV of maximum two A4 pages in a legible font size, including relevant training, work experience or educational assignments.
- 1 note for each of the three reference projects, these notes take up a maximum of 12 pages A4 (portrait format) with a normal, legible font size. Each note contains a brief description to contextualize the project:
 - the commissioning authority
 - the budget
 - the period of execution and the execution time
 - the main challenges of the project
 - the design principles used by the designer to raise the project to a higher level
 - Designation of the leader of the reference within the design team, supplemented with an indication of which tasks/aspects of the reference project were carried out by the leader of the reference;
 - Visual material that shows the architectural and spatial quality.

IF THE CAPACITY OF ANOTHER ENTITY IS CALLED UPON, THE FOLLOWING IS ADDED TO THE PORTFOLIO:

- The document indicating the subcontractor in question and specifying how these entities are called upon
- The commitment between the parties (with acceptance of joint and several liability in case of economic and financial capacity)
- The ESPD of the subcontractor
- Supporting documents from the subcontractor in case of capacity in the context of economic and financial criteria, insofar as the commissioning authority itself cannot ask for these.

7. Award criteria

This section relates to the second stage of the procurement procedure, namely the evaluation of the bids. Applications to participate in the current phase of the procurement procedure will NOT be evaluated on the basis of these award criteria, but on the basis of the qualitative selection criteria mentioned above.

The selected candidates will receive the tender specifications at the second stage of the procedure and will be invited to submit a tender.

The selection restriction and the fee for submitting the tender will be stated on the project sheet on the website.

In the second phase, the contracting authority will determine the most economically advantageous tender on the basis of the best price-quality ratio, taking into account the following award criteria.

1. The quality of the concept and vision development and the design research in light of the ambitions and expectations of the commissioning authority as formulated in the specifications
 - a. in a broad social context
 - b. applied more functionally to the practical requirements of the user
 - c. in relation to the cultural-historical park environment
2. Process-orientation and process-readiness
3. Approach to integral sustainability
4. Cost control of construction cost
5. Indication of what expertise and services are provided for the set fee

The weighting of the criteria is respectively as follows: 6 / 3 / 2 / 2 / 1. The sub-criteria have the same weighting in each case.

