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Colombia



Name of the project.

TO CONTRACT THE TECHNICAL, ADMINISTRATIVE, FINANCIAL, ACCOUNTING, SOCIAL AND GENDER EQUALITY, ENVIRONMENTAL AND LEGAL OVERSIGHT FOR THE CONTRACT ARISING FROM THE CONTRACTING PROCESS WHICH IS BEING PUT FORWARD BY FINDETER, AND WHICH SUBJECT MATTER IS: "CONTRACTING FEASIBILITY STUDIES AND DESIGNS FOR THE TECHNICAL, LEGAL, FINANCIAL AND OF GENDER EQUALITY AND SOCIAL INCLUSION STRUCTURING OF A LOAD AND PASSENGER TRAIN BETWEEN BOGOTA AND ZIPAQUIRA.

Background.

The Train for the section Bogota-Zipaquira is a project of National, Departmental and District interest; as it is expected to improve mobility, connectivity, accessibility and competitiveness; both for Bogota D.C. and for the adjacent municipalities of Chia, Cajica and Zipaquira. The foregoing, as long as taking advantage of the infrastructure, that links those municipalities to the region, shall not only improve traveling times for citizens, but also contribute to reduce socio-economic gaps, as it is mentioned on the basis of the National Development Plan. This project is part of strategic plans, identified on the formation process of Capital Region, by means of its inclusion in the Common Agenda Bogota-Cundinamarca. Additionally, this project responds to the vision of a regional future, where rail transportation shall be part of the central mobility system (both for passengers and for load), recognizing in consequence the growing need to improve mobility conditions within the region.

Likewise, this project it responds to the planning objectives proposed on the Bogota- Cundinamarca Regional Planning Table, provided on document CONPES 3256 of 2003 "Policies and strategies for the development concerted management of the Region Bogota-Cundinamarca", where it was determined that "Territories relevant for global economy are characterized by integrating their most developed urban zones with their suburban and rural environments, giving rise to regional formations with the capacity of interacting competitively ...".

This project intends to structure a Multipurpose Rail System that allows transporting passengers and load. In this sense, this project shall be part of a Massive Transportation System, that shall be interconnected with future projects of the Regiotram de Occidente, Bogota's superficial heavy Subway and other transportation media, such as: Transmilenio, SITP, the Cab system and other bike trail networks.

Another aspect to be taken into account is that said project does not exclude the Project Metro de Bogotá D.C. (Bogota D.C.'s Subway). They are two projects that share several technical components, as they are rail systems for the transportation of passengers; therefore, it is necessary



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to conceive them as a sole one, further more if, after the priority line under study they coincide with the rail corridors that cross the city.

Therefore, Findeter seeks reactivating the rail transportation media in Colombia, by financing feasibility studies of rail corridors, by means of managing international cooperation resources.

To achieve this goal, Findeter applied to the resources offered by the “Prosperity Fund” of the British Embassy. With the purpose of improving infrastructure in the cities of Colombia, in the matters of mobility and transportation, as it is explained below.

The basic proposal contemplates a load and passengers train, between Bogota and Zipaquirá, that shall allow local and intermunicipal integration and shall guarantee an integral mobility service with feeder buses, local buses and intermunicipal buses. This project shall generate an important relief to mobility across autopista norte, collapsed today on peak hours, and become a multipurpose system. This offer shall also allow to keep using the companies from the Sabana Center-North and municipal of the region, significantly reducing the impact on the traditional system employment.

Other advantages offered by the Train between Bogotá-Zipaquirá are, on the one hand, most of the urban public transportation companies operating the service today, along this corridor, shall keep providing the service and; on the other hand, the rail system shall be a media that shall contribute to improve mobility in Bogota and other adjacent municipalities, in the north of the city.

For the reasons provided above, on June 12, 2019, Findeter subscribed an inter-administrative contract with the Governance of Cundinamarca, and with the Empresa Férrea Regional S.A.S. – EFR S.A.S., which subject matter is to: “Join efforts to “CONDUCT FEASIBILITY STUDIES FOR THE TRAIN BETWEEN BOGOTA D.C. AND ZIPAQUIRA”.

Arising from the technical assistance provided by Findeter, within the framework of the inter-administrative contract mentioned above, it is necessary to contract an oversight that shall follow the process of verifying, monitoring, advising and technically, administratively, legally, financially, accounting, socially and environmentally controlling the Consultant, which shall be contracted to conduct feasibility studies of the load and passenger train between Bogota km 5 and Zipaquirá km 53.

Scope and objectives.

The scope of the process shall be to contract the technical, administrative, financial, environmental, social, gender equality and legal oversight of the contract arising from the contracting process which



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is being put forward by FINDETER, and which goal is to: “Contract consultancy for the conduction of feasibility studies of a load and passengers train between Bogota and Zipaquirá”.

Oversight shall control, demand, cooperate and verify compliance of the execution of the consultancy’s deliverables; taking into account cost, time and quality parameters.

The Inspector shall supervise, monitor, verify and control the consultant’s obligations; according to its offer, the Terms of Reference and the contract itself. The inspector shall put forward this work, both with basis on its observations on the field and the compilation of timely and quality information, and the feedback of reports and evidences provided by the consultant, along the project.

Oversight shall control, demand, cooperate and verify compliance in the execution of the consultancy’s deliverables in FINDETER, as it may be necessary and taking into account cost, time and quality parameters.

As a fundamental part of the development of the works, the Inspector shall identify the variables, activities and results of each one of the components (technical, legal, financial, environmental and social), which replenish the consumables and products of the train feasibility studies; i.e., the expectation shall be for the different approaches to work in a joint, parallel and articulate manner.

Integral Oversight shall.

Verify the correct and timely compliance of the objectives and obligations provided in the Consultancy contract, which subject matter shall be to “Contract consultancy to conduct feasibility studies for a load and passengers train, between Bogota and Zipaquirá”, corresponding to Inter-administrative Agreement No. 048 of June 12, 2019, subscribed between FINDETER, the Governance of Cundinamarca and Empresa Férrea Regional S.A.S.; watching that the execution of the contract is adjusted to the applicable laws and regulations, as well as to the conditions provided in the respective proposal.

Act as facilitator between the Contractor of the studies’ Consultancy and the Supervision of the Oversight contract, to resolve technical differences, give concepts and suggest solution alternatives; and to take all actions tending to the improvement and efficiency of the development of the consultancy contract. Likewise, the Inspector shall advise on the technical, legal, social, environmental, administrative and financial aspects, to guarantee their effective execution. Notwithstanding the approval authority shall belong to the inspector, in first place.

Demand from the Contractor the information considered as necessary to verify compliance of the obligations at the charge of the Contractor.



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The subject matter of the contract arising from the selection process shall be to conduct the Oversight of the Contractor, who shall conduct the feasibility studies of a load and passengers train between Bogota and Zipaquirá. The beginning of the corridor subject matter of the study shall be located on Km 5 of the current rail corridor, close to the Shopping Center Gran Estacion (Calle 26) of Bogota, it shall run north across Avenida Novena and end at La Caro station. At this place, the railroad shall deviate to continue towards the municipalities of Chia, Cajica and Zipaquirá, where the railroad shall end on abscissa Km 53.

Procurement process schedule

SCHEDULE

Activity	Date, Time and Place, as it may correspond
Opening and delivery of the Terms of Reference, prior study, annexes, technical documents and other documents related with the process.	October 15, 2019
Hearing to clarify the Terms of Reference	October 21, 2019 Time: 02:00 pm Place: Main Office FINDETER Calle 103 No. 19-20 Bogota D.C. Online Assistance: tercerosfindeter@findeter.gov.co
Visit (tour) to the project section and its area of influence	October 22, 2019 Time: 10:00 am Av. 68 Calle 22
Reception of observations to the Terms of Reference and its annexes	Until October 23, 2019 Until 5:00 pm
Delivery of the report of response to the observations to the terms of reference, addenda, if applicable, and annexes; or prove or non-presentation of observations	October 30, 2019
Closing – Deadline to submit the offer Envelope No. 1 and 2 and Opening Envelope No. 1	November 8, 2019 Time: 10:00 am Place: Calle 103 No. 19-20 Bogota D.C.



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	Correspondence FINDETER
Delivery of the report on the verification of enabling requirements, and rectification requests	November 15, 2019
Opportunity to rectify and submit observations to the enabling requirements report	Until November 20, 2019 Until 5:00 pm
Delivery of the definitive Report on the Verification of enabling requirements	November 25, 2019
Opening Envelope No. 2 – Economic proposal and other qualification criteria of offers enabled	November 26, 2019 Time: 2:00 pm Place: Calle 103 No. 19- 20 Bogota D.C. FINDETER
Delivery of the evaluation and score assigning report (eligibility order)	November 29, 2019
Deadline to submit observations to the evaluation and score assigning report (eligibility order)	December 4, 2019 Until 5:00 pm
Delivery of the definitive evaluation and score assigning report (eligibility order), Minute of selection of contractor or cancellation of the bid, as it may correspond	December 9, 2019

Admin requirements for submission of bids

SUBMISSION METHOD

Bidders shall submit their proposal in writing (physical), in two (2) closed and separate envelopes, as it follows:

Envelope No. 1: Technical Proposal

It shall contain support documents and information provided on these Terms of Reference (including, among others, documents to prove enabling requirements of the proposal, at the legal, financial and technical levels provided herein) and shall be labeled as Sobre Propuesta Técnica (Technical Proposal Envelope).

Envelope No. 2: Economic Proposal – Of Specific Additional Experience of the Bidder and other qualifying and deliberating criteria.

It shall contain: 1). Economic proposal; 2). Information about Contracts which the bidder intends to submit for grading, in physical and magnetic media; and other information or documents with which the bidder intends to have access to scoring, according to the established criteria.



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Evaluation criteria.

ENABLING REQUIREMENTS

Legal Verification: Verification of compliance of all requirements, both legal and of all demanded on the terms of reference, and of conflict of interests.

Technical Verification: Verification of compliance of specifications provided on the terms of reference, and of the minimum criteria demanded from the point of view of experience.

Financial Verification: Verification of the factors of financial order established herein.

LEGAL ENABLING REQUIREMENTS.

Certification of existence and legal representation

Document of incorporation of a plural bidder (if applicable):

General provisions for plural bidders

Citizenship card or its equivalent

Certification of fiscal responsibility of the Comptroller General of the Republic

Certificate of criminal record of the Attorney General

Prove of criminal records of the legal representative of the legal entity

Authorization for temporary exercise of the profession in Colombia

Bid bond

Taxpayer ID Number or its equivalent

Certification of compliance with obligations of the general integral social security system and paralegal contributions

Certification of the auditor

Bidders register certificate of the company register of the chamber of commerce (if it is registered)

Prevention of money laundering and financing of terrorism

FINANCIAL ENABLING REQUIREMENTS

National Bidders:

Financial verification shall be made taking into account financial information as of December 31, 2018, reflected on the bidder's Financial Statements. The bidder shall submit the following documents with its offer:

Balance Sheet and Income Statement as of December 31, 2018; and notes to the Financial Statements, as of December 31, 2018. On the terms provided on the current legislation.



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Financial Statements Certificate, as of December 31, 2018. Signed by the legal representative and the accountant.

Concept of the Auditor, in respect to the financial statements as of December 31, 2018. If required by law.

Legible photocopy of the professional license of the Public Accountant and the Auditor (if applicable).

Legible photocopy of the citizenship card of the public accountant who elaborated the financial statements, and of the auditor (if applicable).

Photocopy of the disciplinary records certificate, issued by the Central Board of Accountants, the auditor (if applicable) and the public accountant, valid on the date of reception of the proposal.

The concepts of CURRENT ASSETS, TOTAL ASSETS, CURRENT LIABILITIES, TOTAL LIABILITIES AND EQUITY shall be dully classified on the balance sheet, in a manner to allow calculating the established financial indicators.

Foreign Bidders:

FOREIGN LEGAL ENTITIES WITH DOMICILE OR BRANCH IN COLOMBIA

In case of foreign legal entities with domicile or branch in Colombia, and in case of national legal entities with a 100% percent of foreign participation, financial verification shall be performed taking into account the financial information as of December 31, 2018, reflected on the consolidated Financial Statements of the parent company. For the purposes of said verification, the bidder shall fill out and submit the following documents with the offer:

Consolidated Financial Statements (Balance Sheet and Income Statement) of the parent company, as of December 31, 2018. Accompanied by a translation to Spanish language and submitted in accordance with the accounting technic, especially in accordance with the guidelines provided on the accounting and financial information regulations accepted in Colombia (NCIF); expressed in Colombian pesos, at the exchange rate (TRM) of their cutoff date, indicating the conversion rate; and signed by the legal representative (Colombian or from the parent company), the Colombian public accountant and/or the Colombian auditor who converted the financial statements. The concepts of CURRENT ASSETS, TOTAL ASSETS, CURRENT LIABILITIES, TOTAL LIABILITIES, EQUITY AND NET INCOME shall be dully classified on the Balance Sheet.

Legible Disciplinary Records Certificate of the Accountant and/or Auditor who signed the Financial Statements converted to Colombian pesos. Issued by the Central Board of Accountants. With issuance date not later than ninety days before the date of submission of the offer. Dully updated.



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Photocopy of the Professional License of the Public Accountant and/or Auditor, as the case may be, who converted the Financial Statements to Colombian pesos.

FOREIGN LEGAL ENTITIES WITHOUT DOMICILE OR BRANCH IN COLOMBIA

In case of foreign legal entities, they shall provide the following financial information, in accordance with the legislation of the country of origin and with the provisions of article 258 of the Colombian Civil Procedure Code, accompanied by a translation to Spanish language, with values converted into Colombian pesos, at the exchange rate of their cutoff date, endorsed by the signature of who is under the obligation to do so, in accordance with the current legislation of the country of origin:

Financial Statements (Balance Sheet and Income Statement) as of December 31, 2018. Accompanied by a translation to Spanish Language. Submitted in accordance with the accounting technic, especially with the guidelines provided on the accounting and financial information regulations accepted in Colombia (NCIF), established in Law 1314 of 2009, regulated by Regulatory Decree 2420 of 2015, modified by Decrees 2496 of 2015, 2131 of 2016 and 2170 of 2017, and other regulations which supplement, modify or substitute them. Expressed in Colombian pesos, at the exchange rate (TRM) of the cutoff date of the same, indicating the conversion rate. Signed by the legal representative (Colombian or of the parent company), the Colombian public accountant and/or Colombian auditor who converted the financial statements. The concepts of CURRENT ASSETS, TOTAL ASSETS, CURRENT LIABILITIES, TOTAL LIABILITIES, EQUITY AND NET PROFIT shall be dully expressed on the Balance Sheet.

Financial Statements and financial documents issued abroad shall be certified by the Consulate and apostilled, according to law, and their cutoff date shall be December 31, 2018, except if it is dully proved that the legislation of the country of origin provides a cutoff date different than the one provided herein.

Legible Disciplinary Records Certificate of the Accountant and/or Auditor who signed the Financial Statements converted to Colombian pesos. Issued by the Central Board of Accountants, on a date not later than ninety days before the date of submission of the offer. Dully updated.

Photocopy of the Professional License of the Public Accountant and/or Auditor, as the case may be, who converted the Financial Statements to Colombian pesos.

Language – Documents with which the bidder shall prove its enabling requirements, and which were originally written in a language different than Spanish, shall be translated to Spanish and shall be submitted on their original language, accompanied by a translation to Spanish language. The bidder may provide a simple translation to Spanish language. If the contract is awarded to the bidder, it shall



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provide an official translation of the documents submitted on a foreign language. Official translation shall contain the same text submitted to prove enabling requirements.

Currency – Bidders shall provide financial information on the currency of the country in which they were issued and, additionally, in Colombian pesos. The bidder and the contracting Entity, for the purposes of proving and verifying the enabling requirements, shall take into account the exchange rate valid for the date on which the financial information was issued. For that purpose, the bidder and the contracting Entity shall take into account the exchange rate certificated by the Financial Superintendence of Colombia.

All financial information shall be submitted by individuals and legal entities, as well as by each one of the partners of a consortium or temporary association, either an individual or a legal entity. Financial information shall be submitted in pesos (Colombian legal tender) and shall be signed by the Legal Representative and the Accountant and/or Auditor.

“Financial Verification” (National and foreign)

The “FINANCIAL VERIFICATION” shall be submitted, dully subscribed by the Legal Representative and the Auditor or Accountant, if there is no Auditor.

Documents above shall be submitted in Colombian legal tender.

Evaluation indicators shall be calculated with basis on the legal entity financial statements 2018.

INDICATOR	VARIABLES	CONDITION
Level of Indebtedness	Total Liabilities/ Total Assets	$\leq 65\%$
Liquidity	Current Assets / Current Liabilities	≥ 1.2 times
ROE	Net Profit / Equity	$\geq 5\%$

In case of consortiums or temporary associations, to make calculations indicators shall be calculated in accordance with the ownership interest of each one of the partners, multiplied by the corresponding item.



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Budget and payment conditions

METHOD OF PAYMENT

FINDERER shall pay to THE INSPECTOR, the amount for which the contract shall be awarded.

A first payment, corresponding to 15% of the total value of the contract (including VAT), against the delivery and approval of the Oversight Work Plan, by the supervision.

80% of the total value of the contract (including VAT) shall be paid in accordance with the delivery of the products developed by the Consultant and approved by the oversight and the supervisor, according to the following distribution:

PHASE	No.	PRODUCT	% OF THE PAYMENT WITH RESPECT TO THE TOTAL VALUE OF THE CONTRACT
PHASE I	1	Work Plan, Methodology and Schedule Report	5%
TOTAL PHASE I			5%
PHASE II	2	Hydraulic, Hydrology, Subsidence and Inventory of the relocation of network of services (including oil pipeline and polyduct), Topography and geometrical alignment of the road, Geology and Geotechnics.	8%
FASE II	3	Transit, Transportation and Mobility, Bridges, Pontoons and Viaducts, Infrastructure, Superstructure and Platform; Stations, Edifications and Urban Insertion; Environmental Study and Property Tax Evaluation	7%
	4	Legal, financial and Social Management and Gender Equality Diagnostic Report.	5%
TOTAL FASE II			20%
FASE III	5	Transit, Transportation and Mobility; Environmental Study and Property Tax Evaluation	5%



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PHASE	No.	PRODUCT	% OF THE PAYMENT WITH RESPECT TO THE TOTAL VALUE OF THE CONTRACT
	6	Bridges, Pontoons and Viaducts and Design of the relocation of network of services (including oil pipelines and polyducts)	10%
	7	Geology, Geotechnics and Hydraulic, Hydrology and Subsidence	10%
	8	System Operation and Maintenance; Rolling Material and Wayside; Infrastructure, Superstructure and Platform; Stations, Edifications and Urban Insertion; Power Distribution System – Contact Air Line (Catenary); Communication systems, safety, train signaling and control; Patios and Workshops; and Collection System	15%
	9	Legal, financial and social Management and Gender Equality structuring.	5%
TOTAL PHASE III			45%
FASE IV	10	Integral Structuring and Final Arts	10%
TOTAL PHASE IV			10%

A last payment, corresponding to 5% of the total value of the contract (including VAT), against the liquidation of the contract.

ESTIMATED BUDGET

The estimated budget for the execution of the oversight contract shall be up to the amount of TWO BILLION FOUR HUNDRED FOURTY-TWO MILLION TWELVE THOUSAND HUNDRED NINE HUNDRED SIXTY-ONE PESOS LEGAL TENDER. (\$2,442,012,961) INCLUDING VAT and all costs, expenses, taxes, rates and contributions which may be incurred for the purposes of entering into and executing the contract.

The following minimum and maximum values shall be taken into account for the bid:



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Description	Minimum Value (80% of the maximum value)	Maximum Value (100% of the estimated value)
TOTAL ESTIMATED VALUE	\$ 1,953,610,369	\$ 2,442,012,961

In any case, the bidder shall offer a corrected value that shall not exceed the 100% or be lower than 80% of the budget established for the oversight to be contracted, under the penalty of rejecting the offer.

Project duration and expected deliverables

TERM OF EXECUTION OF THE CONTRACT

The term provided for the general execution of the Contract shall be SEVENTEEN (17) MONTHS, from the subscription of the Minute of Contract Start-up of the execution of the technical, administrative, financial, environmental, legal, social and gender equality oversight of the execution of the Consultancy contract for the conduction of feasibility studies. This oversight shall develop its activities in accordance with the activities and phases of the studies and its corresponding annexes, developed by the Consultant.

The Inspector shall:

Submit a report (Work Plan), within five (5) first business days from the signature of the minute of Contract start-up, containing the set of activities to be developed, their description on the terms of the methodology that shall be followed for its implementation, their schedule, the requirements and the entirety approach that the Inspector shall give to his project.

Give celerity to the processes required by the Consultant to perform the project. In this sense, the Inspector shall anticipatedly review the products made by the Consultant, if the Consultant delivers them before scheduled.

Analyze the contract, bidding specifications, annexes and any other document related with the project to which oversight shall be performed.



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Review the consultancy products and respond in accordance with the deadlines provided on the Product Review and Approval Protocol, defined between Findeter, the Oversight and the Contractor. Be the secretary of the Technical Committee, perform calls, meeting minutes and other documents and activities arising from said obligation.

Review and approve the structure of the product Development Oriented towards Sustainable Transportation, on the area of influence of the project stations.

Taking into account that the CONSULTANT shall develop the project based on the methodology provided in Annex VI, Building Information Modelling (BIM), of the Consultancy Terms of Reference, the INSPECTOR shall have the obligation to provide specialized personnel for the revision and supervision of the deliverables related with this methodology.

Monthly reports:

Monthly reports shall be submitted to the Supervision, within the first ten (10) calendar days of the month following the one to be reported. Reports shall methodologically include an executive part, containing management and advance indicators, in a graphic manner; and other tools to allow their efficient comprehension.

Report about the state of progress of the products:

It shall contain analysis of the Consultant products:

The report shall contain the concept of the Oversight about all and each one of the matters which revision, verification and analysis is at its charge. In accordance with the contract documents, the offer and the Oversight Manual of Findeter.

Taking into account that all activities and obligations, related with contracts, are subject matter of control and monitoring, the Inspector shall register the progress and compliance status of contracts on its reports. These reports shall support disbursements, penalties, interventions, recommendations, etc., arising within the framework of the Oversight Contract, taking into account the conditions agreed on the payment clause of said document.

Final Report:

Prior termination of the Oversight contract, a compulsory final report shall be delivered. It shall contain a general analysis of the consultancy and oversight development.

This report shall contemplate clear and accurate information about the development of the contractual purpose.



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Extraordinary reports:

Supervision of the Oversight Contract may request, at any time, the performance and submission of any report related with the contract control and monitoring.