

**COMPETITITON TERMS AND CONDITIONS FOR THE ARCHITECTURAL
DEVELOPMENT OF THE INTERNAL REGENERATION SPECIAL PLAN FOR THE
"GREEN BLOCK [MANZANA VERDE]" WITH THE INTERVENTION OF A JURY.
SUNC-R-P.2-A OF MALAGA GENERAL LAND-USE PLAN**

"NEW WAYS OF LIVING - GREEN BLOCK [MANZANA VERDE]"

1. BACKGROUND

Green Block is a pilot project of urban regeneration, within the framework of the MED Programme included at Objective 3 of European Union Territorial Cooperation and driven by OMAU European Programmes Service, aiming to combine the best characteristics of the classic Mediterranean city: a city with compact buildings, complex uses and functions, and pedestrian proximity to basic services and equipment.

The Special Plan developing the Green Block planning was approved on 22nd December 2015. The original characteristics of the project are indicated in the document's report:

"The Green Block project is part of the MED PROGRAMME, a transnational cooperation programme included in the European Union's Territorial Cooperation Objective 3.

Within this framework, the objective of CAT-MED is to prevent environmental risks related to climate change through the convergence of metropolitan strategies and actions.

The CAT-MED project "Changing Mediterranean metropolises gradually" is managed by Malaga city council through the European Programme-OMAU and relies on the following partner cities: Barcelona, Valencia, Seville, Rome, Turin, Genoa, Marseilles, Aix-en-Provence, region of Attica, Thessaloniki.

On the first phase, the 11 metropolises involved in the project will define a common system of indicators to help establishing some common objectives based on the optimal objectives defined by indicators. The indicator viewer developed by the

OMAU in the GIS database is the working tool that was used to group and compare the results provided for each city in real time and within the geographic framework of the Mediterranean.

The practical application of how to achieve these optimal objectives in a "green block" area selected for each involved city was the project's pilot principal activity. These green blocks are small-scale models of compact, complex, diverse-use, travel and energy saving cities and allows working on real problems and their solutions including a wide range of geographical realities in the Mediterranean.

The area selected in Malaga is within the SUNC R P.2 area which integrates the former PERI-P.5 area "El Duende" from the 1997 land-use plan which was not developed and the fields currently occupied by the San Rafael industrial polygon where the new general plan proposes, in one of the biggest restructuring projects of the consolidated city and taking advantage of the opportunity offered by the tunnelling of the railway lines, a residential development area completing the connections from either side of the track.

The SUNC-R-P.2 area is divided into two polygons for its development. The aforementioned SUNC-R-P.2-A intercity regeneration project concerns one of these two polygons (A) represents the scope of the current project, the Green Block. The municipal land currently houses the activity of the Municipal Services and the Municipal Transport Company which are planning to move in the future. The scope of action includes the entire project area, the different developable residential areas and the public space within the polygon, both local green areas as well as interior spaces between blocks.

The reorganisation of a relatively central area in the city is planned through the development of various special plans for former industrial and storage areas, which represents a significant urban intervention to regenerate a disjointed area without an image and urban references.

The Malaga Green Block comprises an area of 94,000 m² and includes the intended creation of 963 dwellings with services and infrastructure which, in addition to the values set out in the CAT-MED programme's system of indicators, will quantitatively exceed the legal minimums and qualitatively meet optimal environmental, economic and social sustainability levels.

The urban plan devised is that of a super block in a trapezoid shape where traffic travels around the outside, leaving vehicles within the polygon restricted to residents and traders. The urbanisation and the construction will be governed by

criteria concerning energy efficiency and waste management, a reduction in the consumption of water resources and CO2 emissions so that the urban metabolism balance is zero. Consideration of the public space as an articulator of the urban fabric, its design and furniture will be one of the priority questions in this action.

2. PURPOSE AND LOCATION OF THE COMPETITION

The process followed for the development of the green block, in its planning phases and in its urban development, including parameters beyond those required by legislation and resonating the demands and recommendations with respect to climate change and environmental, economic and social sustainability, would only go halfway if the residential construction proposal planned did not meet the same requirements.

Therefore, within this process, the purpose of the competition is **the selection of the proposals which offer the best construction and organisation and design solutions for the public spaces within polygon I the "Green Block" although an overall vision is maintained of the organisation of the project**, making a contribution to new ways of living, that is to say moving forward with open design systems, incorporating the ability of a flexible design that allows change and transformation of housing to different family compositions, life changes over time or space requirements based on family or professional situations that may be linked to the home itself; response to the appropriate location of the spaces (semi-public) as relationship centres between its inhabitants and the incorporation of systems and new generation materials that incorporate better energy performance.

The connection of Green Block to the urban model set out in Malaga Urban Agenda 2015 is one of the main objectives and challenges along with its relationship to the mitigation of climate change as part of a neutral metabolism.

The model of a compact Mediterranean city complex in its uses and functions and close to basic services is a priority of the green block as is the observation of the system of sustainability indicators incorporated as a results monitoring system.

The architectural proposal shall take place in accordance with that set out in the current land regulations concerning the SUNC-R-P.2-A "Green Block" Internal Renovation Special Plan with each proposal considering the architectural development of the area.

3. NATURE AND LEGAL ARRANGEMENTS FOR THE COMPETITION

- 3.1 This **project competition with the intervention of a jury** has a public character and is convened by Infrastructures, Works and Urbanism Management body of the Malaga City Council in virtue of the delegation of powers conferred by the Local Government Board on July 29st of 2016, driven by the OMAU European Programmes Service, in collaboration with the Housing Municipal Institute (IMV) and the Official Chamber of Architects of Malaga and Madrid for technical advice through OCAM (Competitions Office of the Chamber of Architects of Madrid) as a Support and Advice Technical Office; and it will be developed by **one single-phase** at the level of a preliminary project.
- 3.2 The parties are expressly subject to that set out in these terms. For that which is not covered in these terms, the competition is governed by Legislative Royal Decree 3/2011 of 14th November which approves the consolidated text of the Law on Public Sector Contracts and by its General Regulations; Law 7/1985 regulating the Local Regulatory Bases of 2 April modified by Law 57/2003 of 16 December on measures for modernising local government. Additionally, the remaining rules of administrative law shall be applied and, failing that, those of private law.
- 3.3 The competitors declared winners in accordance with this competition conditions shall be awarded with the right to participate at an unpublished negotiated procedure in accordance with article 174d) of the TRLCSP with the aim of the working assignments for the basic and execution projects for buildings and public spaces concerning this competition, in accordance with the proposal made by jury for this purpose.
- 3.4 The prizes awarded in the competition will be assumed by Malaga municipal council along with the costs of the professional fees for the works mentioned in the previous point. Malaga municipal council will assign these costs to the successful bidders of the plots in the green block subject to the competition, as part of the disposal of the same, so that these plots will; be disposed of with their respective execution projects.

4. ORGANIZATION OF THE COMPETITION

- 4.1 The competition will be managed by the Infrastructures, Works and Urbanism Management body through the Contract and Procurement Service; with the cooperation of the Official Chamber of Architects of Malaga and Madrid according to the relevant contract signed to that effect.

- 4.2 Communications related to this competition concerning consultations prior to proposal submissions shall be sent to the Competitions Office (OCAM) -always regarding technical issues related to the urban planning that may not have any effect on the competition development-, OCAM contact details are as follows:

OCAM – Architecture Competition Office of Madrid

Address: C/ Hortaleza, 63, 1st floor - 28004 Madrid

Phone: 91 595 15 48 - Fax: 91 595 15 18

Email: ocam@coam.org

Web: <http://www.coam.org/es/servicios/concursos/concursos-ocam>

Opening times: Monday to Friday 8.30am - 3pm; Thursday 8.30am - 6.30pm.

5. CAPACITY CONDITIONS TO PARTICIPATE IN THE COMPETITION

- 5.1 This competition is open to all architects with the ability to act and with no conflicts of interest preventing them from contracting with the administration under current legislation. Architects considered legally capable of working on Spanish territory are those in possession of the title of Architect, either Spanish or properly recognised qualification (titles from the European Union, Iceland, Lichtenstein, Norway and Switzerland) or officially accredited in Spain.
- 5.2 Anyone meeting the required conditions may participate as a natural person as well as legal persons whose corporate purposes correspond to the purpose of the competition, as long as the team manager or manager of the works is an architect, who will appear as the designer responsible for all purposes of the competition.

6. REGISTRATION, INFORMATION AND CONSULTATION

- 6.1 No prior registration will be required. The mere presentation of the documentation set out in clause 7 is sufficient to enter the competition.
- 6.2 The documentation provided by the competitors will contain, in addition to these bases (administrative conditions), the annexes for the registration and identification of competitors, the Internal Renovation Special Plan for the "Green Block" -subject of the competition- and other graphic and legal information related to said document.

The full competition documentation can be found on the OCAM website, on the OMAU's website (www.oma-malaga.com) and in the contracting profile of Malaga municipal council from the time of its launch and can be freely consulted by

anyone interested.

- 6.3 Consultations are permitted until the final date for proposals presentation -the exact date will be published on the website- consultations related to legal or administrative issues can be done by email and until 60 days after the OJEU publication of the notice -the exact day will be published on the website- technical, programme or urban consultations can be done. Full and anonymous details of any consultations and clarifications made will be published on the competition website within a maximum period of one week from aforementioned date. Administrative consultations will be analysed and answered by the competition's secretariat. Any technical, scheduling or urban consultations will be analysed jointly by Malaga municipal council and answered by OCAM. Simple consultations regarding the competition process may be answered on the website as they are received with the competition's secretariat choosing between the providing an immediate response and waiting to provide a response until the date provided at the start of this point.

The list of consultations and responses, together with the complete conditions, will be provided to the competition's jury at the time of its constitution.

7. DOCUMENTATION TO BE PROVIDED BY COMPETITORS

- 7.1 **PACK 1: Two panels with size DIN-A2** (420 x 594 mm) typeset vertically and mounted on light foam board, preferably white and 5 mm thick, which include the slogan chosen by the competitor.

It is recommended that the plans are represented using a defined and commonly-use scale and that the graphic scale is included. Other graphic expressions explaining the proposal may be used, including: intentions report, basic parameters of the budget proposal and actual implementation of the intervention, which will be strictly contained in said panels.

- 7.2 **PACK 2: Digital documentation (USB device or CD):** in addition to the panels, and included in a different pack, identified externally by the use of the same slogan as the panels, a USB device or CD will be provided containing:
- **Reproduction of the panels** in a single PDF image file produced from a JPG archive with a resolution of 300 dpi. The file will have the slogan selected and will be provided in a reasonable size (not greater than 5MB).
 - **A written file**, containing a maximum of ten (10) pages in A4 size and PDF

format, which will contain a description of the solution provided and an estimated cost of the execution of the same. The file will have the slogan selected followed by the word _REPORT and will be provided in a reasonable size (not greater than 5MB).

The files may be used in publications and to create a compilation of all the proposals submitted to be available to all members of the jury prior to their deliberations for detailed study.

The CD/USB must not be placed in the administrative documentation pack since in this case it will not be opened to avoid compromising the anonymity of the competitor. The presentation of the CD/USB within the identification pack will mean that it will not be possible for the technical committee or the jury to access the graphic and written documentation there contained until pack 3 is opened.

7.3 **PACK 3: Administrative documentation.** In a closed pack **with no identification on the outside other than the slogan and competition name (NEW WAYS OF LIVING - GREEN BLOCK)** the following documentation will be provided:

- **Registration form** identifying the participants according to the templates for individuals, companies or mixed teams attached in **annex 1** (1.1, 1.2 or 1.3) to these conditions, indicating the contact person for the purpose of notices.
- **Responsible Statement** confirming that the team involved does not have any **conflicts of interest** to be contracted according to the template attached in **annex 2** of these conditions. Individual statements should be provided by all the co-designers of the proposal or the legal representative in the event of a company. They will be considered as co-designers who will share the contract in case they should be winners.
- **Responsible Statement** that the team jointly meets the **qualification** conditions required to participate, according to the template attached in **annex 3** of these conditions, signed by all the co-designers.

8. DEVELOPMENT AND PRESENTATION OF PROPOSALS

8.1 The deadline for the submission of proposals is 90 calendar days from the publication of the notice at the Official Journal of the European Union (OJ). The exact date will be published on the website.

8.2 The complete dossier of this competition, with its terms and conditions and other elements, may be examined at the Contract and Purchase Service of the GMU, from 9:00 to 13:00 h, except from Saturdays and holidays, starting from the next working day after the tender publication notice at the Official Journal of the European Union.

8.3 The documentation may be submitted:

- By hand, at the Contract and Purchase Service of the Infrastructures, Works and Urbanism Management body of Malaga City Council.

Address: Paseo Antonio Machado 12, planta 6º, bloque A, 29002 Malaga

Phone: +34 951 928 833

Opening times: Monday to Friday 9.00am – 3.00pm

- By postal mail, until midnight, in a closed pack sent exclusively to the secretariat of the Trading Desk, to the following postal address:

Infrastructures, Works and Urbanism Management body of Malaga City Council (Gerencia Municipal de Urbanismo, Obras e Infraestructuras del Ayuntamiento de Málaga)

Address: Paseo Antonio Machado 12, 29002 Malaga

Any proposals arriving by postal mail at the secretariat of the competition Trading Desk until the establishment of the Jury will be accepted, provided that both of the following conditions are met:

- a) that the submission was sent by registered post before the deadline;
- b) that the submission was also notified before the deadline by fax or email with the indication of a reference number to identify this and the proposal's slogan to the Contract and Purchase Service of the GMU.

The packages must be sent unencumbered and without liens of any type. Neither the convening organisation nor the competition's secretariat will assume any costs or processes of any type for custom messengers or similar and any submission arriving under said conditions will be accepted.

8.4 After delivered or submitted, the documentation cannot be withdrawn unless it is justified.

8.5 No proposal will be accepted if it has not been formalised in the set out terms of both documentation and deadline and form of the delivery.

- 8.6 After the submission deadline, the competition's secretariat will prepare the submission report which will state the numbers of proposals received and their slogans, which will be published on the OCAM website. In addition, pack number 3 for all proposals will be kept by the competition's secretariat until the public tender opening.

9. THE DECISION OF THE COMPETITION

- 9.1 After receiving the proposals, the jury will meet for a plenary session and after discussion it will propose the competition's winning proposals to the Contracting Authority and the designers of said proposals, according to that set out in the conditions, will be granted with the respective awards.

Given that in reality there are five competitions managed jointly and that each of these five competitions has a winner, the jury will decide on the awarding of prizes to **a minimum of one and a maximum of five proposals.**

- 9.2 The identity of the designers of the respective proposals will be revealed at the public tender opening. The place and time of said event will be announced by the legal means established for that and on the competition's website at least 24 hours in advance.
- 9.3 Subsequently, the minutes of the decision will be published via the same means. The explanatory graphic documents accompanying the winning proposals will be available on the web and managed by OCAM exclusively to reduce their size for a better exhibition and internet access.

10. ANONYMITY

- 10.1 The Contract and Purchase Service of the Urbanism Management body will be assisted by OMAU in processing of the competition's administrative procedures if needed, thus guaranteeing the anonymity of the designer of the proposals at all times.
- 10.2 The slogan required for the technical documentation and the pack containing the identification form will be freely chosen by the participants with no format restrictions.
- 10.3 On the outside of the administrative documentation pack, it will be clearly indicated in case of not being selected whether the competitor would prefer to

remain anonymous both for the public exhibition of the works and their possible publication as a hard copy or on the website.

- 10.4 The material received will be unpacked and prepared for examination by persons completely independent of the jury, who will be careful not to harm the anonymity of the proposals by removing any reference to the sender which may appear on the envelope of the packs or on the shipping documents.

11. JURY

The jury will comprise regular members of the GMU Trading Desk and can incorporate up to five (5) personalities with recognised competence in the relevant field, designated by the contracting body and whom will participate at the deliberation entitled to speak and vote, according to the article 323.1 of TRLCSP. The title of Architects is required for at least one third of the members of the Jury-Desk, in accordance to article 188 of TRLCSP.

From those five designed personalities, two of them must be architects of recognised prestige proposed between those proposed by OMAU and OCAM, by mutual agreement, and designated in all case by the Contract Body of GMU.

The jury may also designate as many experts as it deems necessary to evaluate the submitted works.

The Jury Secretariat will be the one of the Trading Desk.

So that the jury can perform its tasks, half plus one of its members must be present at all assessment sessions and the two architects of recognised prestige are required to attend all assessment sessions, in addition to the presence of the Trading Desk President and Secretary too.

When creating the jury, its members declare not to be aware of any conflicts of interest with any of the participants in the competition. In the event of a conflict of interests, the member of the jury affected by this will leave the jury or delegate if this is possible; this will be considered when establishing the quorum.

The jury may invite experts in the subject of the competition to the deliberation sessions, with a voice but with no voting rights. The guests shall declare beforehand that there are no conflicts of interest with any of the proposals submitted in the competition.

Prior to the convening of the jury, all proposals submitted will be exhibited to the public for one day with the attendance of some members of the jury who will be responsible for responding to any doubts raised by the attended public.

11.1 The tasks of the jury are as follows:

- Analysis of the documentation and final acceptance of the works.
- The reasoned proposed exclusion of works not accepted will be set out in the minutes and may be due to:
 - a) Submission after the deadline or not meeting that set out in the competition's conditions.
 - b) Insufficient documentation for a proper assessment of the proposals;
 - c) Breach of anonymity, either because they revealed authorship by any means, including by presenting graphic elements of the identity of the author of the proposal;
 - d) Any duly accredited attempt to pressure a member of the jury.
- The analysis of the proposals submitted and the assessment of the same may be based on any opinions deemed appropriate.
- Monitoring and enforcement of strict anonymity is required when examining the documentation.
- The proposed final decision must be reasoned.
- In any case, it must meet that set out at TRLCSP and 2015/14 law from the 1st October regarding Public Sector Legal System on the actions of the collegiate bodies.

The secretariat of the jury will prepare minutes detailing all actions and meetings.

11.2 Procedure for judging the competition:

From the effective receipt of all the proposals, all the panels received will be made available for analysis by members of the jury who will be given the time deemed necessary for this. All members of the jury will be sent a CD containing all the files sent by the competitors identified with the respective themes.

In any of the deliberation sessions, and prior to any other consideration, the acceptance or not of all the proposals is discussed.

The Jury-Desk will agree on a selection process and based on the quantity and

quality of the proposals submitted; on the understanding that their agreements may always be in accordance to the established rules for the collegiate bodies.

The Jury-Desk will unanimously set out, and record in the minutes, the reasons why the winning proposals are considered worth of the award. Any member of the jury may issue a separate opinion of they so wish.

12. ASSESSMENT CRITERIA

The assessment of the proposals will be based on their global quality studied according to the specific complexity of the competition. The assessment criteria will include:

- The adequacy of the proposal, both to the environment and the urban landscape, the scale of the action and the requirements of the functional agenda along with the ideas developed in the "Green Block" inner-city regeneration project, including the related sustainability indicators and the considerations of the 2011 Malaga Charter of Sustainable Urban Models.
- The architectural and urban quality of the proposal (formal expression, understanding of the cultural values, presence and representation of the action). The size and composition qualities of the buildings, their functionality and adaptability in terms of form considering the new types of family in the current society. Innovation and use of the formal language presented.
- The consideration of the public space as a urban and landscaped scene, the types of pavements on the paths, furniture, types of trees and green zones as well as the organisation of advertising boards, awnings, kiosks and other types of installations.
- The technical, urban, economic and construction viability of the proposal as well as the integration of technology in the proposals.
- Economic and environmental sustainability criteria, energy maintenance and efficiency, with the incorporation of criteria concerning zero metabolism, energy sustainability and innovation, environmental impact and resources used. Passive and active energy saving measures. Reduction of sound pollution. Reduction of the light contamination and preservation of darkness. Water management. Etc.
- The universal accessibility and design criteria for all.

13. AWARDS

The following awards will be granted:

- Each author will receive a prize of twelve thousand euro (12,000.00€) for each winning proposal, plus the 21% corresponding VAT tax (2,520.00€), together amounting a total of 14,520.00€ that will be financed under budget heading 21920622706PAM8023.
- With the exception related to public spaces design and planning, that have no prize attached.
- The authors of the winning proposals will acquire the right to participate at the subsequent negotiated procedure for the drafting of the basic and execution projects for the residential buildings, according to the jury's decision; and one of them, also based on a decision from the jury, for the public spaces planning and design along with the management of the works included in this project.
- The professional fees corresponding to the works described in the previous project are as follows:

Block BL-1.1, 14.664,72 m²c # 116 dwellings _ **€398.713** plus VAT 21% (83,729.73€) amounting a total **482,442.73€**

Block BL-1.2, 10.830,23 m²c # 94 dwellings _ **€327.573** plus VAT 21% (68,790.33€) amounting a total **396,363.33€**

Block BL-1.3, 3.792,59 m²c # 26 dwellings _ **€159.080** plus VAT 21% (33,406.80€) amounting a total **192,486.80€**

Block BL-1.4, 4.522,22 m²c # 45 dwellings _ **€176.921** plus VAT 21% (37,153.41€) amounting a total **214,074.41€**

Block BL-1.5, 2.564,40 m²c # 38 dwellings _ **€130.332** plus VAT 21% (27,369.72€) amounting a total **157,701.72€**

Public spaces polygon I (project and management of works) _ **€47.895** plus VAT 21% (10,057.95€) amounting a total **57,952.953€**

- These amounts are subject to any applicable legal deductions and taxes. For their payment, the competitors shall invoice Malaga municipal council for the prize awarded and any professional fees.

14. CONTRACTING CONDITIONS

- 14.1 The contracting for these works assuming the continuity of this competition, when appropriate in time, will take place using a procedure negotiated without publicity according to that set out in article 174.d of the consolidated text of the Law on Public Sector Contracts.
- 14.2 The works contracted will be executed under the supervision of technicians from the Malaga City Council and must receive the express approval from the same in accordance with the procedures in place at the time.
- 14.3 For the subsequent processing of the contract procedure that will be fulfilled with the assignment of the relevant Projects, the Malaga City Council will have a maximum of four (4) years starting from the official publication of the Jury decision.

After that deadline of four years, the non-contracting of the projects involves their renunciation from the City Council, with no entitlement to loss-of-job indemnity for the winners by any reason.

- 14.4 Notwithstanding the foregoing, Malaga municipal council, in order to ensure that the special characteristics of this unique project will not be corrupted during the construction of the dwellings, is willing to sell residential plots subject of the competition by public tender, linking the same to execution projects to be contracted and construction management by their respective designers.
- 14.5 The jury may make as many Mentions as it deems appropriate, without any financial compensation.

15. PROOF OF THE CAPACITY TO CONTRACT

Once the competition is over, Malaga municipal council will require the designers of the winning proposals to present the following documentation:

- 15.1 Relating to the capacity to act:
- The **National Identity Document** or equivalent from the designers or, where appropriate, the legal representative.
 - The **contact person for the purpose of notices.**
 - The **declaration** concerning companies that are required to include disabled workers in their workforce and corresponding certificates.

- If this is a legal entity, the **articles** of constitution or modification, where appropriate, registered in the trade and companies register when this requirement is enforceable in accordance with the applicable business legislation. If this is not the case, the deed or document of incorporation, statutes or founding act which sets out the rules of which their activity is being regulated, registered, if necessary, in the corresponding official register. In addition, they will present the authority attesting to the representation of who holds the same in the competition.
- In case of non-Spanish persons (natural or legal), nationals of Member States of the European Community or signatories to the Agreement on the European Economic Area, the ability to act is credited by registration in the relevant professional or trade register or by presentation of certificates for service contracts provided in said community.
- In the case of foreign persons not included in the previous paragraph, these persons must prove their ability to act with a report from the Permanent Diplomatic Mission of Spain in the relevant State or local Consular Office, which states that they are registered in the local professional, commercial or similar register or, failing that, that they normally engage in the contracting activities locally.
- If this concerns signatory States to the Public Procurement Agreement of the World Trade Organisation, a report from Spain's Permanent Diplomatic Mission or the Ministry of Economy and Finance on the status of the State as a signatory to the Agreement. Otherwise, a reciprocal report from the Member State of origin allows the participation of Spanish companies in public contracting in a substantially similar manner.

15.2 **Accreditation certificates** for the statement of compliance provided for the competition:

- Accreditation documentation concerning the **constitution of the joint venture**, if needed.

15.3 The following is required relating to the solvency criteria set out for participating in the competition.

- **Professional qualifications of the technical team**, legally recognised qualification (titles from the European Union, Iceland, Lichtenstein, Norway and Switzerland) or officially accredited in Spain.

16. INTELLECTUAL PROPERTY RIGHTS

- 16.1 The designers shall retain the intellectual property rights of the works submitted, according to Spanish Intellectual Property Legislation, European directives and Berne Convention.
- 16.2 The competition winner expressly agrees and recognizes that all intellectual property rights derived from his/her winning idea will become a unique and exclusive ownership of Malaga City Council. This ownership attributes to the City Council a free disposal and the exclusive right to use and exploit the awarded ideas, including the drafting contracts for the basic and execution projects, and the derived works contract, excluding any natural or legal person.

17. DECISIONS AND RETURN OF THE WORKS

- 17.1 All competitors have the right to examine the works selected during the one-month period after the communication of the jury's verdict. In the case of the works being exhibited publicly, this right will be deemed fulfilled with the opening of this exhibition to the public. Similarly, the online publication of the works can also meet this obligation.
- 17.2 After this time or the public exhibition, the convening entity may proceed with the destruction of said works. In any case, the convening entity reserves the right to retain CDs with the aim of managing the publication of the competition results.

18. INCOMPATIBILITIES

- 18.1 The competition is not open to anyone with a professional or legal incompatibility with the works here covered or to anyone with an incompatibility due to contracting with Malaga City Council.
- 18.2 People in any of the following situations may not form part of the jury:
- anyone with a permanent and current professional relationship with one of the competitors, which involves a legal or ethical duty of abstention.
 - anyone with a blood relationship within the fourth degree or second-degree affinity with any of the competitors, with the administrators of competing companies or entities or with the assessors, legal representatives or agents involved in the process.

19. EXHIBITION

- 19.1 Once the competition is over, all works submitted and accepted may be reproduced by Malaga municipal council and by the Official Chambers of Architects of Malaga and Madrid, exhibited to the public and retained for this purpose until the end of the exhibition. Any exhibitions will be announced to all participants regardless of whether or not their entries have been selected. The works may also be the subject of a publication in which the names of the designers are reported.
- 19.2 Competitors may opt to maintain their anonymity in the publication or exhibition of their proposals in the event of not winning and this option must be indicated on the outside of the identification pack.

20. PREROGATIVES OF MALAGA MUNICIPAL COUNCIL AND DISPUTE RESOLUTION

- 20.1 Malaga municipal council may require that the teams or persons winning the competition include in the development of the projects suggestions that may arise as a result of the jury's assessment and decision along with any modifications deemed necessary to promote the action and which may be notified at a later date provided that the nature of the winning project is not altered.
- 20.2 The Competition Jury is competent to answer any questions that may arise during the competition regarding the interpretation, modification and effects of these conditions.
- 20.3 Regarding any error handling or responsibility within the projects elaboration contracts, it will be stated in accordance to articles from 310 to 312 of the TRLCSP

Malaga, 24th November 2016.

**HEAD OF THE EUROPEAN PROGRAMMES
SERVICE**

Signed: Pedro Marín Cots.