

**RULES GOVERNING THE PROCEDURE FOR  
THE SELECTION OF APPLICATIONS TO  
QUALIFY FOR THE PURCHASE AND SALE  
OF THE CIRCUIT OF NAVARRE**

**Pamplona, May 2022**

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## 1. PURPOSE OF RULES GOVERNING THE PROCEDURE

The aim of this document is to regulate the selection of applications to qualify for the purchase and sale of the Circuit of Navarre.

## 2. BACKGROUND INFORMATION

The Circuit of Navarre is owned by *Navarra de Infraestructura de Cultura, Deporte y Ocio Ltd.* (NICDO), a company owned by the Government of Navarre and affiliated to the Department of Culture and Sport.

As a project, the Circuit started in 2007 and its construction was completed in June 2010, which was the starting date of its activity. From June 2010 until February 2014, the Circuit of Navarre was managed by NICDO (initially called *Circuito Los Arcos, Ltd.*).

From 14<sup>th</sup> February 2014 until 31<sup>st</sup> December 2019, following a public call for tenders carried out for this purpose, the facility was managed by Los Arcos Motosport Ltd. (LAMS).

From 1<sup>st</sup> January 2020 to the present day, the facility is being managed by NICDO.

## 3. MAIN FEATURES OF THE FACILITY

### TRACK

- Total length: 3,933 m.
- Possibility of having 2 simultaneous tracks (2.6 km and 1.3 km)
- Layout width: between 15 m. and 12 m.
- Main straightaway: 800 m.
- Turns: 15 (6 left and 9 right)
- Paddock: 41.000 m<sup>2</sup>
- Approvals:
  - FIA T1 & Grade 2 (testing up to F1 and GP2 races)
  - FIM level B (Superbikes races) C/I

### BOXES

- 32 105 m<sup>2</sup> boxes (7 x 15 m) equipped with electricity, water and Wi-Fi service
- 8 sports offices and 2 meeting rooms
- Briefing and press rooms
- Catering hall

- Paddock Bar with a terrace over the pitlane
- 17 hospitalities de 63 m<sup>2</sup>/u, including a 22 m<sup>2</sup> terrace overlooking the Pitlane
- A 210 m<sup>2</sup> medical centre and burn unit

### **CONTROL TOWER**

- Race Control with closed-circuit television (CCTV) and timing system (fibre optic and IP)
- Sales and administration administrative offices
- Cutting-edge MYLAPS timing system
- Room with loudspeakers, speaker and DJ equipment
- 2 VIP areas of 300m<sup>2</sup> each for events and sponsors

### **KARTING**

- Permanent track length: 731 m.
- 15 turns: 9 right, 6 left
- Width: 10 m. in the main straight y 8 m. in the rest of the racetrack
- Briefing room, changing rooms, showers, shop
- Karts storage area
- Permanent lighting
- Timing system
- Paddock karting
- Pelouse
- Parking
- Showers

### **DRIFTING TRACK**

- Total surface: 14.000 m<sup>2</sup>
- Layout length: 950 m.
- Skid pad: 40 m. diameter
- Sprinkler irrigation system across the whole surface

### **OFF-ROAD AREA**

- Autocross track:
  - Layout length: 1,100 m.
  - Width: 12 m.
  - Turns: 7
  - Regional homologation
- 4x4 area

### **ATALAYA CENTRE**

- Ground floor:

- A fully equipped 295 m<sup>2</sup> event space
- Commercial area, restaurant, bar and terrace
- First floor
- Terrace
- Semi-basement

Further information on the facilities may be found on the website:  
<http://www.circuitodenavarra.com/>

#### **4. PURPOSE OF THE PROCEDURE**

NICDO initiates this procedure to select eligible applications which may opt for the purchase and sale of the Circuit of Navarre.

From all the applications submitted, NICDO will select up to five, whenever possible, according to the conditions required and the score obtained from the application of the criteria set out in these Conditions.

The selection procedure will not result in any form of contract or grant any rights to the selected applications. It will only be used as an instrument to select the best applications following the principles of equality, transparency and objectivity.

##### Negotiation phase for the selected applications

Once the selection of candidates has been made, in accordance with the procedure set out in this document, a phase of individual negotiations will be initiated with each candidate until the presentation of firm offers for the purchase and sale of the facility and goodwill.

#### **5. SELECTION PROCEDURE**

The selection procedure will be carried out following the criteria assessment established under provision 14 of this document.

Nevertheless, NICDO may at any time, and without any obligation to justify its decision, terminate the procedure or declare it void.

#### **6. CONTRACTING ENTITIES**

NICDO shall be the entity to formalise the Purchase and Sale Agreement, the public deed and any agreement or document previously agreed on with the successful candidate after the negotiation process.

The candidate finally awarded the contract and the public deed (being composed or not by different natural or legal persons) must do so through an entity, with its registered office and address for tax purposes in Navarre. All corresponding contracts, documents or agreements will be signed through this entity.

Notwithstanding the foregoing, NICDO may transfer its position to the Chartered Community of Navarre or to any company in which either NICDO and/or the Chartered Community of Navarre holds, directly or indirectly, a stake in the share capital for the formalisation of the corresponding contracts, documents or agreements. Were this case, the consent of the successful candidate won't be required.

Neither the selected applications nor the successful candidate who is to formalise the Purchase and Sale Agreement and the public deed may transfer their position to a third party, except with prior written authorisation from NICDO.

## **7. LEGAL FRAMEWORK**

The procedure shall be governed by private law. In this sense, it must be stated that this procedure will not be subject to the regional *Foral* Law 2/2018, of 13 April, on Public Procurement.

Participation in this procedure implies the commitment to participate with full autonomy and responsibility, assuming the corresponding rights and obligations.

Submitting an application implies full acceptance of these terms and conditions, as well as the intent to enter into negotiations in the event of being selected, in accordance with the requirements stated by NICDO.

## 8. NATURE OF THE CONTRACT OR AGREEMENTS

The contract or any prior agreements or documents that may be formalised following the selection and negotiation period shall be of a civil nature.

## 9. ELIGIBLE APPLICATIONS

Participation in the procedure is open to any natural or legal person, individually or jointly, who has the capacity to act and who accredits the requirements of capacity and fulfils and accepts the terms and conditions established in this document.

The application will be formalised by submitting a private document expressing the intent to participate in the selection procedure, including the list of natural and/or legal persons taking part, the percentage of participation of each party, if applicable, and the designation of a sole representative or proxy.

## 10. SUBMISSION OF APPLICATIONS

Persons or entities interested in participating in the procedure must submit their applications in writing or by e-mail before 14:00 hours on Wednesday 1<sup>st</sup> June 2022, via [nicdo@nicdo.es](mailto:nicdo@nicdo.es).

Applications submitted after this deadline will not be accepted.

## 11. REQUIRED CONTENTS IN THE PROPOSAL

Applicants intending to participate in the selection procedure must submit a proposal including the following:

### A. CONTENTS OF THE APPLICATION

1. A private **document** in which the intent to participate in the selection procedure is stated, the list of natural and/or legal persons involved in the application, the percentage of participation of each of them, if applicable, and the designation of a sole representative or proxy. The document must comply with the model attached as Annex I to this document.

2. **Sworn declaration** by all the natural and/or legal persons involved in the application, in accordance with the model attached as Annex II of this document, who must be:

- Up to date with their **tax obligations**.
- Up to date with their **Social Security obligations**.

**3. Email address of the application's sole representative or proxy**, for communication purposes.

## **B. FINANCIAL SOLVENCY**

The level of financial solvency required to bid for the purchase and sale of the Circuit of Navarre is as follows:

- Legal persons:

1<sup>st</sup>. A turnover for an amount greater than 3,000,000 euros in the financial years 2020 and 2021, in sports, cultural or leisure facilities management activities.

2<sup>nd</sup>. Positive net worth, for commercial purposes, in the last closed financial year, 2021.

Proof of the required level of solvency will be accredited through the presentation of accounting and/or business documentation, lodged, where appropriate, in the corresponding official registers in accordance with the applicable legislation.

- Individuals:

Statement issued by a financial institution, which accredits the individual's economic solvency to be eligible for the purchase and sale of the Circuit of Navarre.

In the event that the application is submitted by both natural and legal persons, it shall be deemed sufficient for one of the parties to provide proof of compliance with the required solvency.

## **C. EXPERIENCE IN THE MANAGEMENT OF SPORTS AND/OR MOTOR SPORT FACILITIES**

Experience in management and/or maintenance of sports and/or motor sport facilities in the last 3 years shall be proven by submitting:

- In the case of legal persons, a summary of awards/contracts for sports and/or motor sports facility management services, indicating:
  - Name and location of the facilities
  - Starting and ending year of the provision of services
  - Approximate annual turnover of the facilities



- Description of the type of facility
  - Description of the specific maintenance activities and tasks of the managed facilities
  - In the case of facilities dedicated to motor sports, the grade of homologation by the corresponding International Federations.
- In the case of natural persons, a list of management positions held, indicating:
- Name and location of the facility or facilities
  - Trade name of the contracting company or companies
  - Starting and ending year of the provision of services
  - Approximate annual turnover of the facilities
  - Description of the type of facility
  - Description of the specific maintenance activities and tasks of the managed facilities
  - In the case of facilities dedicated to motor sports, the grade of homologation by the corresponding International Federations.

#### **D. EXPERIENCE IN THE DEVELOPMENT OF SPORTING OR MOTOR SPORT EVENTS AND/OR SHOWS**

Accreditation of experience in the development of sporting and/or motor sport events and/or shows in the last 3 years, either as a legal person or in a managerial position in the promoting or organising entity, shall be provided by submitting a summary with the following information:

- Name and description of the event and/or show
- Year in which the event was held
- Approximate amount of revenue from the event and/or generated economic impact

#### **E. EXPERIENCE IN THE ORGANISATION OF SPORTING AND MOTOR SPORT COMPETITIONS**

Accreditation of experience in the organisation of sporting and motor competitions in the last 3 years, either as a legal person or in a managerial position in the promoting or organising entity, shall be provided by submitting a summary with the following information:

- Name and description of the event and/or show. In the case of motor competitions, indication of level
- Year in which the event was held
- Generated economic impact on the surrounding area
- Approximate number of attendees/public

#### **F. EXPERIENCE IN THE MANAGEMENT OF OTHER TYPE OF FACILITIES**

Accreditation of experience in the management and/or maintenance of other types of facilities other than sports and/or motor sports facilities in the last 3 years must be provided by submitting the following:

- In the case of legal persons, a summary of facilities management service awards/contracts, indicating:
  - o Name and location of the facilities
  - o Starting and ending year of the provision of services
  - o Approximate annual turnover of the facilities
  - o Description of the type of facility
  - o Description of the specific maintenance activities and tasks of the managed facilities
  
- In the case of natural persons, a summary of the management positions held, indicating:
  - o Name and location of the facility or facilities
  - o Trade name of the contracting company or companies
  - o Starting and ending year of the provision of services
  - o Approximate annual turnover of the facilities
  - o Description of the type of facility
  - o Description of the specific maintenance activities and tasks of the managed facilities

## **12. EXCLUSIONS**

The following circumstances will result in the exclusion of applications from the procedure:

- Late submission of application
- Failure to comply with the eligibility requirements
- Failure to comply with any of the rules governing the selection procedure
- Failure to reach the minimum score indicated in rule 13
- The application falls under any of the other exclusion circumstances established by these rules or by the applicable legal regulations.

## **13. ASSESSMENT AND SELECTION OF APPLICATIONS**

Once the deadline for the presentation of applications has expired, NICDO will proceed, in an internal act, to analyse and evaluate the submitted documentation. Should defects or omissions be detected in any of the proposals which could be rectified, the interested parties will be notified by e-mail. In this case, any rectifications or additional supporting documents shall be submitted within a period of 5 calendar days.

Finally, NICDO will inform the applicants of the outcome of their decision process, selecting up to a maximum of five - whenever possible - to participate in the individual negotiation phase, in accordance with the conditions required and the score resulting from the criteria set out in this document, which in any case must be greater than 30 points.

## 14. SELECTION CRITERIA

The following criteria will be taken into account for the assessment of applications, with a total score of 100 points, as follows:

### **Experience in the management of sports and motor sports facilities                      30 points**

*The following factors shall be considered, but are not limited to, number of years of management, turnover, complexity of the facility, maintenance, etc. Special consideration shall be given, in particular, to the accreditation of experience related to the motor sport industry.*

### **Experience in the development of sporting events and/or shows                                      25 points**

*The following factors shall be considered, but are not limited to, the number, value or economic impact of each of the events and/or sporting shows, their complexity, etc. Special consideration shall be given, in particular, to the accreditation of experience related to the motor sport industry or motor sports facilities.*

### **Experience in the development of sports competitions    20 points**

*The following factors shall be considered, but are not limited to, the number, the number of sporting competitions held, their level or category, the approximate number of attendees, the generated economic impact on the surrounding area, etc. Special consideration shall be given, in particular, to the accreditation of experience related to the motor sport industry or and its different categories.*

### **Experience in the management of other type of facilities    25 points**

*The following factors shall be considered, but are not limited to, number of years of management, turnover, complexity of the installation, maintenance, etc.*

## 15. NEGOTIATION PROCESS

Once the successful applications have been selected, the negotiation process will be conducted as established by NICDO, including, but not limited to, the following stages:

- Submission of the supporting documentation certifying compliance with the requirements stated in the declaration model found in Annex II of this document.
- Individual meetings with each of the selected applications.
- Draft of the Term Sheet by NICDO and submission to the applicants.
- Submission of proposals and a programme for the management of sports and other non-related activities.

The decision for the formalisation of the sale and purchase contract, public deed or any previous agreement or document, will not grant any right to the successful applicant.

## 16. DATA PROTECTION

NICDO is responsible for the processing of any personal data that shall be collected for the purpose of managing the call for the purchase and sale of the Circuit of Navarre, a facility owned by NICDO.

Legal basis of the processing: The processing of data is derived from and necessary to comply with the contractual or pre-contractual relationship with the interested party.

Data storage period: Data will be kept for the time necessary to comply with the stated purpose and will be stored for as long as the entity may have responsibilities arising from its processing.

Recipients of the data: Data may be transferred to judges and courts in compliance with current legislation, organisations or persons directly related to the data subject. Data may be published in third parties' own media as indicated in the call for applications.

Rights: Individuals have the right to access their own personal data and rectify it if it's inaccurate or incomplete, the right to suppression, opposition, portability and limitation of processing, by sending an e-mail to [nicdo@nicdo.es](mailto:nicdo@nicdo.es). Likewise, interested parties may lodge a complaint with the Spanish Data Protection Agency by writing to C/ Jorge Juan, 6, 28001 (Madrid) or through its electronically at [www.agpd.es](http://www.agpd.es).

## 17. CONFIDENCIALITY

It is a *sine qua non* condition for all candidates to maintain complete confidentiality regarding all information; data etc. that they come across as a result from the selection process and negotiation phase. All candidates shall undertake and commit to maintain absolute professional secrecy and confidentiality regarding all knowledge, data and economic, technical and technological

information, know-how, research, commercial relations, clients, commercial and production strategies, events, acts and any other information to which they have access or knowledge.

This obligation to secrecy and confidentiality applies to all persons involved in the application for a period of 10 years from the date of notification of the selection results.

To this end, NICDO will formalise the corresponding confidentiality agreements with the selected candidates, prior to the start of the negotiation and information exchange process.

## **18. CONSENT TO JURISDICTION**

Regarding any aspect derived from this selection procedure, particularly regarding the contract, agreements or documents that may be formalised after the negotiation process, the jurisdiction of the Courts and Tribunals of Pamplona is established, and the candidates who request their participation accept this jurisdiction.

## ANNEX I

### MODEL OF PRIVATE DOCUMENT OF MANIFESTATION OF INTENT TO PARTICIPATE IN THE SELECTION PROCEDURE TO TENDER FOR THE CONTRACT OF PURCHASE AND SALE OF THE CIRCUIT OF NAVARRE

Mr/Ms \_\_\_\_\_  
Identity document number \_\_\_\_\_  
On their own behalf / On behalf of (delete as appropriate)

Mr/Ms \_\_\_\_\_  
Identity document number \_\_\_\_\_  
On their own behalf / On behalf of (delete as appropriate)

(...)

HEREBY DECLARE THAT

The aforementioned persons declare their intent to take part in the selection procedure for the purchase and sale of the Circuit of Navarre, in accordance with the following percentages:

-

-

Should they be awarded the contract, the aforementioned persons hereby undertake to set up an entity with its own legal status, in accordance with the aforementioned percentages.

In turn, they appoint as their sole representative or proxy during the negotiation process and for the establishment of the terms and conditions in the event that they are awarded the contract for the formalisation of the aforementioned contract, to

Mr /Ms \_\_\_\_\_  
Identity document number \_\_\_\_\_

Signed,

Signed,

Signed,

**DATA PROTECTION.** NICDO is responsible for the processing of the personal data that shall be collected for the purpose of managing the call for the purchase and sale of the Circuit of Navarre.

Legal basis of the processing: The processing of data is derived from and necessary to comply with the contractual or pre-contractual relationship with the interested party.

Data storage period: Data will be kept for the time necessary to comply with the stated purpose and will be stored for as long as the entity may have responsibilities arising from its processing.

Recipients of the data: Data may be transferred to judges and courts in compliance with current legislation, organisations or persons directly related to the data subject. Data may be published in third parties' own media as indicated in the call for applications.

Rights: : Individuals have the right to access their own personal data and rectify it if it's inaccurate or incomplete, the right to suppression, opposition, portability and limitation of processing, by sending an e-mail to [nicdo@nicdo.es](mailto:nicdo@nicdo.es). Likewise, interested parties may lodge a complaint with the Spanish Data Protection Agency by writing to C/ Jorge Juan, 6, 28001 (Madrid) or through its electronically at [www.agpd.es](http://www.agpd.es).

## ANNEX II

### MODEL OF SWORN STATEMENT OF BEING UP TO DATE WITH TAX AND SOCIAL SECURITY OBLIGATIONS

Mr/Ms \_\_\_\_\_  
Identity document number \_\_\_\_\_  
On their own behalf / On behalf of (delete as appropriate)

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Mr/Ms \_\_\_\_\_  
Identity document number \_\_\_\_\_  
On their own behalf / On behalf of (delete as appropriate)

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Mr/Ms \_\_\_\_\_  
Identity document number \_\_\_\_\_  
On their own behalf / On behalf of (delete as appropriate)

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(...)

**Hereby declare that**

- 1.- they are up to date with their tax and Social Security obligations.
- 2.- should their application be selected for the negotiation process, they will accredit to hold the required documents.

Signed,

Signed,

Signed,