

Integral Project Tender for the Concession of a New Containers Terminal at the Callao Port Terminal – Southern Zone

CIRCULAR LETTER N° 001

By virtue of the powers contained in item 1.4.1. of the Tender Documents the PROINVERSION Infrastructure and Public Utilities Committee reports the following modifications to the Tender Documents:

1. The definition of “Investment Commitment”, item 1.2.17 of the Terms, is replaced by the following:

“Complementary Investment Amount: It is the obligation the concessionaire has to contribute an amount for the execution and maintenance of the works or services to improve the port system such as: dredging, breakwater, systems and other elements to be established by the APN. Its priority is those common works necessary resulting from the new exigencies required for implementing the New Containers Terminal – Southern Zone. This amount does not include the cost of designing, building, financing, maintaining, operating and exploiting the New Containers Terminal at the Callao Port Terminal – Southern Zone.

The Complementary Investment Amount shall be paid only once and will not exempt the Concessionaire from complying with other payments, retributions or taxes for which it is responsible under the Applicable Law, the Tender Documents herein, the Concession Contract and, in general, Peruvian law.

The Complementary Investment Amount is composed of two elements:

- **Minimum Complementary Investment:** This is the obligatory investment commitment for the execution of the common works required for operation of the New Containers Terminal at the TPC – Southern Zone. This investment will consist of the execution of the dredging works (access channel and maneuvering area) and the rehabilitation and/or improvement of the TPC's south breakwater, according to the requirements to be established by Circular.
- **Additional Complementary Investment (ICA):** This is the amount that, in addition to the Minimum Complementary Investment, could be offered by the Bidder as part of its Economic Proposal only in the event that it passes to the second stage according to the terms and conditions indicated in item 7.2 of the Tender Documents herein. Only those bidders who offer the lower range of the Standard Tariff Index, or in the case indicated in item 9.1.7 are obliged to present this ICA. Calculation of the ICA is the exclusive responsibility of the Bidder.

2. The Competition Factor, item 7.2 of the Tender Documents, is established under the following Terms:

Content of Envelope N° 3: Economic Proposal – Competition Factor

The Prequalified Bidder must present its Economic Proposal in Envelope N° 3. The Committee will select the proposal from the Prequalified Bidder who has achieved the highest score in application of the formula set forth in article N° 9.1.5 as the Best Economic Proposal.

The Economic Proposal is broken down into two Stages. In the event that a winner cannot be determined in the First Stage according to the procedure indicated in item 9.1.7, the Bidders will be in equal conditions and will compete considering the factor set forth for the Second Stage.

First Stage

This consists of the lowest Standard Tariff Index presented by the Bidder within the ranges set forth in Circular Letters.

Second Stage

This consists of the highest Additional Complementary Investment (ICA)

The Model Economic Proposal that Bidders must use is attached as Annex 6: Form 1 of the Tender Documents.

Sections 7.2.1 and 7.2.2 remain unchanged

3. The following text modifies the establishment of Scores and the application of the National Component mentioned in Article 9.1.5 of the Tender Documents:

The scoring of Prequalified Bidders' Economic Proposals will be done in two stages. In the first stage, Bidders will compete by presenting the lowest Standard Tariff Index. Only in the case of exhausting every option for improvement at this stage, as stated in the procedure indicated in item 9.1.7, that is if there is still a tie, the Bidders will pass to the second stage.

Scores will be established as follows:

First Stage: Standard Tariff Index. Bidders shall present their Standard Tariff Index proposal. This proposal cannot exceed the maximum and minimum limits, which will be reported by Circular Letter. The score is obtained by using the following formula:

$$\text{Initial Score (Pi)} = (\text{ITE}_{\text{Min}} / \text{ITE}_x) \times 100$$

$$\text{Adjusted Score (Pa)} = \text{Pi} \times (1 + 0.2 \times \text{CN})$$

Where:

- ITE_{Min} is the lowest Standard Tariff Index proposed by the Prequalified Bidders
- ITE_x is the Standard Tariff Index proposed by the Bidder being evaluated.

The composition and scope of the Standard Tariff Index (ITE) will be set forth through Circular.

- CN is the National Component (stated by the Bidder in Annex 6 of this Terms as a Sworn Statement) as a percentage of the cost of execution during the first year of the Official Works and Equipment Estimated Budget. This percentage does not bear any relation by any means, to the Bidder's share composition. The CN is a bonus that, according to Law 28242, is awarded to the proposals presented by the Bidders.

Maximum and/or minimum values for the CN will be set forth by Circular Letter.

Second Stage: Additional Complementary Investment-ICA. Bidders shall present their ICA proposal, which will be scored according to the following formula:

$$\text{Initial Second Stage Score (PIST)} = (ICA_x / ICA_{Max}) \times 100$$

$$\text{Adjusted Second Stage Score (PAST)} = \text{PIST} \times (1 + 0.2 \times \text{CN})$$

Where:

- ICA_x is the Additional Complementary Investment-ICA proposed by the Bidder being evaluated.
- ICA_{Max} is the highest Additional Complementary Investment proposed by the Bidders being evaluated.
- CN is the National Component proposed at the First Stage

4. The procedure in the event of tie set forth in item 9.1.7 of the Tender Documents has been modified by the following text:

In the supposition of a tie among the best scores as stated in item 7.2, the procedure would be as follows:

- a. If bidders tie with an ITE above the minimum pre-established limit, the Bidders who tied will have a term of up to two (2) hours to present a new Economic Proposal. In the event that the tie remains with an ITE above the minimum limit established, the Bidders who tied would have another two (2) hours to present a new Economic Proposal. If, in spite of the foregoing procedure, the tie persists, or if in any of the tie-breaking rounds there is a tie with an ITE equal to the minimum pre-established limit, the procedure will be that set forth in paragraph b) of the present item.

- b. If bidders tie with the lowest pre-established limit set for the ITE, or it has not been possible to determine the winner in the previous stage, the Bidders who tied will have an extended period of time equal to two (02) hours to present an Economic Proposal for the second stage (ICA), in accordance with the format in Annex VI, Form 2 of the Tender Documents herein. In the event of a new tie, an extended period of time equal to one (01) hour will be granted to the bidders to present a new Economic Proposal for the second stage. If in spite of the foregoing procedure, the tie persists, this procedure will be repeated until a winner can be determined.

In either paragraph a) or in b), the new Economic Proposal will imply a higher score than the one obtained in the previous proposal presented. Likewise, in the event that any Bidder does not present a new Economic Proposal or the new proposal presented is considered invalid, the first economic proposal presented will be considered as valid.

5. The phrase "Type and material for deep foundations, design depth, implementation stages", indicated in the second section of Annex 11 of the Tender Documents, is replaced with the following text:

Type of and material for foundations; design depth, stages of implementation

6. Finally, CESEL S.A. is included in item 1.2.66 and Annex 8 of the Tender Documents as co-author of the Callao Port Development Project.

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President

Infrastructure and Public Utilities Projects Committee

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