

Reference Term

1. INTRODUCTION

This Term of Reference is a complementary part of the Common Concession Notice for the implementation, operation, management and maintenance of the Urban and Marine Park in the Municipality of Florianópolis.

2. LOCATION AND DESCRIPTION OF THE AREA

The area indicated for the execution of the Urban Park and Marina is located at Avenida Rubens de Arruda Ramos – Beira Mar Norte, bairro Centro, in Florianópolis, between coordinates 27 ° 35'10.27 "S and 48 ° 33'13.31" W, corresponding to the area where today is the Praça de Portugal, extending to the Praça do Sesquicentenário. In the direction of the sea it enters by about 315 meters, with average depths ranging from 1.5 to 4 meters.

3. CONCESSION AREA

The concession area is detailed in the Concession Area Plan attached to this Term of Reference.

4. PURPOSE

The purpose of this bid is the Common Concession of public space for the Implementation of Park and Marina in Avenida Beira Mar Norte, which will require the preparation of researches and projects, execution of works and management of public, private and commercial areas.

5. RATIONALE

The first descriptions about the Island of Santa Catarina, where a large part of the Municipality of Florianópolis is located, came from navigators who for a long time used it as a base in their expeditions to the south of the continent. Its strategic importance as point of mooring and supply caused the foundation of a town, that later became Village, Capitania and finally Municipality. For centuries the main economic activity of the city was based on its relation with the sea and especially with the navigation. Navigation for several reasons: by expeditions, for fishing, as an exporter of the products of the interior of the State, as a link between the parishes of the interior of the Island and with the mainland.

With the passing of the years and the occupation of this border the economic activities and the relationship of the People from Florianópolis with the sea extended to other leisure activities, of cultural and social, that were being incorporated to the uses in the region. Several factors have contributed to the transformation of the relationship and the use of the sea in the city, but certainly the expansion and improvement of the city's infrastructure has definitively removed it from nautical activities. The construction of the Hercílio Luz Bridge in

1926 led to the intensification of road transport to the detriment of the sea. With the landfills of the south bay and the North Sea shore several water-front warehouse and moorings were cut and the road system built on the landfill ended distancing the Center from the sea. Concurrently, the port was losing its economic role and other ports of the state with better conditions of draft finally overcame it.

Florianópolis has more than 250 linear kilometers of waterfront and in many localities the city ended up putting itself with its back towards the sea. The rescue of this border is preponderant for the development of the city as already indicated by several researches and projects, as for example the II Workshop of Urban Design of Florianópolis, of 2007, that gathered around 120 people, among architects, students and civil society to propose the resumption of uses of the border, which resulted in the document "*Floripa de Frente pro Mar - Resale of the Orla*".

The current Master Plan, Complementary Law 482/2014, addresses the issue at various times, indicating the construction of water-front warehouse, leisure and tourist areas as preferential vocations of areas adjoining the sea, one of its guidelines, provided for in article 10, VIII, 'revitalization and re-qualification of the maritime and lacustrine borders of the Municipality, guaranteeing and facilitating in these the free access of the public, unlocking and implementing roads, valuing tourism and leisure activities, implementing nautical infrastructure, encouraging maritime transport and supporting artisanal fisheries and aquaculture'. The Policy for Recovery of Bays and Strengthening of the Use of the Sea, which is present in the plan, is aimed at enhancing the use of bays for environmental, fishery, aquaculture, water sport and seaside purposes, and maritime transport between the Island of Santa Catarina and the Continent'.

Researches such as the Nautical planning plan-PON, carried out by the Floripamanhã organization, while highlighting the potential of the municipality for Nautical development, indicate the lack of support structures for this purpose in the central region. The PON, when evidencing the characteristics of the so-called west coast for the installation of nautical ventures, emphasizes its physical condition as the main attribute. The coastline in this region is largely derived from human interventions with landfills and rolls, setting up a site with less potential to suffer environmental impacts and conflicts.

The area indicated for the location of the Urban Park and Marina, besides having good conditions for the installation of nautical equipment, is in the center of one of the most used leisure areas in the city, the bike path and the promenade of Avenida Beira Mar Norte. Set up as a linear park, it now offers few leisure facilities. In addition to the aforementioned, there are kiosks, places of contemplation, pier, gym equipment and sand blocks; however, it is primarily treated as a transit point. For the large public it attends daily, it is justified to create a wider area for the provision of a greater variety of sports and leisure activities.

The implementation of the project in this place will serve the area of greater population density of the city and will be complemented with the uses already consolidated in the region, composed of commercial, educational, hotel, service and gastronomy establishments. A place with easy navigational and terrestrial access is next to the new urban mobility system to be implanted soon in the city: the exclusive public transport corridors, BRT - *Bus Rapid Transit*, and can become a multimodal transshipment point.

Thus, the city will benefit from the implementation of an urban park and the qualification of nautical tourism options, economic development and employment generation, derived from

the new business implemented and, above all, the possibility of intensifying the use of the sea.

6. EVALUATION CRITERIA

6.1. JUDGMENT AND REMUNERATION CRITERION

The bidding for the choice of the Concessionaire will be by the modality public competition, of the type MINOR TIME OF OUTORGA, considering for analysis effect, the amount of years.

A bidder will be considered the winner, offering the shortest granting time for the implementation and operation of the purpose contained in the Invitation to Bid.

In the case of a tiebreaker, the following criteria will be used in order of presentation as follows:

- 1- Lower term (in days) of delivery of the Urban Park;
- 2- In the event of a tie, that is, in cases where bidders have the same concession period and the same delivery time as the URBAN AND MARINA PARK, a lottery will be made.

6.2. GRANT

The Concession will have a maximum term of up to 30 (thirty) years, WITHOUT VALIDATION OF AMOUNT TO THE MUNICIPALITY.

6.3. COMMERCIAL PROPOSAL

The Bidder's Business Proposal must contain the maximum concession period, observing the limit of 30 (thirty) years, in addition to the other information and declarations required in this TR and in the public notice.

The Envelope of the Commercial Proposal must be delivered in a single way, containing all the documents required in the Invitation to Bid, remaining properly sealed and identified with a label to be affixed as follows:

The Commercial Proposal Envelope must contain only the following documents:

Commercial Proposal, according to the attached model, in which the Bidder declares its grant period and other tie-breaking criteria.

No offers or advantages not provided for in this NOTICE will be taken into account, nor any advantages based on the offers of the other BIDDERS.

The Bidder's Business Proposal shall remain valid and, as such, bind the Bidder for a period

of 180 (one hundred and eighty) days counted from the date of the public session to receive the Bid Documents.

The presentation of PROPOSAL with grant value will imply in its disqualification.

Together with the commercial proposal should be presented Technical and Economic Feasibility Research minimally composed of the items provided in the annex PREMISSAS FOR THE RESEARCH OF FINANCIAL ECONOMIC VIABILITY.

If for reasons of force majeure, the ADJUDICATION cannot take place within the validity period of the proposal and if the interest of the Granting Authority persists, it may request the extension of the validity of the proposal for the same period.

6.4. PARTICIPATION CONDITION

All the national or international companies interested in the field of activity relevant to the subject of the contract, which fulfill the conditions of this instrument and its annexes, may participate in this Competition.

In order to participate in the Competition, companies must submit a BANK DEPOSIT in the amount of 70% of the value of the investment for the implementation of the enterprise, as well as proof of the contracting of the following insurance:

- Secure compliance of the work in the total value of the investment of implantation of the enterprise; and
- D & O insurance for the administrators and executives of the enterprise.

In addition, the Bidder must have a minimum capital of BRL R \$ 20,000,000.00 (twenty million Brazilian reais). In the case of joint ventures, the sum of all the social capital of the consortium participants shall be admitted.

6.4.1. PARTICIPATION OF MICRO-ENTERPRISES AND SMALL BUSINESSES

Microenterprises and small businesses that wish to participate in this event by taking advantage of the benefits granted by Complementary Law n. 123/2006, shall comply with the provisions of the following sub items;

The condition of microenterprise and small business, for the purpose of the differential treatment provided for in Complementary Law 123/2006, must be proven by submitting the following documentation:

- Simplified certificate issued by the Commercial Board of the bidder's headquarters where it is established as a Small Business or Microenterprise. Simple societies that do not register their acts in the Commercial Board, must present a certificate of Civil Registry of Legal Entities attesting their framing in the hypotheses of article 3 of Complementary Law 123/2006. The certificate must be current, that is, of the current year;
- Statement of framing in accordance with article 3 of Supplementary Law 123/2006, stating further that they do not fit in any hypothesis of paragraph 4 of article 3 of said law, according to the model of Annex III, of this Notice;
- Documents for the purpose of proving the condition of microenterprise and small business must be presented outside the envelopes, at the accreditation of the participating companies.

The participation of:

- Companies declared unfit by public act, companies that are temporarily prevented from bidding, contracting and transacting with the public administration or any of its decentralized organs (Article 87, III and IV of Law 8666/93);
- Companies of which they are owners, controllers or directors, public servant of the active or employee of public company or mixed economy society;
- Companies in bankruptcy, in a concordance process, in judicial or extrajudicial recovery;
- Companies whose corporate purpose is not relevant and compatible with the purpose of the bid.
- Companies prohibited from contracting with the Public Power, under the terms of article 72, § 8, V of Law No. 9,605 / 98;
- Companies prohibited from contracting with the Public Power under the terms of article 12 of Law 8,429 / 92;
- Any interested parties included in the fences provided for in article 9 of Law 8,666 / 93.
- Failure to comply with any condition of participation will lead to the disqualification of the bidder.

Participation in this tender entails the full acceptance of the conditions expressed in this Bidding Document and its annexes.

6.4.2. ASSOCIATED COMPANIES PARTICIPATION IN CONSORTIUM OR SPECIFIC PURPOSE (SPE)

The participation, in this bidding, of associated companies in a consortium or a Specific Purpose Entity (SPE), subject to the following requirements:

- Commitment to set up the Consortium / SPE: proof of commitment to consortium / SPE must be presented, by public or private instrument, which includes, in its own clauses:
 - Composition of the Consortium / SPE, limited to 70% (seventy percent) and the company with the lowest participation at 30% (thirty percent).
 - purpose of the consortium;
 - Indication of the leading company of the Consortium / SPE;
 - Commitments and obligations of consortium members / SPE, including that each of them will be individually and severally liable for their obligations to be contracted with the consortium / SPE;
 - The express commitment of joint responsibility of the consortia/SPE, by the Acts practiced under the Consortium/SPE, in relation to the bidding and subsequently to the eventual contract;
 - Commitment that the consortium / SPE will not have its composition or constitution altered or, in any way, modified, without previous consent of the Municipality of Florianópolis, until the definitive receipt of the services that will be hired;
 - Commitments and obligations of each individual consortium or SPE, in relation to the purpose of this bid;

- Duration of the consortium / SPE for a period of at least 06 (six) months superior to the end of the Concession;
- The companies participating in the consortium / SPE shall undertake to submit, before the signature of the contract, possibly arising from the bidding, the consortium / SPE duly constituted, with its own CNPJ and registered with the competent Commercial Board, pursuant to articles 278 and 279 of the Law nº 6.404 / 76.

Indication of the individual who will legally represent the consortium / SPE to the Employer.

General Provisions for the Consortium / SPE:

- In the case of consortium / SPE participation, the folders / envelopes will be presented on behalf of the consortium / SPE;
- Each consortium bidder / SPE must meet the conditions of authorization, except for:
 - To prove shareholders' equity, the sum of the values of each consortium / SPE, in proportion to their respective participation, which must be at least 30% (thirty percent).
 - The technical qualification for bidders formed by consortium / SPE may be submitted through Technical Certificates with their respective CAT's, in addition to the companies that are members of the bidding consortium / SPE, as well as their technical managers. Thus, for the activity, whose experience must be proven, or for the quantity associated with any of these activities, the proof of the experience of the bidder will be evidenced by the set of Attestations and CATs presented by the consortium / SPE companies, which in isolation or jointly attend the technical experiences required in this Notice.

The declarations required in the item - COMPLEMENTARY DOCUMENTATION must be signed and initialed by the legal representative of the consortium / SPE.

The consortium / SPE Company will be prevented from participating in another consortium / SPE or from competing alone in this tender.

It is forbidden for any person, physical or legal, to represent more than one bidder in this tender.

Each bidder will submit a single proposal in accordance with the requirements of this notice.

The bidder shall fully bear all costs of preparing and submitting its bid, regardless of the outcome of the bidding procedure.

6.5. TECHNICAL QUALIFICATION

The Applicant Company or consortium must present supporting documentation regarding the following requirements:

- a. Minimum experience of 10 years in the management of marinas that attend at least 200 (two hundred) boats in wet places, proven through documentation issued by a public or private entity competent for such;
- b. Minimum 10 years' experience in the administration of commercial areas with at least 1,200 square meters, proven through documentation issued by a public or private entity competent to do so;

c. Have at your board or contracted: 01 (one) civil engineer or 01 (one) urbanist architect and 01 (one) administrator. The proof of the bond will be given through the presentation of the work card, employee registration form or work contract, signed between both.

d. Proof of technical capacity issued by a public or private legal entity, duly registered in CREA, CAU, or similar, certifying that the technical team has performed services of technical characteristics similar to those of the purpose of this tender.

6.6. CONCESSION START

The CONCESSION TERM will be considered as of the date of the issuance of the Authorization of Works by the Florianópolis City Hall from the presentation of the licensing documentation authorizing the execution by the Concessionaire.

7. AVAILABLE RESEARCHES

This Term of Reference was based on the following winning works of the Procedure of Manifestation of Interest - PMI 001/2015, which are:

Product 1: Simplified environmental diagnosis;

Product 2: Territoriality research;

Product 3: Simplified Impact Research;

Product 5: Preliminary Architectural and Urbanistic Research;

Works 1, 2 and 3 will serve as input for the preparation of the researches necessary for the implementation of the project as EIA-RIMA and EIV, as well as already indicating necessary actions that must be foreseen and equated in the details of the projects and implementation and maintenance costs.

Product 5, Preliminary Architectural and Urbanistic Research, should be the basis of the subsequent projects: architectural and urban planning projects, complementary projects and architectural, urbanistic and landscape executive project, as detailed in item 8 - Elaboration of the Projects of this TR.

The researches that support PMI are also available:

- Technical Report of the Geophysical, Bathymetric and Geotechnical Survey (Jet-Probe) carried out in the North Bay of Santa Catarina Island - Marina Beira-Mar, prepared by the Commercial and Industrial Association of Florianópolis - ACIF;
- Nautical Ordering Plan - PON, carried out by the organization FloripAmanhã, which bases the choice of the place presented, as well as, presents a diagnosis on the nautical theme.

8. CONCESSIONAIRE RESPONSIBILITIES

It is the responsibility of the Concessionaire:

1. The perfect execution of the necessary civil works to build the infrastructure purpose of this TR, according to the Expected in the Executive Project and Complementary Projects;
2. The contracting, elaboration and management of all the projects necessary for the perfect execution of the works;
3. Provide and cover all the costs of the projects, approvals, licensing and researches necessary for the execution of the works and for the maintenance of the Park and Marina, in compliance with the provisions of this TR, in the edict and its annexes;
4. Restate the companies that won the PMI in accordance with the amounts set forth in item 7.2.8 of this NOTICE;
5. Provide and pay for the integrality of the costs of all materials and labor necessary for the execution of the works and for the maintenance of the Park and Marina, in compliance with the provisions of this TR, in the edict and its annexes.
6. Maintain the necessary services for the full functioning of the structure of the Park, Marina and other equipment present in the concession area.
7. Encourage economic and commercial activities seeking the implementation of leisure, sports, and culture, tourism and entertainment practices, creating vitality for the region and boosting the spaces.

The activities and works must be carried out in accordance with the General Schedule presented by the Concessionaire to the Grantor, and the Grantor may require the Concessionaire to submit plans for the recovery of eventual delays in the execution of the works.

The activities under the responsibility of the concessionaire should follow the procedures indicated below:

8.1. PRELIMINARY ACTIVITIES

8.1.1. ACTIVITY PLANNING AND SCHEDULE

Aiming at the full development of the activities, the Concessionaire must prepare the detailed planning of all the actions necessary for the implementation of the project, which is constituted by a General Schedule of Activities. This schedule should contain the stages of the projects and works until the beginning of the operation of the project; present monthly granularity, execution percentages and define final and intermediate deadlines for each activity contained therein.

At this stage, a specialized technical team must be hired, qualified and recognized for the preparation of the researches and projects required for the Urban Park and Marina Beira Mar.

Documents to be submitted for the approval of the Concessionaire:

- Report containing the Implementation Plan of the Urban Park and Marina Beira Mar;
- General Schedule of Activities.

8.1.2. SOCIAL COMMUNICATION PROGRAM

The Social Communication Program - PCS, Urban Park and Marina Beira Mar should be one of the first actions foreseen in the Implementation Plan of the project and its execution

should provide for continuous actions during all phases of the project. The purposes of the PCS are:

- Prepare the project information and dissemination plan;
- Keep the target public informed about the procedures and schedule for the implementation of the project;
- Disclose information about interference in the daily life of the population;
- Prepare explanatory material (folders, pamphlets, newsletters) in order to keep the public informed about the project;
- Disseminate the Environmental, Heritage Education, and other programs produced by the enterprise;
- Provide information to communities about changes planned in the daily life of the leisure area and road system, such as heavy vehicle traffic;
- Promote actions to publicize the supply of jobs;
- Keep updated the press agencies regarding the implementation of the enterprise.

The target audience of PCS will be mainly those that use the area of direct influence of the enterprise, that is, users of the leisure area, residents of the region, fishermen, local merchants, and users of the section in question of Avenida Beira Mar Norte, among others. They should also be the focus of actions of the PCS sympathetic to the activities to be provided by the project and the population in general.

Document to be submitted for approval by the Concessionaire:

- Report containing the PCS.

8.1.3. RESEARCHES AND SURVEYS

The field surveys are composed of the information necessary for the preparation of the projects for the implementation of the enterprise, as well as to meet the requests and determinations of the official bodies, and must be executed in order to provide all the necessary subsidies for this.

8.1.4. PROJECT MANAGEMENT

The Urban and Architectural Projects of the Park and Marina Beira Mar shall use as a basis the Preliminary Urban and Architectural Research chosen through the PMI, part of this Notice and Term of Reference.

8.1.4.1. PROJECT DEVELOPMENT METHODOLOGY

The subsequent stages of the project phase should respect the premises established in the Preliminary Research, as well as its conceptual design. These should also consider the PMI researches related to the environmental, urban and territorial issues, evaluating their results and incorporating the necessary solutions and costs for the compensatory measures and mitigating the impacts of the implementation of the project, as well as others evaluated by the Concessionaire.

The drafting of the architectural and urban planning preliminary draft should be included among the first actions planned by the Concessionaire in order to allow, following approval by the Technical Group - GT, the elaboration of the complementary projects that should be constituted of the topics that prove necessary from the development.

Finally, the stage of the executive project should cover the most varied themes according to the needs of the project to be implemented and anticipate the changes indicated in the Environmental Impact Research - EIA, Neighborhood Impact Research - EIV, as well as other binding indicative ones similar researches.

The Concessionaire may propose to the Grantor, modifications of the projects or specifications for the execution of the works, in order to improve the technical adequacy of the concession purposes, respecting, in any case, the requirements and guidelines set forth in the PMI preliminary researches and researches, and particularly in this Term of Reference.

The development of the projects will be accompanied by a Technical Group formed by designated Municipal Public Servants, as provided in item 9 of this TR.

8.1.4.2. PROJECT DEVELOPMENT GUIDELINES

The detailing of the Urban Park and Marina Beira Mar Project should follow the general and urban guidelines mentioned below, which are in line with the criteria adopted in the PMI, namely:

- **General Guideline:** It is hoped that the Urban Park with Marina, to be implanted in the Avenida Beira Mar Norte, will bring the expansion and qualification of the public spaces now installed and that allow the implantation of new uses and attractiveness to the region mainly in what concerns to nautical uses, seeking to give conditions to the appropriation of these spaces by the community.

- **Guidelines for implementation of the Urban and Marine Park:**
 - Create new living, leisure, and contemplation areas that complement existing uses;
 - Ensure the Park's effective integration with the city by providing sufficient connections for pedestrians and cyclists;
 - Guarantee the maintenance of the landscape and value it, seeking the minimal obstruction of the visuals from the land to the sea and praising it as the protagonist of the park;
 - Provide for the Park's connection with other urban facilities in the area, such as Praça Esteves Júnior and Praça dos Namorados, creating a system of public spaces in the region;
 - Encourage and support the activity of Traditional Fishermen;
 - Provide the connection to the surrounding beaches, as well as their qualification;
 - Ensure universal accessibility to spaces created, respecting safety, operational and risk restriction aspects;
 - Consider the area of the Park suitable for holding public events;
 - Ensure the recovery, balance and maintenance of environmental quality;

- Look for harmonious solutions with the Park's own uses for existing mandatory equipment such as the sewage lift station;
- Integrate the project with the promenade and bike path on the avenue;
- Prioritize the use of native species in landscaping;
- Making the project with the public transport system Bus Rapid Transit (BRT) that will be deployed on Avenida Beira Mar Norte;
- Predict connections to future Bus Rapid Transit (BRT) stations;
- Consider the usual and / or traditional nautical and sports activities in the area and provide space or support equipment if applicable;
- To seek the clear integration of the urban design of the Park with the Marina;
- Considering the offer of services in the area of gastronomy, among others, in the surrounding area, seeking only to complement them with similar establishments proposed, strengthening local entrepreneurs;
- Insert the project harmoniously into the local landscape, positively impacting its surroundings;
- Adopt sustainable solutions in the construction aspects, types of materials used, solutions that reduce consumption and generation of energy, reuse of wastewater and rainwater, and adoption of all available and economically viable technologies to make the enterprise a model under the preservation of the environment.
- Consider aesthetic creativity as a design precept;
- Seek the development of innovative solutions in the area of technology, processes, business models, as well as other related to the Park and Marina;
- Design a nautical support structure with the purpose of mooring motor boats or not, with a maximum of 120 feet in wet waves, the type vessel being foreseen in PMI researches;
- Maintain to the maximum the public character of the spaces making private only the places that need restricted access;
- Disregard the existence of onshore space for on-site boat maintenance uses;
- To propose, preferably, structure in recyclable or inert materials and with constructive techniques that guarantee its final quality in order to make it constructive, urbanistic and sustainability reference in the nautical area;
- Use as a precept of the project the modularity that allows the expansion or creation of differentiated spaces within a same structure for boats of different sizes and draft;
- Provide floating structure of all part of connection with the insular space and to support the vessels of the marina;
- To guarantee the minimum criteria for obtaining an environmental certificate with a focus on nautical structures issued by an internationally recognized body, providing conditions for this certificate to be maintained during the operation of the Navy, such as the Blue Flag certificate;
- To design so that the materials, methods and operation are complying with the norms and recommendations adopted internationally;
- To consider in the project and its implementation the minimization of environmental and socioeconomic impacts;

- To adopt premises for efficient use of energy, efficient use of water, use of sustainable materials, adequate treatment of construction waste, sewage treatment, composting of organic waste, selective collection of garbage, management and transport of arboreal specimens, among other measures and policies that are necessary and advisable to the good use of the natural appeal and the maintenance of the equipment;
- Provide a minimum percentage of 10% of wet places for public use;
- To aim the order of the waterway traffic and the safety of the navigation both in the route of the access channel and surroundings of the marina.

8.1.4.3. MATERIAL DESCRIPTIVE MEMORIAL

The materials and techniques used in the construction of the project must comply with the one indicated in the Preliminary Research annexed to the notice. Any changes or new additions due to lack of detailed forecast in the mentioned documents should be adequate to the Purposes of the concession, respecting the requirements and guidelines foreseen and to be approved by the WG.

8.1.4.4. ALTERNATIVES TO THE PROJECT PRESENTED

Based on the analysis of the preliminary research of the PMI, the Florianópolis City Hall indicates the following changes that should be contemplated in the future stages of project development, without prejudice to other proposals that may be made in the course of future work:

- Minimum width of the public dock: 10 meters wide;
- Minimum bridge width: 5 m wide;
- Maximum area of GLA (commercial): up to 3 thousand m² - excepting parking;
- Minimum vacancies for motor vehicles in subsoil: 200 vacancies, of which 80% for automobiles;
- Equating the service of catamarans and transatlantic sailboats;
- Provide infrastructural space for artisanal fishing at the pier;
- Provide drinking water pump;
- Review location of wet spots inside the marina, predicting the best use of the water mirror;
- Present effective solutions for integration between park and city;
- Predict the rebound of the remarkable points of the urban mesh, especially the Praça Esteves Junior, in the design of the Park;
- Access and use of the public ramp must be administered by the marina;
 - Review distribution of the courts: 1 multi-sports court and 1 of beach tennis;
- Raise the position of the treatment center (review need according to PGRS);
- Provide return bays or stops on the bicycle lane;
- Redraw the shared path of the sea square with a maximum width of 5m;
- Observe if the number of boxes of the marina attends the number of wet spots;

- Ensure that the access road to the parking space provides space for accumulation vacancies;
- Provide the internal path of the park with at least 5 m and sheaths for embarkation / disembarkation, taxis, buses, loading and unloading;
- Take out the tour bus parking;
- Detail the procedure of using the boat ramp and its parking, avoiding conflicts with the bike path and promenade;
- Insert large strip crossing the seaside in front of Rua Esteves Júnior, the region's walking axle;
- Foresee crossings in other relevant points such as the Praça dos Namorados, Gama Deça and Arno Hoeschel;
- Consider the dimensions necessary for the axis of circulation where in the future will be the transshipment between maritime transport and other modes;
- Implantation of pedestrian crossings along the level bicycle path, providing for the safety and comfort of passers-by;
- To predict the transition area between the existing tour and cycle path and the space created by the Marina Park, inducing the accessibility of pedestrians and cyclists to the interior of the park, as well as stimulating the sports hikers to the seaside; Include beach memory space from outside;
- Provide inclusive urban furniture;
- Provide locker Salas accessible to the park user.
- Separate rowing along the breakwater and demarcation with buoys and lanterns and space for rower's access (floating);
- To propose the best design and model of the breakwater to reduce the reflection and increase the absorption of the wave to the row of rowing in the external area of the Marina;
- Support the process with the Navy to make the line official;
- Use the Praça D'água for rowing lessons for beginners and propose space to store some boats from the school.

The following proposals should also be considered:

- Evaluate the floating bar execution;
- Evaluate the execution of floating supply with double protection hoses, being 4 pumps: 1 of gasoline and 3 of diesel.

8.1.4.5. ACTIVITY MIX DEFINITION

The Concessionaire shall provide a research that addresses the prior planning of the activities that will comprise the commercial and service mix within the concession area, based on the needs of the users of the project and the surrounding region, i.e. the Mix Plan, or *Tenant Mix*.

The Mix Plan should seek the best distribution of the establishments through diversity, complexity, attractiveness and organization, indicating cohesive, complementary, distinct, harmonic and balanced activities in order to constitute an attractive, competitive and profitable mix.

It is recommended the following activities to compose the Mix Plan of the concession area:

- Restaurant
- --- Ice Cream Shop
- Cafeteria
- Garden Center
- Book store
- Coffee Shop
- House of juices;
- Newsstand;
- Box office for maritime transport;
- Tourist Information (space PMF);
- Shop for sale and rental of Nautical Equipment;
- Convenient store
- Automatic boxes;
- Tour operators;
- Gifts, souvenirs and *souvenirs*;
- Nautical and Sailing School;
- Laundry
- Gas station for boats;
- Square Food for *food trucks*.

8.1.4.6. SOLID WASTE

The Beira Mar Park and Marina project should generate a large quantity and diversity of solid waste and following the National Solid Waste Policy, the Waste Management Plans should be prepared for the following phases:

- Construction Execution (Civil Construction Waste Management Plan - PGRCC) and
- Operation of the project (Solid Waste Management Plan - PGRS).

The Concessionaire shall be responsible for drawing up the said plans, which shall include the legislation in force as well as the technical standards and for each type of waste.

8.1.4.7. LICENSING

The Concessionaire will be responsible for the preparation of the researches, monitoring and information for the licensing stage of the projects with the competent bodies and, therefore, must carry out all the researches and procedures requested, bearing all costs and fees.

8.1.4.7.1. URBAN LICENSE AND BUILDING

Provide the documents and plants requested by the competent bodies for the architecture and urban planning projects (Municipal Department of Urban Development - SMDU) as well

as for their complementary (CASAN, CELESC, Sanitary Surveillance, Fire Department, among others).

Due to the nature of the project, it will be necessary to prepare a Neighborhood Impact Research, whose specific Reference Form, prepared by the Urban Planning Institute of Florianópolis (IPUF), is attached to the Invitation to Bid. The licensing procedure may determine compensatory measures and mitigation of the impacts of the undertaking under the responsibility of the Concessionaire, which are preliminarily suggested in the PMI researches: Product 2 - Territoriality Research and Product 3 - Simplified Impact Research, parts of this term of reference.

8.1.4.7.2. ENVIRONMENTAL LICENSING

The project is part of the activity 'Tourist and leisure complexes', foreseen in Council Resolution 03/08. The attached EIA / RIMA Reference Term is approved by the IMA - Environment Institute of Santa Catarina, in this document the researches and surveys to be carried out for the Environmental Impact Research are planned. The licensing procedure may determine the analysis of the responsible bodies for the Environmental Protection Units, as well as the National Historical and Artistic Heritage Institute (IPHAN), as well as compensatory measures and mitigation of the impacts of the undertaking under the responsibility of the Concessionaire, which are suggested preliminarily in PMI researches: Product 1 - Environmental Diagnosis and Product 2 - Territoriality research, parts of this term of reference.

8.1.4.7.3. LICENSING WITH BRAZILIAN NAVY

Provide the required documentation Chapter 1, item 0108 - *Ports or Port Facilities, Quays, Piers, Jetties, Water-front warehouse, Marinas or Similar* to NORMAN 11 / DPC of the Navy of Brazil, or standardization that has replaced it.

8.1.4.7.4. OPERATING LICENSE

Prepare the necessary documents for the operation of all trades and services included in the enterprise for the purposes of obtaining the following permits, as well as other necessary documents:

- Permit Fire Department;
- Permit Health Surveillance;
- Traffic License and Seal of Inspection;
- Business License

8.1.4.8. DISCLAIMER

The concessionaire will be exempt from the execution phase, purpose of this concession, in case of denial of the licenses mentioned in item 8.1.4.7 or any other licensing that will be imperative to the execution, without reimbursement of expenses from environmental licensing, or any other expenses incurred until this stage of the concession.

8.1.5. COSTS

8.1.5.1. COST OF THE WORK AND PROJECTS OF PMI

The estimated values for the execution of the work are indicated in the budget made from the preliminary research, attached to this TR. This document has a reference value to this competition, and the Concessionaire company must evaluate all the costs for the execution of the project, researches, plans, licenses and compensations, being its total responsibility the correct forecast of the appeal necessary for the implementation and maintenance of the development.

The concessionaire company shall reimburse the winning researches of PMI - Procedure of Manifestation of Interest No. 001/2015 that based this bidding document of common concession up to 180 days after the issuance of the Authorization of Works Term, being:

Product	Company	Value (BRL R\$)
Product 1: Simplified Environmental Diagnosis;	AJX & KAROLYNE SOARES	122,149.44
Product 2: Territoriality Research;	AJX & KAROLYNE SOARES	134,149.44
Output 3: Simplified Impact Research;	AJX & KAROLYNE SOARES	134,149.44
Product 4: Legal Aspects	AJX & KAROLYNE SOARES	135,600.00
Product 5: Preliminary Architectural and Urbanistic Research;	ARK7 ARQUITETURA	855,892.03
Product 6: Feasibility Research Economic / Financial	ARK7 ARQUITETURA	32,244.00
TOTAL		1.414.184,35

8.1.5.2. GRANT COSTS

The Concessionaire shall be responsible for paying the Onerous Concession of the Assignment of Use of the commercially exploited areas in the areas of plus navy according to the value stipulated by the Secretariat of the Patrimony of the Union (SPU) in decree

404/12, as well as complying with the procedures subsequent to the contracting this regulation.

8.1.6. WORKS

The works for the implementation of the Urban Park and Marina Beira Mar should occur in a way that does not detract from the following current uses of the area, creating, if necessary, locational alternatives to the equipment:

- Sidewalk;
- Bike paths;
- Stretching areas;
- Outdoor gymnasiums;
- Business;
- Tourist attractions;
- Sand blocks;
- Handicraft Fair.

Security of use and access to such equipment shall be guaranteed, as well as the minimum loss to users of the spaces mentioned.

All procedures should seek to minimize the interference in the daily life of the user communities and residents of the area of direct influence of the enterprise. Particular attention should be paid to signaling works, the necessary isolation, standards of conduct for employees, the movement of machinery and materials, and the installation of safety devices. The determination of working hours at the construction site, with start and end times of activities, should consider the schedules for the movement of heavy vehicles and the scheduling of the execution of the services, in order to reduce the contribution of vehicles during work schedules. peak and to alleviate the annoyance caused by the emission of noise.

8.1.6.1. WORK STAGES

The Concessionaire will start the works after the issuance of the Authorization of Works by the PMF beginning with the Preliminary Services, Rockfill, Dredging, Landfill, finishing the first stage with the construction of the Reinforced Concrete Structures. Later it is suggested that the internal road system and access to the parking lot and the new bike path and pavement are built foreseen in the Urban Park project. Already the terraced areas will be able to receive planting of trampling vegetation, after compacting, allowing its use.

After the above steps, it is recommended that the works of the park follow in order to complete all the structures, buildings, equipment, landscaping and urban furniture of the proposed plazas with the following priority:

1. Central plaza;
2. Praça D'água e
3. Praça do Mar.

The completed leisure, service and entertainment areas may be partially delivered as long as they do not hinder the development of the remaining work, as well as endanger or cause discomfort to its users.

8.1.6.2. WORK DEADLINES

The works of the Urban Park with all the equipment and buildings foreseen must be completed in up to 3 (three) years, after the issuance of the Authorization Term of Works, and may be extended for an equal period with the approval of the grantor.

The implementation of the Park and Buildings should proportionally accompany the implementation of the wet vacancies of the Marina, that is, the proportion of vacancies installed in relation to those planned should correspond to the level of implementation of the Urbanization and Landscaping and Constructions items of the Complex of the Park as well as the public wet waves.

8.1.6.3. CONCLUSION OF THE WORK

The completion of the work and the beginning of the operation will be done by the issuance of the Partial Term of Acceptance of Works (Provisional or Definitive), in the case of staged delivery, or the Final Acceptance Term of Works, after 6 (six) total of the enterprise.

At the end of the work, the Concessionaire shall have removed all the construction site equipment, equipment, temporary constructions, debris and material debris, in order to present the used areas totally clean.

8.1.7. OPERATIONAL GUIDELINES

Once the construction of the Park and Marina, partially or totally, and with possession of all the licenses and permits necessary for the use of the equipment, the operation of the Park and Marina, under the terms of the contract, may be started.

The responsibility for the full operation of the Park and Marina will be of the Concessionaire, bearing all the costs and expenses necessary to maintain its activities.

The Concessionaire and its subcontractors shall be solely and exclusively responsible for the employment contracts of their respective employees and for compliance with all labor, tax and social security obligations, including those arising from accidents, indemnities, fines, insurance, public health norms and labor regulations.

The Concessionaire shall manage the public and private spaces of the concession area in accordance with the rules established in this Term of Reference, as well as the establishment of other regulations to be constructed in agreement with the Municipal Government, if necessary. The approved regulations must have publicity both in the space of the park and in other means of communication.

8.1.7.1. PRIVATE AREAS MANAGEMENT

Concession areas are understood to be private spaces whose access is not open to the general public, which may be of collective or private use, depending on their character, use

and administration. These spaces are basically restricted to tradable spaces within the concession area, but also include administrative and operational areas.

It will be incumbent upon the concessionaire to manage these areas, being exclusively responsible for the full use of the spaces, its best financial operation, besides the definition of the types of activities, operating hours, operating norms, as well as the assignment of use of the areas to third parties within the limits of the licensing acts. As a precept it is necessary to consider the services offered as services of public interest.

The Marina Park project in its preliminary research stage defines the following private spaces for commercial use:

Space	Area (m²)	Quantity
Convenience Store	205.00	1
Marina's Cafe	300.00	1
Marina Restaurant	580.00	1
Restaurant	750.00	1
Nautical and Sailing School and Shed	265.00 + 280.00	1
Kiosks	30.00	4
Commercial Rooms	50.00	6
Commercial Rooms	25.00	8
Total store area	3.000,00 m ²	
Garage for 200 places	17,000.00	1
Petrol-Gasoline Station	20.00	1
Private Marina Dárcena	179,000.00	1
Total Private Area	200.000,00 m ²	

There are also areas of private use for operational purposes the following spaces: Central of Solid Waste; Administration and operational areas of the Marina such as locker Salas, sailors' and boxes, among others.

The definition, location and dimensions of these areas may be reviewed in the later stages of the project, as provided in this TR.

8.1.7.1.1. NAUTICAL AREA

The Marina Nautical area consists of both the Private Marina's water mirror as well as the access channel and the administrative and operational areas necessary for its operation. In addition to the guarding of vessels, the concessionaire will define and be responsible for the nautical services offered in the Private Marina, as well as the provision of wet spots to be offered. Maintenance services of vessels or engines in water or other land area should not be allowed, and cleaning services should provide for solutions that seek environmental sustainability.

The concessionaire will be responsible for the surveillance and custody of the vessels and for providing all the necessary infrastructure for the proper functioning of the vessels, always requiring its users to comply with nautical and sanitary standards and documentation, among others.

8.1.7.2. PUBLIC AREAS MANAGEMENT

The preliminary research, considered as a reference for the concession of the area, provided for the implantation of a wide area of public use, including spaces for recreation, sports and contemplation. In addition to these destinations, there is a forecast of the destination of areas for specific and restricted uses such as the area destined to events, the Public Marina, the public ramp for boats, among others.

8.1.7.2.1. AREA INTENDED FOR EVENTS

The Marina Park project provides areas for public and private events located in Praça do Mar, Praça Central and Praça D'Água. The character of the events to be performed in these spaces should follow the guidelines below:

- Praça do Mar (10,000m²): public and private events covered (temporary structures) and discovered
- Central Square (5,200m²): public and private events discovered
- Praça D'Água (5.000m²): only public events.

The Concessionaire will be responsible for the calendar of events of the space planned in Praça do Mar, where it will have available 50% of the possible annual days available, considering in the agenda the dates of traditional events of the city, such as New Year's Eve. It shall work in partnership with the Grantor to ensure the governance of the space and the activities developed in it.

The City Hall will be responsible for scheduling the planned activities in the areas of Praça Central and Praça D'Água.

Operational costs arising from events held in spaces for events such as water, electricity, cleaning and maintenance must be sized by the concessionaire and required by the applicants for the spaces, except for the actions organized by the Grantor.

8.1.7.2.2. PUBLIC MARINA

The vacancies planned for the Public Marina of the Marina Beira Mar Park will be exclusively destined for public institutions, artisanal fishermen duly accredited and for shipments and landings, in addition to emergency assistance of sailor in transit.

The availability of vacancies will occur in the same proportion of the creation of private vacancies and should meet the following proportions:

- Public institutions
- Craft fishermen: 55%
- Sailors in transit and embarkation and disembarkation: 15%

The management of the Public Marina area will be done by the concessionaire in accordance with pre-established rules with the Grantor.

8.1.7.2.3. PUBLIC WHARF

The Public Wharf is primarily intended for the embarkation and disembarkation of passengers from the nautical transport system and at the time of the future concession of this Municipal service there must be an agreement between the concessionary of the Marina Park, responsible for the management of the space and the future concessionaire for the definition of criteria of use of the mill.

The preliminary research of the Marina Park envisages in this space the implementation of a Gas Station for boats and other uses may be defined in common agreement between the Concessionaire and the Grantor.

8.1.7.2.4. PUBLIC RAMP

The public ramp will be destined to the entrance and exit of boats in the sea and will be of free public access, being prohibited the parking of vehicles, trailers or boats in their adjacent areas, being restricted to the embarkation and disembarkation of the equipment.

8.1.7.3. MAINTENANCE FEES

The Concessionaire will be responsible for the cleaning, maintenance and conservation of the entire concession area.

8.1.7.3.1. CLEANING

Prior to the start of the operation, the Concessionaire shall prepare and submit to the Grantor a Cleaning Plan that covers each of the Park and Marina areas, and the Concessionaire may propose adjustments and recommendations to the Concessionaire. In events in public areas scheduled by the PMF or under its authorization, the cleaning of the spaces will be the responsibility of the Concessionaire, which will be reimbursed by the costs, with the exception of the PMF that will carry out the cleaning through COMCAP.

8.1.7.3.2. PREVENTIVE MAINTENANCE

The Concessionaire shall prepare a Preventive Maintenance Plan, to be updated and reported to the Grantor annually, comprehensive of all equipment and facilities of the Park and Marina, which includes the periodic maintenance process, with the purpose of preserving the assets and to avoid malfunction.

The Concessionaire shall maintain the infrastructure of the Park and Marina in full working condition for the duration of the contract. All equipment, structures and buildings must have maintenance plans in accordance with the manufacturers' recommendations, all contained in the Preventive Maintenance Plan.

It is the duty of the Concessionaire to obtain and keep up to date the technical reports of specialized companies that attest to the good conditions of use and conservation of equipment, structures and buildings, and make them available to the Grantor whenever requested, and especially when the assets are reversed in the hypotheses termination of the Concession.

Maintenance services should be performed by properly trained professionals.

8.1.7.3.3. CORRECTIVE MAINTENANCE

An Action Plan for the Correction of Failures should be prepared and updated annually to prevent the normal operation of the facilities or equipment and cause unforeseen interruptions or operation at levels below the expected quality, which should be submitted to the Grantee's science.

The Concessionaire shall maintain a maintenance and maintenance call control system that minimally allows for the recording of faults, location and situation, with: opening date, completion date, description of the call, provided solution and related cost (if any).

The Concessionaire shall carry out the operational and environmental monitoring of the facilities, keeping a record of all changes and emergency or routine maintenance interventions performed, reporting any alteration of the original systems to the Grantor.

The Concessionaire shall keep the inventory and registration of the assets linked to the concession permanently updated, ensuring its integrity.

The Concessionaire shall maintain, during the CONCESSION TERM, an adequate stock of spare parts, estimating annual forecasts for its use.

The Operation Plan of the Park and Marina, forwarded to the Grantor prior to the beginning of the operation, should contain an emergency plan that will describe the procedures minimally:

(a) to be followed in case of emergencies or abnormal conditions which endanger the health or safety of persons or which could lead to serious environmental damage or serious breach of legislation;

b) to be followed to ensure the restoration of the operation after such potential incidents.

The Plan of Operation shall be updated annually.

9. FOLLOW-UP AND INSPECTION

9.1. IMPLANTATION AND PLANNING PHASE

For the evaluation, follow-up and receipt of the products, works and works specified in this Term of Reference, the Technical Group for Follow-up of the Implementation of the Urban Park and Marina Beira Mar will be constituted through a decree of the Municipal Mayor, composed of the following PMF bodies:

- Municipal Secretariat of Infrastructure;
- Institute of Urban Planning of Florianópolis - IPUF;
- Floram;
- Municipal Secretariat of Planning and Urban Development;
- Municipal Secretariat of Tourism, Technology and Economic Development;
- Municipal Secretary of Administration
- Municipal Secretariat of Mobility and Urban Transport.

Formal meetings will be held previously marked by the WG, through meetings between the members of the team to evaluate the Products and between them and the contractor to verify the development of the work, necessary adjustments and acceptance of the products. The Products purpose of this Term of Reference will be received by the WG upon acceptance of the desired Purposes, which will be evaluated in order to verify if the defined Purposes have been reached and if all the planned activities were successfully carried out. In addition to these aspects, the products will also be evaluated as to the content, satisfying the fulfillment of the Purposes.

After the completion of the licensing stage of the work, the technical group will be responsible for issuing the Work Authorization Term, which will be the document that will formalize the start of the construction phase of the project. And at the end of the work, being a stage, or the whole project will be issued the Term of Acceptance of Works.

The Grantor, through the WG, will monitor the implementation of the milestones set forth in the General Schedule, safeguarding the right to inspect and request clarifications from the Concessionaire whenever he / she understands that the deadlines set forth in the Schedule may be breached or, the quality of construction is not within the required standards, especially in relation to its adequacy with the TR, without prejudice to the possible application of sanctions provided for in the Contract.

9.2. OPERATIONAL PHASE

For the Operation phase will be created Technical Group (GT) Manager of the Contract composed of servers of the PMF through a decree of the Municipal Mayor, for monitoring and inspection of the concession contract of the Urban Park and Marina Beira Mar by decree of the Municipal Mayor, composed of by the following MFF bodies:

- Municipal Secretary of Administration
- Special Secretariat of Public Services;
- Floram;

- Municipal Secretariat of Planning and Urban Development Institute of Urban Planning of Florianópolis - IPUF
- Municipal Secretary of Culture, Sports and Youth;
- Municipal Secretariat of Tourism, Technology and Economic Development.

This group may, if it is deemed necessary, call other institutions for specific participations.