



INTERNATIONAL DESIGN COMPETITION FOR THE URBAN AND FUNCTIONAL REQUALIFICATION OF AREA OF PIAZZA DELLA REPUBBLICA – SUB AREA 2 – NEW THEATRE AND REAL ESTATE DEVELOPMENT IN VIA RAVASI

Version: 07.05.2015

Competition Organizer: City of Varese Territorial Planning Department

Part of the "Programming Agreement for the realisation of a new theatre and correlated urban and functional regeneration of the area of Piazza della Repubblica in the City of Varese"

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Competition Information: concorsoteatrovarese.concorrimi.it

and: www.comune.varese.it www.regione.lombardia.it www.provincia.varese.it

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CHAPTER I - DESCRIPTION OF THE COMPETITION

1. OBJECT OF THE COMPETITION.

The City of Varese (hereinafter the "Competition Organiser") is holding an open call international competition for the design of the new Varese Theatre, a new multipurpose real estate complex between Via Bizzozero, Via Ravasi and Via dei Giardini, included in a unique sub-area of intervention situated in Varese and located between Piazza della Repubblica – Via Dazio Vecchio – Via Ravasi – Via dei Giardini.

The design guidelines, including a detailed description of the contents and objectives to be pursued can be found in the Preliminary Design Report (hereinafter the PDR), attached to and considered an integral part of the present Brief.

The maximum cost of the project to be realised (budget, including the cost of construction, design fees, site supervision, final inspections and safety and security, competition costs and sums at the disposal of the Competition Organiser) has been established at € 43,360,000.00, of which €24,500,000.00 for the theatre, €2,860,000.00 for the ASL health services and University and €16,000,000.00 for the private component (as detailed in the Economic Feasibility Assessment attached to the PA). All costs are exclusive of VAT.

The maximum cost for the realisation of the final project to be designed is € 40,225,000.00 VAT excluded, based on the following parametric values:

maximum cost of the theatre: €16,000.00/seat; average maximum cost of residential construction €1,300.00/m2 average cost of tertiary services construction €1,200.00/m2 average cost of multi-purpose construction €800.00/m2 average cost of commercial construction €1,300.00/m2 average cost for garages/stalls in a parking structure €15,000.00/m2

the preliminary design selected at the end of the Competition will serve as the base for a successive procedure to identify the subject who will construct and manage the project.

2. COMPETITION PROCEDURE.

The competition will take place in two phases:

- a first phase, in anonymous form, to select the 5 (five) best proposals for admission to the second phase;
- a second phase, also anonymous, to select the best proposal from among those admitted from the first phase.
- In order to guarantee anonymity and uniform conditions of participation the Competition and relations between the Competition Organiser and participants will occur exclusively via the official Competition website: **concorsoteatrovarese.concorrimi.it**

Registered participants will be able to access the website to download all material required to participate in the Competition, to formulate questions, consult the dedicated "news" page and submit proposals to both the First Phase and Second Phase of the Competition.

An automated system will assign each participant with a unique code that guarantees the anonymity of the entire procedure.

CHAPTER II - PARTICIPATION IN THE COMPETITION

3. ELIGIBILITY: REQUISITES FOR PARTICIPATION

The Competition is open to Architects and Engineers licensed with professional Associations or Registrations in their country of residence, certified to practice on the date of publication of the present Competition Brief and in possession of the general requirements outlined in art. 38 of Italian Legislative Decree n. 163/2006.

Specifically, the Competition is open to all subjects referred to in art. 90, comma 1, letters d, 3, f, f-bis, g and h and art. 10, comma 2 of Legislative Decree 163/2006 and its successive modifications and integrations. The Competition is not open to Architects and Engineers in possession solely of a three year degree, in consideration of the contents of article 15 and successive (for the architectural profession) and art. 45 and successive (for the engineering profession) of Italian Presidential Decree 328/2001.

Participants may participate individually or in groups.

Temporary associations must nominate a group leader, who will be the sole figure responsible for the group and for all communications with the Competition Organiser.

A temporary association constitutes a *unique entity* for the aims of the Competition and ownership of the proposals submitted will be recognised with equal title and rights to all members of eventual groups.

Temporary associations, even if not yet formally constituted, must contain at least one graduated professional, licensed to practice for a minimum of 5 (five) years, prior to the date of publication of the present Competition Brief (art. 253 of Italian Presidential Decree 207/2010).

Participants in the Competition may work with consultants and collaborators, who need not be registered with professional associations. The qualification and role of each collaborator or consultant must be declared. The roles and attribution and consultants and/or collaborators are defined by each participating group and these decisions will have no bearing on any relations between participants and the Competition Organiser.

Participation under any title (group leader, group member, consultant, collaborator) as a member of more than one group will result in the exclusion from the Competition of the individual participant and the group and/or groups of which the same participant is a member.

The composition of participating groups may not be changed between Phase One and Phase Two.

4. INELIGIBILITY

The following are ineligible to participate in the Competition:

- 1. those involved in the preparation of the present Brief and its attachments, their spouse/partners and relatives up to and including third degree relations, including anyone who maintains on-going or other forms of known relations with the aforementioned subjects. Known relations are common situations, including the same working environment, that may give rise to a reciprocal overlap of reciprocal professional technical-organisational activities;
- Employees of the Competition Organiser and subjects who, on the date of publication of the Brief, maintain a relationship of collaboration of any nature whatsoever with the Competition Organiser in relation to the theme of the present Competition. This incompatibility is extended to spouses/partners and relatives up to and including third degree relations.

5. ACCEPTANCE OF THE COMPETITION RULES & REGULATIONS

By participating in the Competition participants accept, without reservations of any nature, all of the rules and regulations outlined in the present Brief.

Failure to observe any of the rules and regulations established in the present document will result in automatic exclusion from the Competition, including the application of art. 38, comma 2-bis and art. 46 comma 1-ter of Italian Legislative Decree n. 163/2006 and the application of the minimum penalties and fines provided for in art. 38 comma 2-bis of the aforementioned legislation.

6. COMPETITION DOCUMENTS

The Competition Organiser will provide the following documentation, which can be downloaded from the Competition website: **concorsoteatrovarese.concorrimi.it**:

Competition Brief

PDF file (documento_bando.pdf)

PDR (Preliminary Design Report)

PDF file (dpp.pdf)

- 1. Site Survey: CTR 1:10.000 (Regional Technical Map) PDF file/TIFF (allegato_1.zip)
- 2. Planimetric Map: AFT1:2000 (Aerial Photograph) file DWG (Planivolumetrico_AFT.rar)
- 3. DBT City of Varese (Topographic Database) SHP file (Allegato_3.rar)
- 4. Land Registry Maps PDF file (Documentazione_catastale.pdf)
- 5. Site Plan of Existing Conditions DWG/PDF file (Allegato_5.rar)
- 6. Site Sections of Existing Conditions DWG/PDF file (allegato_6.zip)

7. Extract from the PA PDF file (Estratto_PA.pdf)

- 8. Urban Transformation: Identification of Sub-Areas PDF file (Sub_ambiti.pdf)
- 9. Existing Conditions and Typologies of Intervention DWG/PDF file (allegato_9.zip)
- 11. Design Guidelines: Sub-Area 2 DWG/PDF file (allegato_11.zip)
- 12. Landscape Values: View Analysis and Visual Cones PDF file (Analisi_e_coni_visuali.pdf)
- 14. Multi-storey parking structure: existing plans and sections PDF file (Parcheggio_multipiano.pdf)
- **15. Apollonio Theatre: Existing plans and sections** PDF file (*Teatro_Apollonio.pdf*)
- **16. Area of Via Ravasi: Existing Plans, Sections and Opinions of the Superintendent's Office** DWG/PDF file (*allegato_16.zip*)
- 17. Photographic Documentation JPG/PDF file (allegato_17_teatro.zip)
- Historic Report by the Arch. Marè PDF file (Relazione_storica_Arch_Mare.pdf)
- 20. Analysis of existing functions: The theatre PDF file (allegato_20.zip)

- **21.** Analysis of existing functions: ASL health services offices PDF file (*allegato_21.zip*)
- 23. Area of Via Ravasi: technical file PDF file (Comparto_via_Ravasi_scheda_tecnica.pdf)
- 25. Demolitions underway PDF file (Progetto_demolizioni_Piazza_Repubblica.pdf)
- **27. Public Space in the City** PDF file (*Lo_spazio_pubblico_della_citta.pdf*)
- 28. Programming Agreement (PA) for the realisation of a new theatre and correlated urban and functional regeneration

of the area of Piazza della Repubblica in the City of Varese PDF file (accordo_programma_piazza_Repubblica_sottoscritto_il_20_dic.pdf)

- 29. Preliminary protocol to the definition of the Programming Agreement PDF file (protocollo_teatro.pdf)
- 30. Economic Financial Feasibility Assessment for the Programming Agreement PDF file (studio_fattibilita_AdP_CityO_10-12-2014_post_STER.pdf)

7. QUERIES AND REQUESTS FOR CLARIFICATION - SITE VISIT

Subjects interested in the competition and participants may forward requests for clarification to the Competition Organiser using exclusively the procedures described on the Competition website, for both Phase One and Phase Two. Requests must be forwarded, respectively, by **1:00 p.m.** on the **19 June 2015** for Phase One and by **1:00 p.m.** on the **7 November 2015** for Phase Two.

The final dates for the publication of responses, including summaries, have been established respectively on the 23 June 2015 at 5:00 p.m. for Phase One and the 9 November 2015 at 5:00 p.m. for Phase Two.

A site visit is planned for the 3 June 2015. The hours of the visit will be communicated via email in relation to the number of requests received. In the event of an excessive number of requests, additional visits will be scheduled for the successive days. Requests to visit the site must be sent by email to the following address: sopraluoghi.concorsiprogettazione@comune.varese.it The site visit is not mandatory. Those wishing to visit the site are to be aware that the person or persons sent by the City of Varese to accompany participants will not provide any information, but simply allow access to the site. Any information that may be provided or in any case inferred during the site visit though not communicated in the form of a written answer to queries received via the Competition website concorsoteatrovarese.concorrimi.it will have no value and cannot be utilised in any way by participants in the Competition.

Requests for clarification must be forwarded exclusively using the forms available online and during the timeframe indicated on the Competition website.

8. PHASE ONE - SUBMISSION MATERIAL

The proposals requested to participate in Phase One of the Competition must consist in the following documents:

- a report of no more than 5,000 keystrokes, spaces included, on UNI A4 portrait in PDF format as specified on the Competition website concorsoteatrovarese.concorrimi.it, on a total of no more than 5 single-sided pages illustrating the guiding criteria, also using diagrams and images, of the project choices presented in response to the objectives outlined in the Brief and the characteristics of the works to be realised;
- 2. **3 (three)** UNI A3 landscape pages in PDF format as specified on the Competition website **concorsoteatrovarese.concorrimi.it** illustrating the proposed project.

All files must be printable and must not exceed 5 MB.

Each document must contain the alphanumeric code assigned by the automated system to each participant at the time of registration.

No material other than that expressly specified in the Brief or on the website will be accepted.

9. PARTICIPATION METHODS AND DEADLINES - SUBMISSIONS FOR PHASE ONE

Participation in the Competition is managed by the Competition website: **concorsoteatrovarese.concorrimi.it** Individual participants or group leaders must register on the website using a certified email address or, in the case of participants residing outside of Italy, using an email address that provides similar guarantees. In particular, participants must fill out the following forms:

- 1)Request to Participate
- 2) Self-Declaration Affidavit
- 3) Authorisation for Public Employees
- 4) Group Description

Completed documents must be printed, signed and uploaded together with files containing non-authenticated copies of the participant's identity card and a copy of authorisation to participate in Competition in the event the participant is a public employee as per art. 53 of Italian Legislative Decree n. 165/2001. The file must bear the digital signature of the group leader/individual participant.

No other forms of participation than those described in the Brief and specified on the Competition website will be contemplated. Registration on the Competition website will grant participants access to all information necessary to submit the administrative documentation and project proposals.

All material must be uploaded using the online submission procedure by no later than **5:00 p.m.** on **30 June 2015**. The website will not accept any attempts to complete submission procedures after this date.

To guarantee anonymity, each document must contain only the alphanumeric code assigned by the automated system to each participant at the time of registration.

10. PHASE TWO - SUBMISSION MATERIAL

The preliminary project to be developed and submitted by participants admitted to Phase Two of the Competition must consist of the following:

a. Descriptive Report;

- b. Technical Report;
- c. Environmental Pre-Feasibility Study;

d. Studies required for a suitable understanding of the context into which the project is to be inserted, accompanied by bibliographic data, preliminary verifications and investigations focused on a complete description of the territory and in particular the Competition sites;

e. a minimum of 12 drawings, subdivided as follows:

1) extracts from town planning and environmental and landscape conservation plans, as well as the current master plan, clearly indicating the position of the proposed interventions;

2) diagrams and schematic sections – number and scale as necessary – describing the general spatial, typological, functional and technological characteristics of the proposal, accompanied by charts outlining the various parameters to be respected;

3) plans, elevations and sections at a suitable scale for describing the various components and works required to realise the proposal;

4) diagrams, plans and sections at a suitable scale defining the proposed approach to the design of mechanical and electrical systems.

f. preliminary indications and dimensions ensuring the necessary health & safety conditions in all places of work necessary for the preparation of safety plans;

g. preliminary Bill of Quantities providing the costs of each single intervention subdivided into macro chapters relative to the various categories of work;

h. table of costs and expenses;

i. Economic Financial Feasibility Assessment for the construction and management of the project.

all documents must be provided in PDF format.

The number and references for each document coincide with the Competition Organiser's objective of obtaining a complete preliminary design package without the need for further integrations.

When developing the preliminary design competitors must take into account eventual indications provided by the Competition Jury at the end of Phase One of the Competition.

No material other than that expressly specified in the Brief or on the website will be accepted.

11. PARTICIPATION METHODS AND DEADLINES FOR PHASE TWO

No other forms of participation than those described in the Brief and specified on the Competition website will be contemplated.

All material must be uploaded using the online submission procedure by no later than **5:00 p.m.** on **16 November 2015**. The website will not accept any attempts to complete submission procedures after this date.

12. COMPETITION CALENDAR

The principal Competition deadlines are as follows:

- 19.06.2015 1:00 p.m.
 - Deadline for the submission of request for clarification for Phase One;
- 23.06.2015 5:00 p.m.

Deadline for the publication of responses to the requests for clarification received by 19 June 2015 for Phase One;

• 30.06.2015 5:00 p.m.

Deadline for the submission of project proposals for Phase One;

• 02.07.2015 9:00 a.m.

First public meeting of the Competition Jury;

• 30.07.2015 3:00 p.m.

Publication of the alphanumeric codes assigned to the proposals admitted to Phase Two of the Competition;

- 07.11.2015 1:00 p.m.
- Deadline for the submission of request for clarification for Phase Two;
- 09.11.2015 5:00 p.m.
 Deadline for the publication of responses to the requests for clarification received Phase Two;
- **16.11.2015 5:00 p.m.** Deadline for the submission of project proposals for Phase Two.

CHAPTER III - THE WORK OF THE COMPETITION JURY - COMPETITION RESULTS

13. COMPETITION JURY

The following are not eligible to sit on the Competition Jury:

- 1. competitors, their spouses/partners and relatives up to and including the third degree;
- employers and employees of participants and those with an on-going or known working relationship with the aforementioned subjects. Known relations are common situations, including the same working environment, that may give rise to a reciprocal overlap of reciprocal professional technical-organisational activities;

Jury members will be subject to the abstention clause outlined in art. 51 of Civil Procedure Rules.

The Competition Jury, the same for both Phase One and Phase Two of the Competition, is composed of 5 (five) effective members:

one member serving as the president nominated in accordance with art. 84 comma 3 of Legislative Decree 163/2006; 2 (two) professionals with international experience selected from a list of 10 names proposed by the Professional Associations of Varese;

2 (two) expert university professors with proven international experience in architectural and urban design and the preparation and verification of financial plans, including operations of public-private partnership.

In addition, a total of 2 (two) substitute members in the event it is necessary to substitute one or two of the effective Jury members.

The Competition Jury will be assisted by a non-voting secretary, selected by the Competition Organiser.

The members of the Competition Jury will be nominated after the deadline for the presentation of project proposals. The nomination of the Jury and the names of its members will be communicated via the aforementioned websites.

Jury sessions will be valid only when attended by all members.

The decisions of the Competition Jury are taken by majority vote and will be binding for the Competition Organiser.

The Competition Jury will hold one or more private sessions; these sessions will be transcribed and the minutes signed by all members will be held by the Project coordinator nominated in art. 23 below. The minutes of the Jury sessions will contain a description of the methodology adopted and the unfolding of the proceedings. The final minutes for Phase Two will contain a motivated ranking and the points assigned to the submissions received and reviewed.

14. PUBLIC JURY SESSIONS

The work of the Competition Jury for Phase One and Phase Two will be preceded respectively by two Public Jury Meetings during which the anonymity of all submissions will be guaranteed.

During the first public session the Competition Jury will list the submissions received:

by reading out the alphanumeric codes attributed by the automated system to each proposal;

During the first public session the Competition Jury will list the preliminary projects received:

by reading out the alphanumeric codes attributed to each proposal.

The public meeting of the Competition Jury for Phase One will be held at 9:00 a.m. on 2 July 2015 at Varese City Hall, Via Caracciolo 46 – First Floor – Meeting Rooms.

The date and time of the second public meeting marking the beginning of Phase Two will be published on the Competition website.

15. THE WORK OF THE COMPETITION JURY – PHASE ONE

During the first private session the Competition Jury will define its working methodology. The choice of project proposals admitted to Phase Two will be based on the following criteria of evaluation:

the project proposals must respect the invariants specified in the guidelines provided in the PDR

new theatre 60 points out of 100 of which: 20 for the volumetric composition and relations with context; 20 for the design of the interior and exterior spaces; 20 for the innovative qualities of the proposal for a new "public building".

new multipurpose building in Via Bizzozero 30 points out of 100 of which: 20 for the architectural composition of the building volumes; 10 for its insertion within the landscape.

new mixed-use residential building in Via dei Giardini 10 points out of 100 of which: 5 for the architectural composition of the building volumes; 5 for its insertion within the landscape.

The alphanumeric codes of the selected 5 (five) participants will be published on the Competition website.

16. THE WORK OF THE COMPETITION JURY - PHASE TWO

During the first private session the Competition Jury will define its working methodology. The Competition Jury will evaluate the proposals received based on the following criteria:

the project proposals must respect the invariants specified in the guidelines provided in the PDR

new theatre 40 points out of 100 of which:

- 15 for the composition of landmark elements with a strong identity;
- 10 for the treatment of the internal spaces, materials and landscaping;
- 15 for the innovative approach to the design of mechanical, electrical and technological systems.

new multipurpose building in Via Bizzozero 20 points out of 100 of which:

- 10 for the composition of landmark elements with a strong identity;
- 5 for the treatment of the internal spaces, materials and landscaping; 5 for the innovative approach to the design of mechanical, electrical and technological systems.

new mixed-use residential building in Via dei Giardini 10 points out of 100 of which: 5 for the architectural composition of the building volumes; 5 for its insertion within the landscape.

30 points out of 100 for the:

verification of the Economic and Financial Feasibility Assessment of the construction and management of the project.

17. ANNOUNCEMENT OF THE WINNING ENTRY

During a third public meeting, the Competition Organiser will announce the winner of the Competition and read out the classification of the 5 participants, associating the alphanumeric codes with the name(s) of the participant(s), after proceeding with the necessary verifications of the administrative documents received and the evaluation of eventual incompatibilities.

The date and time of this public meeting will be published on the Competition website.

CHAPTER IV – PRIZES, COPYRIGHT & PUBLICATION

18. PRIZES AND REIMBURSEMENTS - COPYRIGHT

The winner of the Competition will receive a total prize of €100,000.00 (including VAT and CNPAIA, or other applicable pension fund).

With this payment, the Competition Organiser acquires the rights to the winning preliminary design as per art. 99, comma 5 of Legislative Decree 18 April 2006, n. 163.

The second ranked project will be awarded a total of €35,000.00 (including VAT and CNPAIA, or other applicable pension fund).

The third ranked project will be awarded a total of €25,000.00 (including VAT and CNPAIA, or other applicable pension fund). Each of the 2 successive participants will be entitled to €15,000.00 (including VAT and CNPAIA, or other applicable pension fund).

Payment of the aforementioned sums will be made within 90 (ninety) days from the date of completion of the administrative procedures related to the approval of the work of the Competition Jury.

Intellectual property and copyright of the projects presented will remain with the authors of the projects as per applicable legislation

For the projects, images and all material provided to the Competition Organiser in relation to participation in the Competition, each participant assumes any and all responsibility for the violation of patents, copyright, intellectual property and other rights in general.

No compensation of any kind is foreseen in relation to participation in Phase One of the Competition.

19. PUBLICATION OF THE COMPETITION RESULTS

Other than as specified in applicable legislation, the Competition Results will be published by the Competition Organiser within 10 (ten) days from the date of approval of the work of the Competition Jury and communicated to all interested Professional Associations

CHAPTER V - FINAL CLAUSES

20. PRIVACY

Personal information provided together with the request to participate in the Competition will be handled by the Competition Organiser solely for the purposes of identifying the finalists participating in the Competition, following the evaluation of the submissions received. This information may be communicated to third parties only for reasons directly related to the Competition and made known in relation to the promotion of the project proposals as per the following paragraph.

As per Legislative Decree 30 June 2003 n. 196, by accepting the content of the present Brief, participants explicitly consent to the use of their personal information for aims and objectives inherent to their participation in the Design Competition in accordance with all applicable legislation.

The figure responsible for handling this information is Arch. Gardelli Gianluca.

21. EXHIBITION AND PUBLICATION OF THE PROJECT PROPOSALS

The Competition Organiser commits to presenting the Competition and its results to national and international press as it sees fit.

22. ADVERTISING AND DISTRIBUTION OF THE BRIEF - PROJECT COORDINATOR

In addition to the forms mandated by law, the present Brief is also published by the Competition Organiser on the Competition website: **concorsoteatrovarese.concorrimi.it**.

Project Coordinator: Arch. Marisa Masini.

23. LANGUAGE

The official language of the competition is Italian. The use of the English language is also permitted.

24. FINAL CLAUSES

Public access to the entire procedure will be consented successive to the approval of the work of the Competition Jury.

Any item not expressly disciplined by the present Competition Brief will be governed by applicable legislation. All controversies will fall under the jurisdiction of the **Milan** offices of the Regional Law Courts of the Province of Lombardy.

REFERENCE LEGISLATION

- arts. 38, 39, 49, 90, 99, Legislative Decree 163/2006 (Code of Public Contracts of Works, Services and Supplies in implementation of Directives 2004/17/EC and 2004/18/EC);
- arts. 17, 253, Presidential Decree 207/2010 (Implementation Regulation of Legislative Decree 12 April 2006, n. 163 containing the "Code of Public Contracts of Works, Services and Supplies in implementation of Directives 2004/17/EC and 2004/18/EC");
- art. 51 (Civil Procedure Code);
- Legislative Decree 196/203 (Code of Personal Data Security Measures);
- art. 16, Law n. 2/2009 (Conversion into law, with modifications, of Decree Law 29 November 2008, n. 185 containing
 urgent measures to support of families, work, employment and businesses and aimed at reorganising the national
 strategic situation in response to the crisis).

CLARIFICATIONS

Art. 3. In reference to the contents of this article, it should be noted that the expression *unique entity*, when used in reference to participation in the form of temporary associations, does not comport that eventual temporary associations will be considered, for the aims of the Competition, as a new and autonomous legal subject with respect to the subjects of which it is comprised.

It remains understood that the unitary nature of the group is of relevance, in relation to the present Competition, solely to ownership of the project proposals and preliminary design proposals presented.

With respect to the faculty of interested subjects to make avail themselves of external collaborators and consultants who will not be considered participants, it must be remembered that:

- as per art. 91, comma 3 of Legislative Decree 163/2006 it is prohibited for those who are awarded design
 commissions, to make use of subcontractors, with the exception of activities related to geological, geotechnical and
 seismic studies and investigations, surveys, measurements and staking, and to the preparation of specialised and
 detailed documents, with the exclusion of geological reports, and exclusively for the preparation of project
 documents;
- art. 118, comma 12, letter a) of Legislative Decree n. 163/2006 does not consider as subcontracts specific activities entrusted to freelance or self-employed professionals. We strongly recommend that participants review the aforementioned legislation in order to avoid forms of subconsulting that are not allowable.

Art. 8. The indications relative to the methods of formulating proposals descend from technical requirements linked to the functioning of the system and its operational stability during the Competition.

Art. 9. The expression "the online submission procedure that must be completed" refers to the final operative step in the uploading of the documents to the online system.

Arts. 13, 15 & 16. The Work of the Competition Jury

The identification of the methodology will not determine any changes to the evaluation criteria established in the Brief, which will remain fixed and may not be modified by the Jury.