



STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT

ANNEX XIX – COEXISTENCE GUIDELINES FOR THE CONCESSIONAIRE AND THE IBT



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1. PURPOSE OF THE COEXISTENCE GUIDELINES

This ANNEX sets forth the coexistence guidelines and the sharing of areas and assets between the CONCESSIONAIRE and the IBT for purposes of enabling both parties to carry out their concerning activities throughout the CONCESSION TERM.

The coexistence guidelines were devised based on attributions defined for purposes of introducing, as of the DATE OF SIGNING of the CONTRACT, a sound communication channel between the engaged parties, thereby streamlining the coordination and development of services and activities whose interfacing has been verified throughout the BOTANIC GARDEN's operating term. The purpose is to coordinate all potential daily intersections so as to avoid there being any overlapping of CONCESSIONAIRE attributions, pursuant to ANNEX III.

Assets and attributions listed in this ANNEX do not rule out either party's duties to work together to consolidate the provisions hereunder, upon taking note of how their concerning activities interact throughout the CONCESSION TERM.

The following, among others, are some of the purposes for devising coexistence guidelines to guide the relationship between the CONCESSIONAIRE and the IBT:

- I. to help foster the IBT's and the CONCESSIONAIRE's coexistence and undertaking of activities, particularly inside the CONCESSION AREA-SP;
- II. to align research activities conducted with the transit of vehicles and people within the CONCESSION AREA-SP;
- III. to organize the transit of vehicles and people in administrative and visitor sector areas;
- IV. to enable enforceable guidelines and measures aimed at mitigating risks resulting from activities carried out under the coexistence system;
- V. to devise surveillance and management activities of green spaces adjacent to IBT building projects, as well as the administrative reception;

In addition to the provisions hereunder, both the CONCESSIONAIRE and the IBT are free to enter into, throughout the CONCESSION TERM, private contracts, whether free or onerous, whose legal system is to be distinct to that of the one applying to the CONCESSION, aimed at ensuring the best possible destination for the aforementioned assets and/or any other assets that the parties may deem relevant. The deal shall be conditional upon the STATE SECRETARIAT FOR INFRASTRUCTURE AND ENVIRONMENT's consent, undersigned as the GRANTING AUTHORITY.

2. ASSETS AND ACTIVITIES: INTERFACING AND PARTIES' ATTRIBUTIONS

All activities subject to coexistence rules aimed at guiding the relationship between the CONCESSIONAIRE and the IBT shall be carried out at the CONCESSION AREA, these being the following:

- I. Free transit of collaborators;
- II. Research studies conducted at the CONCESSION AREA;

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- III. Use of Grounds;
- IV. Surveillance and Maintenance of Grounds;
- V. Transition;
- VI. Orchidarium and Bromeliad Greenhouse;
- VII. Seed Collection;
- VIII. Botanic Garden Accreditation as a “Class A” institution;
- IX. Dr. João Barbosa Rodrigues Botanic Museum.

The CONCESSIONAIRE and the IBT shall mutually agree upon coexistence rules for both parties in case emergency situations are verified, clearing access to IBT personnel in a manner attuned to Risk and Contingency Plan protocols devised by the CONCESSIONAIRE, and specified in ANNEX III.

2.1. OBLIGATIONS OF THE CONCESSIONAIRE

2.1.1. The following are the CONCESSIONAIRE's coexistence obligations throughout the CONCESSION TERM:

- I. to arrange the transit of employees and vehicles inside the CONCESSION AREA-SP;
- II. to pinpoint areas within the CONCESSION AREA where IBT personnel has restricted access, without, however, hampering access of those in charge of inspections;
- III. to monitor access of personnel, pursuant to SET OF SPECIFICATIONS rules, as well as visitors at Administrative Reception areas;
- IV. to authorize research studies to be conducted at the CONCESSION AREA, taking into account criteria set forth under ANNEX III;
- V. to escort IBT personnel during visits, if necessary;
- VI. to authorize, upon prior request, building projects and grounds located at the Visitor Sector to host scientific conferences or other events potentially held by the IBT, upon prior request;
- VII. to carry out surveillance of the CONCESSION AREA, as foreseen under its FACILITY OPERATING MASTER PLAN;
- VIII. to carry out cleaning and maintenance, as foreseen under the Administrative Sector Cleaning and Maintenance Plans, at previously scheduled time;
- IX. to report all incidents taking place in the BOTANIC GARDEN's Administrative and Visitor Sectors to the Military Police, notwithstanding its duty to report said incidents to the GRANTING AUTHORITY and to the IBT at the same time;
- X. to carry out the flora's BIOLOGICAL ASSET inventory, requesting, if applicable, the IBT's assistance;

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- XI. to provide the IBT with a list of the sized staff's names upon devising the Collection Plan and the Operating and Gardening Plan, for purposes of carrying out training as set forth under ANNEX VII;
- XII. to manage Dr. Frederico Carlos Hoehne Orchidarium orchids as well as Bromeliad Greenhouse bromeliads under the technical and scientific supervision of personnel to be provided by the IBT;
- XIII. to report any request for accessing surplus seedlings and non-viable seeds to the IBT within 24 (twenty-four) hours after receiving notice thereof;
- XIV. to cooperate with the IBT, upon receiving applicable information, as well as providing assistance upon fulfilling its contractual obligations, when fulfilling requirements needed for retaining the BOTANIC GARDEN's "Class A" rating, in accordance with the applicable CONAMA Resolution.

2.2. OBLIGATIONS OF THE IBT

2.2.1. The following are the IBT's coexistence obligations throughout the CONCESSION TERM:

- I. to devise a staff ID list to identify its personnel;
- II. to instruct its personnel to transit with their vehicles within CONCESSIONAIRE-defined perimeters;
- III. to endeavor to keep personal information of personnel and visitors of IBT-occupied building projects current;
- IV. to identify and carry out prior registration of organization personnel in charge of contract oversight;
- V. to notify the CONCESSIONAIRE at least 24 (twenty-four) hours in advance on the need of its personnel to access the CONCESSIONAIRE's technical areas;
- VI. to request the CONCESSIONAIRE's approval, with at least 7 (seven) days in advance, for using its building projects to host scientific conferences or other events;
- VII. to support the CONCESSIONAIRE while carrying out the flora's BIOLOGICAL ASSET inventory, providing all information needed;
- VIII. to carry out training of personnel submitted by the CONCESSIONAIRE in its Collection Plan and Operating and Gardening Plan, subject to the provisions of ANNEX VII;
- IX. to set forth all procedures required for properly managing orchid and bromeliad collections;
- X. to provide a team to be in charge of the technical and scientific supervision of the Dr. Frederico Carlos Hoehne Orchidarium orchid and the Bromeliad Greenhouse collection management;
- XI. to provide surplus seedlings and non-viable seeds for the CONCESSIONAIRE's use, with the latter being required, to this end, to signal its interest for collecting said material within 24 (twenty-four) hours after receiving notice;
- XII. to cooperate with the CONCESSIONAIRE, upon receiving applicable information, as well as providing assistance upon fulfilling its contractual obligations, when fulfilling

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requirements needed for retaining the BOTANIC GARDEN's "Class A" rating, in accordance with the applicable CONAMA Resolution;

XIII. to support the CONCESSIONAIRE in fulfilling all obligations pertaining to operating and upkeeping the Botanic Museum, which may entail providing items to be displayed, as the case may be.

2.3. SUMMARY TABLE OF COEXISTENCE OBLIGATIONS FOR THE CONCESSIONAIRE AND THE IBT

ASSETS/ACTIVITIES	CONCESSIONAIRE	IBT
TRANSIT OF PERSONNEL	to arrange the transit of personnel and vehicles at the CONCESSION AREA-SP.	to devise a staff ID list to identify its employees.
	to distinguish CONCESSION AREA spaces where IBT personnel have restricted access, without, however, hampering access of those in charge of carrying out inspections.	to instruct its personnel to transit with their vehicles within CONCESSIONAIRE-defined perimeters.
	to monitor access of personnel, pursuant to SET OF SPECIFICATIONS regulations, as well as visitors at Administrative Reception areas.	to endeavor to keep personal information of personnel and visitors of IBT-occupied building projects current.
		to identify and carry out prior registration of organization personnel in charge of contract oversight.
RESEARCH STUDIES AT THE CONCESSION AREA	to authorize research studies to be carried out in the CONCESSION AREA, taking into account criteria set forth under ANNEX III.	
	to escort IBT personnel during visits to the CONCESSIONAIRE's technical center, if necessary.	to notify the CONCESSIONAIRE with at least 24 (twenty-four) hours in advance on the need of its personnel to access the CONCESSIONAIRE's technical center.
USE OF GROUNDS	to authorize, upon prior request, the use of building projects and grounds for purposes of hosting scientific conferences or other events to be held by the IBT.	to request the CONCESSIONAIRE's approval, with at least 7 (seven) days in advance, for using its building projects to host scientific conferences or other events.
	to carry out surveillance of the CONCESSION AREA, as foreseen	

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SURVEILLANCE, CLEANING, MAINTENANCE AND GREEN SPACES	under its FACILITY OPERATING MASTER PLAN.	
	to report all incidents taking place in the BOTANIC GARDEN's administrative and visitor Centers to the Military Police, notwithstanding its duty to report said incidents to the GRANTING AUTHORITY and to the IBT at the same time.	to monitor CFTV footage and be in charge of notifying the Military Police regarding Areas that do not comprise the CONCESSION AREA.
	to carry out cleaning and maintenance of IBT's administrative grounds, as specified in the Cleaning and Maintenance Plans, in previously scheduled times.	
TRANSITION	to carry out the flora's BIOLOGICAL ASSET inventory, requesting, if applicable, the IBT's assistance.	to support the CONCESSIONAIRE in devising the flora's BIOLOGICAL ASSET inventory, providing all information needed.
	to provide the IBT with a list of the sized staff's names upon devising the Collection Plan and the Operating and Gardening Plan, for purposes of carrying out training as set forth under ANNEX VII.	to carry out training of personnel submitted by the CONCESSIONAIRE in its Collection Plan and Operating and Gardening Plan, subject to the provisions of ANNEX VII.
ORCHIDARIUM AND BROMELIAD GREENHOUSE		to set forth all procedures required for properly managing orchid and bromeliad collections.
	to manage Dr. Frederico Carlos Hoehne Orchidarium orchids and Bromeliad Greenhouse collections in accordance with technical and scientific supervision provided by IBT-appointed personnel.	to provide a team to be in charge of the technical and scientific supervision of the Dr. Frederico Carlos Hoehne Orchidarium orchid and Bromeliad Greenhouse collection management.
SEED COLLECTION	to report any request for accessing surplus seedlings and non-viable seeds to the IBT within 24 (twenty-four) hours after receiving notice thereof.	to provide surplus seedlings and non-viable seeds for the CONCESSIONAIRE's use, needing, to this end, to notify it so that it signals its interest in receiving said material within 24 (twenty-four) hours;.
CLASS A	to cooperate with the IBT, upon receiving applicable information, as well as providing assistance upon fulfilling its contractual obligations, when fulfilling requirements needed for retaining the BOTANIC	to cooperate with the CONCESSIONAIRE, upon receiving applicable information, as well as providing assistance upon fulfilling its contractual obligations, when fulfilling requirements

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	GARDEN's "Class A" rating, in accordance with the applicable CONAMA Resolution.	needed for retaining the BOTANIC GARDEN's "Class A" rating, in accordance with the applicable CONAMA Resolution.
DR. JOÃO BARBOSA RODRIGUES BOTANIC MUSEUM	to support the CONCESSIONAIRE in fulfilling all obligations pertaining to operating and upkeeping the Botanic Museum, which may entail providing items to be displayed, as the case may be.	

3. GUIDELINES FOR DEVISING COMMUNICATIONS PROCEDURES

3.1. ACTIVITY SCHEDULES OF THE PARTIES

The manner upon which communications and sharing of information between the CONCESSIONAIRE and the IBT is to unfold throughout the CONCESSION TERM shall take into account the asset's operating regulations commissioned by the Government of the State of São Paulo, regulated based on State Law No. 17.107/2019, in the AUCTION NOTICE, the CONTRACT and ANNEXES, in addition to regulations on activities undertaken by the IBT.

The following factors shall be taken into consideration:

- I. research studies conducted by the IBT;
- II. services to be rendered by both parties;
- III. asset operation methods;
- IV. risks posed to visitors;
- V. deadlines for carrying out activities;
- VI. boundaries between visitor and administrative areas (with or without physical barriers);
- VII. work shifts (day/night, start/finish);
- VIII. identification of executing companies and their employees;
- IX. loading and unloading of equipment/public amenities;
- X. removal of equipment/public amenities – removal of rubbish and remains of different material;
- XI. transit/activities using workforce within these perimeters;
- XII. routine procedures for requesting access (procedure including its several steps);
- XIII. worker and researcher safety;
- XIV. minimum time needed for mobilization and demobilization; and



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- XV. any other deemed necessary for attaining the best results when it comes to enhancing both parties' activities, such as environmental education.