



**137 Notaires**

137, rue de l'Université

75007 PARIS

01 88 400 400

**Consultation process**

The sale takes place through a consultation divided into two periods:

- (i) the call for applications.
- (ii) the call for tenders.

**Firstly / Call for applications**

During this period, interested candidates should send their application letters to the e-mail address indicated below, together with the information (i) concerning the companies (ii) financial and legal information, listed below concerning them.

At the end of this first period, the STATE will select the legal entity candidates who will have access to the Information File.

The list of candidates selected to take part in the call for tenders will be the result of a sovereign choice by the STATE.

At the call for tenders stage, the STATE will not communicate any other information on the Property to be transferred, with the exception of the elements set out above concerning the context of the transfer and the conduct of the consultation process.

During this phase, the analysis of the applications will be based mainly on the information provided by the candidates on their own initiative concerning their main activities, comparable operations already carried out, financial capacity and also the reason for their interest in these Properties.

Candidates who are not selected to take part in the call for tenders are hereby informed that the STATE reserves the right not to justify its choice. They recognise that they will have no recourse.

Candidates selected by the STATE to submit a bid will have access to the dematerialised Information File and to the Properties via a visit that will be organised by Etude 137 Notaires.

This Information File will be compiled by the State and made available online on the "Espace Notarial" website for use by candidates and their advisors as well as the questions and answers exchanged between the parties.

It will bring together the documents and information gathered in good faith by the STATE, and will in particular include all the relevant documents and information in its possession on the date it is opened to candidates, to enable them, with their advice, to study, analyse and assess the legal, fiscal, rental, technical and environmental situation of the property and property rights formed by co-ownership lots numbers 1 and 2.

Candidates waive all liability on the part of the FRENCH STATE with regard to the quality and/or completeness of the information provided in the Information File.



Etude certifiée ISO 9001 : 2015

Pour l'ensemble de ses services



Candidates will be authorised to ask questions via the "Espace Notarial" website in accordance with the conditions set out in the specifications.

The answers given to the questions asked, as well as any information, will be covered by the confidentiality undertaking.

### **Secondly / Call for tenders**

The purpose of this period is to collect the firm bids that will be issued by the selected candidates, after analysis of the Information File.

Candidates whose bids are not selected are hereby informed that the STATE reserves the right not to justify its choice. They recognise that they will have no recourse.

It is specified that the property and property rights will be sold as is and in their current configuration without any condition precedent other than that relating to the purging of pre-emption rights, if any, and the purging of priority rights.

As a result, the candidate's offer will take the form of a firm and definitive offer to acquire the Properties in their entirety. No special conditions may be requested by the successful bidder after notification by the STATE of acceptance of its offer. The offer must be made without any conditions precedent.

As part of their offer, the applicant must undertake to sign the deed of sale before 20 December 2024. The price shall be paid in cash on the day the deed of sale is signed.

The deed of sale will not be preceded by the signing of a preliminary contract.

### **Content of the application file**

Interested candidates must send an application file in digital "pdf" format only to the following e-mail address: 38avenuefochparis@137.notaires.fr. The file must contain at least the following documents:

a/ A letter on company letterhead signed by the legal representative of the legal entity applying for the property and agreeing to the terms of this call for applications, stating its main activities, any comparable transactions it has already carried out, the financial capacity of the legal entity and the reason for its interest in the property and property rights

b/ A file containing the following documents:

. name(s) of the director(s) of the legal entity and of its legal representative(s);

. if part of a group: the name and organisation chart of the group, the name of the representative of the consortium;

. in the case of a listed company: the identity of shareholders holding at least 5% of the capital,



- . copies of national identity cards or any other valid official document with photographs of the directors of the legal entity, its legal representatives, the consortium's authorised agent and shareholders holding more than 5% of the share capital
- . up to date articles of association certified as true by the applicant and up to date articles of association certified as true of all legal entities holding directly or indirectly the capital or rights of the applicant;
- . full identity and a copy of any valid official document with photograph for each beneficial owner of the transaction within the meaning of the French Monetary and Financial Code;
- . copy of the document relating to the beneficial owner within the meaning of the French Monetary and Financial Code, dated, signed and filed with the clerk of the commercial court;
- . certified copy of the powers of attorney of the person representing the candidate purchaser and signing the letter of application.  
These powers of attorney must enable the signatory to validly bind the candidate purchaser.
- . financial standing: a statement of financial and economic data for the last three financial years for which the accounts have been closed, describing at least the company's equity, level of debt, turnover and results.  
If a consortium is formed, the balance sheet of the parent companies.
- . if applicable, professional know-how and experience: presentation of a list of operations in which the candidate has been involved over the last five years, specifying their nature and amount;
- . k-bis extract less than one month old;
- . certificate of non-bankruptcy less than one month old;
- . debt statement less than one month old;
- . declaration on honour to the effect that the candidate has fulfilled their tax and social security obligations for the last three years or the last three financial years for which the accounts have been closed;
- . address for service hereunder, which must be in mainland France;
- . the surname, first name, position, company, e-mail address and telephone number (direct line) of the candidate purchaser's advisers who will be requesting access to the dematerialised Information File if the application is accepted.



**For foreign legal entities :**

. all the documents listed above (depending on the regulations applicable in the country in which the legal entity is registered) translated by a sworn translator registered with the PARIS Court of Appeal;

. a legal opinion drawn up by a lawyer registered at the bar in the country of residence of the foreign legal entity, accompanied by all its annexes and its translation into French by a sworn translator registered with the PARIS Court of Appeal, legalised or with an apostille, where applicable, certifying that the candidate and the person signing the application have the capacity and powers enabling them respectively to carry out the operation and to validly bind the candidate purchaser; unsatisfactory legal advice may result in the inadmissibility of the application and, where applicable, the firm offer that follows. This legal opinion must also confirm that the legal entity has been validly constituted and that it has legal personality.

If one or more of the documents listed above are missing, or if they are not signed, the application may be rejected. However, the STATE reserves the right to ask candidates to complete and/or regularise their files.

The person of the candidates will remain unchanged. No substitutions will be possible.

**Access to the electronic information file**

The STATE will notify the selected candidates at the end of the first period of the call for applications of their admission to consult the Information File.

Access to the dematerialised documentation will be via a protected internet access on the Espace Notarial of the Chambre des Notaires de PARIS set up by Maître Alexandra LAGARDE Notary at Etude 137 Notaires.

Prior to accessing the Information File, the selected candidates and their advisers must accept the clauses of the confidentiality agreement and those of the specifications which will be given to them with the notification of their acceptance to participate in the second period, as well as the complete list of the people on their team who will have access to the Information File (surname, first name, position, company, professional postal address, e-mail address, telephone number).

The periods for site visits and the arrangements for written questions/answers will be set out in the aforementioned consultation regulations.



All bids must be delivered by registered post (or other means, such as Chronopost, DHL, etc.) in a double envelope, the sealed inner envelope bearing only the following words: "Appel d'offres du 14 juin 2024 - lots de copropriété 36-38 avenue Foch 75016 PARIS/NE PAS OUVRIR", to the following address:

**Etude 137 Notaires**  
Attn : Maître Alexandra LAGARDE  
137, rue de l'Université  
75007 PARIS.

### Provisional timetable for the call for applications and the call for tenders

#### **Period for the call for applications:**

Candidates must send their application file: from the time of advertising until 17 July 2024 at 12 noon at the latest (paris local time) to the e-mail address below :

38avenuefochparis@137.notaires.fr.

#### **Period for the call for tenders**

Access to the Information File from: 09 September 2024.

Visiting period: from 09 to 30 September 2024

End of questions for the Information File: 09 October 2024 at 18 noon (Paris time)

Deadline for receipt of firm bids: 15 October 2024 at 12 noon (Paris time)

Target date for signature of the deed of sale: 20 December 2024

### Visits

Visits will take place over a maximum 3-hour period from 09 to 30 September 2024.

Notary Office 137 Notaires will contact the candidates selected for the call for tenders to arrange a time to visit them.

### Information on the processing of personal data

Notary office 137 Notaires, a notary appointed by the French State, processes personal data in order to comply with a legal obligation and to carry out a task relating to the exercise of public authority delegated by the State to notaries, who are public officers, in accordance with Order no. 45-2590 of 2 November 1945. The Notary Office has appointed a Data Protection Officer whom the parties can contact at the following address: [cil@notaires.fr](mailto:cil@notaires.fr)



This personal data will be processed with a view to carrying out the planned transaction and complying with our legal and regulatory obligations.

The data will be kept for a period of one year from the completion of the service covered by this agreement.

The information mentioned in the paragraph "Contents of the application file (first phase of the consultation)" above concerning the candidate purchaser will be the subject of several processing operations intended for the STATE and AGRASC. The personal data processed will be reserved for use by the STATE and AGRASC and may only be passed on to service providers involved in managing the call for applications. Under no circumstances will this data be used for commercial transactions with third parties.