

PRESS RELEASE

- ***The Viaducto Bicentenario is an elevated road that was built and is operated based on a concession granted by the government of the State of Mexico.***
- ***The Viaducto Bicentenario Concession Title is in force and in order.***
- ***In line with its commitment to transparency, Aleatica offers 7 facts that provide references to the origin and validity of the Concession Title.***

Mexico City, March 21st, 2024.- The Viaducto Bicentenario is an elevated road that was built thanks to the investment of the Concessionaire, under the concession that was granted by the government of the State of Mexico almost 16 years ago. This elevated road coexists with – and has allowed the improvement of – free traffic in the sections of the Periférico Norte and the Mexico-Querétaro highway that run underneath, which have not been affected in any way.

Thus, the Viaducto Bicentenario is an elevated road independent of the different roads that pass underneath, which are toll-free and continue to be operated and maintained by the State of Mexico, since the section that includes these roads was transferred by the Federation to the State of Mexico since 1983.

A very well-known, public and competitive tender

The tender that resulted in the concession for the construction and operation of the Viaducto Bicentenario was widely publicized, attracting a significant volume of coverage and scrutiny by the local and national press. It was also verifiably competitive, registering a large group of interested companies and consortia. Specifically, more than 15 consortia/companies applied for the tender and 3 were considered finalists. The winning company offered to build, finance, develop, and operate the Viaducto Bicentenario in exchange for a significantly lower rate of return on its investment than the rates requested by the other finalists.

A tender without non-conformities or questioning of validity

In this context, it is particularly revealing that during the bidding process, no challenges were raised, neither by the federal authorities nor by any of the competitors.

In addition, during the almost 16 years of the existence of the Concession Title, no authority, federal or state, has determined or resolved any situation that affects its validity or legality.

This has been validated by the Federal Government itself. Specifically, the Ministry of Infrastructure, Communications and Transportation of the Federal Government (SICT) through an official letter (*Oficio*) dated June 19, 2023, reiterated that:

"the Viaducto Bicentenario is a communication route built under a Concession Title granted by the Government of the State of Mexico, which is regulated in accordance with the conditions of the legislation of said entity and the provisions of the Concession itself."

A concession in force, in order and voluntarily transparent

Thus, the Viaducto Bicentenario Concession is in force and in order, without any indication of non-compliance by the State of Mexico. The Concession Title, its annexes and amendments, were voluntarily published in [2019] by the Concessionaire and are available in <https://www.viaductobicentenario.com.mx/transparencia/>.

Further information: additional information on the validity of the Concession Title.

The facts are sufficient to unequivocally establish the validity and in-force status of the Viaducto Bicentenario Concession Title. However, in line with its commitment to transparency, Aleatica offers 7 facts that provide further background on the origin and validity of the Concession Title.

7 facts provide references to the origin and validity of the Concession Title

1. A public tender. The call for tender for the Viaducto Bicentenario was launched in 2007 by the State of Mexico, widely publicized by local and national media.

- On October 23, 2007, the government of the State of Mexico launched the call for public tender SCEM-CCA-01-07 to develop and operate an elevated road in the Manuel Ávila Camacho Peripheral sections, from Toreo de Cuatro Caminos, in Naucalpan, to Valle Dorado, in Tlalnepantla (km 23+000 of the Mexico-Querétaro Highway) and from Km 23+000 to 44+000 of the Mexico Querétaro highway in Tepotzotlán (Tepalcapa). In addition to its publication in the Government Gazette of the State of Mexico, the announcement was covered by multiple national and local media outlets (**Annex 1**).¹

2. A competitive tender. More than 15 companies acquired the bidding process documents. After a series of meetings in which these companies discussed the terms of reference, in the presence of the president of the College of Civil Engineers of the State of Mexico in his capacity as a citizen observer, and a notary public, three companies — Promotora Del Desarrollo De América Latina, S.A. de C.V. (IDEAL), OHL Concesiones México, S.A. de C.V. and Controladora de Operaciones de Infraestructuras, S.A. de C.V (Conoisa) — submitted both technical and economic proposals.

The winning bid scored the highest of the three bidders, with 70.5 points. The winning bid offered the lowest toll rate, lowest investment requirements, an advanced construction process, a respectful and safe conceptual design, as well as an efficient toll system (**Annex 2**).²

3. The award was given to the winning bid. On May 7, 2008, the Government of the State of Mexico granted Viaducto Bicentenario S.A. de C.V. the Concession Title for the

¹ <https://legislacion.edomex.gob.mx/sites/legislacion.edomex.gob.mx/files/files/pdf/gct/2007/oct234.pdf>

² <https://saascaem.edomex.gob.mx/sites/saascaem.edomex.gob.mx/files/files/Viaducto%20elevado.pdf>

construction, exploitation, operation, conservation and maintenance of an elevated road currently known as the Viaducto Bicentenario (**Annex 3**).³

- The concession was granted to build a road that did not exist before. The Viaducto Bicentenario was not built first and then concessioned. This elevated road did not exist before the granting of the Concession Title. Thanks to the concession, it was possible to develop, build and finance the elevated road, which today is key to promoting mobility in the State of Mexico.
- The granting of the Concession Title and the construction of the Viaducto Bicentenario contributed to alleviating traffic on the various roads that pass underneath – specifically, a portion of the Periférico Norte and the Mexico-Querétaro highway – by providing an alternative route.

4. A widely recognized concession. Since its granting, different federal, state and municipal institutions and authorities have validated and recognized the validity of the Concession Title:

- National Bank of Public Works and Services (Banobras): in the granting of loans to the concessionaire for the construction of the Viaducto Bicentenario for a total amount of 5,500 million pesos. These loans have to be repaid by Viaducto Bicentenario before 2035.
- Federal Roads and Bridges (CAPUFE): for the approval of road closures required for the construction of the Bicentennial Viaduct
- Municipal and federal authorities: for traffic agreements.
- Government of Mexico City: to facilitate the interconnection of the Viaducto Bicentenario with its road infrastructure.
- SICT: In response to the requirements of federal authorities regarding the validity of the Concession Title, SICT expressly stated that it is valid.

5. A concession that required an investment of billions of pesos from the concessionaire to build and develop the road. The Viaducto Bicentenario is a private investment made by the Concessionaire, amounting to more than 11,750 million pesos (with numbers at the end of 2020), whose phases one and two came into operation between 2009 and 2014. As a result of this investment, the Government of the State of Mexico will receive, at the end of the Concession period, an infrastructure asset valued at no less than 11,883 million pesos without having had to spend a single peso for its construction, operation and maintenance costs during the term of the concession. In addition, the Government of the State of Mexico received from the concessionaire, as initial consideration, the amount of \$750 million pesos.

6. A concession that has not yet paid dividends. To date, all the revenues generated by the toll of the Viaducto Bicentenario project have been used to pay the operating and maintenance costs of the road, as well as to pay the loans obtained for its construction, including those granted by Banobras. To date, the concessionaire Viaducto Bicentenario has not received any profit due to the operation of this elevated road.

7. A Concession Title without any challenges of invalidity by the competent authority. On the contrary, the validity of the Concession Title has been recognized by the SICT on

³ <https://www.viaductobicentenario.com.mx/wp-content/uploads/2022/04/TITULO-DE-CONSESION-VEB-SM.pdf>

multiple occasions during the current administration of the Federal Government, confirming that it has had full legal effects since its inception.

- **October 2020:** the Ministry of Communications and Transport and the Government of the State of Mexico signed an agreement that reasserts the legality of the Viaducto Bicentenario, "recognizing both parties the validity and legality of (...) the granting of the Concession Title for the Construction, Exploitation, Operation, Conservation and Maintenance of the Bicentennial Viaduct".⁴ The Agreement was published both in the Gazette of the Government of the State of Mexico, and in the Official Gazette of the Federation on October 23 and 27, 2020.
- **June 2023.** Derived from a request from the Attorney General's Office, the SICT issued official letter no. 3.4 in case UEIDFF-7-091/2023, derived from the Investigation Folder FED/FECOC/UEIDCSPCAJ-CDMX/0000979/2022, dated June 19, 2023, where the SICT reiterated that "the Viaducto Bicentenario is a communication road built under the Concession Title granted by the Government of the State of Mexico, which is regulated in accordance with the conditions of the legislation of that entity and the provisions of the Concession itself." Specifically, the letter pointed out that:
 - ✓ On May 26, 1983, the Federal Government handed over the Ceylan-Vallejo branch line (which includes the sections on which the Viaducto Bicentenario was built) by CAPUFE to the State of Mexico, according to the official minutes;
 - ✓ On May 7, 2008, the Government of the State of Mexico granted Viaducto Bicentenario S.A. de C.V. a concession to build, exploit, operate, conserve and maintain an elevated road in the Periférico Manuel Ávila Camacho sections from the Toreo de 4 caminos to Valle Dorado;
 - ✓ Since September 2009, pursuant to the Concession Title, Viaducto Bicentenario S.A. de C.V. assumed responsibility for operating, conserving and maintaining the elevated road;
 - ✓ The cost of construction of the Viaducto Bicentenario was not borne by the federal government but by the concessionaire and has improved mobility in the area.

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⁴ Official Letter of the SICT no. 3.4 in case UEIDFF-7-091/2023, derived from the Investigation Folder FED/FECOC/UEIDCSPCAJ-CDMX/0000979/2022, of June 19, 2023.