

**ENTE NAZIONALE PER L'AVIAZIONE CIVILE  
(Italian Civil Aviation Authority)**

**Directorate for Airport Development**

**AWARD OF CONCESSION FOR THE COMPREHENSIVE MANAGEMENT OF THE  
AIRPORT OF FORLÌ**

**TENDER GUIDELINES**

**1. GENERAL INFORMATION**

To award the concession of comprehensive management of the airport of Forlì, ENAC has announced a tender in accordance with Article 704 of the Navigation Code.

The tender shall be awarded based on an open procedure – in which interested economic operators in possession of the required conditions and requisites for admission can participate – to the tenderer which presents the best offer determined according to the Notice of tender and these Tender guidelines.

The tender deeds, available on authority's website [www.enac.gov.it](http://www.enac.gov.it)>Bandi di gara, are as follows:

- Notice of tender;
- these Tender guidelines, an integral and essential part of the notice of tender;
- the Framework agreement;

**2. CHARACTERISTICS OF THE CONCESSION**

**2.1 Purpose of the concession**

The concession of the comprehensive management of the airport of Forlì assumes as its purpose the activities entailed in the Framework agreement.

Granting of the concession, pursuant to the procedure required by the relevant laws in force, entails award to the airport management, under the control and supervision of ENAC and the other competent authorities, the task of administering and managing, in accordance with criteria of transparency and non-discrimination, the airport infrastructure and coordinating and controlling the activities of the various private operators including those currently operating.

In any case the eligibility of an economic operator to carry out the tasks entailed by the concession of this procedure, in compliance with current technical and safety standards, shall be subject to verification for the purposes of certification issued by ENAC, in accordance with the Regulations for constructing and running airports and the operational circulars.

Likewise, the concessionaire must guarantee the activities and essential levels of performance required by the relevant laws in force and the requirements issued by the competent authorities.

The Concessionaire shall take over the subcontracting relationships in place at the time of the award without interruptions.

## **2.2. Annual concession fee**

The concessionaire must pay the due concession fee in the amount and according to the procedures defined by the relevant laws in force, according to the Framework agreement and the deeds adopted by the competent authorities according to the law.

In accordance with Article 2, subparagraph 188 of Law no.662 of December 22, 1996, and the inter-managerial decree on finance and transport of June 30, 2003, published in the Official Gazette General Series no. 155 of July 7, 2003, airport management companies are obliged to pay annually to ENAC, in 6-month installments, fees determined in reference to WLU (Work Load Unit, or units of load corresponding to one passenger or one hundred kilograms of goods or mail) by the managed airport, which are determined on the basis of traffic data published every year by the authority.

Determination of the annual fee owed by the airport management company, in reference to WLU (Work Load Unit or units of load corresponding to one passenger or one hundred kilograms of goods or mail), shall occur by applying a specific formula in a technical amendment attached to the decree.

## **2.3 Duration of the concession**

The concession of the comprehensive management of the airport of Forlì shall last 30 years starting from the date of entry into force of the concession award decree adopted by the Ministry for Infrastructure and Transport in agreement with the Ministry for Economy and Finance.

## **2.4. Concessionaire's proceeds**

The concessionaire's proceeds consist of the following, in compliance with the relevant laws in force and the framework agreement:

- a) rights to use the airport as defined;
- b) tax on loading and unloading of goods transported by air;
- c) revenues derived from the direct or indirect activity of running the airport, as well as use of the areas on the airport grounds and their economic utilization by third parties.

## **3. REQUIREMENTS FOR ADMISSION TO THE PROCEDURE**

All economic operators shall be allowed to participate in the tender, including temporarily associated ones or those which intend to associate, in accordance with EU laws, and who possess the general requirements as per Article 38 of Legislative Decree no. 163/2006, with economic and financial capacity as indicated below. Non-EU foreign companies may also participate in the tender, on the condition that they have their legal headquarters or a secondary office in Italy, at the airport which is subject of the award, and the state in which they have their main headquarters allows Italian companies conditions of reciprocity. Participating individually and contemporaneously in a temporary company grouping (TCG) or in a consortium, or participating in more than one TCG or consortium is prohibited, under penalty of exclusion from the tender of the individual company and the TCG or consortium it belongs to.

### **3.1 Individual tenderer**

For the purpose of participating in the present procedure, the economic operator - who must be registered in the competent Chamber of Commerce company register or professional register or equivalent register in accordance with the laws of the country in which it is based -

shall have: a) the legal status of a joint stock company in accordance with the provisions of the civil code or according to the laws of the country in which the tenderer is based; b) share capital of at least € 120,000.00 to be increased, if not already owned, up to € 3,098,741.00 in the event of award; c) as the main company purpose the following activities: development, design, construction, adaptation, management, maintenance and use of facilities and infrastructure to carry out airport activities, as well as connected and related activities as long as they are not primary.

Tenderers may also join the tender procedure which, even though they do not possess the requirements specified above in letter c) at the moment their offer is presented, they present a declaration of commitment, signed by their legal representative, to change their company purpose including the activities specified in letter c) in the event of award and within 30 days from the contracting authority's request.

The tenderer shall also present a declaration of commitment, signed by his/her legal representative, in which he/she pledges, within 30 days from the contracting authority's request, to increase share capital up to a minimum amount of € 3,098,741.00 and to have legal headquarters or a secondary office at the airport which is subject of the award. If the tenderer already owns a share capital of at least € 3,098,741.00, he/she shall also present a declaration, signed by his/her legal representative, to state that the required amount is already owned.

### **3.2 Temporary Company Grouping/Consortium:**

For the purpose of participating in the present procedure, every TCG/Consortium - who must be registered in the competent Chamber of Commerce company register or professional register or equivalent register in accordance with the laws of the country in which it is based - shall have: a) the legal status of a joint stock company in accordance with the provisions of the civil code or according to the laws of the country in which the tenderer is based.

The TCG/Consortium must have a total share capital of at least € 120,000.00.

Moreover, the legal representative of each component of the TCG/Consortium shall:

- declare the percentage of holding in the event of grouping;
- present a declaration to pledge, in case of award and within 30 days from the contracting authority's request, to form, with the other components of the TCG/Consortium, a single company of which he/she will be a shareholder and that must have: a) the legal status of a joint stock company in accordance with the provisions of the civil code or according to the laws of the country in which the tenderer is based; b) a share capital of at least € 3,098,741.00 c) as the main company purpose the following activities: development, design, construction, adaptation, management, maintenance and use of facilities and infrastructure to carry out airport activities, as well as connected and related activities as long as they are not primary; d) legal headquarters or a secondary office at the airport which is subject of the award; e) a percentage of holding equal to the one owned in the TCG/Consortium.

### **3.3. Requirements regarding economic and financial capacity.**

#### Individual Tenderer:

all tenderers shall provide appropriate bank statements from at least two banks or authorized intermediaries in accordance with Law 385/93.

#### TCG/Consortium:

each economic operator belonging to the grouping shall provide appropriate bank statements from at least two banks or authorized intermediaries in accordance with Law 385/93.

#### **4. CONDITIONS FOR AWARD**

If individual tenderers do not possess the requirements specified in letter c of no. 3.1 at the moment their offer is presented, the definitive award of the concession shall be provided for with a provision of the General Manager on condition that:

- within 30 days from the Authority's request, the Individual tenderer and provisional contractor has included in the company purpose the following main activities: development, design, construction, adaptation, management, maintenance and use of facilities and infrastructure to carry out airport activities, as well as connected and related activities as long as they are not primary;

If individual tenderers do not own a share capital of at least €.120,000.00 at the moment their offer is presented, the definitive award of the concession shall be provided for with a provision of the General Manager on condition that:

- within 30 days from the Authority's request, the Individual tenderer and provisional contractor has increased the social capital up to € 3,098,741.00 and has arranged legal headquarters or a secondary office at the airport which is subject of the award;

In case of TCG/Consortium, the definitive award of the concession shall be provided for with a provision of the Authority's General Manager on condition that:

- within 30 days from the Authority's request, the TCG/Consortium and provisional contractor has formed a company with the legal status of joint-stock company in accordance with the requirements of the civil code or in compliance with the laws of the country in which the tenderer has its head office; b) has reached a share capital of at least € 3,098,741.00 c) has included the following activities as the main company purpose: development, design, construction, adaptation, management, maintenance and use of facilities and infrastructure to carry out airport activities, as well as connected and related activities as long as they are not primary; d) has arranged legal headquarters or a secondary office at the airport which is subject of the award; e) has hold a percentage of holding equal to the one owned in the TCG/Consortium.

#### **5. AWARD PROCEDURE AND CRITERIA**

Open procedure – award based on the criteria of the most economically advantageous offer. The concession shall be awarded in favour of the tenderer who has presented the best offer identified on the basis of the following evaluation criteria:

The total points (up to a maximum of 100 points) assigned to each individual offer shall be determined by adding the points obtained on the basis of the evaluation criteria shown below, in compliance with Article 283 and annexe P of the Presidential Decree no. 207 of October 5, 2010.

Specifically, points will be assigned according to the following formula:

$$C(a) = \sum_n [W_i * V(a)_i]$$

with:

$C(a)$  = rating of the offer (a);

$n$  = total number of requisites (evaluation criteria);

$W_i$  = rating or points assigned to the requisite (i);

$V(a)_i$  = coefficient of the offer (a) performance compared to the requisite (i). The value is between zero and one;

$\Sigma n$  = sum.

Coefficients  $V(a)$  are determined:

averaging coefficients (whose value is between zero and one), assigned at the discretion of the individual committee members; once the discretionary assignment procedure of qualitative coefficients is completed, the mean of the coefficients assigned to every offer by the committee members will be changed in definitive coefficients, taking one as the highest mean and proportioning the calculated provisional means to the highest mean.

Furthermore, compensation for works carried out will follow the formula below:

$V(a)_i = R_a/R_{max}$

with:

$R_a$  = value offered by tenderer a;

$R_{max}$  = value of the most economically advantageous offer.

The total points assigned to each individual offer shall be determined according to the following:

Quality of offer – 100 points max..

### **Requisites/evaluation criteria**

1. Organization structure plan that will be made available by the tenderer for purposes of managing the airport infrastructure, subject of the concession (**30 points max.**)
2. companies strategies to run the airport and manage traffic forecasts during the concession period (**20 points max.**)
3. investment plan (**20 points max.**)
4. economic-financial plan (**15 points max.**)
5. compensation for the works carried out by the previous airport management company, up to a maximum of € 5,714,275.57 (five million seven-hundred fourteen thousand two-hundred seventy-five/57 euros), corresponding to the value of completed and non-amortized investments (**15 points max.**)

Please note that the annual fee of concession, as set out by law, is not subject to offers and could be changed.

In particular, in the evaluation procedure, the Committee will take into account the following elements:

#### **1. Requisite/evaluation criteria: Organization structure plan (30 points max.)**

- organizational make-up plan: indication of the expertise that the tenderer will acquire to run the airport, also in terms of numbers, keeping into account the specific sectoral regulations also for the purpose of obtaining the airport certification. (ENAC Regulations for constructing and running airports of October 21, 2003 and subsequent amendments) – (**15 points max.**);
- equipment make-up plan – (**15 points max.**);

**2. Requisite/evaluation criteria: Companies strategies to run the airport and manage traffic forecasts during the concession period (20 points max.);**

- strategies to deseasonalize air traffic and manage passenger and cargo traffic and its coherence with the airport's capacity - (10 points max.);
- development of non-aviation services (e.g. retail, commercial areas, etc.) – (10 points max.);

**3. Requisite/evaluation criteria: investment plan (20 points max.):**

- Program for new infrastructure investments and adequacy of the maintenance program for maintaining infrastructure efficiency to support the growth of traffic;

**4. Requisite/evaluation criteria: economic-financial plan - (15 points max.):**

- cost efficiency increase - (7 points max.);
- economic and financial indicators showing the sustainability of the investment plan (8 points max.);

**5. Requisite/evaluation criteria:**

compensation for the works carried out by the previous airport management company, up to a maximum of € 5,714,275.57 (five million seven-hundred fourteen thousand two-hundred seventy-five/57 euros) plus VAT and taxes as required by law., corresponding to the value of completed and non-amortized investments (the list can be provided for by the contacts indicated in point I.1 of the Notice of tender) - (15 points max.);

The minimum compensation that can be offered is € 2,000,000.00.

In the event of an offer of € 0 (zero) or below € 2,000,000.00, points assigned will be 0. Notwithstanding what is specified above, points will be assigned as follows: the tenderer who offers the highest compensation will be assigned the maximum rating; the other tenderers will be assigned a proportionally lower number of points, according to the formula below:

$$P=15x (Vi/Vmax)$$

P = points

Vmax = maximum offer

Vi = tenderer's offer

## **6. HOW OFFERS SHOULD BE PRESENTED**

To present the offer, the steps below should be followed.

The offer should be delivered in a package that is closed and sealed with wax or another closure system that ensures its secrecy; the package must have the name of the tenderer and the following wording on the outside: **"OFFER – TENDER FOR AWARD OF CONCESSION FOR THE COMPREHENSIVE MANAGEMENT OF THE AIRPORT OF FORLÌ – DO NOT OPEN"**.

**The package containing the offer must be delivered, under penalty of exclusion, by and no later than 13.00 (1:00pm) of May 6, 2014,** to the following address: Ente Nazionale per l'Aviazione Civile - Direzione Centrale Sviluppo Economico - Direzione Sviluppo Aeroporti - Viale del Castro Pretorio, n. 118 00185 Roma, by one of the following means:



- postal delivery as registered letter with advice of receipt, express mail, priority mail;
- by courier;
- by hand delivery during the Protocol Office's opening hours (Monday through Friday, 8am to 3:42pm).

Delivery under the terms specified above is at the tenderer's exclusive risk.

Offers not received by the deadline indicated above shall be excluded from the tender, even if they are substitutions and/or additions to previously sent offers.

ENAC assumes no responsibility whatsoever for packages that do not arrive by the deadline or are delivered to addresses other than the one indicated, or do not arrive complete.

The package should contain the following envelopes, closed and sealed as specified above, and marked with letters A and B and C, with the name of the company participating in the tender and the following wording:

**Envelope A** - contains documents for admission to the tender;

**Envelope B** - contains the offer;

**Envelope C** - contains compensation offer for works carried out.

**Tenderers shall present all the three envelopes (A,B,C), even if envelope C includes an offer that, according to the evaluation criteria set out in points 5 and 6.2.3, is assigned 0 points.**

All documentation – including declarations and the offer – contained in the package should be presented in the Italian language. If they are drawn up in another language, the documentation should be accompanied by a translation, certified as “*compliant with the original text*” by the Diplomatic Authorities or the Italian Consulate of the tenderer's home state or by an official translator.

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## **6.1. Contents of the envelopes.**

The envelopes must contain the following documentation.

If the signatory of the documentation is a person other than the tenderer's legal representative, a true copy of the deed attesting to the signatory's powers should be attached to the declaration as per subsequent point 7.1.1.a).

### **6.1.1 “Envelope A – Documents for admission to the tender”.**

This envelope should contain the following documents required for admission to the tender.

**a) REQUEST OF PARTICIPATION IN THE RENDER** (on unstamped paper).

The request must be dated and signed by the tenderer's legal representative, or in the event of a temporary grouping of companies not formed/consortium, by the owner or legal representative of the lead company and the owners or legal representatives of all the member companies/consortia. In addition, the request should also contain the elected domicile, e-mail address, fax number and the reference person, and authorized use of the fax for communication regarding the tender procedure.

**b) DECLARATIONS**, on unstamped paper, dated and signed, in accordance with Presidential Decree no. 445/2000, with explicit reference to penal sanctions as per Art. 76 in the event of falsity and untruthful statements and photocopy of the signatory's identity document attached,

with which the company's owner or legal representative declares to possess the general requisites, as well as the economic-financial capacity requisites as per point 3 of this Tender Guidelines.

Therefore the tenderer must declare:

**b.1) to be registered with** the Chamber of Commerce, specifying all the essential elements – the tenderer's name, registration number in the Chamber of Commerce's company register (or equivalent according to the legislation of the home country), fiscal code and VAT number, legal headquarters, names and dates of birth of the legal representatives, and of the administrators with the power of representation and any proxies, as well as the technical director if they exist, of persons who have ceded their positions during the year prior to the date the Notice of tender was published, and of the physical person or majority partner for companies with fewer than four partners, the company purpose, share capital – contained in the certification, subject of the substitutive declaration.

In the event of participating as a temporary company grouping or consortium, the above-mentioned declaration shall be presented by each member of the TCG/Consortium.

**b.2) not to be** in any of the situations of cause for exclusion as per Article 38 of legislative decree no. 163/2006 and, in particular:

- a) not to be in a state of bankruptcy, forced liquidation, or preventive agreement and that no legal proceedings are underway due to declaration of one of these situations;
- b) that in regard to the persons indicated (the following should be indicated: administrators with representational power and the technical director, the physical person sole partner, or the majority partner in case of companies with fewer than four partners) there are no pending proceedings for the application of one of the measures of prevention as per Article 3 of Law no. 1423 of December 27, 1956, or one of the impedimentary causes entailed in Article 10 of Law no. 575 of May 31, 1965;
- c) that against the persons indicated (the following should be indicated: administrators with representational power and the technical director, the physical person sole partner, or the majority partner in case of companies with fewer than four partners; in addition persons who have ceded those positions over the year prior to the date the notice of tender was published should be indicated) no final sentence in a criminal proceeding has ever been pronounced and no irrevocable punishment order has been issued or a plea-bargain sentence, in accordance with Art. 444 of the Code of Penal Procedure, for serious crimes damaging the state or the community which affect professional morality; or a final sentence for one or more crimes for participating in a criminal organization, corruption, fraud, or money laundering, as defined by the EU acts cited in Article 45, par. 1, EC dir. n. 2004/184;
- d) not to have violated prohibition of fiduciary registration as per Art. 17 of Law no. 55 of March 19, 1990;
- e) not to have committed serious infractions duly ascertained of the regulations on safety and every other obligation deriving from labour relations;
- f) not to have committed serious negligence or bad faith in carrying out tasks granted by the contracting authority that publishes tenders, nor a serious mistake in carrying out one's own profession;
- g) not to have committed serious, definitively ascertained violations of obligations related to payments of taxes and levies, in accordance with Italian legislation or that of the person's home state;
- h) not to have a criminal record as per Art.7, subparagraph 10, of Legislative Decree n.163/2006 for having presented false declarations or false documentation regarding requisites or conditions related to participating in tender procedures and for granting subcontracts;
- i) not to have committed serious, definitively ascertained violations of regulations governing social security and welfare contributions according to Italian legislation or the person's home country;



l) to be up-to-date with the provisions of Law no. 68 of March 12, 1999;

m) that no ban on signing contracts with public authorities has been applied as per Art. 9, subparagraph 2, letter c), of legislative decree no. 231 of June 8, 2001 or other sanction that entails being barred from contracting with the public authorities including disqualifying measures as per Art. 36a, subparagraph 1, of Legislative Decree no. 223 of July 4, 2006, converted with modifications to Law no. 248 of August 04, 2006;

m 3) that the persons mentioned above in letter b) are not in the condition of have been victims of crimes provided for and punished by Articles 317 and 629 of the penal code aggravated as per Article 7 of legislative decree n. 152 of May 13, 1991, converted with modifications by law no. 203 of July 12, 1991 and not to have denounced the facts to the judicial authority, except in the cases provided for by Article 4, subparagraph 1 of Law no. 689 of November 24, 1981;

m 4) not to be, with respect to any other participant in this tender, in any situation of control as per Article 2359 of the Civil Code or in any relationship, also factual, which entails that the offers are ascribable to a sole decision-making body. (Declare one of the following situations in accordance with subparagraph 2 of article 38 of Legislative Decree no. 163/2006): not to be in any situation of control as per Article 2359 of the Civil Code with respect to any person and to have formulated the offer independently or not to be aware of the participation in the same procedure of persons which are, compared to the tenderer, in one of the situations of control as per Article 2359 of the Civil Code, and to have formulated the offer independently or to be aware of the participation in the same procedure of persons who are, compared to the tenderer, in one of the situations of control as per Article 2359 of the Civil Code, and to have formulated the offer independently;

Tenderers should note the provisions of Article 38, subparagraph 1, letters b), c) and m 3); as a consequence:

for the purposes as in previous letters b), c) and m 3) each owner of the qualifications as provided for, should present a declaration regarding the non-existence of the indicated procedures and likewise the absence of sentences or the indication of sentences received, even if one has benefited from not having a criminal record.

In the event of persons who have ceded positions during the year prior to the date this Notice of tender was published, these names should be indicated and they shall present a declaration as per Article 38, subparagraph 1, letter c) as indicated in the previous paragraph. If the persons who are no longer employed cannot be contacted, the declarations should be presented, as far as they are aware, by the tenderer's owner/legal representative.

In the event of crimes committed by persons who are no longer employed, important as specified in the above cited letter c), the measures adopted by the company against them should be indicated for the purpose of effective and complete disassociation from the conduct carried out by them.

In any case, crimes that are decriminalized or declared extinct after the sentence, revoked sentences or those that have been rehabilitated shall not be indicated. In the event of companies subjected to sequestration or confiscation and entrusted to a custodian or a trustee, the provisions of article 38, subparagraph 1a of legislative decree no. 163/2006 shall apply.

**b3) not to participate** in the tender individually and as a member of a temporary company grouping and, furthermore, not to participate in the tender as a member of more than one temporary company grouping.

**b4) In the event of individual tenderer**, he/she shall declare:

- a) to have the legal status of a joint stock company in accordance with the provisions of the civil code or according to the laws of the country in which the tenderer is based;
- b) to have a share capital of at least € 120,000.00 and to pledge to increase it up to € 3,098,741.00, if not already owned, in the event of award within 30 days from the contracting authority's request;
- c) to have as the main company purpose the following activities: development, design, construction, adaptation, management, maintenance and use of facilities and infrastructure to carry out airport activities, as well as connected and related activities as long as they are not primary, or, even though they do not possess the requirements specified above at the moment their offer is presented, they pledge to change it according to what is set out in letter c) in the event of award and within 30 days from the contracting authority's request.
- d) to have legal headquarters or a secondary office at the airport which is subject of the award within 30 days from the contracting authority's request;

**b5) In the event of TCG/ Consortium every member of the TCG/Consortium shall declare:**

- **1) to have the legal status** of a joint stock company in accordance with the provisions of the civil code or according to the laws of the country in which the tenderer is based;
- **2) the percentage of holding** in the grouping;
- **3) his/her own share capital**;
- **4) to pledge**, in case of award and within 30 days from the contracting authority's request, to form, with the other components of the TCG/Consortium, a single company of which he/she will be a shareholder and that has: **a)** legal status of a joint stock company in accordance with the provisions of the civil code or according to the laws of the country in which the tenderer is based; **b)** share capital of at least € 3,098,741.00; **c)** as the main company purpose the following activities: development, design, construction, adaptation, management, maintenance and use of facilities and infrastructure to carry out airport activities, as well as connected and related activities as long as they are not primary; **d)** legal headquarters or a secondary office at the airport which is subject of the award; **e)** a percentage of holding equal to the one owned in the TCG/Consortium.

**c) APPROPRIATE BANK STATEMENTS: of at least two banks or authorized intermediaries in accordance with Law 385/93, presented as original text or true copy.**

In the event of a TCG/Consortium: each economic operator belonging to the TCG/Consortium shall provide appropriate bank statements from at least two banks or authorized intermediaries in accordance with Law 385/93.

**d) DECLARATION**, provided in accordance with the previous letter b), in which the owner/legal representative of the participating company declares:

- d.1)** to have kept into account, when preparing the offer, the obligations regarding laws on safety at work, evaluating all the specific costs of risks involved in their activity
- d.2)** to have proceeded to conduct all the necessary verifications and to have evaluated all the circumstances that could influence the offer presented;
- d.3)** in relation to the offer presented, to have prepared it taking into account all the general and specific circumstances, as well as information and requirements contained in the tender documentation;
- d.4.)** to have reviewed all the tender documentation, including the framework agreement, and to accept it without conditions or reservations;
- d.5)** to pledge to keep the data and information provided by the Authority reserved, not to divulge it in any way or form and not to use it for any other purposes than what is strictly necessary for formulating the offer;

**d.6)** to remain bound by the offer for 180 (one hundred eighty) days and that this deadline may be extended in case of award, on ENAC's request, for another 180 (one hundred eighty) days if the concession has still not been granted by the first deadline;  
**d.7)** to have carried out an inspection of the airport which is subject of the award.

**e) FRAMEWORK AGREEMENT initialed in all its pages and signed by the legal representative for acceptance**

In the event of TCG/Consortium not formed, the framework agreement shall be initialed in all its pages and signed by each and every member of the TCG/Consortium for acceptance.

**f) ORIGINAL DOCUMENTATION**, attesting to the constitution of a **provisional deposit** of € 10,000.00. This guarantee must be produced, in compliance with the ways and means described in Article 75 of Legislative Decree 163/2006 and must be valid for at least 180 days from the date the offer is presented, which can be extended in the event of an award, simply on ENAC's request, for another 180 (one hundred eighty) days. The tenderer who intends to take advantage of the benefit of reduction as per Article 75, subparagraph 7 of the same legislative decree, should present, attached to the deposit, a true copy in compliance with Presidential Decree n. 445/2000 of the certificate attesting to possession of the UNI CEI ISO 9000 quality system.

**The deposit must contain the guarantor's commitment to release, in case of award, the appropriate definitive deposit, in accordance with Article 18 of the Framework Agreement.**

For temporary grouping of companies/consortium the deposit should be addressed to the grouping/consortium and should contain the company names of the member companies in the group/consortium. If the TGC/consortium intends to take advantage of the benefit as per Article 75 of Legislative Decree 163/2006, all the parties in the group/consortium must present, attached to the deposit, a true copy in compliance with Presidential Decree n. 445/2000 of the certificate attesting to possession of the UNI CEI ISO 9000 quality system.

For temporary groups of tenderers/consortia not formed, the documents mentioned previously in letters **a)** and **e)** shall be produced in a single copy signed by all the members of the TCG/Consortium, while documents indicated in letters **b) (b1, b2, b3, b5), c)** and **d) (d1, d2, d3, d4, d5, d6, d7)** shall be presented by all the participating companies.

In the event of a previously formed TGC/consortium, in addition to the above-indicated documentation, a certified copy of the power of attorney with authority to act as an agent, conferred to the agent, or from the consortium's articles of association.

**6.1.2. "Envelope B – Offer"**

This envelope should contain the documents specified below which are necessary for the evaluation of the offer. They shall all be drawn upon the basis of the requirements contained in this paragraph and must contain the signatures of the owner/legal representative of the constituent company or companies in the temporary grouping/consortium.

Therefore, the following documents should be presented:

- **Report A) Organization structure plan that will be made available by the tenderer for purposes of managing the airport infrastructure, subject of the concession.** In this document the tenderer analytically describes the organization that they pledge to make available for purposes of managing the airport. The document should also contain specific

mention to the number of employees that will be hired in accordance with the sector's specific laws. (ENAC Regulations for constructing and running airports of October 21, 2003 and subsequent amendments - available on ENAC institutional website). The report should also be completed including the equipment make-up plan that will be adopted;

- **Report B) Companies strategies to run the airport and manage traffic forecasts during the concession period.** In this document the tenderer produces a forecast on air traffic flows and proposes an hypothesis on the increase of commercial activities linked with traffic development for purposes of identifying the real airport potential;
- **Report C) Investment plan.** In this document the tenderer compiles a brief report on the totality of programmed actions, including maintenance actions, illustrating their coherence with the development plans to help traffic growth, as well as the technical details of each action;
  - **Report D) Economic-financial plan.** In this document the tenderer illustrates how to streamline the airport management, in case of award of comprehensive management, through a detailed analysis including comprehensive and accurate indication of the costs involved in airport operativity, with specific reference to the services to be put in place. To this regard, the tenderer shall provide the economic, property and financial projections which will be developed during the concession period, indicating the main hypothesis and assumptions underlying the plan. Moreover, evidence shall be provided about the sustainability of the investment plan.

### **6.1.3 “Envelope C. Offer for compensation of the works carried out”**

**Report E) Compensation for the works carried out by the previous airport management company.** In this document the tenderer shall specify a compensation amount for the works carried out by the previous airport management company between € 2,000,000.00 and € 5,714,275.57 (five million seven-hundred fourteen thousand two-hundred seventy-five/57 euros) plus VAT and taxes as required by law, corresponding to the value of completed and non-amortized investments (the list can be provided for by the contacts indicated in point I.1 of the Notice of tender).

The minimum compensation that can be offered is €

In the event of an offer of € 0 (zero) or below € 2,000,000.00, 0 points will be assigned.

Each document should be in A4 format (including any pictures or charts) and should be complete with an index to facilitate the judging committee's examination.

## **7. TENDER PROCEDURE**

To execute the tender operations, the General Manager shall appoint a special judging committee in accordance with Article 84 of legislative decree n.163/2006.

Legal representatives of the tenderers (one per each tenderer) or other persons with a proxy and a photocopy of the delegating person's identity document attached, may attend the public meetings.

**On May 9, 2014 at 10:00am**, at the authority's offices, Viale del Castro Pretorio n.118, Rome, the committee, in a public meeting, shall proceed first to verify externally the received packages and adherence to the terms of receipt, then they will open them and verify externally the envelopes contained in each package (envelope A – documents for admission to the tender; envelope B – offer). The committee shall then proceed to verify that each tenderer's documentation is such that it can be admitted to the tender (contents of envelope A).

Referring only to the tenderers admitted to the next phase of the tender, the committee shall proceed to open envelope B – Offer and acknowledge the presence of the documents contained.

Once these operations have been completed, the public tender meeting will be closed; in a subsequent reserved meeting the committee will examine and evaluate the offers according to the criteria in point 5 of the Tender guidelines, and will finally fill in a summary table containing the points assigned to each offer.

At the end of the procedure of offers evaluation, tenderers will be convened by fax to the final public meeting during which the committee will read the points assigned to the offers, will proceed to open envelope C and will read the compensation offered for the works carried out by the previous company with the points assigned to each of them, according to the criteria in point 5 of the Tender guidelines. Once this operation has been completed, the committee, taking into account the points assigned for the offer and for the compensation, will finish its work with a declaration of provisional award of the concession to the tenderer with the highest number of points.

In the event of a tie, a drawing by lots procedure is chosen and the tenderer drawn will be declared provisional winner.

The definitive award of the concession shall be provided for by the Authority's General Manager further to verification of award requisites as per point 4 of the Tender guidelines.

The Authority reserves the right:

- to proceed with the award even in the event that only one offer is received or is valid, as long as this offer is viable and suitable as judged by the judging committee;
- not to proceed with the award if no offer is viable or suitable;
- not to proceed with the award for contingent motives of public interest or irregularities discovered in regard to the tender procedure.

In any case tenderers will not be owed anything.

When the concession for comprehensive management of the airport of Forlì is awarded, measures will be taken in accordance with the law, with a decree by the Ministry for Infrastructure and Transport, in agreement with the Ministry for Economy and Finance, on ENAC's recommendation, due to the experiment of this tender procedure, starting at least 35 days from transmittal of the definitive award.

The concession is in any case subject to signing by the contractor of the concession contract for the comprehensive management of the Airport of Forlì, prepared on the basis of the Framework agreement.

Therefore, further to the definitive award:

- The authority, within 90 (ninety) days from communication of the definitive award, shall provide form certifying the company as airport manager in accordance with the ENAC Regulations for the construction and running of the airport.
- subsequently, once the certification has been obtained, the concession agreement will be stipulated and the consequent proposal will be formulated for the Ministry for Infrastructure and Transport to issue the decree on the award of the concession, adopted by the Ministry for Infrastructure and Transport in agreement with the Ministry of Economy and Finance.
- Once the interministerial decree to award the concession has been issued, the company shall pay the compensation indicated in their offer in Report E point 6.1.3 to the previous airport managing company within 30 days.



In the event that the contractor does not obtain certification as an airport manager or does not proceed to pay the amount of the compensation by the set deadline, the definitive award will be revoked and the provisional deposit will be seized.

## **8. SPECIFIC DISPOSITIONS FOR THE PROVISIONAL DEPOSIT**

The tenderers' offer should be accompanied by a provisional deposit in accordance with Article 75 of Legislative decree n. 163/2006 of € 10,000.00.

This deposit may also be constituted with a bank guarantee, or an insurance policy, or a policy issued by a financial intermediary registered in the special list as per Article 107 of Legislative Decree n. 385/1993 with validity of at least 180 (one hundred eighty) days from the last deadline for presentation of the offer, possibly extendable, in case of award, simply on ENAC's request, for another 180 (one hundred eighty) days.

This guarantee should include, under penalty of exclusion, the following:

- express waiver of the right to the principal debtor's prior;
- express waiver of the exception as per Article 1957, subparagraph 2 of the civil code;
- its operativity within 15 (fifteen) calendar consecutive days, upon ENAC's simple written request.

Furthermore, the tenderer should produce a guarantor's commitment to issue, in case of award of the concession, the proper and definitive guarantee deposit in compliance the provisions of Article 18 of the Framework agreement.

In the event of a temporary grouping of companies/consortium the deposit should be addressed to the grouping/consortium and should contain the company names of the member companies in the group/consortium.

This provisional deposit covers and can be seized by ENAC, besides in cases expressly described in these Guidelines, for failure to assign the concession or lack of agreement, caused by the tenderer. This deposit can also be seized if the tenderer does not demonstrate possession of conditions for eligibility, or requisites of capacity and other further conditions requested for the purposes of participating in the present procedure, or it has issued or is issuing false declarations, including those contained in the request for participation in the tender and the presented offer, or does not fulfill the obligations required in the event of award, including those obligations as per point 7 of these guidelines.

For non-awarded tenderers, the provisional deposit shall be released along with communication of the definitive award.

## **9. MANDATORY INSPECTION AND FURTHER INFORMATION**

The tender shall compulsorily carry out an inspection of the areas and infrastructure of the airport, subject of the award. To this end those interested may refer to ENAC Bologna-Rimini Airport Directorate at the following contact points: "G.Marconi" Airport, Via Triumvirato,88 Bologna. Telephone +39 0516479690; fax +39 0516486909. E-mail address: [aero.bologna@enac.gov.it](mailto:aero.bologna@enac.gov.it)

Clarification and complementary information on the Notice of tender, the Guidelines and the Framework agreement may be requested from the Project Manager (RUP), exclusively by fax or email, at the contact points indicated in point I.1) of the Notice of tender.

Requests in Italian must be received by the Project Manager (RUP) at least 15 (fifteen) days prior to the deadline set in point 7 of the Notice of tender to receive the offers, and therefore no later than **April 22, 2014 at 1:00pm**. Clarification and/or complementary information shall be transmitted to those requesting it by the Project Manager via email or fax at least six days prior to the expiry date of the aforementioned deadline, and therefore no later than **April 30, 2014 at 1:00pm**.



Clarification and/or information considered of general interest shall also be published on the authority's website ([www.enac.gov.it](http://www.enac.gov.it)>Bandi di gara) at least 6 (six) days prior to the deadline for receiving the offers, and therefore no later than **April 30, 2014 at 1:00pm**.

The declarations and documents produced by the tenderers may be subject to requests for clarification by the authority, within the limits and conditions as per Article 46 of Legislative Decree n.163/2006.

Option for tenderers to release themselves from the offers: once 180 (one hundred eighty) days have passed from the last deadline for receipt of offers, except for extensions for a further 180 (one hundred eighty) days.

## **10. PROCESSING OF PERSONAL DATA**

The personal data provided shall be processed in accordance with the provisions of legislative decree 196/2003 and subsequent modifications for the purposes and modalities contained in these guidelines and to carry out any subsequent concession report.

THE GENERAL MANAGER

ALESSIO QUARANTA