

PRT.DTC/DTC/116/21/MZ

**Subject:** Call for expressions of Interest in the supply of wheelsets light maintenance services for the years 2022-2023

## 1. Premises

Mercitalia Intermodal SpA (hereinafter, "MI"), with registered office on via Valtellina 5/7, 20159 – Milan (MI), Tax Code and VAT Number IT 00857491005, share capital Euro 7,000,000.00 fully paid-up, registered in the Milan Business Register under no. 00823190152, REA no. 0758334, intends to proceed with the purchase of wheelsets light maintenance services for the years 2022-2023.

It should be noted that this procedure is not subjected to the Code of Public Contracts (Italian Legislative Decree No. 50/2016) except in the case of the self-regulation provisions referred to therein; accordingly, therefore the aforementioned procedure is of a matter of private law.

## 2. Call for expressions of interest

The economic operators concerned are therefore invited to express their interest in participating in a possible subsequent competitive bidding process by sending by email a special declaration of interest in English signed by a legal representative or person who is authorised to commit the Company, and the attachments signed in digital format by qualified electronic signature, pursuant to Art. 3, no. 12 and 25 of EU Regulation 910/2014, and under the following subject line: *Expression of interest for the supply of wheelsets light maintenance services - to the attention of Mercitalia Intermodal, with deadline 16/07/2021.*

The declaration of interest must include:

- express and unequivocal statement of interest to provide the services discussed in the notice,
- express acceptance of all the conditions laid down in this notice and of the documents referred to therein,
- declarations and any other documents required in paragraph 5.

The expression of interest must also indicate the first and last name with fax number, e-mail and telephone number of a contact person, for any subsequent contacts with Mercitalia Intermodal.

Mercitalia Intermodal S.p.A.  
Gruppo Ferrovie dello Stato Italiane  
Società soggetta alla direzione e coordinamento  
di Ferrovie dello Stato Italiane S.p.A.

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### 3. Submission Requirements

The expression of interest must be sent to [direzionetecnica@pec.mercitaliaintermodal.it](mailto:direzionetecnica@pec.mercitaliaintermodal.it), with issuance of electronic receipt complete with receipt, no later than, (under penalty of non-admissibility) 16/07/2021 at 23:59.

### 4. Services to be Awarded

The technical and performance requirements in principle, as well as the essential legal-administrative conditions of the purchase, including the terms of performance of the services themselves, which will be included in the eventual contract, are specified and described in the annexes (available on Mercitalia Intermodal website):

- Contract template and its annexes;
- First-demand bank guarantee scheme, pursuant to the FS Group form.

Estimated overall amount of all services to be delivered: Euro 500,000.00 (five hundred thousand/00 Euro).

The activities are divided into 3 batches, that may be awarded separately. The batches are following:

- 1) IS1, IS1+IL or IS2 on wheelsets type 38 UR/m (estimation of around 100 activities);
- 2) IS1, IS1+IL or IS2 on wheelsets type 9064/FS (estimation of around 100 activities);
- 3) IS1, IS1+IL or IS2 on wheelsets type 9064, 9064B and/or 9073 (estimation of around 150 activities);
- 4) IS1, IS1+IL or IS2 on wheelsets type 004 or 306 (estimation of around 200 activities);
- 5) IS1, IS1+IL or IS2 on wheelsets type B46 UR/m and/or thermostable B46 (estimation of around 550 activities).

It should be pointed out that, by submitting the expression of interest, the above technical and administrative requirements and conditions are understood in full and accepted by the interested parties, so that no objections or exceptions can be raised in this regard at a later date.

### 5. Bidder Requirements

For the purpose of proof of previous professional experience requirements, the following documents and/or declarations shall be attached to the expression of interest:

- a) List of supplies of similar services, for each one of the batch for which the interest is expressed, carried out in the last 5 years (or during the period of service of the

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economic operator, if less than 5 years), with the name of Contracting Authorities, and information on the economic value;

- b) Declarations of good execution of the services, issued by the customers;
- c) Declaration by the Bidder that it may consider performing the contract services on its own, and that no conditions set forth in point 7 above apply;
- d) Declaration by the Bidder that it is in possession of a certification of compliance of its Quality System to the UNI EN ISO 9001:2015, and its subsequent updates, issued by accredited bodies, with a certification that includes the activities object of interest;
- e) Chamber of Commerce registration certificate, or the equivalent professional register if a foreign undertaking, detailing the corporate purpose and the names of the relevant corporate personnel and their powers;
- f) Any other certifications awarded to the Bidder (for example in environmental, social fields, etc.);
- g) Financial statements of the last three financial years, if any, approved by the auditing companies in charge. By submitting its expression of interest, the Bidder gives its consent to Mercitalia Intermodal for the provision of the aforementioned accounting and financial documentation to FS Group Companies and/or third-party consultants for the appropriate evaluation, with the understanding that such parties are bound by confidentiality obligations;
- h) Valid VPI qualification for wheelsets light maintenance activities (IS1/IL/IS2) valid for at least one site.

The declarations and documents constituting the expression of interest may be subject to verification or request for clarification by Mercitalia Intermodal, at any stage of the procedure. In the event that the verifications contain false information, the Bidder will be excluded from this and future selection procedures.

## 6. Points of contact

For additional requests for information you can contact the following office no later than 13/07/2021:

Technical Department – Fleet manager: Federico Pocetti

Email: [fpocetti@mercitaliaintermodal.it](mailto:fpocetti@mercitaliaintermodal.it)

Mobile phone: +39 335 7983894

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## 7. Warnings

This notice is simply an invitation to express interest in the possible purchase of the services in question, and does not in any way constitute a negotiation, contract proposal and offer to the public, pursuant to Art. 1336 of the Italian Civil Code, or invitation to offer, nor does it involve for Mercitalia Intermodal and for its facilities or managers the assumption of responsibilities of any kind. The invitation to express interest does not bind the company to proceed with the selection in any way and does not constitute a commitment by Mercitalia Intermodal to consult economic operators who have expressed interest.

Mercitalia Intermodal therefore reserves the right, at its own unquestionable judgment, without obligation to state reasons and at all times, the right not to follow up this market survey, without this entailing any obligation to any benefit as compensation or otherwise to candidates who may have submitted the expression of interest.

It should be pointed out at this stage that Bidders who, following the submission of the expression of interest, will be invited to participate in the next phase of the procedure (invitation to submit a binding offer), will have to declare at this stage, by means of a declaration made by their legal representative, pursuant to Presidential Decree 445/2000, as amended and supplemented, that none of the following applies:

- 1.1. not to have been given a non-appealable sentence or a non-custodial order imposing a fine (now irrevocable) or a sentence applying punishment at the request of the parties pursuant to Article 444 of the Italian Code of Criminal Procedure, for the following criminal offences:
  - 1.1.1. offences, committed or attempted, referred to in Articles 416, 416 *bis* of the Italian Criminal Code or offences committed making use of the conditions laid down in said Article 416 *bis* or in order to facilitate the activities of the associations referred to in the same article, as well as for offences, committed or attempted, referred to in Article 74 of Italian Presidential Decree dated 9 October 1990, no. 309, Article 291 *quater* of Italian Presidential Decree No. 43 dated 23 January 1973 and Article 260 of Italian Legislative Decree No. 152 dated 3 April 2006, in that they are attributable to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/GAI;
  - 1.1.2. criminal offences, committed or attempted, referred to in Articles 317, 318, 319, 319 *ter*, 319 *quater*, 320, 321, 322, 322 *bis*, 346 *bis*, 353, 353 *bis*, 354, 355 and 356 of the Italian Criminal Code and in Article 2635 of the Italian Civil Code;
  - 1.1.3. fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests;
  - 1.1.4. criminal offences, committed or attempted, aimed at terrorism (including international terrorism) and subversion of the constitutional order; terrorist offences or offences linked to terrorist activities;
  - 1.1.5. criminal offences referred to in Articles 648 *bis*, 648 *ter* and 648 *ter.1* of the Italian Criminal Code, money laundering or financing of terrorism, as defined in Article 1 of Legislative Decree No. 109 dated 22 June 2007, and subsequent amendments;

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- 1.1.6. exploitation of child labour and other forms of trafficking in human beings as defined in Legislative Decree No. 24 dated 4 March 2014 ;
- 1.1.7. any other criminal offence involving the additional punishment of withdrawal of authorisation to contract with the public authorities.

The aforementioned offenses do not constitute impediments where decriminalised or declared extinct after the sentence or in the event of revocation of the sentence itself or for which rehabilitation has taken place.

- 1.2. the inexistence of causes for forfeiture, suspension or prohibition provided for by Article 67 of Italian Legislative Decree No. 159 dated 6 September 2011 or an attempt at mafia infiltration as referred to in Article 84.4, of the same decree;
- 1.3. the non-commission of serious and conclusively ascertained violations of obligations to pay taxes or social security contributions, pursuant to Italian law or to the law of the State in which one is established;
- 1.4. the non-commission of serious, duly ascertained breaches of safety regulations and of any other obligations arising from employment contracts, and also of legal obligations on environmental, social and labour matters;
- 1.5. not to be subject to bankruptcy or compulsory liquidation or to a creditors' composition arrangement, except in the case of a creditors' composition procedure "in continuity", or the non-existence of any procedure underway to have one of the above situations formally declared;
- 1.6. not having been guilty - according to the reasoned assessment of the Contracting Authority regarding the permanence, or not, of the necessary fiduciary relationship between the Client and the Contractor - of serious professional offenses such as to make their integrity or reliability doubtful, as will be further specified in invitation letter;
- 1.7. not to be in a situation of control within the meaning of Article 2359 of the Italian Civil Code with reference to another participant in the same award procedure, or to be in any relationship (de facto or otherwise) where the control situation or the relationship in question is such that the bids are attributable to a single decision-making entity;

The cases referred to in points 1.1 above are an impediment when they concern: the owner or the technical director in the case of a sole proprietorship; the shareholders or the technical director, in the case of a general partnership; the general partners or the technical director in the case of a limited partnership; the directors with power of attorney or the technical director or the sole shareholder who is a natural person, or the majority shareholder who is a natural person in the case of a company with fewer than four shareholders, if it is another type of company or consortium.

The causes of exclusion envisaged by this section do not apply to firms or companies subject to seizure or confiscation pursuant to Article 12 *sexies* of Italian Decree Law No. 306 dated 8 June 1992, converted, with amendments, by Italian Law No. 356 dated 7 August 1992 or Articles 20 and 24 of Italian Legislative Decree No. 159 dated 6 September 2011, and entrusted to a receiver or judicial or financial administrator, limited to those referring to the period prior to the aforementioned entrustment;

What is said in the last paragraph of the previous paragraph 5 applies, with reference to any checks or requests for clarification, also in relation to the foreclosures provided for by current “anti-mafia” legislation (Legislative Decree 159/2011, as amended and supplemented, as any related regulatory legislation), with respect to the successful Bidder.

Mercitalia Intermodal also reserves the right not to admit to the subsequent selection process economic operators who are deemed not to have adequate professional and financial reliability, and to admit to the process the maximum number of operators considered adequate, in view of the usefulness of limiting the number of bidders to be invited due to the need to procure the contract services in a timely manner.

It should be noted that pooling will not be allowed, pursuant to Art. 89 of Italian Legislative Decree No. 50/2016 cannot be availed of.

Minimum number of Bidder to be invited: 3.

Moreover, Mercitalia Intermodal reserves the right to proceed with an award even if the number of operators concerned and considered suitable is less than the minimum number previously indicated, including if a single Bidder participates in the selection process.

Mercitalia Intermodal reserves the right to stop the market survey at any time and regardless of the stage at which it arrived.

For the purpose of participating in the next competitive selection process, operators who are invited to submit a binding offer will be required to register on the online portal by clicking on the item “Registration to the Portal” in the last of the menu on the left at the link <https://.gare.mercitaliast.it>, according to the instructions given therein, and what will be further specified in the invitation letter to submit an offer.

The evaluation of binding tenders, in the phase following the submission of the expression of interest, will take place in the manner to be indicated in the invitation letter.

This notice concerning the call for expressions of interest and its annexes are available on the website [www.mercitaliaintermodal.it](http://www.mercitaliaintermodal.it) and the publication is in English.

The submission of the expression of interest implies the full acceptance of all the requirements and provisions referred to in this call or otherwise referred to therein. Any documentation submitted in response to this call for expressions of interest may no longer be withdrawn.

The invitation and the subsequent procedure are fully governed by Italian law, and will be subject to Italian jurisdiction.

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The entire procedure, until its possible conclusion, will also be governed by the principles referred to in the Code of Ethics of Gruppo Ferrovie dello Stato Italiane, published on [www.mercitaliaintermodal.it](http://www.mercitaliaintermodal.it).

The processing of any data provided will take place in compliance with current national and Community legislation on the protection of the confidentiality of personal data (EU Regulation no. 679/2016).

The Data Controller is Mercitalia Intermodal, email [titolaretrattamento@mercitaliaintermodal.it](mailto:titolaretrattamento@mercitaliaintermodal.it). The Data Processor is [protezionedati@mercitaliaintermodal.it](mailto:protezionedati@mercitaliaintermodal.it).

## 8. Annexes

The following is a list of annexes to this call:

- A. Appendix A - Contract template for wheelsets light maintenance;
- B. Appendix B – Annex 1: OTS;
- C. Appendix C – Annex 2: Operational Procedures;
- D. Appendix D – Annex 3: EWT data format;
- E. Appendix E – Annex 4: Price list;
- F. Appendix F – Bank guarantee scheme.

Mercitalia Intermodal S.p.A.

Technical Department

*The Manager*

Maria Antonietta Zocco