

Municipality of Trieste  
Piazza Unità d'Italia 4  
34121 Trieste  
Phone 040 6751  
[www.comune.trieste.it](http://www.comune.trieste.it)  
VAT ID number 00210240321

Trieste, December 2015

SCOPE: Restricted procedure for the supply and setting up of a bike-sharing system. Contract starting price EUR 313,500.00 + EUR 2,500 for safety costs + VAT at the legal rate. CIG no. 65382617A8.

To:  
Company/TGC [ ]  
Address [ ] no. [ ]  
Postcode [ ] Town [ ]

#### INVITATION TO TENDER LETTER

With reference to the procedure above and to the application filed within the time limit stated under the invitation to tender, the Company/TGC currently being formed/Consortium is invited to submit its best offer according to the requirements, criteria and procedures below, which incorporate the provisions laid down in the invitation to tender.

#### **CRITERIA FOR THE SUBMISSION OF TECHNICAL AND ECONOMIC OFFERS**

In this regard, please note that the sealed envelopes containing the offers shall be opened during a public session, which shall be held on [ ] from 10:00 a.m., room [ ] on the [ ] floor, of the City Hall, Piazza dell'Unità d'Italia no. 4 in Trieste. The tenderers' legal representatives or any formally empowered person will be allowed to take part in the proceedings of the said session. The basic materials and documentation for the submission of technical and economic offers as well as the Framework Contract and the Special Conditions are available on the website of the Municipality of Trieste at: [www.comune.trieste.it](http://www.comune.trieste.it). The sealed envelopes containing the offers and the relevant documentation shall be sent by registered mail through Poste Italiane S.p.A., or through any another authorised delivery company, and be peremptorily received, **under penalty of disqualification**, by 12:00 a.m. of **01.04.2016** at the latest, at the following address: *Comune di Trieste - Servizio Progetti Strategici, Appalti Contratti e Affari Generali* through its *Protocollo Generale* **Piazza Unità d'Italia no. 4, 34121 Trieste**. Envelopes may also be handed over personally or through third parties, within the same peremptory time limit, at the address above. The Municipal Authorities shall issue a receipt on delivery. Envelopes, to be closed and sealed, shall mention on the outside the name, address, tax identification number and fax number of the tenderer as well as the following wording:

***“Do not open - Restricted procedure for the supply and setting up of a bike-sharing system.”***

In case of temporary groups of companies, all tenderers' names shall be mentioned.

Envelopes shall contain three separate sealed envelopes inside, to be signed on the closing flap. Each envelope shall mention the name of sender and the following wording, as the case may be:

***“A – Administrative documents”***

***“B – Technical offer”***

***“C – Economic offer and other quantitative criteria”.***

Non-delivery of envelopes at the address and according to the said terms and conditions shall disqualify the tenderers concerned from this tendering procedure.

All documents sent by tenderers shall be filed with the official records of the Contracting Authority and shall not be returned – even partially – to the companies that are not awarded the Contract (except for the security deposits, which shall be returned to the extent permitted by law).

By submitting the offer, the Company/TGC currently being formed/Consortium implicitly accepts without exception or qualification the terms and provisions laid down in the Framework Contract, Special Conditions, this invitation to tender letter and all other tender documents.

**Envelope “A – Administrative documents” shall contain the following documents:**

- 1) Self-certification pursuant to Presidential Decree no. 445/2000 as amended and supplemented or, in case of groups of companies already established or to be established, multiple self-certifications signed by the respective legal representatives and accompanied by copies of valid ID cards attesting registration with the Chamber of Commerce for activities equivalent to those to be awarded or, in case of economic operators established in countries other than Italy (pursuant to art. 47 of Legislative Decree no. 163/2006), attesting enrolment in the Official List or Register of the relevant country (**specimen form A**);
- 2) Self-certification pursuant to Presidential Decree no. 445/2000 attesting that the tenderer meets all self-certified economic/financial and technical/organisational requirements upon submission of its application and that there have been no changes in the general requirements under art. 38 of Legislative Decree no. 163/2006 as amended and supplemented after the closing date for applications and up to the closing date for the submission of offers (**specimen forms A and AI**);
- 3) (*in case of already established groups, consortiums or EEIGs*) Joint irrevocable representation powers conferred upon the group leader by public deed or certified deed under private seal, or true copy of the memorandum of association of the consortium or EEIG;
- 4) Provisional security deposit pursuant to art. 75 of Legislative Decree no. 163 of 12.04.2006 amounting to EUR 6,320.00 (six thousand three hundred twenty Euros) to be established by bank guarantee, insurance guarantee or guarantee issued by intermediaries enrolled in the Register under art. 106 of Legislative Decree no. 385/1993, whose sole or main activity is the issue of guarantees and that are subject to audits carried out by auditing companies enrolled in the Register under art. 161 of Legislative Decree no. 58/1998; a true copy of the guarantee, to be effective for at least 180 (one hundred eighty) days from submission of the offer shall be provided. The bank guarantee, insurance guarantee or guarantee issued by financial intermediaries shall include – under penalty of disqualification - all the clauses under art. 75 of Legislative Decree no. 163/2006 as amended and supplemented and, in particular, those under par. 4.

The provisional security deposit shall be accompanied – under penalty of disqualification – by an unconditional commitment by the guarantor to establish the final security deposit under art. 75, par. 8, of Legislative Decree no. 163/2006 as amended and supplemented if the tenderer is awarded the Contract.

With regard to temporary groups of companies, pursuant to art. 37 of the Italian Code on Public Procurements, the provisions laid down in art. 128 of Presidential Decree no. 207/2010 shall apply. With regard to temporary groups of companies of a horizontal type, each company shall provide a certification pursuant to art. 75, par. 7, of Legislative Decree no. 163/2006 to benefit from the reduction envisaged by the said article; with regard to temporary groups of companies or consortiums of a vertical type, reduced security deposit shall only apply to the share of group companies that can provide a certification.

To benefit from reduced security deposit as per art. 75, par. 7, of Legislative Decree no. 163/2006 as amended and supplemented, a self-declaration pursuant to arts. 45 and 46 of Presidential Decree no. 445/2000 attesting the existence of a quality certification issued by an accredited certification body shall be provided, under penalty of disqualification.

The provisional security deposit shall also cover any pecuniary penalty payable to the Contracting Authority under arts. 38, par. 2bis, and 46, par. 1ter, of Legislative Decree no. 163/2006 as amended and supplemented to the extent of one per thousand of the contractual value), i.e. EUR 316.00 (three hundred sixteen Euros);

- 1) Proof of payment (original or certified copy) of EUR 35.00 (thirty-five Euros) to the Supervisory Authority for Public Procurements according to the requirements, to the extent and in compliance with the instructions given at: [www.avcp.it](http://www.avcp.it). **Procedure identification code (CIG):** [☞] Tenderers, under penalty of disqualification, shall make the payment by using one of the methods referred to in the order issued by the said Authority on 05.03.2014;
- 2) **PASSOE** issued by the system upon registration of each economic operator with the AVCPASS service (see [www.avcp.it](http://www.avcp.it) – Restricted Access Services) for the code (CIG) associated with the relevant procedure in which the operator wishes to take part.
- 3) Copy of the invitation to tender letter, Framework Contract and Special Conditions (enclosed with this letter) signed on each sheet for acknowledgement and acceptance by the legal representative or owner or authoriser officer of the company or, in the case of groups of companies or consortiums, by the legal representative, owner or authorised officer of each tenderer that joins or will join the group, consortium or EEIG;
- 4) Statements issued by at least two banks or authorised intermediaries pursuant to Legislative Decree no. 385 of 01.09.1993 attesting that the economic operator has an appropriate financial capacity to execute the contracted works.

The self-certifications under 1) and 2) shall be signed by the legal representative, owner or authorised officer of the tenderer. In case of joint ventures or companies to be grouped or associated, the self-certifications shall be issued by each tenderer that joins or will join the association, consortium or EEIG. Self-certifications may also be signed by officers authorised by the legal representatives, in which case a copy of the authorisation shall also be submitted.

## EXCLUSION CRITERIA

For the purposes of art. 38, par. 2bis, of Legislative Decree no. 163/2006 as amended and supplemented, the following circumstances shall be regarded as material irregularities:

- Lack or incompleteness of self-certifications and affidavits attesting that the tenderer meets the general requirements under art. 38, par. 1, of Legislative Decree no. 163/2006 as amended and supplemented;  
or
- Lack or incompleteness of self-certifications and affidavits attesting that the tenderer meets the special requirements (where required, such as turnover, bankers' references, SOA quality assurance certification, etc.);  
or
- Signing by a person lacking representation powers;  
or
- Lack, incompleteness or irregularity of the provisional security deposit;  
or
- Lack, incompleteness or irregularity of the commitment to issue a guarantee for the performance of Contract if the tenderer is awarded the Contract;  
or
- Lack of the signatory's ID card (unless it is included in the documentation submitted by the tenderer);  
or
- Lack of the proof of payment of ANAC (former AVCP) fees;

or

- Lack of PASOE.

The existence of any of the aforementioned irregularities shall entail the payment by the tenderer of a pecuniary penalty to the Contracting Authority amounting to 1 per thousand of the contract starting price, i.e. EUR 316.00 (three hundred sixteen Euros). This payment shall be deducted from the provisional security deposit. The penalty referred to in the paragraph above shall be applied only once, irrespective of the number of lacking or incomplete self-certifications; in this case, the tenderer shall receive a notice to issue, supplement or rectify its self-certifications within a time limit of 10 days stating the contents to be modified and the entities involved. The tenderer shall be disqualified from this tendering procedure if it does not issue the necessary self-certifications within the aforementioned time limit. Any other irregularity shall not be regarded as material and, therefore, the Contracting Authority shall not ask for its rectification. The following circumstances **CANNOT** be rectified and, therefore, pursuant to art. 46, par. 1bis, of Legislative Decree no. 163/2006, they shall lead to disqualification:

- Absolute lack of clarity regarding the contents or origin of the offer owing to missing signature or missing material elements in the technical or economic offer;
- Outer envelope containing the offer not intact so that it can be reasonably assumed that it has been tampered or there have been other serious irregularities related to the closing of envelopes and, therefore, that the principle of secrecy has been breached.

**Envelope “B Technical offer” shall contain the following documents:**

**B** For the purposes of the application for approvals (by the Municipal Authority) pursuant to Legislative Decree no. 42/2004 (arts. 146 and 10, par. 4, letter g), detailed design as defined in art. 3 of the Special Conditions, comprising the following documents:

- Technical/descriptive report;
- Plan showing the location of pick up and return points and pictures;
- Technical data sheets for all materials used;
- Data sheets showing the technical characteristics of all the elements that make up the system (pick up and return point, bicycle, securing devices, etc.);
- Execution details.

**B.1.** For the purposes of the assessment of “**FUNCTIONAL FEATURES**”, report to be divided into the following sections:

**B.1.1. Types and models of bicycles** (in particular, models of traditional and electric bicycles according to manufacturing, durability, serviceability and market availability criteria, having special regard to the availability of spare parts);

**B.1.2. Types and parts of the pick up and return system** (in particular, types and parts of the pick up and return system: materials, reliability, safety and security, strength and serviceability);

**B.1.3. Setting up of pick up and return points** (in particular, manufacturing and size of pick up and return points, having special regard to minimisation of public land impairment);

**B.1.4. Locking system for bicycles** (in particular, ease of use and safety when picking up and returning bicycles);

**B.1.5. Antitheft system for bicycles to be used outside pick up and return points** (in particular, antitheft system effectiveness according to security criteria);

**B.1.6 Info-terminals** (in particular, materials, serviceability, effectiveness in terms of information/communication, user/system interactivity).

The report shall be made of no more than twelve (12) pages written on one side only (font Times New Roman pt. 12, single spacing. Technical documents may be submitted (UNI A4 or A3 format) (max 10 in total).

- B.2.** For the purposes of the assessment of “**AESTHETICAL FEATURES**”, report to be divided into the following sections:
- B.2.1. Types of info-terminals** *(in particular, aesthetical/visual impact and fitting into the environmental and urban setting);*
  - B.2.2 Types and characteristics of bicycle bays** *(in particular, aesthetical/visual impact and fitting into the environmental and urban setting);*
  - B.2.3. Types and characteristics of electric meter cabinets** *(in particular, aesthetical/visual impact and fitting into the environmental and urban setting, integration between cabinets and info-terminals).*

The report shall be made of no more than six (6) pages written on one side only (font Times New Roman pt. 12, single spacing. Technical documents or information folders or other information materials may be submitted (UNI A4 or A3 format) (max 2 for each sub-document; max 6 in total).

- B.3.** For the purposes of the assessment of “**MANAGEMENT INFORMATION SYSTEM FEATURES**”, report to be divided into the following sections:
- B.3.1. Management software** *(in particular, graphical user interface description in terms of ease of use and user-friendliness; clarity of the operations required; degree of autonomy with reference to software use and modification, bearing in mind that the Municipality of Trieste will be the system administrator);*
  - B.3.2. Data transmission system** *(and data transmission modes in addition to UMTS);*
  - B.3.3. Access to and use of the service by users** *(in particular, modes of access by users through the various devices; flexibility of use; ease of use and multifunctionality of access devices);*
  - B.3.4. Types of data** *(in particular, quantity and quality of data that may be obtained in addition to the minimum system requirements laid down in the Special Conditions).*

The report shall be made of no more than eight (8) pages written on one side only (font Times New Roman pt. 12, single spacing. Technical documents or information folders or other information materials may be submitted (UNI A4 or A3 format) (max 1 for each sub-document; max 4 in total).

- B.4.** For the purposes of the assessment of the “**COMMUNICATION PLAN**”, report to be divided into the following sections:
- B.4.1. Promotional and information activities on the service** *(in particular, this section shall fully describe the range of promotional and information tools that the tenderer intends to use, effectiveness of communication, target audience of the promotional campaign, types of graphical materials and adoptability of promotional messages);*
  - B.4.2. Advertising activities** *(in particular, this section shall fully describe the advertising activities that the tenderer intends to carry out, range of advertising tools that the tenderer intends to use, forms, methods, venues and length of the advertising campaign).*




The report shall be made of no more than four (4) pages written on one side only (font Times New Roman pt. 12, single spacing. Technical documents or information folders or other information materials may be submitted (UNI A4 or A3 format) (max 2 for each sub-document; max 4 in total).

- B.5.** For the purposes of the assessment of the “**TECHNICAL VALUE**”, report to be divided into the following sections:
- B.5.1. Human and equipment resources to ensure software support services** *(in particular, professional and technical qualifications of human and equipment resources made available);*
  - B.5.2. Availability of spare parts for traditional and electric bicycles** *(in particular, type of spare parts supplied in the offer and economic value of spare parts supplied in the offer);*
  - B.5.3. Other activities to support the Municipality of Trieste during the system management phase** *(in particular, organisation and operation support to the Municipality of Trieste when starting up and establishing the service, human and equipment resources made available in both cases).*

The report shall be made of no more than six (6) pages written on one side only (font Times New Roman pt. 12, single spacing).

- B.6. CD ROM** containing the whole technical offer in WINDOWS OFFICE 2010 or later. Any technical document and/or information/descriptive and technical material may be submitted in unprotected PDF format.

**All reports shall be signed by:**

-  the legal representative or owner of the tenderer;
-  all the legal representatives of the entities that will establish the temporary group of companies, consortium or EEIG;
-  the legal representative of the group leader in its name and on its behalf and on behalf of the other members in case of already formally established temporary groups of companies, consortiums or EEIGs.




If the aforementioned documents and plans are signed by an officer authorised by the legal representative or owner, the relevant authorisation shall be submitted. With regard to reports consisting of a number of pages the exceeds the limit stated above, the Selection Board shall only review the number of pages stated above and leave out the exceeding pages, irrespective of their contents. The improvements proposed by the tenderer shall be binding upon it. The tenderer will be obliged to execute the works under the conditions described in its offer, under penalty of revocation of the award or Contract termination for serious failure to comply, with all the consequences provided for by the legislation in force.

**Envelope “C- Economic offer and other quantitative criteria” shall contain - under penalty of disqualification – the following documents:**

Statement drawn up in the Italian language on stamped paper, signed by the legal representative, owner or authorised officer, including:

- C.1.** Percentage of discount (in figures and words) on the contract starting price, net of safety costs. In case of discrepancies between figures and words, pursuant to the provisions laid down in art. 283, par. 3, of Presidential Decree no. 207/2010, the words shall prevail. The amounts, including those stated by economic operators established in countries other than Italy, shall be denominated in Euros;
- C.2.** Number (in figures and words) of electric bicycles to replace traditional bicycles (1:1 ratio) as compared to the minimum requirements laid down in the Special Conditions (9);
- C.3.** Total number (in figures and words) of bicycles offered by the tenderer as compared to the minimum requirements laid down in the Special Conditions (92);
- C.4.** Length (in figures and words) of the start up period (system management and maintenance) that the tenderer undertakes to guarantee to the Contracting Authority (months).

This statement shall be signed by:

-  the legal representative or owner of the tenderer;
-  all the legal representatives of the entities that will establish the temporary group of companies, consortium or EEIG;
-  the legal representative of the group leader in its name and on its behalf and on behalf of the other members in case of already formally established temporary groups of companies or consortiums.

If the aforementioned statement is signed by an officer authorised by the legal representative or owner, the relevant authorisation shall be submitted.














**CRITERIA FOR THE ASSESSMENT OF TECHNICAL AND ECONOMIC OFFERS**

The Contract shall be awarded to the tenderer making the most advantageous proposal as determined by a Selection Board appointed pursuant to art. 84 of Legislative Decree no. 163 of 12.04.2006 on the basis of the primary and secondary assessment criteria above and their respective primary and secondary weights shown next to the various items on TABLE I (enclosed with this letter).


Coefficients will be assigned to each primary and secondary assessment criteria. The method is described in TABLE 2 (enclosed with this letter).


The motivational criteria on which the Selection Board shall base its assessment are included in TABLE 3 (enclosed with this letter).

### **FURTHER INFORMATION**

-  Economic operators under art. 34 of Legislative Decree no. 163 of 12.04.2006 as well as economic operators established in countries other than Italy under art. 47 of Legislative Decree above may take part in this tendering procedure.
-  Economic operators taking part in this tendering procedure are not allowed to join more than one temporary group of companies or ordinary consortium or to take part in this tendering procedure as single operators if they have already submitted an offer with a temporary group of companies or ordinary consortium.
-  Consortiums under art. 34, letters b) and c), of Legislative Decree no. 163/2006 are obliged, when submitting their offers, to state the names of their members on behalf of which they take part in the tendering procedure; consequently, members are not allowed to take in the same tendering procedure in any other form; any breach of this principle shall lead to disqualification of both the consortium and its members; non-compliance with this prohibition shall lead to the application of art. 353 of the Italian Criminal Code. Membership to more than one permanent consortium is not allowed. Any member of a consortium shall meet the general requirements under art. 38, par. 1, of Legislative Decree 163/2006 and issue the self-certification according to the requirements under par. 2 of the article above, as per the specimen form enclosed with this invitation to tender letter;
-  Economic operators established in the countries under art. 47, par. 1, of Legislative Decree no. 163/2006, shall submit, pursuant to par. 2 of the article above, a documentation in compliance with the regulations in force in their respective countries attesting that they meet all the requirements applicable to their Italian counterparts for the purposes of qualification and participation in tendering procedures together with its certified translation into the Italian language.
-  The Contract shall take the form of a public administrative deed.
-  Pursuant to art. 55, par. 4, of Legislative Decree no. 163 of 12.04.2006, the Contract may also be awarded if just one or two valid offers are received.
-  The Contract shall not include any arbitration clause. Disputes shall be deferred to ordinary courts. The competent jurisdiction shall be Trieste.
-  The Contracting Authority reserves the right:
  -  To apply the provisions laid down in art. 46 of Legislative Decree no. 163/2006;
  -  Not to award of the Contract pursuant to art. 81, par. 3, of Legislative Decree no. 163/2006 and tenderers will not be entitled to any claim in this respect.
-  In any case, tenderers will not be entitled to claim any compensation or reimbursement for the drawing up of their offers or cancellation of this tendering procedure.
-  The compliance by tenderers with all general, technical/organisational and economic/financial requirements shall be checked, pursuant to art. 6bis of Italian Code on Public Procurements and the relevant implementing regulations (AVCP no. 111 of 20.12.2012), by means of the AVCPASS system made available by the Contracting Authority, without prejudice to the provisions laid down in art. 6bis, par. 3, of Legislative Decree no. 163/2006.
-  All entities willing to take part in the this tendering procedure shall be required to register with the system by clicking on the link on the AVCP web portal (AVCPASS – Restricted Access Services) and following the relevant instructions.

### **AWARDING PROCEDURE**

On the date of opening of tenders [, in a public session in which the legal representatives of tenderers or their duly authorised officers may take part and on the basis of the documentation contained in the submitted offers, the Selection Board shall:

-  Make sure that the envelopes containing the administrative documentation, economic offer and technical offer are formally regular and shall disqualify irregular offers from this tendering procedure;

- ☞ Make sure that administrative documentations are regular;
- ☞ Make sure that tenderers have not submitted competing offers in a position of control pursuant to art. 2359 of the Italian Civil Code or are to be disqualified from this tendering procedure pursuant to the exclusion criteria laid down in art. 38, par. 1, letter m-quarter), of Legislative Decree no. 163/2006 as amended and supplemented;
- ☞ Make sure that the members on whose behalf the consortiums under art. 34, par. 1, letters b) and c), of Legislative Decree no. 163/2006 as amended and supplemented take part in this tendering procedure have not submitted any other offer in any other form;
- ☞ Make sure that single companies taking part in this tendering procedure as temporary groups of companies or consortiums pursuant to art. 34, par. 1, letters d), e) f) and f-bis), of Legislative Decree no. 163/2006 as amended and supplemented, have not submitted any offer as single companies;
- ☞ Make sure that the same company has not joined more than one temporary group or consortium pursuant to art. 34, par. 1, letters d), e) f) and f-bis), of Legislative Decree no. 163/2006 as amended and supplemented;
- ☞ Make sure that tenderers meet the general requirements to take part in this tendering procedure according to their submitted self-certifications and the relevant checks made ex officio pursuant to art. 43 of Presidential Decree no. 445/2000 as amended and supplemented;
- ☞ Make sure that the payment to the Supervisory Authority for Public procurements has been made.

In case of lack, incompleteness or any other serious irregularity found in the self-certifications under art. 38, par. 2, of Legislative Decree no. 163/2006 as amended and supplemented, the tenderer will be obliged to issue, complete or rectify the relevant self-certifications within 10 days of the receipt of the relevant request from the Contracting Authority, under penalty of disqualification.

In this case, the public session may be postponed to another date and time to be notified to tenderers by fax or certified e-mail at least 3 (three) days before the adjourned session.

The Selection Board, in a following public session, after calling all tenderers by fax or certified e-mail with at least a 3 (three)-day notice, shall disqualify those that turn out not to fully meet general and special requirements.

Thereafter, the Selection Board shall open the **“B – Technical offer”** envelopes and make sure that the documentation contained therein is formally regular.

Then, the Selection Board, in one or several private session, shall assess the qualitative elements contained in the submitted documentation pursuant to Annex G of Presidential Decree no. 207/2010 (paired comparison method) and shall assign a coefficient from 0 to 1 to each of them according to the established method.

If less than 3 or more than 10 offers are received, offers shall be assessed by calculating the average of coefficients discretionarily assigned by each Board member.

The Selection Board, in a public session, whose date and time shall be notified to tenderers at least 3 (three) days before the session, shall open the **“C – Economic offer and other quantitative elements”** envelopes submitted by qualified tenderers and shall exclude all tenderers:

- a. whose offers may be referred to a single decision-making centre;
- b. whose scores resulting from the assessment of qualitative elements are lower than 30.

To keep the weights defined for the various assessment criteria unchanged, in the event that no tenderers achieve the overall score resulting from the sum of all weights assigned to qualitative technical assessment criteria, the method of calculation shall be adjusted as follows: the tenderer that has achieved the highest overall score shall be assigned the maximum score provided for by the method of calculation and the remaining offers shall be assigned proportionally decreasing scores.

Thereafter, the Selection Board shall open the **“C”** envelopes of all eligible tenderers, shall calculate their partial scores and overall score and shall rank the tenderers. With reference to the identification of anomalous offers, the Selection Board shall act pursuant to art. 121, par. 10, of Presidential Decree no. 207/2010.

If a price-related score and an overall score (resulting from the sum of all scores achieved for the other assessment criteria) equal to or higher than four fifths of the respective maximum scores defined for this tendering procedure are achieved, the public session shall be suspended and the person in charge of the procedure shall be informed. The person in charge of the procedure shall check the justifications given by



tenderers pursuant to art. 87, par. 1, of the Italian Code on Public Procurements in cooperation with the technical offices or bodies of the Contracting Authority (Procedure Board).

The relevant operations shall be recorded pursuant to art. 78 of Legislative Decree no. 163/2006 as amended and supplemented. The award as resulting from the minutes of the final public session shall be provisional and made conditional upon the relevant legal checks and the approval of the minutes by the competent body of the Contracting Authority.

Pursuant to art. 12, par. 1, of Legislative Decree no. 163/2006 as amended and supplemented, the award shall become final when the minutes are approved (in a management resolution) or 30 days after that the Contract is provisionally awarded if no negative or suspensive measures are issued.

However, it is understood that the Contract shall only be signed if a favourable opinion is issued at the end of the anti-mafia checks provided for by the legislation in force.

**The Strategic Projects, Public Procurements, Public Contracts and  
General Affairs Department Manager**  
Mr. Walter Toniati