



Purchasing Department



OPEN PROCEDURE COMPETITION

entirely managed with telematic systems

for the assignment of collection, transport, recovery or disposal services for special, hazardous and non-hazardous waste

Race Identification Code (CIG):

Lotto n.	MUST	CIG
1	Ancona	B637B3ED4F
2	They were	B637B3FE22
3	Bologna	B637B40EF5
4	Florence	B637B3778A
5	Genoa	B637B39930
6	Milan	B637B3CBA9
7	Naples	B637B355E4
8	Palermo	B637B366B7
9	Reggio Calabria B637B3885D	
10	Rome	B637B3AA03
11	Turin	B637B3BAD6
12	FSE	B637B3DC7C

CPV 90510000-5 (main)

CPV 90512000-9 (secondary).

COMPETITION REGULATIONS

DAC.0104.2025

Via dello Scalo Prenestino, 25 - 00159 Rome

Italian State Railways Group

Company with a single member subject to the management and coordination activity of Ferrovie dello Stato Italiane SpA pursuant to art. 2497 sexies of the

Civil Code and Legislative Decree no. 112/2015

Registered office: Piazza della Croce Rossa, 1 - 00161 Rome

Share capital euro 31,528,425,067.00

Registered in the Rome Company Register

Code. Tax. 01585570581 and P. VAT 01008081000 – REA 758300





PREMISES AND ATTACHMENTS

This Specification, attached to the Tender Notice sent to the National Database of Public Contracts (hereinafter for brevity "BDNCP"), of which it constitutes an integral and substantial part, contains the supplementary rules to the notice, those relating to the participation methods, as well as

to the procedures for compiling and submitting the offer, to the documents to be submitted in support of the offer, and to the procedure for awarding the contract announced by RFI SpA - a single-member company subject to the management and coordination of FSI SpA (hereinafter referred to as the "Contracting Authority") through an open tender procedure, entirely managed with electronic systems, pursuant to Legislative Decree 36/2023 (hereinafter the "Code") for the assignment of the Service for the collection, transport, recovery or disposal of special, hazardous and non-hazardous waste.

This open procedure is carried out entirely through the electronic platform accessible at www.acquistionlinerfi.it (hereinafter "Purchasing Portal" or "Portal").

The award will be made according to the criterion of the most economically advantageous offer.

For this procedure, the offers will be opened in advance pursuant to art. 107, paragraph 3 of the Code.

The collection, transport, recovery or disposal service of special, hazardous and non-hazardous waste to be carried out and the general and specific conditions under which the contract must be conducted are governed, in addition to the Notice, by these Tender Specifications, by the documents attached or in any case referred to therein, as well as by the "General Contract Conditions for supply contracts of the Companies of the Ferrovie dello Stato Italiane Group" applicable, insofar as compatible, to service contracts limited to the provisions contained in Chapter I; in Chapter II; in Articles 43 and 44; in Chapter IV, Title II, Title III and Title IV; in Chapter V", approved by the Board of Directors of Ferrovie dello Stato Italiane SpA in the meeting of 22 March 2017 and registered with the Revenue Agency, Provincial Directorate I of Rome, Territorial Office of Rome 1, Trastevere, at no. 5987, Series 3, on 23 June 2017, and issued with Group Provision no. 231/AD of 17 July 2017 (hereinafter for brevity referred to as the "General Contract Conditions" or also "CGC"), available on the institutional website of the Contracting Authority and by the conditions set out in the "Regulations for access to the RFI Purchasing Portal" available on the Portal homepage.

For technical support regarding the use of the Portal, please contact the Customer Service at the references indicated on the Portal Home Page.

The following documents are attached to this Regulation:

- Annex A - Application for participation;
- Annex B.1 - Declaration of additional requirements and related Annexes 1 to the Declaration of additional requirements requirements;



- Annex B - Declaration of participation;
- Annex C - Draft Framework Agreement and related sub-annexes;
- Annex D – Declaration of restrictive measures;
- Annex E – Offer justifications;
- Annex F – Sample Declaration of Auxiliary Company;
- Annex G – Draft Subcontract;
- Annex H - Sample Declaration White list;
- Annex I - Content of the Technical Offer and Evaluation Criteria for the Technical Offers and Economical;
- Annex J – Declaration of Technical-Commercial Secrets pursuant to art. 35, paragraph 4, letter a) of the D.lgs. 36/2023;
- Annex K - Declaration by the subcontractor to be submitted when requesting subcontracting authorization, to be made pursuant to Presidential Decree 445/2000;
- Annex L - Declaration on safety and labor costs;
- Annex M - Declaration of commitment of the economic offer;
- Annex N - Economic offer.xls. (Annex xls for each lot).

To participate in the tender procedure, competitors must use the updated models downloadable from the “Attachments” area of the online event relating to the specific tender on the RFI Purchasing Portal, without making any changes to them.

I. PURCHASE PORTAL

I.1. ELECTRONIC TRADING PLATFORM

Use of the Portal entails tacit and unconditional acceptance of all terms, conditions of use and warnings contained in the tender documents, in the aforementioned document as well as anything brought to the attention of users through communications on the Portal.

The use of the Portal takes place in compliance with the principles of self-responsibility and professional diligence, as provided for by article 1176, paragraph 2, of the Civil Code.

The Contracting Authority assumes no responsibility for loss of documents and data, damage to files and documents, delays in entering data, documents and/or in submitting the application, malfunctions, damages, prejudices arising to the economic operator, from:

- malfunctions of the equipment and connection systems and programs used by the individual economic operator for connection to the Portal;



- use of the Portal by the economic operator in a manner that does not comply with the Disciplinary, with what is provided for in the document "Regulations for access to the Purchasing Portal" and in the additional documents published on the Portal.

The activities and operations carried out within the Portal are recorded and attributed to the economic operator and are considered to have been carried out at the time and day resulting from the system records.

The Portal's operating system is synchronized on Italian time referred to the UTC time scale (IEN).

The use and operation of the Portal take place in accordance with the provisions of the documents listed above, which form an integral part of this specification.

The purchase, installation and configuration of hardware, software, digital signature certificates, PEC mailbox or in any case of a qualified certified electronic delivery service address, as well as connections for access to the Internet, remain the sole responsibility of the economic operator.

I.2. IT EQUIPMENT TO PARTICIPATE IN THE PROCEDURE

Participation in this procedure for selecting the contractor carried out electronically is open, after identification, to all interested operators in possession of the IT equipment indicated in the document on the Portal, called "Minimum HW and SW requirements", as well as a Certified Electronic Mail address (PEC). Only for Economic Operators with registered offices outside of Italy, the email address communicated at the time of registration on the Portal may also be non-certified.

It is the Competitor's responsibility to promptly update any changes to the certified email address in his/her personal folder on the website www.acquisitionlinerfi.it.

Any changes to the PEC address or temporary problems in the use of these forms of communication must be promptly reported to the Contracting Authority; otherwise, the latter declines all responsibility for late or failed delivery of the communications.

It is mandatory for the legal representative to possess a valid digital signature certificate generated by a secure signature creation device, pursuant to the provisions of art. 38, paragraph 2, of Presidential Decree no. 445/2000 and art. 65 of Legislative Decree no. 82/2005.

Digital signature certificates issued by: are accepted:

- a) a body included in the public list of certifiers kept by the Agency for Digital Italy provided for by art. 29 of Legislative Decree 82/2005);



- b) a certifier operating under a licence or authorisation issued by a Member State of the European Union in compliance with the provisions of EU Regulation no. 910/2014¹.

They are also permitted, in accordance with the provisions of art. 24 paragraph 4-ter of the Legislative Decree. 82/2005, digital signature certificates issued by a certifier established in a non-European Union State, when one of the following conditions applies:

- a. the certifier possesses the requirements set out in EU Regulation no. 910/2014 and is qualified in a member state;
- b. the qualified certificate is guaranteed by a certifier established in the European Union, in possession of the requirements set out in the same Regulation;
- c. the qualified certificate, or the certifier, is recognised under a bilateral or multilateral agreement between the European Union and third countries or international organisations.

It will be the responsibility of the Company to indicate which of the hypotheses indicated above is applicable to the authority that issued the signature, attaching documentation as proof, and also indicate the tool by which it will be possible to carry out the verification (software, link, etc.).

NB Please note that the portal has a digital signature verification tool that can check the validity of the signature if the file size is less than 10 MB.

The Contracting Authority will verify the validity of the digital signatures using the automatic verification tool on the portal, and in the event of a negative verification, once the file(s) has been downloaded locally, it will use the free software made available by the Italian Certification Authorities (as required by the relevant regulatory provisions).

Therefore, it is suggested that companies carry out preventive checks with these tools for digitally signed files.

For each digitally signed document, the digital signature certificate must be valid on the date of insertion of the document itself into the portal. It is important to remember that a document

with an expired or revoked digital signature is valid only if the document is associated with a time reference that can be used against third parties (time stamp issued by a certifier registered in the public list of certifiers) affixed during the validity period of the signature certificate.

¹ The validity of the digital signature can be verified directly on the website of the Agency for Digital Italy (<http://www.agid.gov.it/>) by downloading one of the software listed in the section Verification software for digital signatures. Electronic signatures (in particular the DSS - Digital Signature Service also available in WebApp mode) <http://www.agid.gov.it/agenda-digitale/infrastrutture-architetture/firme-elettroniche/software-verifica>.



It is specified that the only digital signature formats accepted will be those of CADES and PADES.²

It is not permitted to digitally sign a compressed folder (e.g. .zip) containing one or more documents without a digital signature (where required), but it is possible to attach a compressed folder containing digitally signed documents.

I.3. REGISTRATION METHODS AND ACCESS TO THE PORTAL

To participate in the tender procedure, interested economic operators must first and mandatorily register on the Portal. To this end, they must follow the instructions available on the *home page* of the Portal itself.

NB It should be noted that the digital signature used by the Competitor in the aforementioned registration phase has no value for the purposes of signing subsequent documents relating to the tender.

Registration on the Purchasing Portal is mandatory for all Economic Operators participating in any form in the tender procedure, including principals, executing consortium members, indicated designers and auxiliary companies. Therefore, ALL the above-mentioned subjects must register on the Purchasing Portal, including, for the purposes of verifying legal requirements, also the majority shareholders. To register, it is necessary to follow the "New Supplier Registration" procedure.

Registration on the Portal is free of charge.

In case of need for support for the purposes of registration on the Portal, as well as in carrying out operations within the Portal itself, the Competitors have the right to contact the Assistance Service at the references indicated on the Home Page of the Portal.

Registration and subsequent authorization allow the economic operator to access the section dedicated to this tender procedure.

By accessing this section, each economic operator will be able to:

- view the tender documentation;
- send requests for clarification;
- submit your offer.

It should also be noted that:

² The verification of the validity of the digital signature can be carried out directly on the website of the Agency for Digital Italy (<http://www.agid.gov.it/>) by downloading one of the software listed in the section Verification software for digital signatures.

Electronic signatures (in particular the DSS - Digital Signature Service also available in WebApp mode)

<http://www.agid.gov.it/identita-digitali/firme-elettroniche/software-verifica>.



• in the event of participation in the tender by a competitor consisting of companies joined or to be joined in the forms referred to in art. 65, paragraph 2, letters e), f), g) and h) of the Code, the documentation must be digitally signed, where applicable, by all the entities that make up the temporary grouping of companies (hereinafter "Grouping"), GEIE, Aggregation of companies adhering to the network contract (hereinafter "Network Aggregation") or Consortium;

• in the event of participation in the tender by entities referred to in art. 65 paragraph 2 letters b), c) and d) of the Code, the documentation must be digitally signed by the Consortium and, where applicable, also by each of the consortium members on whose behalf the Consortium is participating in the tender.

Upon completion of the registration process, economic operators must:

In relation to each lot for which you intend to submit a bid:

1. access the Portal (after activating a specific user ID and password), in the section "Offer Phases", then click on "Public Evidence Events";
2. access the lot of interest;
3. select the "Participate" button;
4. download the tender documentation (Attachments area)
5. [Only on first access] click on "My Answer", located on the left of the web page;
6. [Only on first access] click on the "Reply" link (located in the center of the screen) to start the response process, and follow the instructions in the following paragraphs of this document.

After completing these operations, the competitor will be able to view the online events for which he/she has expressed interest in participating in the "My Bidding Phases (FDO)" area, download the tender documentation, ask for clarification, receive responses and submit his/her electronic offer.

II. CLARIFICATIONS, CORRECTIONS AND ADDITIONS AND COMMUNICATIONS

II.1. CLARIFICATIONS, CORRECTIONS AND ADDITIONS

Clarifications on this procedure can be obtained by submitting written questions no later than 04/14/2025 exclusively through the "Online Messaging" tool available in the dedicated section of the Portal in the Administrative Envelope, after registering on the Portal itself.



Requests for clarification received verbally, by telephone or presented in ways other than those indicated above or in any case after the deadline indicated above will not be taken into consideration.

Requests for clarification and related responses are formulated exclusively in Italian.

Responses to requests for clarification submitted in good time are provided in electronic format at least 6 days before the deadline set for the submission of offers, by publishing the requests anonymously and the related responses in the appropriate section of the Portal visible to Economic Operators registered for the tender. Competitors are invited to constantly view this section of the Portal.

The Contracting Authority reserves the right to make, starting from the date of publication of the Notice, any corrections and/or additions that may be necessary, also to the other documents made available to the competitors for the purposes of submitting their respective offers.

For the purposes of participation in the tender, the corrections and/or additions reported in the Purchasing Portal will be fully valid and will be binding for the Contracting Authority and for the Competitors.

II.2. COMMUNICATIONS

Communications between the Contracting Authority and economic operators take place via the "Online Messaging" tool available in the dedicated section of the Portal. It is the sole responsibility of the economic operator to read it.

All communications relating to the tender procedure take place via the "Online Messaging" tool available in the dedicated section of the Portal.

Any changes to the PEC address or temporary problems in the use of these forms of communication must be promptly reported to the contracting authority; otherwise, the latter declines all responsibility for late or failed delivery of the communications.

In the event of meetings of companies, ordinary consortia, GEIE, network aggregations, even if not yet formally constituted, the communication delivered to the agent is considered to be validly made to all the operators gathered.

In the case of consortia referred to in art. 65 letters b), c), d) of the Code, the communication delivered in the manner indicated above to the consortium is considered to be validly delivered to all the consortium members.

In the event of availing oneself of the services, the communication delivered to the offeror in the manner indicated above shall be deemed to have been validly delivered to all auxiliary economic operators.



III. DESCRIPTION OF THE SUBJECT, AMOUNT AND DURATION OF THE CONTRACT

The contract concerns the service of collection, transport, recovery or disposal of special, hazardous and non-hazardous waste.

The service of collection, transport, recovery or disposal of special, hazardous and non-hazardous waste is divided into 12 lots and consists of the service of collection, transport, recovery or disposal of special, hazardous and non-hazardous waste to be carried out in the sections of line, buildings, areas and railway yards falling within the jurisdiction of the Operational Directorates.

Territorial Infrastructures of RFI SpA and in the jurisdiction of Ferrovie del Sud Est e Servizi Automobilistici Srl (FSE) (exclusively for Lot 12), as well as in the health facilities of the Health Department of RFI SpA. The Framework Agreement has as its object:

I – Main Object: The services falling within the activities of recovery or disposal of special waste, both hazardous and non-hazardous, for which it is necessary to possess the requirements set out in the following paragraph VI.

II – Additional Service - Secondary Service: the services falling within the activities of collection and transport of special waste, both hazardous and non-hazardous, for which it is necessary to possess the requirements set out in the following paragraph VI.

The EER Codes covered by the services are listed in Annex No. 1 to the Technical Specifications (Annex No. 2 to the Framework Agreement template for each Lot).

In particular, the aforementioned services are divided according to the following service modalities:

SERVICE A: collection, weighing, transport, recovery or disposal at authorised plants of special, hazardous and non-hazardous waste deriving from the production activities of RFI SpA (so-called waste produced by RFI), as per the EER codes in Annex no. 2 to the Technical Specifications (Annex No. 2 to the draft Framework Agreement).

SERVICE B: collection, weighing, transport, recovery or disposal at authorised plants of special, hazardous and non-hazardous waste, including waste containing asbestos, not deriving from the production activities of RFI SpA (so-called waste not produced by RFI) for which the Contractor must assume the qualification of “waste producer” pursuant to art. 183 letter f) of Legislative Decree 3 April 2006, no. 152;

The following are included in Service B:

the removal activities of waste abandoned by third parties within areas owned by RFI or of which RFI has in any way the availability;

the clearing activities of illegal settlements and/or areas/premises owned by RFI (or of which RFI in any case has the availability for various reasons) previously occupied by third parties. (for further details consult the Technical Specifications, the EER Codes are indicated in Annex no. 2 to the Technical Specifications).



SERVICE C collection, weighing, transport, recovery or disposal at authorised facilities, of special waste, hazardous and non-hazardous, deriving from the production activities of RFI SpA (so-called waste produced by RFI), as per EER codes in Annex 2 to the Technical Specifications (Annex No. 2 to the Framework Agreement). Service C refers to the typologies, quantity and location of waste, for which RFI will assume the qualification of "waste producer" sense of art.183 lett. f) of the Legislative Decree of 3 April 2006, no. 152 and DPR 254/03 "Regulation regulating the management of health care waste pursuant to art. 24 of the law July 31, 2002, no. 179".

The total amount of the tender is equal to € **37,876,207.17** thirty-seven million eight hundred and seventy-six thousand two hundred and seven/17) excluding VAT for lots having the following amounts , divided into 12 respectively, excluding VAT:

No. of lots	MUST	TOT Performance Principal	TOTAL Further Performance	Total lot amount for €/ three-year period
1	Ancona	1.861.735,13 €	174.891,71 €	2.036.626,85 €
2	They were	1.781.394,76 €	164.644,49 €	1.946.039,25 €
3	Bologna	1.776.370,67 €	166.670,46 €	1.943.041,13 €
4	Florence	2.020.108,90 €	188.235,82 €	2.208.344,72 €
5	Genoa	860.683,33 €	80.330,43 €	941.013,76 €
6	Milan	3.553.060,41 €	329.784,43 €	3.882.844,84 €
7	Naples	3.791.097,68 €	348.828,40 €	4.139.926,08 €
8	Palermo	2.814.321,20 €	263.522,34 €	3.077.843,54 €
9	Reggio Calabria	2.614.983,94 €	242.525,74 €	2.857.509,68 €
10	Rome	8.795.796,03 €	815.291,64 €	9.611.087,66 €
11	Turin	2.137.065,73 €	200.269,56 €	2.337.335,29 €
12	FSE	2.645.704,06 €	248.890,32 €	2.894.594,38 €
TOTAL		34.652.321,85 €	3.223.885,32 €	37.876.207,17 €

The total amount of the tender includes the safety charges not subject to reduction which are equal to €0.00. If during the activities it becomes necessary to provide measures that determine safety charges for interference, these will be



paid, using the prices in the latest edition of the OS tariff of the Ferrovie dello Stato Group, without applying any discount.

The tender base amount includes the labour costs which the contracting authority has estimated to be a total of **€1,605,000.00** (one million six hundred and five thousand euros/00) divided as follows:

n. lots	MUST	Value Labor I Performance Principal	Value Labor II Further Performance -Performance secondary
1	Ancona	25.000,00 €	44.000,00 €
2	They were	53.000,00 €	41.000,00 €
3	Bologna	26.000,00 €	42.000,00 €
4	Florence	44.000,00 €	47.000,00 €
5	Genoa	17.000,00 €	20.000,00 €
6	Milan	90.000,00 €	82.000,00 €
7	Naples	128.000,00 €	87.000,00 €
8	Palermo	47.000,00 €	66.000,00 €
9	Reggio Calabria	68.000,00 €	61.000,00 €
10	Rome	235.000,00 €	204.000,00 €



11	Turin	34.000,00 €	50.000,00 €
12	FSE	32.000,00 €	62.000,00 €
TOTAL		799.000,00 €	806.000,00 €

The collective agreement applied is "CCNL dei Servizi Ambientali" - CNEL code K540.

The duration of each Framework Agreement (excluding any options) will be 36 months, starting from the date of signing of the first Application Agreement. In any case, the first Application Agreement will be issued within 6 months of signing the Framework Agreement.

IV. PRICE REVIEW – MODIFICATION OF THE CONTRACT DURING THE EXECUTION

IV.1. PRICE REVISION

In compliance with the provisions of art. 60 of Legislative Decree 36/2023, the fees due to the Contractor may be subject to revision in compliance with the provisions of the Framework Agreement attached to these Specifications (Annex C).

IV.2. MODIFICATION OF THE CONTRACT DURING THE PERFORMANCE STAGE

a) Contract extension option:

1. the Contracting Authority reserves the right to extend the Framework Agreement for a maximum duration of 6 months at the prices, terms and conditions established in art. 3.2.7.1 in conjunction with art. 29, paragraph 2.a) of the draft Framework Agreement.

The exercise of this right is communicated to the Contractor at least two months before the expiry of the Agreement. This extension option is only temporary and does not provide for an increase in the amount of the Framework Agreement, except as provided for in art. 29.2b) and 29.2.bis of the Framework Agreement scheme. The extension will be formally communicated, by certified email, with a minimum notice of 2 months before the relative expiry.

2. Pursuant to the provisions of art. 3.2.7.2, in exceptional cases, the Framework Agreement in progress may be extended for the time strictly necessary to conclude the procedure for identifying the new contractor if the conditions indicated in art.



120 paragraph 11. In this case the contractor is required to perform the services covered by the Framework Agreement at the same prices, terms and conditions provided for in the Framework Agreement.

In the event of the extension described above, if the amount of the Framework Agreement is exhausted, the value of the extension is determined by multiplying the monthly value of the Framework Agreement (net of the extension and other options and any changes and increases that may occur during execution) by the number of months of the extension.

b) Variation up to one fifth of the amount of the Framework Agreement: pursuant to art. 29.2.bis of the draft Framework Agreement, if during the execution it becomes necessary to increase or decrease the services up to one fifth of the amount of the Framework Agreement, the Contracting Authority may require the contractor to perform under the conditions originally envisaged. In this case, the contractor may not assert the right to terminate the Framework Agreement.

c) Increase in the amount of the Framework Agreement: pursuant to art. 29.2.b) of the draft Framework Agreement, in the event that before the expiry of the original term indicated by art. 3.2 of the draft Framework Agreement, the amount referred to in art. 6 paragraph 1 of the aforementioned draft is reached, net of options and extensions, RFI may increase, even in several instalments, said amount by a further sum which overall must not exceed 30% of the amount of the Framework Agreement, always net of extensions and options. The exercise of this right is communicated to the contractor by certified e-mail.

d) Renegotiation clause: in the event of extraordinary and unforeseeable circumstances occurring during the execution of the Framework Agreement, the "Contractual Balance Maintenance Clause" referred to in art. 8bis of the draft Framework Agreement shall apply.

In light of the possible application of the clause referred to in the previous letter b) and c), **the estimated overall value of the contract**, net of VAT, is divided as follows:



n. lots	MUST	Total amount per lot €/ three- year period with Options
1	Ancona	3.054.940,27 €
2	They were	2.919.058,87 €
3	Bologna	2.914.561,70 €
4	Florence	3.312.517,08 €
5	Genoa	1.411.520,64 €
6	Milan	5.824.267,26 €
7	Naples	6.209.889,11 €
8	Palermo	4.616.765,32 €
9	Reggio Calabria	4.286.264,52 €
10	Rome	14.416.631,49 €
11	Turin	3.506.002,93 €
12	FSE	4.341.891,56 €
TOTAL		56.814.310,75 €

V. ELIGIBLE SUBJECTS AND CONDITIONS OF PARTICIPATION – PROTOCOLS

V.1. ELIGIBLE SUBJECTS AND CONDITIONS OF PARTICIPATION

Economic operators may participate in this tender individually or in association.

The provisions of Articles 67 and 68 of the Code apply to entities established in an associated form.

The consortia referred to in Article 65 of the Code that intend to perform the services through their own consortium members are required to indicate for which consortium members the consortium is competing.

In particular, the offer to be submitted for tender must specify the services (principal and/or secondary) and the respective percentage shares that will be carried out by the individual economic operators grouped together or in a consortium (this indication must be filled in in the form "Application for participation", Annex A).

The competitor who participates in the single lot in one of the forms indicated below is excluded in the event that the Contracting Authority ascertains the existence of relevant evidence such as to suggest that the offers of the economic operators are attributable to a single decision-making centre due to agreements entered into with other economic operators participating in the same lot:

- participation in more than one ordinary Grouping or Consortium of competitors or
Network aggregation;



- participation both in an ordinary group or consortium of competitors and in a joint venture individual;
- participation both in Network Aggregation and in individual form. This exclusion does not apply to network members not participating in the aggregation, who may submit an offer, for the single lot, in individual or associated form;
- participation of a Consortium which has designated an executing member who, in its sole discretion, time, participate in any other form;
- participation in more than one stable consortium.

The company, whether it competes alone or together with other companies, is required to respect the **same form (single or associated) and the same composition for all lots**, without prejudice, in the case of a multi-subject competitor, to the possibility of modifying the shares and the role.

Limitation of the award to a maximum number of lots

In the event that a competitor is ranked first for more than one lot, he/she may be awarded up to a maximum of 3 lots which will be identified on the basis of the criterion

referred to in the following paragraph X Without prejudice to the maximum number of lots that can be awarded to the same competitor, the competitor may not be awarded lots for quantities greater than:

- a) in relation to disposal and recovery activities - to the quantities for which it is authorised to operate for the specific EER Codes put out to tender;
- b) in relation to transport activities - to the quantities for which it is authorised to operate for the specific EER Codes put up for tender.

Without prejudice to the above limitations regarding the possible awarding of lots, for the purposes of participation it is not necessary for the competitor to possess the sum of the quantities required to participate in the individual lots.

In compliance with the general principles that must inspire public tender procedures and in particular in compliance with the principles of results, competition and speed of the administrative procedure, RFI, having the need to dispose of the contracts covered by this tender within appropriate times, as provided for by Legislative Decree 36/2023 and compatible with its operational needs, establishes that:

- the award constraints (number of lots that can be awarded) referred to in the previous point will be applied to the rankings of each lot - according to the expected opening order in the following paragraph X – following the examination of the administrative envelopes and the outcome of any investigative assistance, before carrying out the verification of the participation and bonus requirements and the verification of appropriateness for any potentially anomalous offers;
- following the application of the award constraint, any changes to the ranking of one or more lots will not have any effect on the other lots in the procedure,



- In the event that there are no valid offers in a lot in consideration of the application of the award constraint, the contracting authority reserves the right to award the lot to the economic operator first in the ranking who has already reached the maximum limit of awardable lots".

Once the awarding of all lots has been arranged, if any exclusion or appeal affects the awarding of one or more lots, only for the lots impacted by the previously mentioned events will the ranking of the lot be scrolled, applying the award constraints and leaving the awards of the other lots unchanged.

The Network Aggregations referred to in Article 65, paragraph 2, letter g) of the Code, comply with the discipline provided for Groups insofar as compatible. In particular:

- in the event that the network is equipped with a common body with power of representation and legal subjectivity (so-called Network - subject), the Network Aggregation participates through the common body, which assumes the role of the agent, if it has the relevant requirements. The common body can also indicate only some of the network members for participation in the tender but must necessarily be part of these;
- in the event that the network is equipped with a common body with power of representation but without legal subjectivity (so-called Network - contract), the aggregation of network members participates through the common body, which assumes the role of the agent, if it has the requirements provided for the agent and if the network contract mandates the same to submit an application for participation or an offer for certain types of tender procedures. The common body can also indicate only some of the network members for participation in the tender but must necessarily be part of these;
- in the event that the network is equipped with a common body without the power of representation or is devoid of a common body, or if the common body lacks the qualification requirements, the network aggregation participates in the form of the grouping constituted or being constituted, with full application of the relevant rules.

For all types of networks, joint participation in tenders must be identified in the network contract as one of the strategic objectives included in the joint programme, while its duration must be commensurate with the time required to complete the contract.

A consortium referred to in Article 65, paragraph 1, letter b), c), d) or a sub-association, in the form of an established ordinary Grouping or Consortium or a Network Aggregation, may also participate in a temporary grouping. To this end, if the network is equipped with a common body with power of representation (with or without legal personality), such body will assume the role of agent of the sub-association; if, however, the network is equipped with a common body without the power of representation or is without a common body, the role of agent of the sub-association is conferred by the network members participating in the tender, by means of a mandate, providing evidence of the distribution of the participation shares.



The company in preventive concordat may also compete as part of a grouping and provided that the other companies adhering to the grouping are not subject to a bankruptcy procedure.

V.2. MANDATORY SITE INSPECTION

Not expected

V.3 PROTOCOLS

The protocols referred to in art. 14bis of the draft Framework Agreement are applicable to this procedure, the clauses of which must be considered to be fully referred to herein.

VI. TENDER REQUIREMENTS

VI.1. GENERAL REQUIREMENTS

Competitors must possess, under penalty of exclusion, the general requirements set out in the Code as well as the additional requirements indicated in the following paragraph.

The existence of the automatic causes of exclusion referred to in Article 94 of the Code entails direct exclusion while the existence of the non-automatic causes of exclusion referred to in

Article 95 of the Code must be ascertained after a cross-examination with the economic operator.

In the event of participation of Consortia referred to in Article 65, paragraph 2, letters b), c) and d) of the Code, the general requirements referred to in Articles 94 and 95 of the Code must be possessed by both the consortium members indicated as executors and by the consortium members providing the requirements.

All participants in the Group and the ordinary Consortium referred to in art. 65, paragraph 2, letters e) and f) must possess the general requirements.

The rules set out for Groupings apply to Network Aggregations and to the GEIE, where compatible.

Economic operators must be registered, under penalty of exclusion from the tender, in the list of suppliers, service providers and contractors not subject to attempted mafia infiltration (**so-called white list**) established at the Prefecture of the province in which the economic operator has its headquarters or must have submitted an application for registration in the aforementioned list.



list. To this end, it is necessary to send the White List Declaration, to be filled out by all subjects who undertake the services indicated in art. 1, co. 53, L. 190/2012.

Economic operators employing more than fifty people who do not submit, at the time of submitting the offer, a copy of the latest periodic report on the situation of male and female staff drawn up pursuant to Article 46 of Legislative Decree No. 198 of 2006, together with the certificate of conformity to the one already sent to the company trade union representatives and to the regional equality advisors or, in the absence of such previous transmission, together with the certificate of its simultaneous transmission to the company trade union representatives and to the regional equality advisor, are excluded from the tender procedure.

Economic operators who employ a number of employees equal to or greater than fifteen and not more than fifty, who in the twelve months preceding the deadline for submitting the offer have failed to produce to the contracting authority of a previous procurement contract, the report referred to in Article 1, paragraph 2 of the Annex, are excluded from the tender procedure.

II.3 to the Code.

VI.2. SPECIAL ORDER REQUIREMENTS

Competitors must possess, under penalty of exclusion, the following requirements:

VI.2.1. Professional suitability requirement

a) For both services covered by this contract referred to in the previous paragraph III:

Registration **in the Company Register** or in the Register of Artisan Enterprises for activities pertinent to those covered by this tender procedure.

For the economic operator of another Member State, not resident in Italy: registration in one of the professional or commercial registers of the other Member States referred to in Annex II.11 of the Code.

Economic operators, if Italian citizens or citizens of another member state resident in Italy, must be registered in the register of the Chamber of Commerce, Industry, Crafts and Agriculture or in the register of provincial commissions for crafts, for activities pertinent to those covered of this tender procedure. To the subject of another Member State not resident in Italy, it is proof of registration is required, according to the procedures in force in the State of residence, in one of the professional or commercial registers referred to in Annex II.11 to Legislative Decree 36/2023, by means of sworn declaration or in accordance with the procedures in force in the Member State in which it is established



or by certifying, under one's own responsibility, that the certificate produced has been issued by one of the professional or commercial registers established in the country in which he is resident.

For the purposes of proof for economic operators who are citizens of Italy or another member state residents in Italy, registration in the Company Register or in the Register of Artisan Enterprises of the successful tenderer is acquired automatically by the contracting authority.

For the economic operator of another Member State not resident in Italy, proof of requirement, only on the first in the ranking, is provided in the manner described above.

b) For the Services II referred to in the previous paragraph III: Registration in the National Register of Environmental Managers pursuant to art. 212 of Legislative Decree no. 152/2006 for the following categories:

- 1) Category 1 – for the registration class suitable for the Lotto for which you are participating - Collection and transport of urban waste;
- 2) Category 4 - for the registration class suitable for the Lotto for which you are participating - Collection and transport of non-hazardous special waste;
- 3) Category 5 - for the registration class suitable for the Lotto for which you are participating - Collection and transportation of hazardous waste;
- 4) Category 10B - for the registration class suitable for the Lotto for which you are participating - Activities of remediation of sites and assets containing asbestos.

The requirements are as follows for each Lot:

Lot 1 - Ancona

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 2 - Bari

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D



Lot 3 - Bologna

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 4 - Florence

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 5 - Genoa

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 6 - Milan

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 7 - Naples

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 8 - Palermo

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D



Lot 9 - Reggio Calabria

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 10 - Rome

- 1) Category 1 – class F
- 2) Category 4 – class E
- 3) Category 5 - class F
- 4) Category 10B – class D

Lot 11 - Turin

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Lotto 12 – South East Ferrovie

- 1) Category 1 – class F
- 2) Category 4 – class F
- 3) Category 5 - class F
- 4) Category 10B – class D

Economic operators, if Italian citizens or citizens of another member state resident in Italy, must be registered in the above-mentioned Register. To the person of another Member State not resident in Italy, proof of registration is required, according to the procedures in force in the country of residence, in one of the professional or commercial registers referred to in Annex II.11 to Legislative Decree 36/2023, by means of sworn declaration or in accordance with the procedures in force in the Member State in which it is established or by certifying, under one's own responsibility, that the certificate produced has been issued by one of the professional or commercial registers established in the country in which he is resident.



Proof of the requirement, only for the first in the ranking, is provided by transmission of registration in the National Register of Environmental Managers for the citizen economic operator Italian or another Member State resident in Italy.

For the economic operator of another Member State not resident in Italy, proof of requirement, only on the first in the ranking, is provided in the manner described above.

VI.2.2. ~~THIS~~ent

VI.2.3. Technical capacityrequirement andprofessional

a) For service I relating to waste recovery/disposal: possession of an environmental authorization for the management of the plants for carrying out the activities of recovery and/or waste disposal activities such as the single authorization pursuant to art. 208 of Legislative Decree 152/06 (operations from R1 to R13 referred to in Legislative Decree 152/06 and subsequent amendments, Annex C – and/or operations from D1 to D15 referred to in Legislative Decree 152/06 and subsequent amendments, Annex B) or an authorisation integrated environmental management pursuant to art. 29 bis and following of Legislative Decree 152/06 with the capacity to reception and treatment suitable for the types and quantities of waste indicated in Annex No. 2 to the Technical Specifications for each Lot for which you are participating.

For the purposes of participation, it will be sufficient to possess at least the R13 authorization and/or D15 for a total quantity at least equal to the total quantity for the lot for which it is requested submit offer.

Proof of the requirement, only for the first in the ranking, is provided by transmission of the environmental authorization.

b) Certificate of recognition of conformity of the Quality Management System according to UNI-EN ISO 9001 standard

For both services covered by this contract referred to in the previous paragraph III, the competitor, in order to participate in this tender procedure, must declare that he/she possesses a "Certificate of recognition of conformity of the Quality Management System to the UNI-EN ISO 9001 Standard", relating to the activities pertaining to the subject of the tender that he/she intends to perform, issued by a certification body accredited by a body adhering to the EA (European Accreditation of Certification) and/or the IAF (International Accreditation Forum), signatory of the mutual recognition agreements (MLA or MRA). In Italy the accreditation body is ACCREDIA (formerly SINCERT).



For the purposes of proof, the competitor must produce a copy of the aforementioned certification valid on the date of submission of the offers on which RFI will carry out the relevant checks.

VI.2.4. Indications on special requirements in Groupings, Ordinary Consortia, Network Aggregations, GEIE

The subjects referred to in Article 65, paragraph 2, letter e), f), g) and h) of the Code must possess the special requirements in the terms indicated below.

The rules set out for Groupings apply to Network Aggregations, Ordinary Consortia and GEIEs.

In the event that the principal/agent of a Grouping is a sub-association, in the form of an established ordinary Consortium or a Network Aggregation, the relevant participation requirements are satisfied according to the same methods indicated for the Groupings.

Professional eligibility requirements

a) The requirement relating to registration in the Company Register or in the Register of Craft Enterprises referred to in point VI.2.1. a) must be possessed:

- by each member of the Group/Consortium/EEIG also to be constituted, as well as by the EEIG itself;
- by each member of the Network Aggregation as well as by the common body in the event that it has legal personality.

b) The requirement relating to registration in the register referred to in point VI.2.1. b) must be possessed from the performer.

Economic and financial capacity requirements

Omitted

Technical-professional capacity requirements

The requirement relating to possession of the authorization referred to in point VI.2.3. a) must be a) possessed by the executor.

b) The requirement relating to the Certification of recognition of conformity of the Quality Management System to the UNI-EN ISO 9001 Standard referred to in the previous point VI.2.3.b) must be owned by each of the subjects constituting the multi-subject competitor.



VI.2.5. Indications on special requirements in Cooperative Consortia, Artisan Business Consortia, Permanent Consortia

Professional eligibility requirements

- a) The requirement relating to registration in the Company Register or in the Register of Artisan Businesses referred to in point VI.2.1. a) must be possessed by the consortium members indicated as performers.
- b) The requirement relating to possession of the registration referred to in point VI.2.1. b) must be possessed by the consortium members indicated as executors.

Technical-professional capacity requirements

For the possession of the "Technical-professional capacity requirements" referred to in paragraph VI.2.3 a) and b) in the case of consortia referred to in article 65, paragraph 2, letter b), c) and d) of the Code, please refer to the provisions of art. 67 Legislative Decree 36/2023.

VII. USE OF

The competitor may make use of technical equipment, human resources and instruments made available by one or more auxiliary economic operators to demonstrate possession of the special requirements referred to in point VI.2.3. and/or to improve its offer, without prejudice to the prohibition for the criteria expressly identified in Annex I to the Tender Specifications - "Content of the Technical Offer and Evaluation Criteria of the Technical and Economic Offers".

The contract for the use of auxiliary resources specifies the instrumental and human resources that the auxiliary makes available to the competitor and indicates whether the use is aimed at acquiring a participation requirement or improving the competitor's offer, or if it serves both purposes.

In cases where the use is aimed at improving the offer, it is not permitted for both the auxiliary and the operator that uses the resources made available by the latter to participate in the same tender, under penalty of exclusion of both parties, unless the auxiliary operator demonstrates in concrete terms and with adequate documentary support, at the time of submitting its application, that there are no connections that could lead both companies to the same decision-making center. RFI will in any case reserve the right to ask both companies for clarifications or additional documentation, assigning a suitable non-extendable deadline for this purpose.

Pursuant to Article 372, paragraph 4 of the Code of Corporate Crisis and Insolvency, for participation in this procedure between the time of filing the application referred to



in article 40 of the aforementioned code and the moment of filing of the decree provided for by article 47 of the same code, the use of the requirements of another subject is always necessary. _____

~~The use of third parties is not necessary in the event of admission to preventive settlement. _____~~

The competitor and the auxiliary are jointly liable towards the contracting authority in relation to the services covered by the contract.

Use of third parties to meet the suitability requirements set out in point VI.2.1 is not permitted.

In the event of availing oneself of the requirement referred to in point V.2.3 letters a) and b), the auxiliary shall directly perform the relevant service.

The auxiliary must:

- a) possess the requirements set out in point VI.1 and those set out in point VI.2.3 and/or set out in Annex I of the Tender Specifications "Content of the Technical Offer and Evaluation Criteria of the Technical and Economic Offers" subject to support and declare them by presenting their own DGUE and the Support Declaration, to be filled in in the relevant parts;
- b) undertake, towards the competitor making use of the services and towards the Contracting Authority, to make the resources which are the object of the use available for the entire duration of the contract.

The competitor attaches to the application for participation the contract of availment, which must be digitally native and digitally signed by the parties, as well as the declarations of the auxiliary. Failure to produce

the declarations can be remedied by means of investigative assistance of the auxiliary.

Failure to produce the availment contract can be remedied by means of investigative assistance, provided that the contract was stipulated before the deadline for submitting the offer and that this circumstance can be proven with a certain date.

~~Failure to indicate the resources made available by the auxiliary cannot be remedied - and is therefore a cause for exclusion from the tender - as it is a cause for the nullity of the contract of use. _____~~

If there are reasons for exclusion for the auxiliary or if it does not meet the special order requirements, the competitor replaces the auxiliary within the deadline assigned by the Contracting Authority. At the same time, the competitor produces the documents required for the use.

In the event that the auxiliary is responsible for a false declaration regarding the possession of the requirements, the Contracting Authority shall report the behavior of the auxiliary to the National Anti-Corruption Authority (hereinafter "ANAC") to allow the assessments referred to in Article 96, paragraph 15. The economic operator may indicate another auxiliary within **10 (ten) days**, under penalty of exclusion from the tender. The replacement may be carried out only in



case in which it does not lead to a substantial modification of the offer. Failure to comply with the deadline assigned for the replacement will result in the exclusion of the competitor.

VIII. METHOD OF PRESENTING THE OFFER AND SUBSCRIPTION OF THE TENDER DOCUMENTATION

To submit their offer, the Competitor must transmit via the Portal, no later than **12:00 on 04/28/2025**, under penalty of inadmissibility, all the documentation indicated below:

- **ADMINISTRATIVE DOCUMENTATION** – Single for all Lots for which you intend to submit an offer;

- **TECHNICAL OFFER** (one for each Lot for which you intend to submit an offer);

- **ECONOMIC OFFER** (one for each Lot for which you intend to submit an offer).

The above documentation must be fully signed by the Legal Representative or Attorney with the necessary powers to definitively commit the Competitor, under penalty of exclusion from the tender. In the event of signature by a person with powers, other than the Legal Representative, the presentation of the documentation must take place with the same methods requested of the Legal Representative himself. In the event of competitors participating in an associated form, the methods of presentation and signature of the reference documentation are reported below in this paragraph.

All documentation must be drawn up in Italian or in the language of the Member State in which the participating entity is based, in this case with an attached translation into Italian certified as "compliant with the foreign text" by the competent diplomatic or consular representation or by an official translator.

Please remember that:

- the Portal does not allow the transmission of offers beyond the aforementioned deadline;
- offers made using methods other than those indicated are not permitted;
- all files attached to the Portal (declarations and/or scanned documents) must be signed as detailed below and cannot exceed 10 Mb;
- it is not permitted to digitally sign a compressed folder (e.g. zip) containing documents without a digital signature, but it is possible to attach a compressed folder containing digitally signed documents;
- the digital signature used by the Competitor during registration on the Portal has no value for the purposes of signing subsequent documents relating to the tender.



Each Competitor must then access the event on the Portal with their own credentials (username and password) and perform the operations listed below.

VIII.1 ADMINISTRATIVE DOCUMENTATION

To insert his administrative documentation, the Competitor, within the "Administrative Response" area (unique for all Lots for which he intends to submit an offer), must attach the documents indicated below, signed with a digital signature and, at the end of the aforementioned operations, you must click on "Save and Exit" to save what has been entered and return to your offer summary page.

In detail, the competitor will have to insert the following documents into the Portal:

1. **"Application for participation"** to be produced according to the format in Annex A
"Application for participation";
2. **Single European Procurement Document (DGUE)** with which the Legal Representative of the company, or his agent, assuming full responsibility, declares the possession of the general requirements, identified in the previous paragraph VI.1. If the Competitor declares that he intends to resort to the institution of avvalimento, he must transmit the following documents:

- the DGUE completed and signed by the auxiliary company;
- the declaration digitally signed by the auxiliary company with which it undertakes towards the competitor and towards the Contracting Authority to make available for the entire duration of the contract the necessary resources which the competitor lacks;
- in original or certified copy, the contract of use specifying whether it intends to use the resources of others to acquire a participation requirement or improve its offer.

Please note that in the event of avallment pursuant to art. 104, paragraph 3 of Legislative Decree 36/2023, the services are performed directly by the auxiliary company.

NB: In order to facilitate Economic Operators in completing the electronic DGUE, in the section relating to general requirements, an "expected response" from the Contracting Authority has been inserted. The Economic Operator can always insert a different response, providing, in this case, the specifications requested by the mandatory fields of the system.

Please note that in the "Reduction in the number of candidates" field, the expected response is YES and the wording to be inserted in the text field is the following "It is confirmed that possession of the requirements set out in the tender special lex".



2bis. Declaration of additional requirements with which the Legal Representative of the company, or his attorney, assuming full responsibility, declares the possession of the special requirements, identified in the previous paragraph VI.2.

3. Provisional guarantee to secure the offer equal to 2% (two percent) of the value overall contract, including the options, as specified in the previous paragraph IV.2., to be constituted according to the appropriate guarantee scheme among those listed by MISE Decree of 16 September 2022, n. 193.

Since the tender notice provides for the division of the tender into several lots, the value on which to calculate the amount of the guarantee to be presented must be the following: the cumulative overall value of the lots of the highest value potentially adjudicable among those for which the contractor presents an offer, given that the contractor may jointly award several lots up to a maximum of 3 (three);

The individual lots for which the guarantee is presented are expressly indicated in the guarantee ; therefore, it must expressly contain all the lots for which the operator is submitting an offer, regardless of the number of adjudicable lots.

The provisional guarantee is constituted, at the competitor's choice, in the form of:

- Payment, according to current legislation, to a provincial treasury section of the State, as a pledge in favour of RFI SpA The Economic Operator must present proof of payment to the Institute. This deposit is, in any case, subject to State accounting legal rules;
- Surety bond, which can be issued:
 - by banking or insurance companies that meet the solvency requirements set by the laws governing their respective activities;
 - by a financial intermediary registered in the register referred to in Article 106 of Legislative Decree No. 385 of 1 September 1993, which carries out exclusively or predominantly the activity of issuing guarantees, which is subject to accounting audit by an auditing firm registered in the register referred to in Article 161 of Legislative Decree No. 58 of 24 February 1998; and which has the minimum solvency requirements required by current banking and insurance legislation.

Before proceeding with the signing of the guarantee, economic operators are required to



verify that the guarantor is in possession of the authorization to issue guarantees by accessing the following websites:

<http://www.bancaditalia.it/compiti/vigilanza/intermediari/index.html>

<http://www.bancaditalia.it/compiti/vigilanza/avvisi-pub/garanzie-finanziarie/>

http://www.ivass.it/ivass/imprese_jsp/HomePage.jsp

The surety bond must be issued and digitally signed by a person in possession of the necessary powers to bind the guarantor, accompanied by a notarial certification certifying the powers and qualities of the signatory, issued and digitally signed by the notary.

The economic operator presents a surety bond that can be verified electronically with the issuer, indicating in the application the website where the guarantee can be verified.

The surety must:

- a) contain express mention of the object of the procurement contract and of the guaranteed entity (contracting authority);
- b) be registered in the name of all economic operators of the established/being established temporary grouping or ordinary consortium or GEIE, or of all network companies participating in the tender or, in the case of consortia referred to in Article 65, paragraph 2, letters b), c), d) of the Code, to the consortium only;
- c) comply with the standard scheme approved by decree of the Minister of Economic Development of 16 September 2022 no. 193;
- d) be valid for **180** days from the date of submission of the offer;
- e) expressly provide:
 - 1. the waiver of the benefit of the prior enforcement of the principal debtor pursuant to Article 1944 of the Civil Code;
 - 2. the waiver of the right to raise objections to the expiry of the terms referred to in Article 1957, second paragraph, of the Civil Code;
 - 3. its operation within fifteen days upon simple written request from the station contractor.
- f) be accompanied by the guarantor's commitment to renew the guarantee pursuant to Article 106, paragraph 5 of the Code, upon request of the contracting authority for a further 90 days, in the event that the award has not yet occurred at the time of its expiry.

In case of request for extension of the duration and validity of the offer and the surety bond, the competitor may produce a new provisional guarantee in the same forms as above.



of the same or another guarantor, in replacement of the previous one, provided that it has express effect from the date of submission of the offer.

Pursuant to art. 106, paragraph 8, of the Code, the amount of the guarantee is reduced in the terms indicated below.

a. 30% reduction in case of possession of the quality certification compliant with the European standards of the UNI CEI ISO 9000 series. In case of participation in an associated form, the reduction is obtained:

• for the subjects referred to in Article 65, paragraph 2, letters e), f), g), h) of the Code only if all the subjects constituting the grouping, ordinary consortium or GEIE, or all the network companies participating in the tender are in possession of the certification;

• for the consortia referred to in Article 65, paragraph 2, letters b), c) of the Code, if the Consortium has declared in the offer phase that it intends to perform with its own resources, only if the Consortium possesses the aforementioned certification; if the Consortium has indicated in the offer phase that it intends to assign part of the services to one or more consortium members identified in the offer, only if both the Consortium and the designated consortium member possess the aforementioned certification, or alternatively, if only the Consortium possesses the aforementioned certification and the scope of certification of its management system includes verification that the provision of the service by the consortium member complies with the standards set by the certification.

• for the Consortia referred to in art. 65 co. 2 letter d) of the Code, it is sufficient that the corresponding certifications are held by at least one of the consortium companies, by virtue of the provisions of art. 67 co. 8 of the Code.

b. 50% reduction in the case of participation of micro, small and medium-sized enterprises and groups of economic operators or ordinary consortia consisting exclusively of micro, small and medium-sized enterprises. This reduction cannot be cumulated with that indicated in letter a).

c. 10% reduction in the case of possession of one or more of the following certifications: "ISO 45001 occupational health and safety management system certification" and/or "ISO 14001 environmental management system certification". This reduction can be combined with those indicated in letters a) and b). In the case of participation in an associated form, the reduction is obtained:

• for the subjects referred to in Article 65, paragraph 2, letters e), f), g), h) of the Code, if one of the subjects constituting the grouping, ordinary consortium or GEIE, or one of the network companies participating in the tender is in possession of the certification;

• for the consortia referred to in Article 65, paragraph 2, letters b), c) of the Code, if the Consortium has declared in the offer phase that it intends to carry out the work with its own resources, only if the



Consortium possesses the aforementioned certification; if the Consortium has indicated in the offer phase that it intends to assign part of the services to one or more consortium members identified in the offer, only if both the Consortium and the designated consortium member possess the aforementioned certification, or alternatively, if only the Consortium possesses the aforementioned certification and the scope of certification of its management system includes verification that the provision of the service by the consortium member complies with the standards set by the certification;

For the Consortia referred to in art. 65 co. 2 letter d) of the Code, it is sufficient that the corresponding certifications are held by at least one of the consortium companies, by virtue of the provisions of art. 67 co. 8 of the Code.

If the competitor can accumulate more than one reduction, he/she must take into account that the subsequent reduction will be calculated as a percentage of the amount resulting from the previous reduction.

To benefit from the reductions referred to in Article 106, paragraph 8 of the Code, the competitor declares and documents the possession of the certifications.

Failure to present the provisional guarantee can be remedied by means of investigative assistance only if it has already been constituted before the presentation of the offer.

The signing of the provisional guarantee by a person who is not authorised to issue the guarantee or who is not authorised to engage the guarantor is not curable - and therefore is a cause for exclusion.

The guarantee covers the failure to award after the award proposal and the failure to sign the contract attributable to any fact attributable to the contractor or resulting from the adoption of anti-mafia interdiction information issued pursuant to articles 84 and 91 of the code of anti-mafia laws and preventive measures, pursuant to legislative decree 6 September 2011, n. 159.

4. for each lot for which the offer is submitted, proof of payment of the contribution in the amount and according to the methods established by ANAC

with Resolution No. 610 of 19 December 2023 *"Implementation of art. 1, paragraphs 65 and 67, of Law No. 266 of 23 December 2005, for the year 2024"*, in compliance with the operating instructions available on the Authority's website, related to the Tender Identification Code (CIG) indicated in the subject.

The operating instructions on the payment methods of the contribution are available on the website of the National Anti-Corruption Authority at the following link: <https://www.anticorruzione.it/-/anac-payment-portal>

Payment must be made using the payment methods available on the ANAC Payment Portal, at the internet address: <https://www.anticorruzione.it/-/gestione->



[competition-contributions](#)

As proof of payment, the Competitor must enter into the system the payment receipt certifying the payment of the contribution.

In the case of economic operators referred to in art. 65, paragraph 2, letters e), f), g) and h) of the Code, this document must be presented and digitally signed by the agent/group leader company only.

5. omitted;

6. omitted;

7. **Copy of the latest periodic report on the situation of male and female staff** drawn up pursuant to Article 46 of Legislative Decree No. 198/2006, together with the certificate of conformity with the one already sent to the company trade union representatives and to the regional equality advisors or, in the absence of such previous transmission, together with the certificate of its simultaneous transmission to the company trade union representatives and to the regional equality advisor.;

8. Documentation required for each type of use:

- Declaration of auxiliary company digitally signed by the auxiliary entity (using the models attached to this specification), with which the latter certifies the possession of the requirements for which the use is made, obliging itself towards the competitor and towards RFI SpA to make available for the entire duration of the contract the necessary resources which the competitor lacks;

- Contract of subcontracting signed digitally by virtue of which the auxiliary entity undertakes towards the competitor to provide the requirements and to make available the necessary resources for the entire duration of the contract. The contract of subcontracting signed, under penalty of exclusion, within the deadline for submitting the application for participation, must be drawn up in compliance with the specific provisions prescribed in paragraph VII, to which it refers.

- The contract of subcontracting must also be presented if the companies use an intra-group use.

9. **White List Declaration**, to be filled in by all individuals who take on the services indicated in art. 1, co. 53, L. 190/2012.

10. for temporary groupings referred to in art. 65, paragraph 2, letter e), of Legislative Decree 36/2023, already established at the time of the offer, **special and irrevocable collective mandate** with representation conferred to the agent company by the other companies joined together, with an authenticated private deed, in compliance with the provisions of art. 68, paragraphs 5 and 6 of Legislative Decree 36/2023, containing in particular the parts of the service that will be performed by the individual companies joined together, as well as the commitment of the agent to make payments to the principals for the share of the services performed in full compliance with Law 136/2010 and subsequent amendments.

11. for temporary groupings and ordinary consortia referred to in art. 65, paragraph 2, letters e) and f) of the



Legislative Decree 36/2023, constituting at the time of the offer, **the commitment**, in the event of the award of the tender, **to confer a special collective mandate** with representation to a company of the grouping or consortium, specifically identified, qualified as agent, which will stipulate the contract in the name and on behalf of itself and of the principals, in compliance with the provisions of art. 68, paragraphs 5 and 6 of Legislative Decree 36/2023 (the commitment to confer a mandate must be declared in the application for participation).

12. for Consortia and EEIGs referred to in art. 65, paragraph 2, letters f) and h) of Legislative Decree 36/2023, already established at the time of the offer: **articles of association containing in particular the commitment of the agent to make payments to the principals** for the share of the services performed in full compliance with Law 136/2010 and subsequent amendments.
13. **for business networks** referred to in art. 65, paragraph 2, letter g) of Legislative Decree 36/2023, for the purposes of submitting the tender documentation, the rules established for temporary business groupings must be respected, where compatible. In particular:

a) if the network is equipped with a common body with the power of representation and legal subjectivity (i.e. registered with the Chamber of Commerce with an independent VAT number, so-called RETE-Subject), the participation application may be signed only by the economic operator who acts as a joint body.

In this case, participation by the network with legal personality will be permitted only if the joint body assumes the role of agent. The joint body may also indicate only some of the network companies adhering to the network contract for participation in the specific tender, but must necessarily be part of these. The general requirements must be possessed and declared via DGUE by each of the network companies, if the entire network participates, or by the joint body and the individual network companies indicated.

In addition to the DGUE and other required documents, an authenticated copy of the network contract must be produced, drawn up by public deed or authenticated private deed, or by digitally signed deed pursuant to art. 25 of Legislative Decree 82/2005 and subsequent amendments (CAD), with an indication of the joint body acting on behalf of the network.

b) If the network has a common body with the power of representation but does not have legal personality (so-called NETWORK-Contract), the application for participation must be signed by the company that acts as the common body, as well as by each of the companies adhering to the network contract that participate in the tender.

Also in this case, participation will be allowed only if the joint body assumes the role of agent. The joint body may also indicate only some of the network companies adhering to the network contract for participation in the specific tender, but must necessarily be part of these. The general requirements must be possessed and declared by means of DGUE by each of the network companies, if the entire network



participates, that is, by the common body and by the individual network companies indicated.

In addition to the DGUE and other required documents, an authenticated copy of the network contract must be produced, drawn up by public deed or authenticated private deed, or by digitally signed deed, containing the irrevocable collective mandate with representation conferred to the agent company, with the indication of the person designated as agent and the percentage shares of participation of each network company; if the network contract has been drawn up with a mere digital signature not authenticated pursuant to art. 24 of the CAD, the mandate in the network contract cannot be considered sufficient and it will be mandatory to confer a new mandate in the form of an authenticated private deed, also pursuant to art. 25 of the CAD.

~~c) If the network is equipped with a common body without the power of representation or if the network is devoid of a common body, or if the common body does not have the qualification requirements required to act as agent (so-called NETWORK-Contract), the application for participation must be signed by the legal representative of the company adhering to the network that holds the qualification of agent, or, in the case of participation in the form of a grouping to be formed, by each of the companies adhering to the network contract that intends to participate in the tender.~~

The general requirements must be possessed and declared through DGUE by each of the network companies, if the entire network participates, or by the joint body and the individual network companies indicated.

In addition to the DGUE and other required documents, an authenticated copy of the network contract drawn up by public deed or authenticated private deed or by digitally signed deed pursuant to art. 25 of the CAD must be produced, with the irrevocable collective mandate with representation conferred to the agent attached, indicating the person designated as agent and the percentage shares of participation of each network company.

If the network contract has been drawn up with a mere unauthenticated digital signature, pursuant to art. 24 of the CAD, the mandate must have the form of a public deed or a private document also authenticated pursuant to art. 25 of the CAD.

NB For all types of networks, joint participation in tenders must be identified in the network contract as one of the strategic objectives included in the joint programme, while the duration of the contract must be commensurate with the programmatic objectives and, in any case, with the time required to complete the contract that is intended to be achieved.

14. Declaration of restrictive measures, referred to in the "Warnings" paragraph, made by the legal representative of the economic operator (it is specified that this declaration must be made by all members of the possible multi-subject competitor, in any way



involved in the contract, including principals/
consortium members/co-opted/auxiliaries).

non-exhaustive title, any

15. Declaration on possession of the certifications necessary for the reduction of the provisional deposit and related documentation to prove it

Without prejudice to any other legal provision, for the preparation of the documentation to be included in the administrative envelope, it is recalled that for operators not established in member countries of the European Union, articles 3, 30, 31 and 33 of Presidential Decree no. 445/2000 apply.

NB1: it is specified that the Declaration of restrictive measures of the subcontractor to be presented when requesting authorisation for subcontracting, to be made pursuant to Presidential Decree 445/2000 (Annex K) **does not** must be inserted in the Administrative Envelope, as its transmission will be requested only to the successful tenderer, during the execution phase.

NB2: In order to improve collaboration and speed up the tender process, economic operators are asked to include in the section "Documentation for the purposes of verifying the requirements" in the Administrative Envelope, the documentation referred to in Annexes 1, or 3 in the case of a foreign company, 2 and 4 found on the rfi.it website in the section Suppliers and Tenders > Rules and documentation > Verification of general requirements: list of documents to be produced following receipt of the award. It should be noted that the aforementioned documentation is requested exclusively for the purposes of the subsequent verification of the actual possession of the declared requirements and therefore will be examined by the Contracting Authority at a later stage and in relation to the competitor first in the ranking. It should also be noted that the submission of the aforementioned declarations is required of all economic operators forming part of the competitor's group who will have to be subjected to checks (e.g. agents, principals, auxiliaries, majority shareholder legal person, etc.).

How to submit and sign the tender documentation

~~The methods of presentation and signature for each document are reported below~~
~~presented in support of the offer. In particular, with reference to:~~

~~ÿ the documentation referred to in points 1, 2 and 2 bis of this paragraph,~~ this must be digitally signed by the legal representative of the Company - or by its attorney - The competitor must:

1. for the documents referred to in point 1 and point 2 bis, download to your PC and fill in the templates attached to this Regulation;



2. for the DGUE, fill it in according to the methods reported in the Purchasing Portal;
3. digitally sign the documentation;
4. insert the documentation into the Portal.

NB The DGUE must be submitted electronically using the specific form on the Purchasing Portal and in the manner set out in the “” published on the Purchasing Portal DGUE Operator Manual Economic home page in the “ ThePortal RFI Purchases: Instructions for Use ”.

In the case of economic operators referred to in art. 65, paragraph 2, letters e), f) and h) of the Code, the documentation must be produced as follows:

- or **the Application for participation** must be produced by the Agent/Group Leader and, in the case of entities to be constituted, must be signed by all members;
- or documentation referred to in point 2 and point 2 bis must be completed and signed from each member of the assembled group.

- In the case of economic operators referred to in art. 65, paragraph 2, letter g) of the Code, the documentation must be produced as follows for each document:

or **for the Application Form:** _____

- if the network is equipped with a common body with power of representation and legal subjectivity, by the economic operator who holds the function of _____ common organ; _____
- if the network has a common body with the power of representation but lacks legal personality, by the economic operator who acts as the common body, as well as by each of the network members participating in the tender; _____
- or if the joint body does not have the qualification requirements required to act as agent, by the economic network operator who holds the qualification of agent, or, in the case of participation in the form of a grouping to be formed, by each of the network members participating in the tender. _____

or documentation referred to in point 2 and point 2a, if the entire network participates, by each of the network companies, otherwise, by the joint body and by the individual network companies indicated

- In the case of consortia referred to in the aforementioned art. 65, paragraph 2, letters b), c) and d) of the Code, The documentation must be produced as follows:

or the **Application for participation** must be produced by the Consortium;



or the documentation referred to in point 2 and point 2 bis must be completed and signed by the consortium and by each executing consortium member and, only in the case of operators referred to in art. 65, paragraph 2, letter d), by each consortium member that provides the requirements.

~~the documentation referred to in the previous points 3, 4 of this paragraph must~~
be produced according to the methods indicated below.

The competitor must:

1. digitally sign the scanned document(s);
2. insert the document(s) into the Portal.

- In the case of economic operators referred to in art. 65, paragraph 2, letters e), f) and h) of the Code, the documentation indicated above must be produced using the aforementioned methods by the Agent/ Group Leader only.

- In the case of economic operators referred to in art. 65, paragraph 2, letter g) of the Code, the documentation indicated above must be produced:

or if the network is equipped with a common body with power of representation and legal subjectivity
or if the network is equipped with a common body with power of representation but lacks legal subjectivity, by the economic operator who acts as the common body;

or if the network is equipped with a common body without the power of representation or if the network is devoid of a common body, by the economic operator in the network who holds the qualification of agent.

- In the case of Consortia referred to in the aforementioned art. 65, paragraph 2, letters b), c) and d), the documentation indicated above must be produced by the Consortium.

The documentation referred to in points 7, 9, 14 and 15 must be sent and signed by all members of the possible multi-subject competitor, in any way involved in the contract, including, but not limited to, any principals/consortium members/co-opted/auxiliaries; a title non

Furthermore, if the offer is submitted by economic operators participating in an associated form, the following additional documentation must be produced:

- **For the Groups referred to in art. 65, paragraph 2, letters e) of the Code, already constituted at the time of the offer:**



or Special and irrevocable mandate with representation conferred to the agent Company by the other joint Companies, with an authenticated private deed, in compliance with the provisions of art. 68 of the Code;

or Articles of Association of the Group;

o Declaration of the parts of the service, or of the percentage in the case of a service, which will be carried out by the individual economic operators grouped together or in a consortium, with the ~~commitment of the latter to carry them out.~~

- **For ordinary Consortia and GEIEs referred to in art. 65, paragraph 2, letters f) and h) of the Code, already established at the time of the offer:**

or Articles of Association and Bylaws

o Signed declaration of the parties to the service/supply, or the percentage in the case of services/supplies, which will be performed by the individual economic operators in the consortium, with the ~~commitment of the latter to carry them out;~~

or any para-consortium agreements.

- **For all Groups, Ordinary Consortia, GEIEs referred to in art. 65, paragraph 2, letters e), f) and h) of Legislative Decree 36/2023, not yet established at the time of the offer:**

~~Declaration digitally signed by each competitor, certifying:~~

~~or to which economic operator, in the event of an award, the mandate will be conferred special with representation or group leader functions;~~

~~or the commitment, in the event of award, to comply with the regulations in force with regard to Groups or Consortia or GEIEs pursuant to Article 68 of the Code granting a special collective mandate with representation to the company qualified as agent who will stipulate the contract in the name and on behalf of the principals/members of the consortium;~~

~~or the indication of the parts of the service/supply, or the percentage in the case of services/supplies, which will be carried out by the individual economic operators in the consortium, with the commitment of the latter to carry them out;~~

- **For network aggregations: if the network is equipped with a common body with power of representation and legal subjectivity**

or a copy of the network contract, indicating the joint body acting in network representation.

or a declaration indicating for which companies the network is competing;



or declaration of the parts of the service or supply, or the percentage in the case of service/supplies, which will be carried out by the individual economic operators aggregated in the network, with the commitment of the latter to carry them out; _____

- **For Network Aggregations: if the network is equipped with a common body with power of representation but has no legal subjectivity**

or copy of the network contract;

or a copy of the irrevocable collective mandate with representation conferred to the body common;

or declaration of the parts of the service or supply, or the percentage in the case of service/supplies, which will be carried out by the individual economic operators grouped together in a network with the commitment of the latter to carry them out; _____

- **For network aggregations: if the network is equipped with a common body without the power of representation or if the network is devoid of a common body, or, if the common body lacks the required qualification requirements, it participates in the forms of the Grouping of companies constituted or constituting**

- in the case of a group of companies formed: _____

or copy of the network contract;

or a copy of the irrevocable collective mandate with representation conferred to the representative;

or declaration of the parts of the service or supply, or the percentage in the case of service/supplies, which will be carried out by the individual economic operators aggregated in the network, with the commitment of the latter to carry them out; _____

- in the case of a temporary grouping of companies forming: _____

or copy of the network contract;

or declarations, made by each competitor adhering to the network aggregation, certifying:

a. which competitor, in the event of being awarded, will be given a special mandate with representation or group leader functions;

b. the commitment, in the event of an award, to comply with the regulations in force in matter of temporary groupings;



- c. the parts of the service, or the percentage in the case of a service, which will be performed by individual economic operators grouped together in a network, with the commitment of the latter to carry them out.

VIII.2. TECHNICAL OFFER

a) The "Technical Offer" digital envelope must contain:

- the indication of all the elements useful for the correct technical/qualitative definition of the object of the contract **by filling in the offer on the screen for each criterion** in Annex I "Technical Offer Content and criteria for determining the Offer Economica" (see the indication of the self-generated PDF below), as well as the Reports/documents requested in the aforementioned attachment;
- the **declaration of participation**;
- **Notarial power of attorney** where the documentation produced is digitally signed by a person other than the Legal Representative of the Competitor whose powers do not result from the certificate of registration at the Chamber of Commerce;

b) Method of preparing the Technical Offer:

Competitors must insert into the Portal for each Lot in which they intend to participate the **PDF file automatically generated** by the Portal containing the declaration formulated on the Technical Offer video and the documents reported in Annex I "Content of the Technical Offer and Evaluation Criteria of the Technical and Economic Offers".

NB1 No anticipated economic values of the Economic Offer must be indicated in the Technical Offer, under penalty of exclusion from the tender. The Technical Offer, presented during the tender, is an integral part of the Framework Agreement. Its contents constitute unavoidable contractual commitments for the Contractor.

NB2. The PDF file automatically generated by the Portal containing the declaration formulated on the Technical Offer video must be signed by a person with suitable powers.

To insert their technical offer on the Portal, the competitor must follow the instructions given for uploading the economic offer.

It is specified that all documents constituting the Technical Offer must be digitally signed by the Legal Representative of the competitor or by another person with the necessary powers.

In the case of consortia referred to in the aforementioned art. 65, paragraph 2, letters b), c) and d) of the Code, the aforementioned documentation must be digitally signed by the Consortium.

In the case of economic operators referred to in art. 65, paragraph 2, letters e), f) and h) of the Code not yet established, the aforementioned documentation must be digitally signed by all Companies.



forming part of the reunited group.

In the case of economic operators referred to in art. 65, paragraph 2, letter g) of the Code, the aforementioned documentation must be digitally signed by:

- or if the network is equipped with a common body with power of representation and legal subjectivity, by the Legal Representative of the economic operator who holds the function of common organ;
- or if the network is equipped with a common body with the power of representation but has no legal personality, by the Legal Representative of the economic operator who acts as a common body, as well as by each of the network members participating in the tender;
- or if the network is equipped with a common body without the power of representation or if the network is devoid of a common body, or if the common body lacks the qualification requirements required to assume the role of agent, by the Legal Representative of the economic operator in the network who holds the qualification of agent, or, in the case of participation in the forms of the grouping to be constituted, by each of the network members participating in the tender.

NB3. The “Declaration of participation” must be signed with the same methods provided for the “Application for participation”.

VIII.3. ECONOMIC OFFER

1. The “Economic Offer” digital envelope must contain for each Lot in which you intend to participate, under penalty of exclusion:

- a) the completed economic offer (xls file **Economic Offer – Annex N**) and digitally signed by the Legal Representative of the competitor or by another person with the necessary powers except as provided in the paragraph of the following paragraph VII.
INSTRUCTORY ASSISTANCE. The economic offer must be compiled as indicated below in paragraph VIII.3.1.B.1 and B.2;
- b) **Annex L - “Declaration of safety and labor costs”** with an indication of the company's specific safety costs as well as the overall labor cost; NB In the event of a discrepancy between the literal and numerical data, the amount expressed in letters prevails;
- c) **Annex M - Declaration of commitment of the economic offer;**
- d) a specific .pdf file, separate from the economic offer, containing the offer justifications considered most suitable, preferably formulated using the "offer justifications" model in Annex E to these Specifications. This file, to be attached with a view to greater collaboration and speed of the tender procedure, will be



opened and assessed by the Procedure Manager for the awarding phase exclusively in the event that it is necessary to verify the appropriateness of the offer;

e) motivated declaration regarding the presence of secrets in the technical offer

technical or commercial pursuant to art. 35, paragraph 4, letter a) of Legislative Decree 36/2023;

NB The operator must also present the "Declaration of equivalence of the CCNL"

by uploading it into the envelope in question, if you intend to apply it to dependent personnel

used in the contract a different CCNL than the one indicated in this specification (yes

see previous paragraph III).

B.1. Method of formulating the economic offer relating to the EER Codes -

by typing the individual unit prices, expressed with a maximum of two decimal places, according to the indications provided below by filling in the Economic Offer xls file – Annex N relating to the PE1 table. It is specified that the quantities indicated for each EER Code within the economic envelope of each lot refer to the three-year contractual period.

The annual quantity for each lot is indicated in the specific attachments to the Technical Specifications and can be identified by dividing the quantities reported in the economic envelope by three.

The maximum amount offered, resulting from the sum of the unit prices offered multiplied by the three-year quantities of the individual EER Codes, must, under penalty of exclusion, not exceed the relative amount set as the basis for the tender (including the three services A+B+C referred to in Annex no. 2 to the Technical Specifications attached to the draft Framework Agreement).

It is also specified that the quantities indicated must be considered as merely indicative and not binding for RFI. They are therefore indicated for the sole purpose of identifying the best economic offer.

With reference to each individual EER Code, when formulating the offer, the competitor may not quote unit prices of an amount lower than zero.

Instead, unit prices equal to zero may be quoted for individual EER Codes; in this case, for said EER Codes, the services included in quota a) of art. 7.4 of the draft Framework Agreement shall be considered free of charge.

For EER Code 160601*, a unit price other than zero cannot be quoted and therefore the services included in quota a) of art. 7.4 of the Framework Agreement scheme they must be understood as free of charge.

B.2. Method of formulating the economic offer relating to the tariffs referred to in paragraph 7 subsection 4 of the draft Framework Agreement (Annex C to this Disciplinary) - by typing a single percentage discount expressed with a maximum



two decimal places, by filling in the xls file Economic Offer – Annex N relating to table PE2.

The Competitor, to insert his own economic offer/upload technical offer for each

The lot you wish to participate in must:

1. click on “Send response”;
2. click “OK” to confirm the transmission;
3. **download the auto-generated .pdf file relating to the Technical Offer declaration formulated on video;**
4. digitally sign this self-generated .pdf file and insert it into the Purchasing Portal according to the instructions displayed

Each competitor will be able to view in his/her personal folder, in the “Response Status” column, the transmission (Response Status: “Transmitted”) and will be able to modify the data previously transmitted within and no later than the expiry date and time of the deadline set for the submission of the offer. In this case, he/she will have to proceed with the transmission operations again, according to the methods indicated above.

The offer, containing the list of unit prices for each EER Code and the percentage discount offered, must be drawn up using exclusively the model called "Economic Offer - Annex N". This document must be included in the ECONOMIC OFFER envelope and must be digitally signed by the competitor.

The list of unit prices offered must be completed by the competitors by reporting in the column “C-Price offered in figures” of the .xlsx file Economic Offer – Annex N the unit prices they offer for each EER Code, expressed in figures with two decimal places. Furthermore, within the specific field provided in the PE2 table of the same xlsx file Economic Offer – Annex N, the “Single percentage discount offered on the Tariff items, in accordance with art. 7 paragraph 4 of the Framework Agreement Scheme” expressed with two decimal places must be inserted.

NB The .xlsx file Economic Offer – Annex N containing the Economic Offer must be signed by a person with suitable powers.

B.3 OPERATIONAL AND COMPILATION RULES OF THE SPREADSHEET - ECONOMIC OFFER – Annex N

The file. xlsx ECONOMIC OFFER – Annex N in the columns “A-EER Code - Description”, “B-Three-year quantity in kg” is set with locked cells inhibited from changes. The competitor is required to fill in the cells of the column “C-Offered Price in figures”.



The products in the “D-Amount in figures” column are automatically calculated by the preset formula, as is the overall total amount.

In order to facilitate the compilation of the List by the competitor, the cells of the column “D-Amount in figures” are displayed in red, a colour that disappears with the determination of the product. If the economic operator in the column “C-Offered Price in figures” omits the compilation of one or more unit price(s) or quotes them with a price less than zero, the cell(s) will return the colour red as an alert for the competitor, not allowing the offer to be sent.

Please note that if the competitor indicates a number of decimal places greater than two in the “C-Offered Price in figures” column, the system will allow the price rounded to the second decimal place to be displayed and taken into account in the formulas, according to the rules in force for rounding the euro currency.

In the column “D-Amount in figures” the system will automatically calculate the product of the quantities in the column “B-Three-year quantity in kg” (the latter rounded for display only to the second decimal place, but considered in the calculation as reported in the file), by the respective rounded unit prices displayed in the column “C-Offer Price in figures”, according to the following formula (as per Excel syntax):

$$=ROUND (ROUND (E_{ith};2) * D_{ith};2)$$

The product amount in the column “C-Offered Price in figures” will also be rounded to the second decimal place according to the rules in force for rounding the Euro currency.

The award is based on the overall score of the economic offer PE1+PE2 based on what is established in Annex I "Content of the Technical Offer and Evaluation Criteria of the Technical and Economic Offers".

It should be noted that:

Competitors are required to verify the correctness of the data entered as well as the values calculated, certifying that all the data contained in the Economic Offer file – Annex N correspond to the offer that they intend to present.

The unit prices offered by the successful tenderer will constitute the list of contractual unit prices, just as the discount offered will be applied to the Tariffs in accordance with art. 7 paragraph 4 of the Framework Agreement Scheme.



Conditional, alternative or increased offers with respect to the amount set as the basis for the tender will be considered inadmissible.

~~Please remember that in order to make the administrative documentation and the offer attached to the Portal visible to the Contracting Authority, it is necessary to proceed with the transmission of the offer as reported in the following paragraph VIII.4.~~

The price offered is intended to be formulated by the competitor, based on his own calculations, investigations and estimates, taking into account all direct and indirect costs for personnel costs, materials in general, equipment, general expenses and profits and for any other cause connected to the execution and management of the contract.

It is specified that all documents constituting the Offer must be digitally signed by the Legal Representative of the competitor or by another person with the necessary powers.

In the case of consortia referred to in the aforementioned art. 65, paragraph 2, letters b), c) and d) of the Code, the aforementioned documentation must be digitally signed by the Consortium.

In the case of economic operators referred to in art. 65, paragraph 2, letters e), f) and h) of the Code not yet established, the aforementioned documentation must be digitally signed by all the Companies forming part of the same.

In the case of economic operators referred to in art. 65, paragraph 2, letter g) of the Code, the aforementioned documentation must be digitally signed by:

- or if the network is equipped with a common body with power of representation and legal subjectivity, by the Legal Representative of the economic operator who holds the function of common organ;
- or if the network is equipped with a common body with the power of representation but has no legal personality, by the Legal Representative of the economic operator who acts as a common body, as well as by each of the network members participating in the tender;
- or if the network is equipped with a common body without the power of representation or if the network is devoid of a common body, or if the common body lacks the qualification requirements required to assume the role of agent, by the Legal Representative of the economic operator in the network who holds the qualification of agent, or, in the case of participation in the forms of the grouping to be constituted, by each of the network members participating in the tender.

NB3. The Declaration of Participation must be signed with the same methods provided for the Application for Participation.



Attention is drawn to the fact that:

1. by submitting the economic offer, the competitor also undertakes to keep it firm and irrevocable for 180 days from the expiry date of the deadline set for the submission of the offer itself.
2. pursuant to art. 108, paragraph 9 of Legislative Decree 36/2023, the offer must specify **the labor costs and company charges for compliance with the provisions on health and safety in the workplace** (costs for company safety other than those for interference risks indicated by the contracting authority and not subject to reduction) **taking care to indicate them in the specific Annex L - Declaration relating to safety and labor costs.**
3. in formulating the offer, the competitor cannot make discounts with respect to the safety costs indicated by him pursuant to the previous paragraph, nor can he derogate from the unit costs for labor (determined on the basis of the minimum wages defined by the national collective bargaining agreement for the sector between the workers' unions and the employers' organizations that are comparatively more representative at national level and of the salary items provided for by the second-level supplementary bargaining).

VIII.4 TRANSMISSION OF THE OFFER

Once these activities have been completed, the competitor, in order to transmit his/her electronic offer, must for each Lot in which he/she intends to participate:

- attach all documents requested in the previous paragraph VIII.3;
- click on "Send response";
- click on "OK" to confirm the transmission;
- download the automatically generated .pdf file relating to the Technical Offer declaration formulated a video;
- **Digitally sign the self-generated PDF file and insert it into the Portal** according to the instructions displayed on the screen³ NB The PDF file self-generated by the Portal containing the declaration formulated on the Technical Offer screen must be signed by a person with suitable powers;
- **click on "Save and send uploaded signed PDFs".**

³ In addition to the information available on the screen, an email, sent to the competitor at the address indicated during registration on the Portal, will inform about the outcome of the uploading of the autogenerated PDFs requested for the event. In detail, the competitor will have evidence of having uploaded (or not) the autogenerated PDFs relating to each response envelope.



The Competitor will be able to view in his personal folder, in the "Response Status" column, the transmission of his response to the event (Response Status: "Transmitted").

Furthermore, an email sent to the competitor at the address indicated during registration on the purchasing portal will confirm that their response to the event has been sent.

The Competitor may modify the data previously transmitted within and no later than the expiry date and time of the deadline set for the submission of the offer. In this case, the Competitor must proceed again with the transmission and signature operations of the self-generated pdf file according to the methods indicated above.

The operations of entering all the required documentation into the Portal, as well as transmission and confirmation, remain at the sole risk of the competitor.

Competitors are therefore invited to start these activities well in advance of the expected deadline in order to avoid the incomplete and therefore non-transmission of the response after this deadline.

By electronically transmitting the response, the Competitor accepts all the tender documentation, including attachments and clarifications.

Finally, we remind you that for information or support in the operations of inserting and transmitting the documentation and the offer, the Competitors have the right to contact the Assistance Service at the references indicated on the Home Page of the Portal.

IX. INSTRUCTORY ASSISTANCE

With the assistance procedure referred to in Article 101 of the Code, the deficiencies in the documentation transmitted with the application for participation can be remedied, but not those in the documentation that makes up the technical offer and the economic offer.

With the same procedure, any omission, inaccuracy or irregularity in the application for participation and in any other document required for participation in the tender procedure may be remedied, with the exception of the documentation that makes up the technical offer and the economic offer. Omissions, inaccuracies and irregularities that make the identity of the competitor absolutely uncertain cannot be remedied.

In particular:

- Failure to meet the required participation requirements cannot be remedied by means of investigative assistance and is grounds for exclusion from the tender procedure;
- the omitted or incomplete or irregular presentation of the declarations on the possession of the participation requirements and any other lack, incompleteness or irregularity of the application, are rectifiable;
- failure to produce the contract of use, the provisional guarantee, the mandate



special collective or the commitment to confer a collective mandate can be the object of investigative assistance only if the aforementioned documents are pre-existing and verifiable with a certain date prior to the deadline for submitting the offer;
the failure to sign the participation application, the required declarations and the offer is remediable.

For the purposes of the investigative assistance, the competitor is assigned a term of not less than five and not more than ten days to make, integrate or regularize the necessary declarations, with an indication of the content and the subjects who must make them. The documentation of the investigative assistance must be transmitted through the "online messaging" tool of the Portal.

In the event of the deadline elapsing in vain, the competitor will be excluded from the procedure.

If the competitor produces declarations or documents that are not perfectly consistent with the request, the contracting authority, where deemed appropriate, may request further clarifications or specifications, limited to the documentation presented during the preliminary investigation phase, setting a deadline under penalty of exclusion.

The contracting authority reserves the right to request, where deemed appropriate, clarifications on the contents of the technical offer and the economic offer and on any related attachment. The economic operator is required to provide a response within the deadline assigned by the contracting authority, which will be no less than five and no more than ten days. It remains understood that the clarifications provided by the economic operator cannot modify the content of the offer.

X. AWARD CRITERION, CONSIDERATION OF CONSISTENCY OF THE OFFER, AWARD AND STIPULATING THE CONTRACT

X.1 AWARD CRITERION

RFI will conduct the tender sessions in a confidential manner by using the electronic platform, which, by guaranteeing the traceability of all phases of the procedure, the inviolability of the electronic envelopes containing the offers and the incorruptibility of each document presented, fully ensures compliance with the principle of transparency.

The tender will be awarded according to the most economically advantageous offer (OEPV) criterion, applying the aggregative-compensatory method.

The assignment of individual scores relating to the technical offer will be carried out according to the criteria and parameters set out in Annex I "Content of the Technical Offer and Evaluation Criteria of the Technical and Economic Offers" to these Specifications.



The order of opening of the lots is as follows: the lot with the highest value will be opened first, placed at the base of the tender and followed by the subsequent lots in decreasing order.

The lots will be opened and awarded in decreasing order starting from the lot with the highest value, placed at the base of the race.

The examination of the offers will be carried out by a specially appointed commission, after the deadline for the submission of offers, which will carry out the operations of opening the envelopes and proceed with the evaluation operations of the same, in one or more tender sessions.

The offers received will be reviewed and the envelopes opened in the following order:

1) "TECHNICAL OFFER ENVELOPE", in order to verify and ascertain the presence of the content, without any examination of merit or other evaluation. In this session, the completeness of the Declaration of Participation will be verified. Offers lacking the signature of the competent subjects will be immediately excluded, without prejudice to the provisions of the paragraph relating to the investigative assistance.

The Technical Commission (so-called Judging Commission), specifically appointed after the deadline for submitting offers, will receive the technical documentation from the Tender Commission. In one or more tender sessions, said Technical Commission will evaluate the Technical Offers according to the criteria and parameters set out in the tender notice and in this specification, assigning the relative score to each offer.

2) "ECONOMIC OFFER ENVELOPE", which will be opened unless there are any impediments established in the tender notice. In this session, the quotations offered by the individual competitors will also be read, assigning the relative score as foreseen

from Annex I "Content of the Technical Offer and Evaluation Criteria for Technical and Economic Offers". Only the economic offer will be viewed in this envelope, while the file containing the supporting documents will be examined subsequently by the RUP, only if the congruity of the offer is actually verified.

necessary

the

The Commission, without interruption, proceeds to the sum of the scores already assigned to the technical offers with the score assigned to the economic offer, according to the formula chosen above. In this session the relative score will be assigned as foreseen above and a provisional ranking will be drawn up.



In the event that the offers of two or more competitors obtain the same overall score, but different partial scores for price and for all other evaluation elements, the competitor who obtained the best score for price will be placed first in the ranking.

In the event that the offers of two or more competitors obtain the same overall score – useful for reaching the first place in the ranking - and the same partial scores for the price and for the technical offer, a draw will be held to establish the first competitor in the ranking. In this case, a specific communication will be sent with the methods for carrying out this draw.

3) "ADMINISTRATIVE ENVELOPE" of the first ranked economic operator only; in this session, all the documentation requested in this specification will be accounted for and the content of the documentation submitted to the tender by the competitors will be promptly verified. Where the documentation acquired requires a specific evaluation/verification/integration, in order to proceed with the specific examination and any request for integration of the documentation itself, the session will be adjourned to a new date to allow the Commission to proceed with the investigative assistance.

Any economic operator for whom these checks have had a negative outcome, or who has not integrated the requested documentation within the deadline assigned for this purpose, will be excluded from the tender.

If the Commission ascertains, on the basis of unequivocal elements, that there are offers that have not been formulated autonomously, or are attributable to a single decision-making centre, it proceeds to inform the Procedure Manager for the award phase.

(Procedure Manager for the Assignment Phase) for the purpose of excluding competitors for whom this condition is ascertained. In this case, if necessary, the Commission will recalculate the scores already assigned to the individual offers without modifying the judgments already expressed.

In the event of exclusions, RFI SPA will proceed with the possible enforcement of the provisional guarantee and for the possible reporting of the fact to the Authority for the purposes of entering the data in the computerized company register and the possible application of the regulations in force regarding false declarations. If the first in the ranking is excluded, the documentation contained in the ADMINISTRATIVE ENVELOPE of the competitor second in the ranking will be opened and evaluated.



X.2 CHECK OF CONGREGITY OF THE OFFER

Pursuant to art. 110 of the Code, the Contracting Authority will evaluate the appropriateness, seriousness, sustainability and feasibility of the best offer that appears abnormally low based on the following parameter:

- BEST DISCOUNT $\geq$ 10% NO ANOMALY
- BEST DISCOUNT $<$ 10% ANOMALY CALCULATION

In the event of two or more offers, the calculation of the exceeding of the anomaly threshold, determined by the $\gamma\%$ of 15%, will be carried out on all offers by applying the calculation shown below:

$$\gamma\% = (i\text{-th bid} - \text{average of all bids}) / (\text{average of all bids});$$

The i-th offer will be anomalous if its deviation is $\geq$ 15%

In the presence of only one admissible offer, the verification of congruity will be carried out on the offer that presents a reduction equal to or greater than $\gamma\%$ between the amount set as the basis for the tender and the offer under examination greater than 10%.

$$\gamma\% = (\text{best offer} - \text{base amount of the tender}) / (\text{base amount of the tender})$$

The contracting authority reserves the right to subject to verification a bid which, also on the basis of other elements, including labour costs, appears abnormally low.

For the purpose of this verification, the main elements of possible analysis are:

- a. organizational structure and the production processes it adopts;
- b. exceptionally favourable conditions available to the tenderer to perform the services;
- c. possibility that the bidder will obtain State aid provided that the bidder demonstrates that the aforementioned aid was granted lawfully;
- d. company costs for compliance with provisions on health and safety in the workplace;
- e. compliance with subcontracting obligations (pursuant to art. 119 of Legislative Decree 36/2023);
- f. overall and unit cost of labor;



- g. materials and supplies;
- h. machinery, rentals and transport;
- i. overheads;
- j. useful.

The document entitled: "supporting documents for the offer" indicates in detail the minimum information required.

X.3 AWARDING

The award will be made after verification of the effective ownership of the general and special requirements declared in the offer, as defined in the previous paragraphs VI.1 and VI.2, by the first in the ranking.

The first candidate in the ranking will also be verified for possession of what was offered for the purpose of obtaining the improved technical score.

The proof of the general requirements will be carried out through the FVOE system.

In any case, the Contracting Authority reserves the right to request, within 5 days or within the deadline established by the same, from the first operator in the ranking all the documentation proving the declared requirements. The aforementioned documentation must be transmitted according to the methods indicated below.

With the Communication to the potential successful tenderer, the Economic Operator must transmit the references of the subjects, with relative e-mail address, to whom the credentials and the material are to be sent information necessary for access and subsequent operation of the Green Nebula platform.

The contractor, on the basis of the indications that will be provided to him by RFI, is required to publish on the aforementioned platform all the information and registration, authorization or communication documents and their renewals suitable to prove the existence and permanence of the possession by part of the same and of any subcontractors of the legal requirements necessary for the execution of the contract as per point 7 of the technical specifications.

X.4. ENTERING INTO THE CONTRACT

The Contracting Authority, with appropriate communication, will ask the competitor ranked first in the ranking to submit, in addition to the documentation in the relevant attachment, with a view to greater collaboration and speed of the tender procedure, within 15 days of the request, also the following documentation:



1. definitive guarantee to be calculated on the amount of the Framework Agreement (net of options) of each individual Lot, according to the measures and methods set out in Article 117 of the Code and as set out in Article 12 of the draft Framework Agreement.
2. Articles of association, in the case of multi-subject competitors, containing the special and irrevocable mandate with representation to the agent company;

In the event of delay in submitting the documents referred to in this paragraph, as well as those referred to in the previous paragraph X.3., art. 8, paragraphs 4 and 5 of the General Contract Conditions shall apply.

The release methods are those indicated in art.12 of the draft Framework Agreement.

All costs and charges relating to the presentation of the final guarantee and the additional documentation requested will remain the exclusive responsibility of the potential successful tenderer even in the event that, due to circumstances beyond RFI's control, the award decision is not adopted.

In view of the stringent transit times envisaged by the current procurement code, which requires contracting authorities to monitor and closely control tender times, it is recommended to pay particular attention to compliance with all the timescales envisaged in the tender regulations.

3.Additional guarantees

The successful tenderer is also obliged to stipulate – according to the methods and with the contents set out in the draft Framework Agreement – the policies to cover the risks specified therein and with the relevant maximum amounts.

The Framework Agreement will be signed within 60 days of the award notice, in accordance with the provisions of art. 18, paragraph 2 of the Code as well as art. 8.3 of the General Contract Conditions.

It is highlighted that the stipulation of the Framework Agreement and the Application Contracts will take place in a electronic in the form of private writing.

The successful tenderer will be entirely responsible for the stamp duty and registration fees due by law.

XI. REASONS FOR EXCLUSION OF OFFERS

Offers will be excluded in the following cases:



- a) failure to comply with the conditions set out in the tender and/or failure to possess the participation requirements;
- b) offers which for any reason are not received by the Portal within the deadline established in these Regulations;
- c) offers made using methods other than those indicated in these Tender Regulations, even if it modifies other ones made regularly;
- d) offers for a person to be nominated;
- e) incomplete offers and those that are conditional or in any case contain modifications or reservations to the conditions on which the tender is based or to the Contract Scheme and related attachments;
- f) offers found to be abnormally low, pursuant to art. 110 of the Code.

In line with the purposes established by the Code of Ethics and the Anti-Corruption Policy of the FS Group to ensure, with uniform rules of conduct within the Group, the conduct of business based on principles of legality, integrity and transparency, as well as completeness of information, and the selection of suppliers based on objective assessments having as their object, in addition to price, also quality and other requirements of necessity and business utility and also taking into account the Group's principles and rules on prevention and control measures aimed at compliance with applicable regulations, the main international frameworks and the commitments undertaken by the Group Companies with third parties in the matter of economic and financial sanctions, RFI, pursuant to and for the purposes of art. 169 of Legislative Decree no. 36/2023 (4), reserves the right to exclude competitors, candidates or tenderers from participating in the tender procedure, or to deny authorization to subcontract to economic operators, for whom it deems there is no adequate professional reliability because: **A.** they appear to have incurred:

- 1) in the resolution for non-fulfilment of contracts for the procurement of works, services and supplies or concessions awarded by the proceeding Company or by another Company of the FS Group;
- 2) in the failure to stipulate the contract for works, supplies or services entrusted by the proceeding company or by another FS Group company within the time limit set by its own actions and fault;

4 The document referred to in art. 169 of Legislative Decree no. 36/2023 is published in the Calls and Tenders section of the RFI website, at the internet address: www.gare.rfi.it



- 3) in the failure to take delivery, through one's own actions and fault, of works, supplies or services entrusted by the proceeding Company or by another FS Group Company;
- 4) in the declared non-testability of works, services and supplies which are the object of a contract stipulated with the proceeding Company or with another FS Group Company;
- 5) in the violation, during the execution of previous contracts or during participation in previous procedures, of any of the rules contained in the Code of Ethics (5) and in the Anti-Corruption Policy (6) of the FS Group, ascertained by any means of proof by the contracting authority.

The aforementioned cases are relevant for three years from the commission of the act (7).

RFI also provides reasons for these circumstances with reference to the time elapsed since the violation and its seriousness.

- B.** are found to be recipients of Economic and Financial Sanctions (8), directly or indirectly, according to the application criteria of the reference legislation and/or have implemented conduct (including omissions) that violate the Trade Compliance Measures (9).

The following constitute grounds for exclusion from the tender procedure or a ground for preventing the issuing of the subcontracting authorisation:

- i) towards economic operators of Economic and Financial Sanctions, within the terms indicated, on the date of the verification, while it will not be relevant

5 The FS Group Code of Ethics is available at the internet address <http://www.fsitaliane.it>, section "The FS Group", subsection "Governance", subsection "Code of Ethics" and can be downloaded and printed online or a paper copy can be requested at any time.

6 The FS Group Anti-Corruption Policy is available at the internet address <http://www.fsitaliane.it>, section "The FS Group", subsection "Ethics, compliance and integrity" and can be downloaded and printed online or a paper copy can be requested at any time.

7 By "fact" is meant in the case of: *sub 1*) the termination of the contract; *sub 2*) the failure to stipulate the contract within the established deadline; *sub 3*) the failure to take delivery within the established deadline; *sub 4*) the report (or any other document from the client) of non-testability; *sub 5*) the violation of the rules of the Code of Ethics or of the Anti-Corruption Policy of the FS Group.

⁸ Any economic or trade sanctions or restrictive measures promulgated, enacted, applied, imposed, or enforced by the European Union, the Italian Republic, the Office of Foreign Assets Control of the Department of the Treasury of the United States of America, the United Nations Security Council and/or the United Kingdom Treasury Department, including the restrictive measures referred to in Article 5 *duodecies* of Regulation (EU) 833/2014 and subsequent amendments

9 Trade Compliance Measures means restrictive measures of a commercial nature (e.g. *export control measures*) promulgated, issued, applied, imposed or enforced by the European Union, the Italian Republic (e.g. UAMA - Unit for the Authorization of Military Goods), the Bureau of Industry and Security of the USA which prohibit, limit or subject to a specific authorization process certain trade flows based on the characteristics of the goods/technologies and/or the countries of destination and/or the end uses/users.



the possible existence of such Sanctions on the date of publication of the notice/receipt of the invitation letter/submission of the offer if they had ceased to exist on the date of verification; and

- ii) of conduct (including omission) of violation of the Trade Compliance Measures by economic operators relevant to the specific object of the contract. Violations of the Trade Compliance Measures are relevant for three years from the commission of the act.

The cases that entail a ban on the awarding of public procurement contracts will also be assessed, including those pursuant to art. 5 duodecies of Regulation (EU) 833/2014 and subsequent amendments.

RFI verifies, in particular, when checking the requirements pursuant to art. 17, paragraph 5, of Legislative Decree no. 36/2023, or, in the case of subcontracting, when checking the causes for exclusion pursuant to art. 119, paragraph 5, of Legislative Decree no. 36/2023, that the bidder, or the subcontractor, is not the recipient of Economic and Financial Sanctions, either directly or indirectly, according to the application criteria of the reference legislation, as well as the existence of any situation preventing the award based on the legislation applicable to the Group Company, including, by way of example, the occurrence of the situations referred to in art. 5 duodecies of Reg. (EU) 833/2014 and subsequent amendments.

RFI also verifies the existence of violations of Trade Compliance Measures resulting, for example, from public sources or from the publication of provisions of judicial authorities or other competent authorities in the matter.

To this end, RFI acquires a specific declaration from the bidder, or from the subcontractor, with the right to carry out a verification of the factual and legal conditions contained therein through

the means deemed most appropriate, including screening of the Economic and Financial Sanctions Lists (10) and/or the acquisition of data on the ownership and control composition of the bidder and/or with the right to assess, in the event of violations of Trade Compliance Measures, their relevance with respect to the specific object of the contract.

Non-EU economic operators who have not signed any reciprocal agreement with the EU on the opening of the procurement market do not have guaranteed access to procurement procedures in the EU and may be excluded from them (see p. 8 of the Guidelines on the participation of third-country bidders and goods in the EU procurement market (2019/C 271/02) issued in line with the "Communication from the Commission to the European Parliament, the Council, the Committee

10 Lists of entities (natural or legal persons) subject to freezing of funds and economic resources or to other financial, commercial or operational restrictions resulting from the application of Economic and Financial Sanctions.



Economic and Social Committee and the Committee of the Regions" COM (2017) 572 final of 3 October 2017).

RFI therefore reserves the right to exclude from participation in the tender procedure economic operators based in third countries with which the EU has not concluded any of the agreements contemplated by Article 69 of Legislative Decree no. 36/2023.

Furthermore, non-EU economic operators must - ~~in the absence of international conventions between Italy and the country of origin of the economic operator~~ - make, during the tender phase, self-declarations in sworn form, with a signature legalized by the Italian diplomatic or consular authorities of the non-EU country of establishment, or with the addition of an "apostille" pursuant to the 1961 Hague Convention and accompanied by a sworn translation in the forms required by law (pursuant to art. 3, paragraph 3 of Presidential Decree no. 445/2000).

XII. PROTECTION OF PERSONAL DATA

Pursuant to art. 13 and art. 14 of European Regulation no. 679/2016, the competitor is informed that the personal data acquired for the purposes of this procedure, including those collected in relation to the obligations of traceability of financial flows pursuant to Law 136/2010 and subsequent amendments, will be processed exclusively and in compliance with the legislation in force on the matter.

The data controller is RFI SpA with registered office in Rome, Piazza della Croce Rossa, 1.

Consequently, all subjects participating in any capacity in this tender procedure declare, by signing the application for participation/declaration accompanying the offer, that they have read the Information pursuant to articles 13 and 14 of the GDPR. In any case, the processing in question is carried out, for the purposes of collection and in ways suitable to ensure confidentiality and security, pursuant to art. 13 and art. 14 of European Regulation no. 679/2016, possibly also through companies of the Ferrovie dello Stato Italiane Group and/or third parties and in any case in compliance with current legislation.

The complete information referred to in art. 13 and art. 14 of the aforementioned Regulation is published on the company website, to which reference is made, at the address www.garerfi.it– “Rules and documentation”.

XIII. RIGHT OF ACCESS TO DOCUMENTS

Access to the procedural documents is ensured in digital mode through direct acquisition of the documents, data and information entered in the Procurement Portal, in compliance with the provisions of Article 35 of the Code and the current provisions on the right of access to administrative documents. The tender documents, data and information are made available to participants in the procedure according to the methods indicated in Article 36 of the Code.



Competitors who intend to withhold access to the information or documents provided to RFI submit a preliminary opposition to access, by completing the Technical-Commercial Secrets Declaration pursuant to art. 35 paragraph 4 letter a) of Legislative Decree 36/2023 with the indication of the documents and/or parts of documents not to be displayed, highlighting any confidentiality or secrecy constraints of the documents presented, promptly described and motivated.

NB In order to facilitate the disclosure referred to in art. 36 co. 2 of Legislative Decree 36/23, in the event that the o.e. has presented documents containing information deemed to be covered by constraints of secrecy and/or confidentiality of personal data, it must also present a copy in which the above information is carefully omitted; if the method of blacking out results in the almost total elimination of the content of the document or a substantial impossibility of understanding it, RFI will have the right to evaluate the blacking out proposal as unreliable and consider it, given the violation of the principle of good faith and correctness, inadmissible.

In this case, before the expiry of the deadline for appealing the decision provided for in Article 36, paragraph 4, of Legislative Decree 36/23, the contracting authority shall make the documentation available, omitting the parts for which blackout was requested. If the deadline for appealing the decision has expired without result, the offer shall be made available, including the parts deemed not to be blackoutable.

It is hereby communicated that, in order to ensure the exercise of the right of access as provided for by articles 35 and 36 of Legislative Decree 36/2023, the offer of the successful economic operator, the tender minutes and the documents, data and information required for the award - including the personal data contained therein - will be made available, through the digital procurement platform to all candidates and bidders not definitively excluded and that the same documents together with the offers submitted by the economic operators placed in the first five places in the ranking will be made mutually available to the latter through the same platform.

To this end, the potential successful tenderer will be required, with due communication, to provide the documentation attached in the administrative envelope sent during the offer phase and/or duly omitted confidential information data - personal data.

XIV. SPECIAL WARNINGS

Attention is drawn to the following conditions:

1. Pursuant to art. 104, paragraph 11 of the Code, the use of the requirements referred to in the previous paragraph VI.2.1a) and b) is not permitted.



2. In the event of a negative outcome of the checks relating to the possession of the actual ownership of the general and special requirements declared in the offer by the first competitor in the ranking, the Contracting Authority will proceed to exclude him from the tender, confiscate the provisional guarantee and report it to ANAC and will proceed, after opening and analyzing the relevant digital envelope containing the administrative documentation, with the same activities as in the previous paragraphs X.2, X.3 and X.4 with respect to the next competitor in the ranking, until reaching a positive verification of the requirements declared in the tender by the competitor who has effectively become first in the ranking.
3. The successful tenderer will be required to comply with the principles and obligations imposed by the Code of Ethics of the Ferrovie dello Stato Italiane Group, in accordance with which the contractual relationship will arise and will be managed. In the event of violation of the rules contained in the aforementioned Code of Ethics, the Contracting Authority will have the right to terminate the contract, pursuant to and for the purposes of art. 1456 of the Civil Code, without prejudice in any case to any other legal remedy, including the right to compensation for any damages suffered.
4. The Contracting Authority reserves the right, pursuant to art. 108, paragraph 10 of the Procurement Code, not to proceed with the award if no offer is found to be convenient or suitable in relation to the object of the Framework Agreement.
5. These Tender Specifications and any offer do not bind the Contracting Authority in any way, which has the right to suspend or interrupt – at its sole discretion – the tender award procedure at any time and without any obligation to provide reasons, without incurring any liability for this, nor does any right or claim of any kind arise in favour of the competitor against the Contracting Authority itself.
6. Please be advised that the contract that will regulate the tender which is the object of this procedure will not contain the arbitration clause.

7. Restrictive measures Russia/Belarus: _____

Pursuant to the provisions of Article 5 duodecies of Regulation (EU) No. 833/2014 of 31 July 2014 and subsequent amendments, concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, it is highlighted that it is prohibited to award procurement contracts to:

- a) a Russian citizen or a natural person residing in Russia or a legal person, entity or body established in Russia;
 - (b) a legal person, entity or body the ownership rights of which are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph;
- or



(c) a natural or legal person, entity or body acting on behalf of or at the direction of a natural or legal person, entity or body referred to in point (a) or (b) of this paragraph,

including, if they represent more than 10% of the value of the contract, subcontractors, suppliers or entities on whose capacities are relied upon under the public procurement directives.

It is specified that in the process of proving the requirements, following the award, the competitor must produce all documentation suitable to demonstrate the non-existence of the hypotheses of prohibition provided for by the above-mentioned legislation (e.g. declaration pursuant to art. 1 of the Prime Ministerial Decree 187/91 relating to the corporate composition), in accordance with what was declared pursuant to Presidential Decree 445/2000, by completing the "Declaration of Restrictive Measures" file attached to this specification.

8. Interpellation

Without prejudice to the provisions of paragraphs 4 and following of art. 124 of Legislative Decree 36/2023, in the event of bankruptcy, compulsory liquidation and preventive composition, or termination of the contract pursuant to Legislative Decree 36/2023 and art. 61 of the GTC, or withdrawal from the contract pursuant to art. 88, paragraph 4-ter, of Legislative Decree 6 September 2011, no. 159, or in the event of a judicial declaration of ineffectiveness of the contract, RFI SpA reserves the right to consult the parties who participated in the tender procedure, resulting from the relevant ranking, in order to stipulate a new contract. The call for bids will be made starting from the person who made the first best offer, up to the fifth best offerer, excluding the original successful tenderer, with the specification that the awarding of the contract will take place, if applicable, under the same conditions already proposed by the original successful tenderer at the time of the offer.

9. Those responsible for the procedure are:

- for the assignment phase: Eng. Vincenzo Bruno;
- for the execution phase: it will be communicated during the stipulation of each Application Contract.

XV. CONDITIONS OF PERFORMANCE

XV.1. SUBCONTRACTING

Subcontracting is permitted under the conditions set out in art. 119 of Legislative Decree 36/2023.

The obligation for economic operators to indicate in the DGUE at the time of the offer remains in place electronically the willingness to subcontract (indicating YES/NO) and the related percentage shares, specifying in the Additional Requirements Declaration (Annex B1) and in the related Annex 1 (Annex 1 to the Declaration of Additional Requirements) the services or processes that intend to



subcontract. In the absence of an express indication in the offer, the contractor may not resort to subcontracting.

The Contractor must necessarily subcontract the services for which he himself does not have the relevant qualification, specifying them precisely in the Declaration of additional requirements (Annex B.1) and in the relevant Annex 1 (Annex 1 to the Declaration of Additional Requirements)

(so-called necessary subcontracting).

The Contractor undertakes the obligation to stipulate subcontracting agreements for no less than 20% of the subcontractable services with small and medium-sized enterprises, as defined in art. 1 paragraph 1 letter o) of Annex I.1 to Legislative Decree no. 36/2023 and subsequent amendments, unless a different threshold of assignment to small and medium-sized enterprises is indicated in the offer for reasons related to the object or characteristics of the services or the reference market. **This indication and related motivation must be reported in the electronic DGUE.**

The successful tenderer and the subcontractor are jointly liable towards the Station contractor for the execution of the services covered by the subcontracting agreement.

XV.2. EXECUTION REQUIREMENTS

omitted

XV.3. SOCIAL CLAUSE

The successful tenderer is required to ensure the application of the national and territorial collective agreement (or the national and territorial sector collective agreements) referred to in point III, or another agreement that guarantees the same economic and regulatory protections for its own workers and for those subcontracted.

XV.4. COMPUTER SECURITY

Competitors/candidates participating in the tender procedure are required to ensure the security of the IT system used for participation in the tender procedure, including the related activities of transmission, reception, storage and electronic sharing of all documentation relevant to this purpose.

The successful tenderer is required to guarantee the security of the IT system used to perform the services covered by the Contract, including the related activities of transmission, reception, storage and electronic sharing of all documentation relating to the subject of the Contract. To this end, it is required to equip itself with safety devices and equipment, as well as adequately trained personnel, as indicated in art. 18 bis



"IT Security" of the Framework Agreement, to which reference is made for the details of the precautions to be adopted.

Please note that in the event of partial or complete non-fulfilment, even of just one of the obligations listed above, RFI will have the right to terminate the contract stipulated, pursuant to art. 1456 of the Italian Civil Code and, regardless of the exercise of this right, the right to full compensation for damages suffered as a result of the non-fulfilment.