

Western Ligurian Sea Port Authority

NOTICE

Call for applications for maritime state concession

The President

Seen the resolution of the Management Committee of April 18th 2019, ref. n. 28/6/2019

invites

anyone with an interest to submit applications for maritime state concession with reference to the so-called Hennebique Building, under the following terms and conditions.

Art. 1 – OBJECT OF THE PROCEDURE, AIM OF THE CONCESSION AND GENERAL INFORMATION

1. The Western Ligurian Sea Port Authority (Autorità di Sistema Portuale del Mar Ligure Occidentale, hereinafter for the sake of brevity referred to as AdSP) based in Genoa, Via della Mercanzia 2, invites interested parties to submit, **no later than 12.00 PM of October 31st 2019**, their application for a maritime state concession pursuant to the maritime navigation code and related regulation for the allocation of the property, located in the port of Genoa, represented by the Hennebique Building and the relevant areas, totalling approximately 8,250 square meters of land, as per attached plan sub. ALL. 1 (hereinafter for the sake of brevity referred to as "Hennebique").
2. Hennebique has been included in the *“special programme of urgent investments for the recovery and development of the port and related accessibility infrastructures, and for the intermodal connection of Cristoforo Colombo airport with the city of Genoa”* adopted by the Special Commissioner with decree n. 2 of 2019, as integrated with decree n. 27 of 2019 and, for all purposes and effects, enjoys the relative exceptions provided by Law no. 130/2018.
3. The property is unique and indivisible and no partial or alternative requests are allowed.
4. The purpose of the concession is the restructuring and management of the state-owned property, in accordance with the provisions of the special scope n. 73 bis "Hennebique" of the current Municipal Urban Plan (Piano Urbanistico Comunale, P.U.C.) adopted with Municipal Council Resolution n. 16/2019.
5. The duration of the concession is fixed to 90 years from the stipulation.
6. For the purposes of business plan sustainability, a public contribution can be assigned, where required, for the construction of the works by the AdSP, for an amount equal to a maximum of 10,000,000 euros (including VAT if due). The contribution in question will be paid in the manners to be defined in the concession deed.

7. Upon project readiness of the works, the assignee of the concession will also be bestowed – exclusively for their own care and expenses, including all that regards related fiscal charges, which will be taken into account within the business plan that must be included in the application – with the leasehold estate on all that will be added to what already exists, such as autonomous real estate units which may derive from restructuring interventions.
8. Project readiness is intended as the moment in which the holder of the concession will have acquired all authorisations and/or other documents necessary to proceed with interventions.
9. The stipulation of the concession deed remains subject to the conclusion of the procedure, pursuant to art. 58 of Regional Law n. 36/1997 and subsequent amendments and additions, for the amendment that updates the Programme Agreement for the construction of the Ponte Parodi multipurpose centre, signed on April 16, 2012. Said amendment entails a variation in the zoning regulations of the Municipal Urban Plan as per City Council Resolution n. 16 of 2019. If this procedure should not be successful, in accordance with the provisions in this notice, AdSP reserves the right to suspend, revoke, or cancel this procedure without proceeding to the stipulation of the concession deed, as in any other case where other reasons impeding the conclusion of the procedure should become evident.
10. The Procedure Supervisor is Dr. Paolo Piacenza, Staff Director of the State Property Governance of Corporate Plans and Subsidiary Companies (Tel. 010/2412525 – e-mail governance@portsofgenoa.com) who may also be required to carry out a possible inspection, where deemed necessary, within the limits of the building's accessibility.
11. Eventual clarification requests must be sent by e-mail to the Procedure Supervisor, no later than 15 (fifteen) days before the deadline for submitting applications and replies will be published anonymously on the institutional website www.portsofgenoa.com at least 7 (seven) days before the deadline for submitting applications.
12. Eventual amendments to this notice will be published on the website in the section dedicated to this procedure, which the interested parties are obliged to consult regularly.

ART. 2 PARTICIPATION REQUIREMENTS AND METHOD OF PRESENTATION OF CONCESSION APPLICATION

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1. The applicant must, under penalty of inadmissibility of the application and of its exclusion from the procedure by the Procedure Supervisor:
 - a) possess a net equity, resulting from the latest approved balance sheet or from other documentation equally suitable of proving this requirement, not lower than 5 million euros. In the event of submission of an application by subjects in an associated, grouped, or consortium form, at least 50% of this requirement must, in any case, be held by the lead partner, who must be indicated in the application;
 - b) have started and/or completed, in the 5 (five) years prior to the expiry of the application deadline, at least one restructuring or real estate operation of a size not lower than 10,000 square meters of SLA (Superficie Lorda Abitabile, Gross Habitable Surface). In the event of submission of an application by subjects in an associated, grouped, or consortium form, this requirement must, in any case, apply

to at least one of the members.

Requirements a) and b) may be self-certified pursuant to Presidential Decree 445/2000, to be attached to the application for concession, but will be subject to verification by the Administration for the winning subject before the stipulation of the concession and/or the replacement agreement with which the procedure will be concluded, and if not possessed, will result in the exclusion from the procedure and the possibility of the administration moving on to the next subject in the ranking, at its sole discretion.

2. Furthermore, the applicant must also, under penalty of inadmissibility of the request and its exclusion from the procedure by the Procedure Supervisor:
 - a) declare they accept, at the design and execution stage, the limitations imposed by the technical sheet referred to in the annex sub **ALL. 2**;
 - b) self-certify, pursuant to Presidential Decree n. 445/2000, the non-existence of reasons for exclusion pursuant to art. 80 of Legislative Decree 50/2016, which is referred to at this point only for all applying subjects;
 - c) attach the guarantee pursuant to art. 8.
3. The application will be inadmissible and excluded from the procedure by the Procedure Supervisor, upon proposal from the Commission pursuant to art. 7 and pursuant to the provisions of art. 7, par. 5, of this notice, if the project proposal does not comply with the urban planning regulations pursuant to art. 3, paragraphs 1 and 2 of this notice, as well as the specifications set out in **All. 3** and any other essential minimum requirements for the purposes of this notice.

ART. 3 – REQUALIFICATION OBJECTIVE, REQUIREMENTS, AND DESIGN INDICATIONS

1. This intervention is the completion of a process of recovery, redesign and enhancement of the city's sea view. In particular, the redevelopment of the Hennebique building aims to complete the design of the former harbour area, characterized by urban functions and by the integration of the functions of excellence established in the Old Port (Porto Antico), so as to become a point of general interest also destined to functions dedicated to cruises, tourism, and urban activities.

2. Functions to be instated

As per the special regulation of the Municipal Urban Plan (73 bis), adopted with the Municipal Council Resolution n. 16/2019, the application and consequent project may include the following intended uses:

- Public services, for use of public and private parties; Public and private parking spaces; Infrastructures of local interest; Residence; accommodation facilities; urban connective areas with the exception of multipurpose gambling halls, betting offices, bingos and the like; Offices (Directional and Tertiary Sectors);
- Retail Distribution activities, pursuant to Art. 12) point 5.1 of the General Rules of the Municipal Urban Plan, are admitted exclusively as individual establishments as per regional planning with the exception of the Large Sales Structures (maximum accessible area not exceeding 10% of the total area defined by the project).

3. Project Idea

The redevelopment proposal, in pursuing the goal of enhancing the object, will have to propose solutions aimed at its correct insertion in the context by proposing architectural and functional solutions, coherently with what is prescribed in section 6 of the technical sheet pursuant to art. 16 of Legislative Decree 54 of 22/08/2017, attached in sub **ALL. 2**.

In particular, the proposal for re-use of the property must:

1. guarantee the historical-cultural enhancement of a significant part of the complex, allowing the public use of the parts indicated in letter d. of section 6 of the Technical Data Sheet;
2. in order to privilege the relationship with the sea, provide for the construction of a southward public pedestrian path facing the water, and the redevelopment/reorganisation of the external areas for pedestrian and vehicle connection with the context;
3. in working on the façades, preserve the prevailing image of full spaces over emptiness as a perception element of the building's outer wall structure.

ART. 4 – FEE

1. The holder of the concession will have the duty to pay in advance the fee related to the granted areas, in two six-monthly instalments, to be adjusted annually by ISTAT as required by law. The basic fee is set at 375,000 euros (three hundred seventy-five thousand) in addition to the annual ISTAT fee (starting from the calendar year following the year of issue of the concession). This value assumes the substantial character of a fee related to the asset, with a value to be considered based on the definition and implementation of the project competitors, taking the indicated functional destinations into account.

2. It is specified that the fee, as defined above, will be applied starting from the certificate of viability of the works carried out by the concession holder, while for the previous period the fee will be applied for the construction site areas (4.008 euros per square meter, subject to ISTAT updates). To this end, the concession holder undertakes to promptly notify the Port System Authority of the attainment of the certificate of viability.

In the event that certificates of viability are obtained relating to parts of the building, the fee referred to in the preceding paragraph 1 will be applied to them pro rata.

In any case, after 18 (eighteen) months from the date proposed for the end of the works, the fee will be applied as per prior paragraph 1.

ART. 5 – CRITERIA FOR THE ASSESSMENT OF THE CONCESSION APPLICATIONS

1. The evaluation procedure of the applications received will be based on the criteria indicated below, with the discretionary attribution of points by a specific Commission appointed for this purpose.

	Evaluation Criteria	Motivational Criteria	Grading Ratios
1	Consistency with the redevelopment objective indicated in art. 3, par. 1	Consistency is intended as the identification of functional solutions that favour the constitution of a point for functions dedicated to cruise, tourism, and urban activities, possibly allowing 24-hour continuous usability of the property and developing the city's attractiveness also with reference to cultural, training and research centres	35

2	Quality of project idea	Quality is intended as the identification of project ideas aimed at guaranteeing the enhancement of the object and its correct insertion in the context by proposing solutions consistent with the limitations indicated in section 6 of the technical sheet pursuant to art. 16 of Legislative Decree 54 of 22/08/2017 (attachment sub ALL. 2).	35
3	Business Plan Quality	Quality is intended as sustainability and consistency of the business plan in relation to the development of the activities to be established, in compliance with the requalification objective indicated in art. 3 paragraph 1. For the purposes of sustainability, the amount of the contribution requested will also be taken into account, favouring the offer most advantageous for the Authority.	30

2. Applications with a proposed redevelopment that does not reach at least an overall score of 50 points will be excluded from the procedure, as proposed by the Commission and with the provision of the President, after consultation of the Management Committee. In the event of a tie between the applications resulting first in the ranking, the Commission will arrange a private upward tender on the fee referred to in art. 4 paragraph 1, assigning a peremptory term within which to present one's best offer in a sealed envelope. The first place in the ranking will be assigned to the applicant who will have offered the highest fee.

ART. 6 – PHASES OF THE PROCEDURE

1. Once the interested parties' applications are filled in, complete with the requested and attached documentation, the Procedure Supervisor will only admit to the subsequent phases of the procedure the applications complete with all documents, received within the time frame set by this notice.
2. The Procedure Supervisor will also primarily exclude irregular applications, pursuant to paragraph 2 of art. 2 of this notice, notifying the interested parties.
3. After the expiry of the deadline for the submission of applications, upon proposal of the Procedure Supervisor, a decree of the President of AdSP will appoint a Commission, composed of 3 members external to the administration, to be chosen among professional experts and/or university professors.

4. The Procedure Supervisor will provide the Commission with the applications admitted to this phase of the procedure and the related documentation for evaluation pursuant to this notice, which will take place in a confidential session according to the criteria set out in this notice.
5. The Commission will propose to the Procedure Supervisor the exclusion of applications that are irregular, pursuant to the provisions of par. 3 of art. 2 of this notice, and the Procedure Supervisor will adopt the related provision informing the interested parties.
6. The Commission will proceed to draw up a ranking of the applications received, and to notify it to the Procedure Supervisor.
7. The Procedure Supervisor will publish the first application on the list in the same manner as the forms of publicity adopted for this notice, for the duration of 20 (twenty) days. for the sole purpose of acquiring any possible comments from all those that may be interested in the matter, as well as to acquire observations in compliance with the internal regulations approved with decree n. 19 of January 24th 2019.
8. In the event that observations are received, the Procedure Supervisor, after carrying out a preliminary investigation, will submit them, together with the ranking and opinions referred to in the preceding paragraph, to the Management Committee for the adoption of the final decisions by resolution, which can be taken even in the presence of a single application.
9. The contract and/or replacement agreement may be finalised after verification of the possession of all the requirements required by this notice, as well as any other legally required verification.
10. In the event that the application previously classified in first place, for any reason, cannot be assigned, AdSP will have the right to move on to the next subject in the ranking, in their own unquestionable judgment, following the procedure set out in the preceding paragraphs.
11. The advertising costs of the procedure, as well as all the charges and costs necessary for the stipulation of the concession deed and the establishment of the surface right are to be understood in full as the responsibility of the applicant who will be chosen as recipient.
12. AdSP reserves the right, at its sole discretion, to suspend, revoke, or cancel the procedure.

ART. 7 – GUARANTEES

1. The applicant must establish, via insurance policy or bank guarantee, a provisional guarantee of € 300,000 (three hundred thousand) to be attached to the application, under penalty of exclusion, in order to guarantee the seriousness of the application and the respect of the obligations of the procedure, also with particular reference to possible failure to sign the concession deed for reasons attributable to the concession holder.

2. Exclusively for the procedures of the provisional guarantee, refer to the dispositions of art. 93, paragraphs from n. 2 to n. 6 and from n. 8 to n. 9, of Legislative Decree 50/2016.
3. The guarantee will be redeemed, upon request, at the time of the signing of the concession deed (in case of non-concession holders, it will be returned within 30 days from the awarding).
4. In any case, the insurance policy/bank guarantee must be valid for at least 180 days from the date of submission of the application, unless it is renewed upon request of the administration, and must expressly provide for the waiver of the benefit of the preventive enforcement of the main debtor, pursuant to art. 1944 of the Civil Code, the waiver of the exception pursuant to art. 1957, paragraph 2 of the Civil Code, and its full operation within 15 (fifteen) days following a simple first written request by the proceeding authority.

The attachments indicated below can be found at the link <https://oc.portsofgenoa.com/index.php/s/MsqfXce46pMTXBZ>, after inserting a specific password to be requested at the email address governance@portsofgenoa.com.

- 1) Annex 1 – Plan of the property, object of this process;
- 2) Annex 2 - Technical data sheet pursuant to art. 16 of Legislative Decree 54 of 22/08/2017 - Complete survey of the building - Virtual tour of the interior - Structural study and static analysis - Estimation of demolition costs - BIM (Building Information Modelling);
- 3) Annex 3 – Procedures for drafting of project proposal and business plan.

The President

Dr. Paolo Emilio Signorini
Digitally signed by SIGNORINI PAOLO EMILIO
Date 19/06/2019 18:15:14