

CALL FOR EXPRESSION OF INTEREST

AIMED TO KNOW AND SELECT THE ECONOMIC OPERATORS INTERESTED IN PARTICIPATING IN THE NEGOTIATED PROCEDURE PURSUANT TO ART. 63 PARAGRAPH 2 LETT. C) OF THE LEGISLATIVE DECREE NO. 50/16 AND SUBSEQUENT AMENDMENTS AND ADDITIONS FOR THE INTEGRATED TENDER CONCERNING THE FINAL AND EXECUTIVE PROJECT AND THE REALISATION OF THE WORKS FOR THE CONSTRUCTION OF THE DREDGINGS OF THE SAMPIERDARENA BASIN AND PASSENGER PORT (PHASE 0), WITHIN THE FRAMEWORK OF THE "EXTRAORDINARY PROGRAM OF URGENT INTERVENTIONS FOR THE RECOVERY AND DEVELOPMENT OF THE PORT AND THE RELATED ACCESSIBILITY INFRASTRUCTURES AND FOR THE INTERMODAL CONNECTION OF THE CRISTOFORO COLOMBO AIRPORT WITH THE CITY OF GENOVA".

INTRODUCTION

P.3106 project concerning the construction of the Sampierdarena basin and passenger port dredging (Phase 0) is included in the Extraordinary Program of urgent investments for the recovery and development of the port and related accessibility infrastructures and for the intermodal connection of the Cristoforo Colombo airport with the city of Genoa as well as for the hydraulic safety and adaptation to the relevant regulations workplace safety – updated by the Decree of the Extraordinary Commissioner for reconstruction no. 1 of 28 February 2020 pursuant to art. 1, paragraph 1 of the Law Decree of 28 September 2018.

Article 9-bis of the Law no. 130 of 16 November 2018 provides that the extraordinary program is to be carried out by the Western Ligurian Sea Port Authority with the application of the exceptions referred to in Article 1 of the same law.

The Procedural Plan for the implementation of the Extraordinary Program adopted by the Authority and annexed to the Extraordinary Commissioner's Decree no. 1 of 28 February 2020 in paragraph 3 provides that the identification of the economic operator for the award of the complex integrated contract takes place through a negotiated procedure pursuant to art. 63 paragraph 2 letter c) of the Legislative Decree no. 50/2016 upon publication of a call for expression of interest on the website of the Authority and the Extraordinary Commissioner for Reconstruction for at least 10 days, aimed at receiving expressions of interest from economic operators in possession of the requirements indicated in the notice and interested in being invited to submit an offer in the subsequent negotiated procedure.

In accordance with the aforementioned provisions, this notice has an exploratory purpose and it is understood that the presentation of the expression of interest does not imply any specific obligation from the Western Ligurian Sea Port Authority, which does not assume any constraints, nor does it attribute to the economic operators any right with regard to the subsequent and eventual invitation to submit an offer to the negotiated procedure.

1. CONTRACTING AUTHORITY

Western Ligurian Sea Port Authority
Extraordinary Program Staff
Address: Torre Shipping, Via De Marini 53, floor 12, Genoa
Website: www.portsofgenoa.com
Certified Mail: appalti.prgstr@pec.portsofgenoa.com
Responsible for the procedure: Eng. Marco Vaccari

2. OBJECT OF THE CONTRACT

The Complex Integrated Contract will concern the preparation of the final and executive project and the realisation of the works for the construction of the Dredging of the Sampierdarena basin and passenger port (Phase 0), expertise code 3106.

Within the framework of the Complex Integrated Contract, the project services will include the drafting of each document necessary for the issuance of visas and authorizations by the competent bodies, as well as everything necessary to make the project approvable, contractable and implementable. The final and executive projects will be drafted in accordance with the provisions of art. from 24 to 43 of the Presidential Decree no. 207/2010, Article 23 of the Legislative Decree no. 50/2016, as well as all applicable laws and regulations and the Special Descriptive Performance Specifications, which will be made available during the negotiated procedure.

The project will be verified pursuant to art. 26 of the Legislative Decree no. 50/16.

The tender identification code will be communicated during the negotiated procedure.

For the purposes of a general overview, the following documents are attached to this Notice:

- the Descriptive Report;
- the graphic drawings from the PFTE.

3. AMOUNT OF THE INTEGRATED CONTRACT AND CPV CODE

The total estimated value of the project services and safety works and charges included in the contract is estimated at Euro 8,985,392.16, VAT exempt, pursuant to art. 9 first paragraph point 6 of the Presidential Decree no. 633/72.

The total estimated value referred to in the previous paragraph includes the safety costs referred to in art. 100 of the Legislative Decree no. 81/2008 and subsequent amendments and additions and is estimated at Euro 115,020.77, this amount is not subject to a reduction. The value is described as follows:

a) "lump sum" amount of the works excluding safety costs.....	€ 8.564.808,51
b) Amount of service for the preparation of the Final Project.....	€ 188.202,67
c) Amount of service for drafting the Executive Project.....	€ 117.360,21
d) Starting price to be discounted.....	€ 8.870.371,39
e) Safety costs which are not subject to a reduction.....	€ 115.020,77
f) Estimated total value.....	
	€ 8.985.392,16

The estimated value includes safety charges and net of social security charges and any tax charges.

The estimated amounts of the works may be subject to variations as a result of the verification activity currently in progress, variations however contained in the SOA rankings as identified below.

The intervention consists of the activities better described and regulated in the Special Descriptive Performance Specifications that will be attached together with the invitation letter to the negotiated procedure.

The contract will be stipulated in the lump sum system.

Due to the nature and characteristics of the intervention, the contract is not divided into lots, according to the provisions of the Procedural Plan.

CPV: 45252124-3 Dredging and pumping works

4. PROCEDURE

According to what is established in the "Procedural Plan", as mentioned in the introduction, the award of the Complex Integrated Contract concerning the drafting of the final and executive project and the realization of the works, is entrusted through a negotiated procedure pursuant to art. 63 paragraph 2 letter c) of the Legislative Decree no. 50/2016, subject to the exceptions referred to in the Procedural Plan for the Implementation of the "Extraordinary program of urgent interventions for the recovery and development of the port and related accessibility infrastructures and for the intermodal connection of the Cristoforo Colombo airport with the city di Genova" of 21 February 2020, and preceded by the publication for 10 consecutive calendar days of this notice on the website of the Authority and the Commissioner for reconstruction.

Only economic operators that have expressed an interest in participating in the manner indicated in this document and that have received an invitation letter from the Western Ligurian Sea Port Authority may participate in the procedure; in any case, no more than ten economic operators will be invited.

5. SERVICES AND WORKS SCHEDULE

The schedule for the preparation of the projects included in this notice are as follows:

- 60 working days for the preparation of the final project;
- 45 working days for the preparation of the executive project.

The time needed to complete all the works included in the contract - estimated by the PFTE in **334 consecutive calendar** days from the date of the first report of delivery of the works - will be that resulting from the offer presented by the Contractor in the tender.

The realisation of the works can begin only after the approval of the project by the contracting authority.

6. MINIMUM REQUIREMENTS FOR ECONOMIC OPERATORS TO BE INVITED TO SUBMIT AN OFFER

The subjects referred to in art. 45 of the Code can participate and will indicate the expert in charge of the project activities among the subjects referred to in art. 46 of the Code, in possession of the requirements referred to below.

The provisions of Articles 45, 46, 47 and 48 of the Code are applicable for the aforementioned subjects.

It is allowed the participation of the subjects referred to in art. 45, paragraph 2, letter d) and e) of the Code, for the works, and pursuant to art. 46 letter e) of the Code, for project services, even if not yet established.

Construction companies that do not possess the design requirements referred to in point 6.2.2 below will alternatively:

- associate, as principal of the vertical temporary grouping in charge of the project, one of the subjects listed in art. 46 paragraph 1 letter. a), b), c), e), f) of the Code as "Associate Designer" in possession of the design requirements listed in point 6.2.2 below. Any grouping of designers will constitute a sub-grouping within the competing group.

The construction companies that contribute to the fulfilment of the requirements referred to in point 6.2.2 below may possibly be part of the aforementioned group of Designers, bringing their own design requirements to the group, provided that they possess the SOA certification for execution and design performance.

- simply "indicate" one of the subjects listed in art. 46 paragraph 1 letter. a), b), c), e), f) of the Code, as "Designated Designer", in possession of the design requirements referred to in point 6.2.2 below. In the case of more than one designer indicated, the form of temporary grouping (constituted or constituting) between them is mandatory.

Construction companies that eventually confer their design requirements to the group of designers must take on a formal role within the group (lead or associate company in relation to the requirements).

The same designer cannot be indicated by more than one participant, under penalty of exclusion of all the economic operators.

It should be noted that they cannot compete for the award of the contract, nor assume the role of designers, subjects that are in one of the situations referred to in art. 24 paragraph 7 of the Legislative Decree no. 50/2016.

The general and specific minimum requirements necessary for participation in this procedure are listed below. It is specified that the minimum requirements set out below must be met on the expiry date of this Notice.

6.1 – General requirements

- general requirements referred to in art. 80 of the Legislative Decree no. 50/2016 and the absence of any causes impeding participation in tenders pursuant to the relevant legislation in force, with regard to each and every member of the board or in any case the involved economic operators;
- registration at the Chamber of Commerce (if mandatory) or equivalent body in the case of economic operators belonging to another Member State for activities corresponding to those that will be performed under this Complex Integrated Contract;
- adequate financial solidity proven by statements issued by at least two banks; in the case of groupings, the statements of at least two banks must refer either to the lead company or at least one to the lead company and the other to other associates;
- possession of an ethical organizational system adopted pursuant to the Legislative Decree no. 231/01 and therefore having adopted the Organizational Model and the Code of Ethics pursuant to the Legislative Decree no. 231/2001 and also, having appointed the Supervisory Body provided for by art. 6, paragraph 1 letter. b) of the same Legislative Decree (in the case of groupings, the requirement must be met by the lead/associate company)

6.2 – Specific requirements

6.2.1 – For the economic operators carrying out the works:

- i. the economic operator that will carry out the work will possess a quality certifications, such as, specifically: ISO 9001:2015 and ISO 14001:2015;
- ii. for the execution phase of the works, full availability of maritime vehicles having the following characteristics: 2 "bucket dredgers", consisting of a conventional hydraulic excavator mounted on a pontoon and equipped with a system of poles for movement and anchoring or the simultaneous use of 1 "bucket dredger" and 1 "trailing Suction Hopper Dredgers" (TSHD) equipped with a flexible suction pipe with special dredging head, the last one operating outside the Passenger Port basin, and both with a daily production capacity of no less than 2,500 m³;
- iii. possession of the following indicator (in the case of groupings, the requirement must be met by the lead/associate company) with reference to one of the last approved financial years, described from the approved and filed statutory financial statements:

Current asset (A) / Current liability (B) \geq 1

meaning:

Current asset (A): consists of the items included in letters (C) and (D) belonging to the "Assets" category as reported in art. 2424 of the Italian Civil Code. Only the components due within the twelve months following the closing of the financial statements are considered;

Current liability (B): consists of the items included in letters (D) and (E) belonging to the "Passive" category as reported in art. 2424. Only the components expiring within the twelve months following the closing of the financial statements are considered;

- iv. possession of a valid, duly authorized SOA certificate that documents the qualification for construction and design or for construction only in the categories and for the amount of work to be performed, as indicated below:

Code	Description	Amount	Qualification	% on the total
OG7	Maritime works and dredging works	8,679,829.28 €	VI	100,00%
	TOTAL	8,679,829.28 €		100,00%

On the basis of the above articulation, the OG7 category is identified as the prevalent category, with mandatory qualification.

Art. 61 of the Presidential Decree no. 207/2010 will be applied.

Subcontract works

Pursuant to art. 105, paragraph 4, letter c) of the Code, the economic operator must indicate the services it intends to subcontract within the limits indicated below.

In accordance with the provisions established by art. 105, paragraph 2 of the Legislative Decree no. 50/16, the effects of the possible outsourcing of part of the work to third parties will be assessed with regard to the activities that are part of this contract, the type of work envisaged, their quantity, as well as the characteristics of the place of execution. The evaluation will concern:

- effectiveness in operational coordination between the involved companies;
 - compliance with the production expected in the work program;
 - maintenance of the quality level of the work;
 - possibility of checking the technical/performance requirements of the operating companies;
 - guarantee in terms of safety coordination;
- the subcontract of part of the works may not exceed the overall threshold of 40% of the contractual amount.

The subcontract is in any case always subject to the authorization of the Contracting Authority Contractor and in compliance with the provisions of Article 105 of the Legislative Decree no. 50/2016.

6.2.2 –For the economic operators carrying out the project and the economic operators carrying out the works that are in possession of a suitable SOA for design and construction and intend to carry out the project:

- i. the performance of services relating to engineering and architecture pursuant to art. 3, letter vvvv) of the Code in the last three years prior to the publication of this Notice - to be understood as the last three years calculated backwards from the date of publication - relating to works belonging to each of the classes and categories to which the services to be assigned refer, for an overall amount for each class and category equal to the estimated amount of the corresponding works, as follows:

Works ID		Degree of complexity	Correspondence under Law no. 143/1949	Amount of the work	Requirement
<u>Ministerial Decree 17 June 2016 (under Ministerial Decree no. 143/2013)</u>					
HYDRAULICS	D.01	0,65	VII/c	8,679,829.28 €	8,679,829.28 €

ii. performance in the last three years prior to the date of publication of this Notice

- to be understood as the last three years calculated backwards from the date of publication - of two engineering and architecture services, referred to in art. 3, letter vvvv) of the Code, relating to works belonging to each of the classes and categories of works to which the services to be assigned refer for a total amount not less than 0.5 times the estimated amount of the works to which the service refers, calculated to each of the classes and categories and referring to types of works similar in size and technical characteristics to those object of the assignment, as follows:

<u>Works ID</u>		<u>Degree of complexity</u>	<u>Correspondence under Law no. 143/1949</u>	<u>Amount of the work</u>	<u>Requirement</u>
<u>Ministerial Decree 17 June 2016 (under Ministerial Decree no. 143/2013)</u>					
HYDRAULICS	D.01	0,65	VII/c	8,679,829.28 €	4,339,914.64 €

iii. overall turnover in relation to engineering and architecture services performed in the last three financial years approved prior to the date of publication of the notice at least equal to the amount of the service of the tender;

iv. possession of the requirements referred to in the Decree of the Ministry of Infrastructure and transport no. 263 of 2 December 2016;

v. a technical staff adequate to the extent and complexity of the works, including in particular an expert in charge of integrating the various specialist services, a geologist, a civil engineer with experience in the maritime sector and experts in possession of the requirements for the role of Safety Coordinator in the project and execution phase.

It should be noted that any changes in the amounts of the works will not lead to a change in the participation requirements indicated in the previous points i. and ii.

Verification of the requirements

The possession of the aforementioned requirements must be declared by the economic operator through the attached form.

The possession of the requirements must be declared and documented, through suitable documentation, where required by the Contracting Authority.

Clarifications about the verification of the requirements

Upon verification of the requirements, proof of the requirements will be provided following the award proposal, by one of the following methods:

- original or certified copy of certificates issued by the administration/contracting authority with an indication of the object, amount and period of execution;
- original or certified copy of contracts signed with the contracting authority/body and related paid invoices.

For engineering and architecture services in the Structures category, for the purposes of qualification within the same category, the activities carried out for similar works are to be considered suitable to prove the requirements when the degree of complexity is at least equal to that of the services to be assigned as indicated above.

Subcontracting of the design activity

For the purposes of subcontracting, with reference to the design, art. 31 paragraph 8 of the Code is applied.

6.3 Avaliment

Avaliment is permitted pursuant to art. 89 of the Code, within its limits, in order to meet the requirements of economic and financial and technical and professional capacity. For the purposes of the expression of interest, the participant must immediately submit a declaration of avaliment in the appropriate section of Annex 2 as well as produce the documentation referred to in art. 89, paragraph 1, of the Code.

It should be noted that the failure to produce the declaration of avaliment or the contract of avaliment is remedied through the preliminary administrative activity, provided that the aforementioned elements are pre-existing and can be proven with documents of certain date, prior to the deadline for submitting the expression of interest. Failure to indicate the requirements and resources made available by the auxiliary company cannot be remedied as a cause of nullity of the avaliment contract.

6.4 Limitation and clarifications for participation

Candidates will not be considered eligible for the negotiated procedure:

- a. if they participate in more than one temporary grouping or ordinary consortium of participants;
- b. if they make use of an auxiliary company, which in turn participates in the procedure, pursuant to art. 89 paragraph 7 of the Code;
- c. if they use the same auxiliary as another or other participants; pursuant to art. 89, paragraph 7, of the Code;
- d. in any case incur in causes of exclusion provided for by law.

In the case of temporary groupings (or consortia or GEIE), the provisions of Articles 46, 47, 48 paragraphs 7, 9, 10 and 11 of the Code are applied.

7. SUBMISSION OF THE EXPRESSION OF INTEREST

Economic operators in possession of the requirements to contract with the public administration and the aforementioned requirements of technical professional skills must forward to the Contracting Authority the following documents **digitally signed by the legal representative**:

- expression of interest to be filled in the form referred to in Annex 1, digitally signed by the legal representative;
- self-declaration pursuant to art. 46 and 47 of the Presidential Decree no. 445 of 28/12/2000 and subsequent amendments and additions to be filled in the form referred to in Annex 2, digitally signed by the legal representative and accompanied by a valid identity document. In the case of groupings, the form must be digitally signed by all members of the grouping under penalty of nullity;
- statements issued by at least two banks proving adequate financial solidity; in the case of groupings, the statements of at least two banks must refer either to the lead company or at least one to the lead company and the other to one of the associate company.

by 17 June 2021 at 12.00 CET

Expressions of interest must be sent exclusively by PEC address to the following certified mail address: appalti.prgstr@pec.portsofgenoa.com with the following subject: "Expression of interest to participate in the negotiated procedure for awarding the complex integrated contract for the dredging of the Sampierdarena basin and the passenger port (Phase 0)".

Signature information for groupings

It should be noted that, in the case of groupings, the Attachments must be **digitally signed** as follows:

in the case of a temporary grouping or ordinary consortium already established, by the legal representative of the lead/associate company;

- in the case of a temporary grouping or ordinary consortium not yet constituted, by the legal representative of each of the companies that will form the grouping or consortium;
- in the case of network aggregation, reference is made to the rules provided for temporary groupings, insofar as compatible;
- in the case of a consortium of cooperatives and artisan enterprises or a stable consortium referred to in art. 45, paragraph 2 letter. b) and c), the form is signed by the consortium.

It is not required the subscription of Annex 1 by the "indicated" designers or any auxiliary company.

8. SELECTION

No more than ten economic operators will be invited, if any, that have formulated an appropriate expression of interest and meet the requirements for participation as set out in this Notice.

If the list of economic operators considered suitable exceeds ten, the ten economic operators will be invited according to the parameters indicated below.

If the list of economic operators considered suitable exceeds ten, the contracting authority will invite to submit an offer the ten economic operators that carried out similar works of a higher amount relative to the prevailing category, compared to those covered by the contract, concluded in the three-year period prior to the date of publication of the Notice, as declared in the attached form including the self-declaration in lieu of affidavit.

If the number of economic operators that have expressed interest in receiving the invitation to participate in the procedure is less than or equal to ten, all those that have regularly submitted the expression of interest and are in possession of the aforementioned admission requirements will be invited; the Contracting Authority will in any case be entitled to carry out the negotiated procedure even if the number of expressions of interest received is equal to one.

It is always the faculty of the Contracting Authority not to proceed with any award if the offers received are considered inadequate or not deserving of award, at the sole discretion of Contracting Authority.

The expressions of interest received are examined by the Responsible for the procedure, also within the framework of a specific commission which will draft the list of admitted Economic Operators, after the verification of the completeness of the declarations concerning the possession of the requirements set out in this notice. This list will be made public at the first tender session and will also be published on the website of the Western Ligurian Sea Port Authority www.portsofgenoa.com, Transparent Administration - Tenders and contracts.

The Contracting Authority reserves the right to verify the truthfulness of the data indicated in the expression of interest pursuant to art. 71 of the Presidential Decree no. 445/2000 and to request supporting documents at any time since the expression of interest is not valid as a certification of the skills and/or experiences declared therein.

Once the list has been drafted, an invitation letter will be sent through the AdSP e-procurement IT platform to the economic operators indicated in the list including the methods and the deadline for submitting the technical-economic offer, a deadline that cannot exceed sixteen days.

9. WARNING

Participation in the expression of interest does not imply any commitment of effective assignment from this Authority, which reserves the right to initiate or not the subsequent negotiation phase with one or more subjects that have formulated adequate proposals.

10. AWARD CRITERIA

The successful economic operator will be chosen among the economic operators invited to the negotiated procedure and will be identified by using the economic/quantitative parameter, with reference to the criterion of the most economically advantageous offer, on the basis of time and cost criteria (price offered on the amount of services and works and reduction of execution time) and on the basis of the qualitative criterion of professionalism:

the adequacy of the offer will be understood from the number of services and works completed in the last three years, relating to interventions considered by the economic operator to be significant in terms of its ability to perform the required services and which are similar to the object of the assignment as well as any other criteria indicated in the invitation letter. The calculation formula to determine the OEPV will be indicated in the invitation letter.

11. RESPONSIBLE FOR THE PROCEDURE

The Responsible for the Procedure is Engineer Marco Vaccari, who is employed by this Authority.

12. ATTACHMENTS AND FORMS

To this notice are attached:

Attachment 1: form of expressions of interest;

Attachment 2: form of self-declaration pursuant to art. 46 and 47 of the Presidential Decree no. 445 of 28/12/00 and subsequent amendments and additions;

Attachment 3: Descriptive Report and the graphic drawings from the PFTE

13. DATA PROCESSING

We inform you that the data relating to the companies and participants will be treated in compliance with the Legislative Decree no. 196/2003 and in compliance with the "General Data Protection Regulation" no. 2016/679 (GDPR) exclusively for purposes related to the completion of this procedure.

14. FINAL PROVISIONS

It should be noted that during the negotiated procedure a suitable guarantee will be required pursuant to art. 93 of the Code and in the event of an award, a final deposit will be required pursuant to art. 103 of the same decree.

The Western Ligurian Sea Port Authority reserves the right to carry out the negotiated procedure in any case even if the number of expressions of interest received is equal to one.

Any requests for clarification must be addressed to the Responsible for the Procedure and sent to the PEC address appalti.prgstr@pec.portsofgenoa.com no later than **14 June 2021 at 12.00 CET**.

Telephone clarifications are not allowed.

The answers will be sent via certified e-mail to the applicant and published, anonymously, on the website of the Contracting Authority www.portsofgenoa.com in the e-procurement section.

It will be the responsibility of the participants to periodically view the website indicated above to verify any changes to the tender documents that will be published as well as the answers to the clarifications.

15. LEGAL ADVERTISING

This notice, together with the attachments referred to in point 12 above, is published on the website of the Western Ligurian Sea Port Authority www.portsofgenoa.com, both in the "Transparent Administration" section and in the e-procurement section, as well as on the website of the Extraordinary Commissioner for Reconstruction www.commissario.ricostruzione.genova.it.

The attached documents can be downloaded at the following link:
<https://oc.portsofgenoa.com/index.php/s/IHlknrQcJQ3K3n5>

Password:
P.3106_MI

Head of the Extraordinary Program Staff
(Dr. Eng. Marcos Montevocchi)
Digital signature

Please note only the [Italian version of the present document](#) has legal value