

CALL FOR TENDERS
FOR THE CONSTRUCTION OF A PROJECT PURSUANT TO LAW NO. 717/49
AT THE MILAN MALPENSA AIRPORT - TERMINAL 1

Article 1 – Scope of tender

S.E.A., Società Esercizi Aeroportuali S.p.A., issues a **call for tenders for the construction of a project**, pursuant to Law no. 717/49, as amended, to be executed at the Milan Malpensa airport, in the vicinity of the tunnel connecting the FNM - Malpensa Express railway station and Terminal 1.

The project area is strategic because of its role as link between the Airport and the Territory, and receives significant flows of users (from and to the trains, parking areas, car rentals, shuttle buses between Terminals 1 and 2 and, in the future, the hotel) on a daily basis.

The scope of the contract includes, in particular, the construction of a covered and landscaped space/pathway, of significant aesthetic quality and impact, such as may not only attract for its intrinsic value, but also be used as a venue for events, shows and related activities, and represent - thanks to its location - the "Gateway to Milan".

Should the proposed project only include a covered and air-conditioned part, the contractor shall in any case organize the entire available area, ensuring its uniqueness.

As such, the project space itself shall constitute a work of art as well as a container for other works.

In addition to being strongly attractive to and usable by passengers, the completed project must also ensure speed and ease of transit.

The project to be executed in the provided space should be viewed as an integrated work where matter, light, space and sound may interact so as to recreate an ideal fusion of art and architecture.

The selected candidates shall be required to rethink the entire project area, so that the new installation may become a symbol of the Airport where passengers perceive their transit through the transport infrastructure as an involving and fulfilling sensory and spatial experience.

The provided area has a surface of approximately 1950 m² and consists of two roof gardens (currently divided by the glass-walled connecting tunnel) and a pedestrian bridge connecting to the station hall (14 m in length and 9 m in width).

The total budgeted cost of the project is € 1,700,000 before VAT.

This amount is intended to cover all costs related to concept development, executive design, and actual construction works.

Should the project entail the removal of the glass-walled tunnel and the moving walkways, the related cost will be borne by S.E.A.

The project is funded by the Government, with S.E.A. advancing the payments.

Article 2 – Type of competitive bid

The competitive bid shall take place in **two phases**:

- in phase 1, the Evaluation Committee will select, from among the applications received, a maximum of 7 bidders who will be invited to participate in phase 2. Bidders may submit a single project. Bidders who fail to observe this rule shall be excluded from the tender process;
- in phase 2 the Committee shall select the winning bidder.

All activities following the tender process (executive design and construction of the project) shall be carried out by the winning bidder.

Article 3 – Participant selection criteria

The Evaluation Committee shall select the participants by evaluating, at its sole discretion, through a comparison of the references produced, their representativeness in the national and international arena, their approach to the bid, and the artistic and technical elements of the projects completed.

Article 4 – Project evaluation criteria

The project, which must regard the entire scope of the tender, will be evaluated according to: its artistic/architectural quality, attractiveness, satisfaction of passenger usability requirements (in summer and in winter, by day and by night), consistency and compatibility with existing architectural spaces, and use of high-quality, low maintenance materials.

Article 5 . – Eligibility requirements

The tender is open to individuals or entities of Italian or foreign nationality who do not meet any of the exclusion criteria under Article 38 of Legislative Decree no. 163/2006, do not violate the prohibitions under Articles 34, § 2, 36, § 5, 37, § 7 and 90, § 8 of Legislative Decree no. 163/2006 and Article 51, § 2 of Presidential Decree no. 554/1999 and are not involved in any procedures to correct and legalise illegal employment situations under Law no. 383/2001. Each bidder may participate as a single individual or firm or in the form of temporary group.

As a multidisciplinary composition would be highly desirable, the tender is open in particular to temporary groups or other forms of association permitted by law, composed of artists, professionals (including but not limited to architects, landscape designers, scenographers, etc., as regards the multidisciplinary aspects of the theme) as well as parties responsible for the executive design and construction of the proposed project.

Bidders must meet all execution capability requirements necessary to complete the proposed project. For the purpose of identifying eligible participants and verifying their requirements, the following shall apply:

a) With regard to executive design activities:

a.1) such activities must be carried out by a person or entity included in the list under Article 90, § 1, letters d), e), f), f-bis, g), h) of Legislative Decree no. 163/06. The persons/entities listed in Article 90, § 1, letter d) of Legislative Decree no. 163/06 must be enrolled in the relevant professional Association; for groups as specified under Article 90 § 1, letter g) of Legislative Decree no. 163/06 only, bidders must ensure the presence of a professional whose licence to practice was obtained within the last five years.

a.2) the classes and categories of works included in the executive design shall be identified according to the lists contained in Law no. 143/1949;

a.3) project execution capability requirements shall be defined according to the provisions under Article 66 of Presidential Decree no. 554/99; the minimum amount required from time to time shall be determine by applying the lowest multiplier indicated in each of the letters from a) to d) of said article;

b) With regard to project execution, the required categories and classifications shall be identified in accordance with the provisions under Legislative Decree no. 163/06 and Presidential Decree no. 34/2000.

Please note that reference to Legislative Decree no. 163/2006, Presidential Decree no. 554/99 and Presidential Decree no. 34/2000 is made solely with respect to the articles referred to from time to time, and is limited to those articles only.

Bidders are required to indicate, already in phase 1 of the process, the group/team designated to develop the executive design and to carry out the construction of the project.

Bidders who intend to participate as members of a group to be formed must indicate and sign in approval the designation of a group leader, who will represent them in all respects before the contract awarding Entity and will receive at its address all communications concerning the tender process. If it is already formed, the group must produce a copy of the deed of formation.

The contract awarding Entity shall have no part whatever in the terms regulating the relationships between group members and in any disputes which should arise among them.

Participants admitted to phase 2 of this tender process shall elect their domicile in Italy. By participating in the tender, candidates accept unconditionally all the terms stated in this call for tenders.

Article 6– Exclusions

The following may not participate in the tender:

- members of the Evaluation Committee and their family members and relatives up to the third degree, including those who are employees or employers of, or have collaboration or other continuing and known relations with members of said Committee;
- anyone who, in whatever form and for whatever reason, have taken part in or contributed to the preparation of this call for tenders and of the attached documentation;
- anyone who, at the time of submitting the offer, meets any of the exclusion criteria indicated in Article 38 of Legislative Decree no. 163/06 or is involved in a procedure to correct and legalise illegal employment situations under Law no. 383/01 or does not violate the prohibitions under Articles 34, § 2, 36, § 5, 37, § 7 and 90, § 8 of Legislative Decree no. 163/2006 and Article 51, § 2 of Presidential Decree no. 554/1999.

Article 7- Procedure – Phase 1

Each candidate (whether a single individual/firm or a group) who intends to participate in this procedure and who has been assigned the CIG n. 0322006FBD by the Public Tender Monitoring Authority must transmit, **under penalty of exclusion**, the following documentation in a sealed envelope signed on the sealing flaps, no later than 20th July 2009, at 12:00 a.m., to Protocollo generale S.E.A.(business hours 8:30 a.m. to 12:15 a.m. and from 1:15 to 4:00 p.m.), Aeroporto Milano Linate - 20090 Segrate (MI).

The envelope should be marked "Concorso per la realizzazione di un'opera ai sensi della L. 717/49 presso l'Aeroporto di Milano Malpensa - Terminal 1 - Prima fase" and must contain:

- bidding application (as per form provided by the contract awarding Entity), in Italian, duly signed and completed in every part. For candidates participating as members of a group (existing or to be formed), each member of the group must declare interest in being invited to tender by completing the form;
- References and CVs;
- photographs (no more than 5), images and text documenting completed projects. The submitted material must be bound in a single A4 or A3 document. Please note that the material will not be returned;

- A1 billboard illustrating the concept; the board shall include drawings, sketches and any indication the artist intends to provide to illustrate the proposed design.

Article 8 - Procedure – Phase 2

Participants admitted to phase 2 will be invited to submit the project design. A detailed timeframe of the works, at present indicatively estimated to require 3 months, and a list of the technical drawings to be submitted shall be specified in the letter of invitation to participate in phase 2. In any case, the design must fully represent the entire proposed project and must also include all preliminary calculations for both structures and systems. Participants must also create a plastic model, the scale of which will be communicated in the invitation to phase 2, using materials of their own choice, in a manner that reproduces as closely as possible the project to be executed.

Participants may also submit graphic representations, photomontages, and simulations obtained using computer assisted modelling techniques.

The winner shall submit the executive design of the project, according to the instructions contained in the letter of assignment, and obtain the necessary authorizations from the relevant authorities, including but not limited to ENAC (Ente Nazionale Aviazione Civile – National Civil Aviation Authority), Fire Department, ASL (Local Healthcare Company), and the Lombardy Regional Government.

Article 9 – Inspection

The participants invited to phase 2 of the process must conduct, under penalty of exclusion, an inspection of the areas involved in the project, following the procedure specified in the letter of invitation.

Article 10 - Guarantees

The candidates invited to participate in phase 2 must submit a performance bond as guarantee of the good faith of the offer and of their obligation to enter into the contract; the bond shall consist of a guarantee issued by a bank, an insurance company or a financial intermediary enrolled in the special list as provided under Article 107 of Legislative Decree no. 385/93 and authorized by the Ministry of Economics and Finance under Presidential Decree no. 115/2004, for an amount of € 34,000.00, effective for a period of at least 120 days after the tender closing date, with waiver of the right to cause the property of the principal debtor to be first applied in satisfaction of the obligation, and operating within 15 days upon simple written request from the contract awarding entity.

The bidder who is awarded the contract shall submit a bank guarantee as surety of proper execution of the project for an amount of € 170,000.00, or 10% of the contract amount. In accordance with the instructions provided in the contract template to be made available during phase 2 of the tender process, the winner must also enter into the prescribed insurance policies (CAR, Postuma, RCVT and RCVT Professionale).

Article 11 – Evaluation Committee

The applications and proposed designs will be reviewed and evaluated by a Committee appointed by E.N.A.C. – Direzione Regolazione Aeroporti, by resolution no. 008/APS dated 20 April 2009, pursuant to Law. no. 717/49, as amended, composed of the following members: Dr. Giampiero Borghini (S.E.A. Commissioner) - Chairman, Dr. Sandrina Bandera (Superintendent for the Historical, Artistic and Ethnoanthropological Heritage), Maestro Arnaldo Pomodoro (Artist), Architect Mario Bellini (Artist), Gregorio Caccia Dominioni (Designer of the Malpensa Terminal 1 project).

The decision of the Evaluation Committee is binding for the contract awarding Entity.

Article 12 – Expense refund

The artists selected to participate in phase 2 of the tender who have submitted acceptable projects and complete documentation but are not awarded the contract shall receive an expense refund of € 15,000.

All the materials submitted shall remain the property of S.E.A. S.p.A.

Article 13 – Notice of results

The winning bidder shall be notified in writing.

Article 14 – Changes and adjustments

The Committee may request the winning bidder to make non-substantial changes and adjustments to the project.

The project shall be executed under the responsibility and at the expense of the winning bidder (the "Contractor"), under the supervision of a Site Engineer designated by the contract awarding Entity.

The Contractor shall be responsible for any damage caused to the building or to any other architectural or engineering element, or to third parties, in connection with the execution of the project, and for correcting any flaws or defect which should become apparent.

Article 15 – Additional information

For a detailed description of the scope of the tender and of execution terms and conditions, please refer to the technical documents available for download from the website www.sea-aeroportoimilano.it - section entitled "Per i Fornitori; bandi di gara" ("For Suppliers; Calls for Tenders") which also contains the "Participation Application" form. The website also contains the "Participation Application" tender and form translated into English. Please note that the Italian is the official version.

Article 16 – Process Supervisor

The Staff Member in Charge of the Award phase of the procedure is Carlo Murelli.

S.E.A. - Società p.a. Esercizi Aeroportuali
APPROVVIGIONAMENTI E APPALTI
IL RESPONSABILE
(Ing. Carlo Murelli)

