

COURTESY TRANSLATION

All legal documents are in Italian language

Notice to public tender for the concession of 99 years of burial sites and artefacts of municipal property situated in San Michele in Isola 's cemetery in venice, according to the provisions of the Municipal resolution dated 19/09/2017 no 206.

ENGLISH VERSION

The City of Venice is launching a public tender for the concession of burial sites and artefacts built therein, available after pronouncement of their decadence. These burial artefacts are located in San Michele in Isola's cemetery in Venice.

The concession will last for ninety-nine years and will be regulated by this notice, by the concession act and by the Municipal Regulations for Mortuary Police and Cemetery Services, also renewable after expiry date.

The burial sites and related artifacts will be assigned in the present state of fact and law— with their accesses and pertinences, rights, obligations, restrictions imposed by existing laws.

The new concessionaire is therefore charged with all the obligations and all the activities requested for the conservative restoration of these artifacts, whose restrictions are described in details in the Description Forms.

TENDER ELIGIBILITY

Individuals of age and legal entities (no profit entities) are eligible to participate in the procedure in accordance with art. 90 of Presidential Decree No 285/90.

Participants must have legal capacity, the ability to act and to deal with the public administration.

Each participant can submit only one bid for each lot, otherwise he/she will be excluded. Each participant may also be the final bidder for a single lot.

CONCESSIONAIRE 'S DUTIES

The new concessionaire will provide with her/his own expense the renovation, maintenance and restoration of artifacts, according to the project approved by

the competent authorities.

Subconcessions are expressly forbidden.

DEADLINE FOR THE SUBMISSION OF OFFERS

In order to participate in the tender all interested parties will have to submit their bid/offer in a sealed envelope, counter signed as follows to the Venice City General Protocol Registry (Ufficio Protocollo Generale) within and no later than **13.00 (1 p. m.) on 31 January 2018, otherwise they will be excluded.**

The date and time registered by the aforementioned General Protocol Registry at the time of receipt are proof of submission.

The delivery of the above mentioned document must be carried out within and not later the above mentioned deadline by hand or by post (including express delivery service).

No bids will be considered valid if sent later than the above mentioned deadline even if they substitute or integrate a previous bid.

The delivery of the package within the stated deadline shall remain at the sole risk of the sender.

General Protocol Registry (Ufficio Protocollo Generale) Opening hours to the public:

In Venice: Monday, Tuesday, Thursday, Friday from 10.00 to 13.00 – closed on Wednesdays

In Mestre: from Monday to Fridays from 10.00 to 12.00

Any opening hours change of the **General Protocol Registry** will be published on the website:

<http://www.comune.venezia.it/it/content/protocollo-generale>

PROCEDURES FOR TENDER'S PARTICIPATION

In order to participate in the tender, any interested applicant shall submit a closed and sealed envelope which shall be countersigned and marked with the indication ***"OFFER for public Tender for the reconcession of ceased burial sites located in San Michele cemetery' for the plot n. of the cemetery registry (indicated in the Description Form)"*** **"STRICTLY CONFIDENTIAL DO NOT OPEN"**.

The envelope must indicate clearly the sender's and the recipient's address: Comune di Venezia – Direzione Sviluppo del Territorio e Città Sostenibile – Settore Tutela e Benessere Ambientale– San Marco n. 4136 -30124 Venezia.

If interested parties intend to bid for more than a single lot, they shall submit every single bid in a single envelope. On penalty of exclusion, the above-described envelope shall contain 2 (two) separate envelopes, each closed and sealed which must be counter signed (or shall bear the applicant's name)

across its flaps and will be respectively marked as follows: **Envelope "A –"Application", and Envelope "B – Bid"**

(Failure to adhere the requirements above mentioned will result an automatic disqualification).

For "seal" it is meant the mere affixing of adhesive-type material, which adhere on all the closing flaps of the envelopes (both the external envelope and the "A" and "B" marked envelopes), ensuring the impossibility of their tampering until the time of the tender.

TENDER DOCUMENTS

On penalty of exclusion, the tender documents consist of the following:

ENVELOPE A –APPLICATION

On penalty of exclusion, envelope "A- APPLICATION" shall include:

1. The request to participate in the tender including a duty mark of euro 16.00 and a statement rendered in accordance with artt. 46- 47 of the Presidential Decree no 445/2000, certifying the participant's name and surname, place and date of birth, residence and tax code.

In addition, in the above mentioned request the tender states/declares:

- a) to have read and to have full knowledge, accepting all the conditions, clauses and rules illustrated in this Notice and in the description referring to the lot for which the tender is submitted
- b) to accept the eventual signing of the concession contract of the *burial auction lot*, which will be awarded in the present state of fact and law, after having read the relevant Description Form and carried out an appropriate survey;
- c) In case of concession, to assume all the obligations and commitments referred to this notice, including those specific to the individual auction lots described in detail in the related Description Forms, for themselves, for their successors and partial successors and those entitled, to declare the binding offer for twelve months from the date of the public tender;
- d) To be aware that the right to be interred in a family cemetery's burial site refers strictly to the concessionaire (an individual who holds the rights conferred by a concession awarded in a cemetery) in accordance with the law as well as the cemetery's terms and conditions;
- e) to have evaluated all the factors that may affect the offer, considering it fair;
- f) the commitment in the event of an award to pay the full payment of the price offered at the time of the subscription of the

concession;

- g) to accept, in the case of an award, the waiver of any objection or claim, including any claim for damages, against the Municipal Administration for failure to approve the design of restoration of the artefact by the competent authorities
- h) to have no pending action against one of the precautionary measures referred to in art. 3 of Law no. 1423/1956 and s.m.i. and that it does not exist
- i) not to bear the definitive sentences of conviction, or issued a criminal decree of sentencing or sentence of application of the punishment under art. 444 of the Code of Criminal Procedure, ie ongoing proceedings for crimes leading to the loss or suspension of the ability to contract with the Public Administration;
- l) to be in accordance with the obligations relating to the payment of taxes and duties and that there are no definitive infringements in this respect;
- m) to be informed according to the provisions of Legislative Decree no. 196/2003 that the personal data collected will be processed, even with computer tools, solely in the procedure for which they are made and to give their consent.

For any communication, tender's applicants are invited to indicate in the application the phone numbers, e-mail (preferably certified e-mail address) and /or fax.

To substitute declarations must be enclosed, with penalty of exclusion, copy of the identity document of the subscriber.

ENVELOPE "B – BID"

On penalty of exclusion, **the "B – BID"** envelope shall contain the economic offer prepared on plain paper with a precise indication of the auction lot to which it refers.

The above mentioned envelope containing the economic offer shall include the applicant's name and the reference to the lot number/registry to which the bid relates.

L'offerta dovrà essere incondizionata ed espressa in cifre e in lettere e nel caso di discordanza tra il prezzo indicato in cifre e quello indicato in lettere sarà ritenuto valido quello indicato in lettere. The offer shall be unconditional and expressed in figures and letters. In case of discrepancy between the price quoted in figures and those mentioned in letters, the one indicated in letters will be valid. To be valid, the offers shall be of the same amount or above the base bid price.

In addition, the offer shall be signed by the subscriber of the above mentioned application. Applicants may be excluded in the auction if the offer is not validly subscribed and / or that it is not included in the "**B - BID**" envelope.

PARTICULAR TENDER CONDITIONS

On penalty of exclusion, it is not allowed to submit directly or indirectly several bids by the same applicant referring to the same burial lot as well as bid submissions are not allowed after the deadline/expiration date or bids must be submitted no later than the deadline

Interested applicants shall send in separate envelopes many offers as the number of lots they want to participate.

In the case of invitations to *tender* involving multiple lots, the applicant shall express a preference for only one concession contract within 10 days of the procurement notices. The "renounced" lots will be awarded according to the scrolling list prepared for that individual lot.

The untruthfulness of self-certification declaration will result in the loss of the procurement and in the failure of the concession contract for reasons attributable to the Contractor, in addition to further legal consequences.

PROCUREMENT

At 10.00 am on March 5th, 2018, at Ca 'Farsetti - Ca' Loredan, San. Marco 4136 - Venezia, the appointed Committee will, in public session, proceed to open all envelopes received on time, verifying their completeness and compliance with the provisions of this Notice.

After completing the tender assessment procedure, the Committee will proceed to establish a ranking list which will be drawn in descending order from the largest offer. The above mentioned ranking list will be approved by an administrative act/ a special measure and published in a special section of the website of the Municipality of Venice.

The award, for each burial lot, will be made in favor of the competitor who has submitted the highest bid against the auction price based auction.

The above mentioned competitor will be given notice by registered mail with return receipt or other means of communication.

In case of only one valid bid referring to a lot, the award will take place as well, provided that the bidding is at least equal to the base price.

In case of equal offers the procedure will be re-launched between bidders in accordance with art. 37 of the R.D. 17 June 1909 n. 454,. In case that none of those who submitted equal offers are present, or the applicants do not want to improve the offer, the Committee will make the award by drawing.

The Municipal Administration reserves its unquestionable judgment the power not to award and the right to suspend the procedure without the participants having any claim or compensation of any sort.

Duplicate offers or containing any conditions will be considered null. The minutes of the session will be drawn up and approved with subsequent decision.

The offer will be considered binding on the contractor and irrevocable for a period of twelve months from the date of the opening session mentioned above.

In all cases the award is binding on the Municipal Administration when the measures of approval acts of the outcome of the public tender will become enforceable, in accordance with the law.

In the case of missing, irregular or untimely submission of the documents required, or of non-veracity of the declarations issued and, in general, of non-compliance with or following the award of the contract - failure to enter into a concession contract by the due date-, the award will be canceled, without prejudice to any right to compensation for the further damage suffered.

In such cases, the City of Venice reserves the right to roll the ranking provided that the offer is higher than the starting price in descending order of tendering, and that the competitor is still interested in.

CONCESSION CONTRACT – CHARGES/OBLIGATIONS AND SUBSCRIPTION

By the deadline set by the City of Venice with formal notice, the Contractor shall be present for the subscription of the concession.

The concession contract must be concluded within 30 days receipt of the letter by which the City of Venice communicates the results of the tender, with simultaneous full payment of the award price.

The costs of the concession and taxes are in charge of the concessionaire.

Failure to produce twice the invitation to sign the concession will determine its decline. The annulment of the award shall be communicated by means of a special act to the party concerned. It is entitled by the Administration to proceed to identify a new contractor scrolling through the list, in descending order of price offered regularly.

MAIN TERMS OF THE CONCESSION CONTRACT

Artifacts and burial areas will be assigned in the present state of fact, with full restoration and maintenance costs in charge of the concessionaire.

The concessionaire is also obliged to submit to the competent authorities the restoration project within 90 days of the signing of the concession contract. In case of failure to submit the maintenance project, the City of Venice will proceed with the lapse of the concession, which will therefore be entrusted again, running the auction list.

Being cemeteries' concessions which concern both artifacts built, and not acquired property, any maintenance, restoration or transformation works must

be agreed in advance with the competent municipal technical offices.

In the Descriptive Forms attached to this Notice, main constraints are described. The City of Venice therefore will not issue any further installations/plant certification for these assigned artworks.

The contractor undertakes the obligation to submit, within three months from the signing of the concession contract, a burial artifact renovation, restructuring or restoration project, which takes into account the possible constraints.

The City of Venice will evaluate the above mentioned project which must be submitted by the contractor, subject to prior acquisition of the consult opinions from other Authorities in charge of the landscape, historical, artistic protection

The realization of the restoration project, once approved, will be in charge of the concessionaire. The works should begin within 4 months of final approval of the project.

PERSONAL DATA PROCESSING

In accordance with Legislative Decree no. June 30, 2003,

ANNEXES

The following documents are annexed to this Notice:

- Description Forms concerning every single auction lot (Annex C)

INFORMATION AND PUBLICATIONS

Further information can be obtained at the email: mortuaria.polizia@comune.venezia.it.

On-site visits (obligatory survey) can be booked by calling the Veritas cemetery manager service :

Mr. Maurizio Zaranto, tel. 041-7292821, 340-6598284 – Responsible/Head of for cemetery operation Services of Venice Old Town

Mr. Roberto Celli, tel. 348-5809513 Responsible/Head of/for cemetery Department of the Venice Old Town)

This Notice, the Description Forms for each individual auction lot, and further updated communications will be published in a special section of the City of Venice website (<http://www.comune.venezia.it>)

presso il Settore Tutela e Benessere Ambientale Campo Manin, San Marco 4023, primo piano cap 30124, Venezia tel 041274 7925- fax 041274-8381-8249 - Copies of the above mentioned material is available at the Sector Environmental Protection and Welfare Campo Manin, San Marco 4023, first floor - cap 30124, Venice tel 041 274 7925- Fax 041274-8381-8249.

The material may be taken there by the interested parties.

The Responsible of the Procedure is the manager Dr. Mario Scattolin
The head of the office is Dr Gilda Zennaro
Venice, 27 September 2017