

Direzione Acquisti  
*Il Direttore*

MIR/CPM(PT)/191\_2023/AVV of 20/04/2023

**Subject:** Notice for preliminary market consultation in relation to the purchase of freight wagons - FSI Group Business Plan 2022-2031

## 1. Introduction.

Mercitalia Rail S.r.l. company with sole shareholder subject to the direction and coordination of Mercitalia Logistics S.p.A." Rome, Piazza della Croce Rossa n.1 - Tax Code and VAT 06473711007 - Share Capital Euro 59,057,081.00 fully paid up - n. Register of Companies, R.E.A. of Rome 969509 (hereinafter the "Proceeding Company") intends to launch a preliminary market consultation in order to acquire useful information for the possible and subsequent launch of a negotiated procedure aimed at the purchase of railway wagons for freight transport of various types.

## 2. Invitation Prior Market Consultation

Interested economic operators are therefore invited to apply for accreditation for participation in this preliminary consultation phase by sending a specific dossier in Italian or English by uploading the relevant documentation on the purchasing portal of the Logistics Business Unit ([acquisitionline.mercitalia.it](http://acquisitionline.mercitalia.it)) in the section specifically dedicated to the consultation in question.

The information dossier, which will be specified will relate only to the market consultation phase, must contain:

- a) Information dossier as per the attached questionnaire;
- b) Technical documents deemed useful, at the discretion of the economic operator;

## 3. Presentation methods

The documentation required for this Consultation must be sent via the Mercitalia Purchasing Portal ([acquisitionline.mercitalia.it](http://acquisitionline.mercitalia.it)) no later than 08/05/2023 at 10:00 am.

After this deadline, Mercitalia Rail will communicate separately to each interested economic operator the timetable for the consultation session.

## 4. Contact points. Clarifications

MERCITALIA Rail S.r.l.  
Gruppo Ferrovie dello Stato Italiane  
Società con socio unico soggetta alla direzione e coordinamento  
di Ferrovie dello Stato Italiane S.p.A.

Sede legale: Piazza della Croce Rossa, 1 – 00161 Roma  
Capitale Sociale Euro 59.057.081,00 i.v.

N. Registro Imprese, Codice Fiscale e P.IVA 06473711007R.E.A. di Roma 969509





For any further requests for information and clarifications regarding this notice and attachments, you can contact, no later than 02/05/2023, the Proceeding Company through the "Messaging" function of the Purchasing Portal.

## 5. Warnings.

This notice is simply an invitation to participate in preliminary market consultation regarding the supply referred to in the introduction and does not in any way constitute an expression of willingness to negotiate, contractual proposal or offer to the public pursuant to art. 1336 of the Italian Civil Code or invitation to offer, nor does it imply for the Proceeding Company and for its structures or managers the assumption of responsibilities of any kind, in particular on a pre-contractual basis.

The preliminary market consultation does not in any way bind the undersigned Company to proceed with a notice for expression of interest or subsequent negotiated procedure; however, this phase of consultation does not constitute a title of preference or qualification, in the subsequent and possible phase of the negotiated procedure, for economic operators who participated in the Consultation; Likewise, participation in the subsequent and possible phase of the negotiated procedure will not be precluded to economic operators who have not taken part in the Preliminary Consultation.

Therefore, the information provided does not constitute technical or economic offers in any way. The item "quotation" referred to in point 3.8 of the attached questionnaire, relating to the products (wagons) subject to the consultation has a mere indicative value in principle in order to guide the undersigned company in the subsequent possible phase of invitation to submit binding offers addressed to the market of economic operators in the sector.

Therefore, the Proceeding Company, at its sole discretion, without obligation to give reasons and at any time, reserves the right not to follow up this market survey, without this implying any obligation to any performance by way of compensation or other towards candidates who may have submitted the declaration of participation.

This notice concerning the invitation to prior market consultation and its attachments are available on the [www.mercitaliarail.it](http://www.mercitaliarail.it) website, "Tenders" section and on the Mercitalia Purchasing portal, at [acquisitionline.mercitalia.it](http://acquisitionline.mercitalia.it).

The publication takes place in Italian and English, it being understood that the Italian version is to be considered the official and prevailing in case of doubts and discrepancies of any kind.

The subsequent and possible invitation and negotiated procedure will be entirely governed by Italian law, and will be subject to Italian jurisdiction.

The entire procedure, until its eventual conclusion, will also be governed by the principles set out in the Code of Ethics of the Ferrovie dello Stato Italiane Group, published [www.fsitaliane.it](http://www.fsitaliane.it)



The processing of any data provided will take place in compliance with current national and EU legislation on the protection of the confidentiality of personal data (EU Regulation no. 679/2016). A standard FS Group disclosure model for the assignment phase is attached to this document, of which please take full note of it. MIR provides economic operators with information on the processing of personal data by publication in the "Informativa procedure contrattuali" section of the Purchasing Portal <https://acquisitionline.mercitalia.it/>.

The Data Controller is Mercitalia Rail. S.r.l. - represented by the Chief Executive Officer who can be contacted at the email address: [titolaretrattamento@mercitaliarail.it](mailto:titolaretrattamento@mercitaliarail.it) - with registered office in Rome, Piazza della Croce Rossa 1. Data Manager is the *pro tempore* Manager of the Purchasing Department who can be contacted at the e-mail address [direzioneacquisti@pec.mercitaliarail.it](mailto:direzioneacquisti@pec.mercitaliarail.it).

The subjects participating in the consultation indicate whether the contributions provided contain information, data or documents protected by proprietary rights or otherwise revealing business, commercial or industrial secrets, as well as any other information useful to reconstruct the position of the subject in the market and the competence of the subject in the field of activity referred to in the consultation. Participants shall also indicate whether contributions should be disseminated anonymously.

The documents and contributions provided as part of this Preliminary Consultation are provided free of charge, without the right to reimbursement of expenses.

By submitting the documentation required by this notice, the economic operator fully accepts all the clauses and provisions contained therein or otherwise referred to, as well as in the annexes.

## **6. Logistics Business Unit Qualification System.**

Following this preliminary market consultation, Mercitalia Rail reserves the right to launch a tender procedure aimed at the purchase of railway wagons for freight transport of various types. To this end, it should be noted as of now that economic operators who intend to participate in the subsequent and possible tender phase must submit the request for registration, complete in all its parts, to the Qualification System of the Logistics Pole (available at the address <https://acquisitionline.mercitalia.it>, section "Sistemi di qualificazione") for category BEN-MR-002 "Acquisto di carri ferroviari"; The sending via portal of the registration request, complete in all its parts, will be a condition for participation in the next phase of the race.

Digitally signed by

Rocco Maurizio Romano