

Azienda Regionale per l'Innovazione e gli Acquisti S.p.A.
Call for Tenders

Section I: Contracting authority

I.1) Name and addresses:

ARIA – Azienda Regionale per l'Innovazione e gli Acquisti S.p.A., Via Torquato Taramelli, n. 26, 20124, Milan, Italy, Nuts Code ITC45 Tel: +39 02.39.331.1, e-mail: protocollo@pec.ariaspa.it; Main address: (URL) www.ariaspa.it e www.sintel.regione.lombardia.it.

I.2) Joint procurement:

The contract is awarded by a central purchasing body

I.3) Communication:

The procurement documents are available for unrestricted and full direct access, free of charge, at: (URL) www.ariaspa.it

Additional information can be obtained from the abovementioned address.

Offers or requests to participate must be submitted electronically via: (URL) www.sintel.regione.lombardia.it

I.4) Type of the contracting authority: Body governed by public law

I.5) Main activity: Other activity: Public Administrations' general services

Section II: Object

II.1) Procurement Entity

II.1.1) Title: ARIA_2020_403 - Pre-commercial procurement for R&D services enabling the development of the imaging technology in surgical support systems for the creation of an innovative device for the integrated collection and visualization of all the relevant information during a specific surgical procedure.

II.1.2) Main CPV code: 73300000-5

II.1.3) Type of contract: Services

II.1.4) Short Description: This pre-commercial procurement, pursuant to art.158 co.2 of Legislative Decree no. 50/2016, regards the execution of research and development (R&D) services enabling the development of the imaging technology in surgical support systems for the creation of an innovative device for the integrated collection and visualization of all the relevant information during a specific surgical procedure

II.1.5) Estimated total value: Value, VAT excluded: € 2.450.000,00 Currency: EUR

II.1.6) Information about lots:

This contract is divided in lots: no

II.2) Description

II.2.1) Title: Pre-commercial procurement for R&D services enabling the development of the imaging technology in surgical support systems for the creation of an innovative device for the integrated collection and visualization of all the relevant information during a specific surgical procedure

II.2.2) Additional CPV code(s): 73120000-9, 73420000-2, 73430000-5

Place of performance: NUTS Code: ITC4; Main site or place of performance: The Experimentation PHASE (STEP 3) will take place at Foundation IRCCS National Cancer Institute, Milan

II.2.4) Description of the procurement:

The pre-commercial procurement consists of three steps:

- **STEP 1-SOLUTION ELABORATION:** Open participation to all interested parties – the expected number of successful bidders is 4. Research and development services regards the design of the Innovative Solution and the elaboration of an implementation plan.
- **STEP 2-PROTOTYPE DEVELOPMENT AND VALIDATION:** Participation reserved for STEP 1 successful bidders – the expected number of successful bidders is 3. Research and development services are

aimed at creating a prototype of the innovative solution designed in STEP 1.

- **STEP 3-EXPERIMENTATION:** Participation reserved for STEP 2 successful bidders - the expected number of successful bidders is 2. Research and development services are aimed at experimenting the previously developed prototype in a real context. STEP 1 successful bidders will be requested to sign a Framework Agreement and a STEP 1 Executing Contract, in accordance with the templates attached to the Tender Specification, which will regulate the relations between the parties relatively to the research and development activities. The following STEPS will be ruled by the Framework Agreement and by the additional related Contracts (STEP 2 Executing Contract, STEP 3 Executing Contract and Intellectual Property Rights Agreement) signed by the successful bidders of each STEP.

Pursuant to Article 158, paragraph 2 of Legislative Decree no. 50/2016, this tender procedure is excluded from the scope of application of the Code of Contracts, with the exception of the general principles contained therein.

II.2.5) Award criteria: Most economically advantageous tender (MEAT)

II.2.6) Estimated value: Value VAT excluded: € 2.450.000,00

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system:

Duration in months: 41

The contract is subject to renewal: no

II.2.10) Information about variants:

Variants will be accepted: no

II.2.11) Information about options:

Options: no

II.2.13) Information about European Union funds: The contract is relative to a project and/or program financed by European Union funds: yes - ROP ERDF 2014-2020

II.2.14) Additional Information: CUP: G44E20000040009. CIG: 8305445E05

Section III: Legal, economic, financial and technical information

III.1.1) Suitability to pursue the professional activity, including requirements relating to the enrollment on professional or trade register

List and short description of the Conditions for participation: Each bidder must, under penalty of exclusion from the procedure, meet the following requirements:

- a) for Italian citizens, residing in Italy, registration in the C.C.I.A.A. or in the register of the provincial commissions for the artisanship or in the relevant professional register in accordance with the provisions of paragraph 3 of the art. 83 of Legislative Decree 50/2016, with the exception of non-economic public entities;
- b) non-existence of the reasons for exclusion pursuant to art. 80, Italian Legislative Decree no. 50/2016;
- c) for citizens of another Member State, not residing in Italy, proof of registration, according to the procedures in force in the State of residence, in one of the professional or trade registers as of Annex XVI of the D.Lgs. No. 50/2016, by certified declaration or by a declaration released in accordance with the procedures in force in the Member State in which it is residing or by a declaration, released under its own responsibility, stating that the certificate has been issued by one of the professional or trade registers established in the country in which it is resident.

Express exemption from the registration referred to in the previous point a) is made for:

- i) public administrations and public entities that fall within the scope of application of art. 1, paragraphs 1 and 2 of Legislative Decree no. 165/01 or fall within the list annexed to Law 311/2004 and any subsequent amendments and additions, except for public entities that carry out trade

- activities pursuant to art. 7, paragraph 2, number 5) of Presidential Decree no. 581/95.
- ii) bidders not registered in professional registers.
 - iii) candidates having their registered office / legal domicile in another EU / non-EU Member State, if exempt from this obligation in accordance with the legislation of the country of establishment.

III.1.3) Technical and professional ability

List and short description of the Conditions for participation: Each bidder (in accordance with the ways it is competing and in compliance with the provision of the Tender Specification) must, as an essential element of the bid, under penalty of exclusion from the procedure, meet the following requirements:

- a) have performed, during the three years prior to the publication of the Call for tender, at least one (1) research and development service amounting to at least Euro 100.000,00 or the development of at least one (1) product characterized by a technological content amounting to at least Euro 100.000,00 or the creation of at least one (1) product with a technological content of at least Euro 100.000,00
- b) have sufficient accounting and organizational structures aimed at guaranteeing the management, exploitation and/or sale of the intellectual propriety rights deriving from research, as well as have equipment, material and technical equipment suitable for the execution of the research and development services.

Section IV: Procedure

IV.1) Description

IV.1.1) Type of procedure:

Open procedure

IV.1.3) Information about a framework agreement or a dynamic purchasing system:

The procurement involves the establishment of a framework agreement: yes

Framework Agreement with several operators

Envisaged maximum number of participants in the framework agreement: [4]

IV.1.8) Information about the Government Procurement Agreement (GPA): The procurement is covered by the Government Procurement Agreement: no

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure: yes Notice number 2019/S 222-544564 published on 18/11/2019 and Corrigendum number 2019/S 226-555528 published on 22/11/2019

IV.2.2) Time limit for receipt of tenders or requests to participate:

Date: 28/09/2020, Local time: 14:00

IV.2.4)) Languages in which tenders or requests to participate may be submitted: Italian and English

IV.2.6) Minimum time frame during which the tenderer must maintain the tender: Date 26/05/2021

IV.2.7) Conditions for opening of tenders: Date: 30/09/2020 Local time: 10:00.

Place: at the premises of Azienda Regionale per l'Innovazione e gli Acquisti S.p.A., at the address in point I.1

Information about authorized persons and opening procedure: a person appointed by each bidder, in compliance with the procedure stated in the Tender Specification

Section VI: Complementary information

VI.1) Information about recurrence: This is a recurrent procurement: no

VI.2) Information about electronic workflows: electronic invoicing will be accepted

VI.3) Additional information: 1) The tender procedure is managed through the IT system Sintel, accessible at www.ariaspa.it, description and methods of use are specified in Tender Specification, Annexes and technical manuals. **2)** Provisions concerning: the R&D activities, the modalities for submitting offers, the assessment elements, the opening bid - which can not be exceeded in the tender, under penalty of exclusion from the

tender- the subcontracting, the other exclusion causes and the other tender information are contained in the tender specification and annexes. R&D services shall last 24 months. **3)** At least 70% of the R&D services value must be carried out within the Member States of the EU. **4)** Tender Specification contains the participation modalities in case of (i) temporary business groupings, in case of (ii) aggregations of companies belonging to a business network, and in case of (iii) consortia. **5)** Having received additional public funding for the same expenses incurred in relation to the research and development services is a reason for exclusion, whereas this involves a double funding mechanism or a combination of different sources of public funding, in contrast with the Community legislation. **6)** Bidders finding themselves in one of the control situations described by art. 2359 of the Italian Civil Code or in any control situation, even a *de facto* one, are not allowed to participate to the tender, if the control situation or the relationship: i) implies that the bids are attributable to a single decision-making center, ii) has influenced the formulation of the bid. Bidders for which it is ascertained that the relative offers are attributable to a single decision-making center, based on univocal elements, will also be excluded from the tender. **7)** Partial and/or conditional bids are not allowed as specified in the Tender Specification. **8)** Bidders consent the processing of their personal data, in accordance with D.Lgs. n. 196/2003 s.m.i., and the EU Regulation 2016/679 for procurement and contractual needs. **9)** In order to stipulating the Framework Agreement and STEP 1 Executing Contract, a deposit amounting to 10% of STEP 1 award amount will be required, as stated in the Tender Specification. In case of award of STEP 2 and STEP 3, the Supplier has to integrate the deposit when signing the Executing Contracts for the higher amount to be quantified up to 10% of the award amount of each of the aforementioned steps, without prejudice to any reductions, in compliance with what stated within the Tender Specification. **10)** Information and clarifications can be requested, as stated in Tender Specification, no later than 31/08/2020, Local time: 14:00. The tender documents clarifications will be published as specified in the Tender Specification. **11)** Bidders are required to provide the domicile chosen for receiving the communications, taking note that ARIA will send them as indicated in the specific attachment. **12)** Dr. C. Schweigl is designated as the Head of the procedure. **13)** It is in the interest of the procuring entity that the services are rendered predominantly by the contracting entity whose capacity has been proven and, for this reason, subcontracting is permitted up to 40%. Given that the tendering procedure is centralized, with large volumes, it is more exposed to a need to control the contract in trust through the use of the subcontracting institute. The reliance is characterized by essentiality. The percentage, considering the aggregation of volumes, the type of the economic sector and the entrepreneurial fabric of reference, does not prevent small and medium-sized enterprises from gaining access to the contract. **14)** The Selection board pursuant to art. 77 of Legislative Decree 50/2016 will consist of 3 commissioners. **15)** In accordance with the provisions of art. 1, par. 3, Law 55/2019, the procedure is subject to art. 133, par. 8, of Legislative Decree no. 18/04/2016, n. 50.

VI.4) Procedures for review

VI.4.1) Review body: Official name: Regional Administrative Court (Tribunale Amministrativo Regionale – TAR) of Lombardia Milano, Postal Address: Via Corridoni, 39, Postal Code: 20122 Town: Milan, Country: Italy.

VI.4.3) Review procedure: Precise information on deadline(s) for reviewing procedures: against this Call for Tender, can be brought appeal forward the Regional Administrative Court (TAR) of Milan within 30 days from the in the GURI publication.

VI.5) Date of dispatch of this notice in the OJEU: 19/05/2020

Azienda Regionale per l’Innovazione e gli Acquisti S.p.A. The Head of the procedure: Dr.ssa Carmen Schweigl