



**Non-binding call for expression of interest (“EOI”) for the supply of new electric locomotives, homologated to operate freight transport both for Italy and for international traffic, to be purchased by Mercitalia Rail S.r.l. and TX Logistik AG, both controlled by *Ferrovie dello Stato Italiane S.p.A.***

## Enquiries and Answers

Enquiries raised to <i>locotender2017@mercitaliarail.it</i>	Answers DC locos Mercitalia Rail S.r.l.	Answers MS locos TX Logistik AG
<b>A) Technical specifications:</b>		
1) What is the maximum requested speed?	The instructions in this respect will be given in the call for the binding offer	The instructions in this respect will be given in the call for the binding offer
2) What is the maximum requested axle load?	The instructions in this respect will be given in the call for the binding offer	The instructions in this respect will be given in the call for the binding offer
<b>B) Authorization for placing in service</b>		
1) Must the loco be certified according to TSI LOC&PAS 2014?	Yes	Yes
2) Which countries of homologation are required?	The related aspect will be defined in Loco Tender	The related aspect will be defined in Loco Tender
3) When must the first homologation be achieved?	In time for the respect of scheduled delivery of the locomotives	In time for the respect of scheduled delivery of the locomotives
<b>C) Contract (General enquiries):</b>		
1) Is it allowed to sub-contract within legal entities of the same Holding?	Yes, this is allowed, subject to the previous written authorization issued by Mercitalia Rail, as provided for in the contracts, upon evaluation of technical and moral requirements of the subcontractor	Yes, this is allowed, subject to the previous written authorization issued by TX Logistik, as provided for in the contracts, upon evaluation of technical and moral requirements of the subcontractor

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2) Can two different national legal entities, part of the same multinational company, submit an EOI for the respective two different batches of product (MS locomotives plus maintenance from one side and DC plus maintenance from the other side)?	Yes. In such case, each single company from the same group will have to demonstrate the possession of the whole requisites set forth in the call for the EOI and in the subsequent call for binding offers for the performing of the whole obligations included in the contracts regarding the respective batch of locomotives	Yes. In such case, each single company from the same group will have to demonstrate the possession of the whole requisites set forth in the call for the EOI and in the subsequent call for binding offers, for the performing of the whole obligations included in the contracts regarding the respective batch of locomotives
3) Can only one legal entity of the multinational company, representing the group and using the references of the national legal entities part of the same group, submit an EOI for the supply of the two batches of product and maintenance?	The “use of references”, as set forth in the EU/national regulations concerning public awards of contracts (Directive 2014/25/UE, art. 79), doesn't apply. The applicants, for the demonstration of the requirements, can use other instruments (subcontracts, joint-ventures, other agreements, etc)	The “use of references”, as set forth in the EU/national regulations concerning public awards of contracts (Directive 2014/25/UE, art. 79), doesn't apply. The applicants, for the demonstration of the requirements, can use other instruments (subcontracts, joint-ventures, other agreements, etc)
4) Is there any limit of percentage of sub-contracting within the same Holding?	The limitations (percentages) – as envisaged for subcontracts in public awards - are not applicable to companies belonging to the same Group	The limitations (percentages) – as envisaged for subcontracts in public awards - are not applicable to companies belonging to the same Group
5) Is it allowed to establish a Consortium between legal entities of the same Holding?	Yes, it is	Yes, it is
6) Is it possible to qualify more than one legal entity of the same holding within the same EOI (unique application) and postponing the decision regarding which entity will offer (i.e. one of the Legal entities, ATI, Consortium,...) until the tender phase?	Yes, it is. It must be pointed out, that only a single offer for the same batch coming from the same group will be admitted: in respect to this, see also paragraph 7, litt. (v) and (vi) of the call for EOI	Yes, it is. It must be pointed out, that only a single offer for the same batch coming from the same group will be admitted: in respect to this, see also paragraph 7, litt. (v) and (vi) of the call for EOI
7) Will the submission of an EOI from a legal entity part of a group/multinational company exclude or not exclude from the procedure the other legal entities part of the same group?	See the answer to enquiry C6	See the answer to enquiry C6
8) Is it allowed to use the “Avvalimento” procedure?	See the answer to inquiry C3	See the answer to inquiry C3
9) Will the UNI EN ISO 9001:2008 be accepted until end of the transition period to EN ISO 9001:2015 in September 2018 to be able to align the UNI EN ISO 9001:2015 to the new IRIS ISO/TS 22163, which is expected to be released in May 2017?	Yes	Yes

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10) Will the Balance Sheets for 2015, 2014 and 2013 be accepted, if the Balance Sheet for year 2016 presumably shall not be released before deadline for the EOI?	The reference made in paragraph 5 of EOI, to balance sheets referred to “the last three (3) years” refer to the last three annual fiscal exercises for which the legal deadlines for the approval of such balance sheets have expired at the date assumed for the presentation of the application for the procedure	The reference made in paragraph 5 of EOI, to balance sheets referred to “the last three (3) years” refer to the last three annual fiscal exercises for which the legal deadlines for the approval of such balance sheets have expired at the date assumed for the presentation of the application for the procedure

**D) Contract (Loco related enquiries):**

1) Will Mercitalia Rail be the contractual partner for DC E-Loco?	Yes	-
If yes, which is going to be the governing law?	Italian law	
2) Will TX Logistik AG be the contractual partner for Multisystem E-Loco?	-	Yes
If yes, which is going to be the governing law?		German law

**E) Contract (Service related enquiries):**

1) Will the Full service have separate contracts from the supply?	Yes	Yes
2) Will MIR grant access to its network of workshops in Italy?	Yes	-
3) Should the awarded supplier need to provide access to its own wide European workshop network for MS locos to TXL?	-	Yes