

**PUBLIC NOTICE**

**«SELECTIVE PROCEDURE OF THE BENEFICIARIES OF THE RESOURCES REFERRED TO THE REGIONAL LAW OF 15 APRIL 2021, N.9, ART.2, PARAGRAPH 44 BIS AND REGIONAL LAW 10 AUGUST 2022, N.16, ART. 27»**

Airgest S.p.A. – Trapani Birgi Airport Management company – intends to select suitable candidates, available to carry out the activity subject of this notice.

The notice is reserved for air carriers.

**1. Subject of Assignment**

Airgest intends to grant contributions to the airlines that will develop and increase passenger traffic from and to Trapani Birgi Airport (TPS).

The total amount of € 7.339.722,82 is distributed as follows:

- € 150.000,00, for Lot 1

- € 7.189.722,82, for Lot 2

The total sum of € 4.230.325,00 is made available by the Sicilian Region, controlling shareholder of Airgest SpA, to develop and increase passenger traffic from and to Trapani Birgi Airport (TPS), based on the Agreement and related annexes, signed on 22/12/2021, between the regional Department of Tourism, Sports and Entertainment and Airgest SpA itself.

The Regional Law 10 August 2022, n. 16 – Art. 27, entitled “*Refinancing article 13 of the Regional Law 6 August 2019, n. 14*” provides that: *«1. For the purposes set out in article 13 of the Regional Law of 6 August 2019, n. 14, the expenditure of 3.109.397,82 euros is authorized for the financial year 2024 (Mission 7, Program 1, chapter 474102), by reducing the expenditure authorization referred to in paragraph 1 of article 16 of the Regional Law of 25 May 2022, n. 13 - Table A (Mission 20, Program 3, chapter 215704) for each of the financial years 2024 and 2025».*

AIRGEST may reduce the sums, at its discretion, before proceeding with the approval of the ranking and/or the signing of the agreement that will regulate the incentive plan, which can be financed according to the L.R. no. 9/2021, art. 2, paragraph 44 bis and the L.R. no. 16/2022, art. 27.

**1.1. Description of the lots**

Lots Number	Description	Maximum estimated value for each lot
1	Air Connections Program with duration of no less than 1 (one) year, with operational start-up from "Summer Season 2023"	€ 150.000,00
2	Air Connections Program with duration of no less than 1 (one) year, with operational start-up from "Summer Season 2023"	€ 7.189.722,82
<b>Total amount intended to achieve the objectives indicated in this notice</b>		€ 7.339.722,82

Each competitor can submit a bid for a maximum of 1 (one) lot. Each single lot is to be considered unique and indivisible.

**It is forbidden** for the competitor who participates in a lot to present bids for the other lot too.

**The competitor will be excluded if he is interested in both lots.**

**It is forbidden** to participate in the single lot in a form other than the individual one, however it is called (eg in grouping or ordinary consortium of competitors, network of companies, associated companies and / or controlled by national or foreign airlines that have presented individually).

## 2. Duration of the commercial agreement

Regarding Lot 1: Airgest S.p.A. intends to sign one or more commercial agreements with a duration of no less than one (1) year, with the possibility of presenting a Project with a duration corresponding to a fraction of an annuities (e.g. a Project lasting 2 months or 3 months, 6 months, etc., etc.), even if not continuous and in any case not later than the IATA *Winter Season 2025*.

Regarding Lot 2: Airgest S.p.A. intends to sign one or more commercial agreements with a duration of not less than one (1) year.

## 3. Participation requirements and eligibility

Participating companies must submit the documents listed below:

- **Inside the packet N. 1 so called “Administrative Documents”:**
  - a) Statement by the airline’s legal representative made in accordance with articles 46 and 47 of Presidential Decree 445/2000, duly signed and issued in compliance with the model in Annex 1;
  - b) Certified copy of the original air service license issued in compliance with the relevant laws and regulations in force;
  - c) Certified copy of the original air operator certificate (AOC) or of any other equivalent certificate issued by the competent Authority in the country of origin;  
If the airline’s registered office, residence or domicile is in one of the countries included in the “black lists” referred to in the Ministry of Finance’s Decree of 4 May 1999 and in the Ministry of Economy and Finance’s Decree of 21 November 2001: a copy of the authorization issued in accordance with article 37 of Decree Law no. 78 of 31 May 2010 and Ministerial Decree of 14 December 2010, or a copy of the application sent to obtain such authorization.
  - d) Copy of an underwriter’s identity document.
- **Inside the packet N. 2 so called “Project for the development and increase of passenger traffic from and to Trapani Birgi Airport (TPS)”:**
  - a) The Project, signed by the airline legal representative or attorney (in which case the relevant power of the attorney must be attached in original or certified copy) of the must include an air connection program to / from Trapani Birgi Airport, indicating the duration of the Project and all the parameters necessary for Airgest SpA to verify whether or not the "MEO" test has been passed by the participating economic operator, also in order to exclude any possibility that the incentive measures could qualify as State aid (see European Commission - Communication no. 2014 / 99C of the 04.04.2014).

### **The positive passing of the "MEO" test is, therefore, foreseen under penalty of exclusion.**

Successful passing of the "MEO" test constitutes **a requirement of admissibility** to the second and eventual phase of this procedure (ref. Next point 5 ").

The Project cannot, **under penalty of exclusion**, attribute to Airgest S.p.A. additional charges with respect to the total sum of € 7.339.722,82, divided as follows:

- € 150.000,00 for Lot 1
- € 7.189.722,82 for Lot 2.

The project must illustrate the following elements:

- Fleet (model of aircraft used);
- Average expected Lord factor of the aircraft, distinguished by type of aircraft;
- Total number of passengers who are estimated to transit from / to Trapani Birgi Airport, coming or going to destinations outside the EU;
- Percentage of expected passenger flows, generated by connections with national destinations, compared to the total number of passengers that are estimated to transit from / to Trapani Birgi Airport;
- Percentage of expected passenger flows, generated by connections with international destinations, compared to the total number of passengers that are estimated to transit from / to Trapani Birgi Airport;
- Number of movements expected (in case of different types of aircraft use).

**Additional passengers that the airline may be able to generate at Trapani Birgi Airport, compared to those indicated in the Project, will not be incentivized.**

The participant must expressly indicate which lot (lot 1 or, alternatively, lot 2) the Project refers to.

#### 4. Offer Submission Procedures

##### 4.1. General provisions

- **Deadline for submission.** The packet with the Project and documents must reach the following address: "AIRGEST S.p.A. – Direzione Generale c/o Aeroporto Civile V. Florio di Trapani – Birgi – 91020 Trapani – Birgi (TP)" within and not beyond the mandatory deadline of **3:00 p.m. on 25 July 2023**.

The large package containing the project and documents must be sent, under penalty of exclusion from the selection, by the postal service or by courier (at the sender's full risk if, for any reason, the package does not arrive in time).

Packages N.1 and N. 2 must be closed and sealed with transparent adhesive tape on all closing flaps, countersigned on all closing flaps, and must report outside - in addition to the sender and address - the words:

**«PROCEDURA SELETTIVA DEI BENEFICIARI DELLE RISORSE DI CUI ALLA  
LEGGE REGIONALE 15 APRILE 2021, N.9, ART.2, COMMA 44 BIS E  
LEGGE REGIONALE 10 AGOSTO 2022, N.16, ART. 27 – NON APRIRE».**

**(«SELECTIVE PROCEDURE OF THE BENEFICIARIES OF THE RESOURCES REFERRED TO  
IN THE REGIONAL LAW OF 15 APRIL 2021, N.9, ART.2, PARAGRAPH 44 BIS AND  
REGIONAL LAW OF 10 AUGUST 2022, N.16, ART. 27- DO NOT OPEN »)**

Alternatively, competitors can hand deliver the closed package, from Monday to Friday from 9.00 to 13.00 exclusively at the AIRGEST SPA Protocol Office.

The package will be signed, by receipt, with date and time of receipt by the staff in charge.

- **Contents of the offers.** Inside the packet are to be 2 smaller packets:

- Administrative Documents;
- Project, only for one Lot, for the development and increase of passenger traffic from and to the Trapani Birgi Airport (TPS).

- All the documents to be produced must be in Italian or, if written in a foreign language, must be accompanied by a sworn translation into Italian, under penalty of **exclusion** from this public notice.

- All economic operators may bid only for one lot.

#### 5. Evaluation

##### A - Admission of applications (administrative verification)

In public session, the administrative documentations contained in the packet N. 1 will be evaluated.

Airgest S.p.A. may request clarification if necessary.

The packet N.2, containing the project, will be opened in public session.

##### B - List of suitable candidates

In a reserved session, the Commission appointed by Airgest S.p.A. will check whether or not the "MEO" test has been passed.

In case of failure to pass the "MEO" test, the competitor will be excluded.

In case of a positive "MEO" test, the Commission will proceed to draw up a list of suitable economic operators. This list will not result in the attribution of scores or the preparation of rankings.

NB: Only if the incentives deriving from the Projects proposed by each carrier that has passed the "MEO" test, added together, exceed, for each Lot considered, the maximum sum of € 7.339.722,82, the Commission will draw up a merit ranking through the attribution of a score, determined according to the evaluation criteria indicated below.

**C - Ranking of suitable economic operators (*eventual phase*)**

The Commission will assign, in a reserved session, the technical score to each Project of each accepted carrier, according to the following criteria:

<b>LOT 1 -</b>			
<b>A</b>	<b>QUALITY OF THE PROJECT FOR THE DEVELOPMENT AND INCREASE OF PASSENGER TRAFFIC TO AND FROM TRAPANI BIRGI AIRPORT</b>		<b>SCORE</b>
	<i>EVALUATION ELEMENT</i>	<i>DESCRIPTION</i>	<i>WEIGHTS</i>
<b>A1</b>	Total volume of passengers estimated to transit from / to Trapani Birgi Airport for the entire duration of the Project	Award of 1 (one) point for every 2.000 passengers (dep + arr) indicated in the Project, up to a maximum of 50 points	50 points
<b>A2</b>	Total Volume of turnarounds	Award of 1 (one) point for every 25 turnarounds, up to a maximum of 20 points	20 points
<b>A3</b>	% of National Passengers and % of International Passengers on the Total Volume of Passengers	Award of 1 (one) point for every 10% (ten percent) of International Passengers, up to a maximum of 10 points	10 points
<b>A4</b>	Duration of the Project	Award of 1.66 points (one point and sixty-six cents) for each month of the duration of the Project, proposed by the carrier, up to a maximum of 15 points, in the case of a Project equal to 12 months, even if not continuous and in any case not beyond the IATA Winter Season 2025.	15 points
<b>A5</b>	Type and number of fleet, average age and technical characteristics	Type of aircraft in use by the carrier with low environmental impact with regard to the reduction profile of carbon dioxide (CO <sub>2</sub> ) emissions and low acoustic impact with regard to the noise profile.	5 points
<b>TOTAL SCORE</b>			<b>100 POINTS</b>

<b>LOT 2 -</b>			
<b>A</b>	<b>QUALITY OF THE PROJECT FOR THE DEVELOPMENT AND INCREASE OF PASSENGER TRAFFIC TO AND FROM TRAPANI BIRGI AIRPORT</b>		<b>SCORE</b>
	<i>EVALUATION ELEMENT</i>	<i>DESCRIPTION</i>	<i>WEIGHTS</i>
<b>A1</b>	Total volume of passengers estimated to transit from / to Trapani Birgi Airport for the entire duration of the Project	Award of 1 (one) point for every 50.000 passengers (dep + arr) indicated in the Project, up to a maximum of 50 points	50 points
<b>A2</b>	Total Volume of turnarounds	Award of 1 (one) point for every 625 turnarounds, up to a maximum of 20 points	20 points
<b>A3</b>	% of National Passengers and % of International Passengers on the Total Volume of Passengers	Award of 1 (one) point for every 10% (ten percent) of International Passengers, up to a maximum of 10 points	10 points

<b>LOT 2 -</b>			
<b>A</b>	<b>QUALITY OF THE PROJECT FOR THE DEVELOPMENT AND INCREASE OF PASSENGER TRAFFIC TO AND FROM TRAPANI BIRGI AIRPORT</b>		<b>SCORE</b>
<b>A4</b>	Duration of the Project	Award of 1 (one) point for every 2 months and 15 days of duration of the Project proposed by the carrier, up to a maximum of 15 points.	15 points
<b>A5</b>	Type and number of fleet, average age and technical characteristics	Type of aircraft in use by the carrier with low environmental impact with regard to the reduction profile of carbon dioxide (CO <sub>2</sub> ) emissions and low acoustic impact with regard to the noise profile.	5 points
<b>TOTAL SCORE</b>			<b>100 POINTS</b>

The above criteria are aimed exclusively at the drafting of the merit ranking among all economic operators who are equally suitable for admission to this Notice - as all proposers of a Project that has passed the "MEO" test - but whose Projects involve, for each Lot considered, total fees which, added together, exceed the amount available to finance the initiative referred to in this Notice, that is € 7.339.722,82.

The air carrier must declare and specifically indicate, if applicable, which of the information provided with the Project are technical and commercial secrets, covered by confidentiality (pursuant to art.53, paragraph 5, of Legislative Decree no. 50/2016 and in any case of the Procurement Code in force from time to time).

The air carrier must specifically indicate the reasons for commercial secrecy.

Each of the proposals (qualitative and quantitative) made by the air carrier with its own Project constitutes a contractual commitment. Each proposal will be fully implemented in the commercial agreement and therefore must be drawn up according to the principles of fairness, feasibility and effectiveness in order to develop and increase passenger traffic to / from Trapani Birgi airport.

#### **6. Admission to the incentive**

The ranking will be approved by the Board of Directors of Airgest S.p.A.

The President of Airgest S.p.A. will be authorized to sign the commercial agreement with the air carriers placed in the ranking in a useful position, for each Lot considered, until the maximum amount available is exhausted.

#### **7. Commission**

The Commission is appointed after the deadline for submitting offers and is made up of an odd number (3 members).

#### **8. Method of disbursement and amount of the incentive**

The amount of the incentive will be commensurate with the flow of passengers generated by the carrier's activity in relation to the positive conditions of the MEO test.

The incentives provided by the L.R. n. 9/2021 and L.R. n. 16/2022, will be attributed only if the air carrier accepts the 'recovery clause', which states that if the air carrier will not be able to generate the passenger traffic expected and indicated in the Project, it will have to repay a share of public funds equal to number of expected passengers not generated, during the validity of the commercial agreement.

The economic burden for expected and non-generated traffic will be commensurate according to the cost per passenger (€ / pax departing from Trapani Birgi), which can be deduced from the positive conditions of the MEO test. This eventual burden will be calculated in the final balance or at the end of the duration of the air connections program, presented by the carrier with the proposed Project.

The number of passengers transported to / from Trapani Birgi Airport will be measured and certified on the basis of the traffic volumes (arrivals and departures) handled by the air carrier, as declared on the website [www.assaeroporti.com](http://www.assaeroporti.com)

The fortuitous event and force majeure remain unaffected.

#### **9. Main clauses of the commercial agreement**

The commercial agreement between Airgest S.p.A. and the air carrier, receiving the incentive, will have the following minimum contents:

- Obligation: The air carrier must develop and increase passenger traffic to and from Trapani Birgi airport, according to the air links program shown in the Project, attached to the agreement.

- Duration: The entire time frame proposed by the air carrier in its Project.

- Fee: €/passenger departing from Trapani Birgi airport, according to the positive conditions of the MEO test, multiplied by the volume of passengers transported by the air carrier for the entire time proposed in the Project, up to the maximum number of passengers indicated in the Project.

**Additional passengers that the airline may be able to generate at Trapani Birgi Airport, compared to those indicated in the Project, will not be incentivized.**

- Billing: The carrier will invoice, with monthly frequency and postponed payment, plus VAT, if due / exempt from VAT pursuant to art. 17, paragraphs 5 and 6 of the Presidential Decree 633/1972 (so-called "reverse charge").

Each invoice will be settled 30 (thirty) days after the end of the month, only after verification by Airgest S.p.A. of the volume of passengers passing through / to Trapani Birgi Airport in the month to which the invoice refers. Each invoice must indicate in its object: *«Sviluppo e incremento del traffico passeggeri da e per lo scalo di Trapani Birgi – Art.2, comma 44 bis, della Legge Regionale 15 aprile 2021, n. 9 e Art. 27 della Legge Regionale 10 agosto 2022, n. 16».*

*(«Development and increase of passenger traffic to and from Trapani Birgi Airport - Regional Law of 15 April 2021, n.9, Art.2, paragraph 44 bis and Regional Law of 10 August 2022, n.16, Art. 27»).*

- Causes for termination of the contract:

- a) existence of the causes of exclusion provided for by art. 80 of Legislative Decree 50/2016 and in any case of the Procurement Code in force from time to time;
- b) loss of the air license issued by an EU Member State, in accordance with regulation EC / 1008/2008 and / or the air operator certificate (AOC) or an equivalent document issued by a competent authority in its country of origin;
- c) due to the occurrence, absolute and definitive impossibility of the performance by the air carrier for reasons not attributable to it;
- d) fraud in the execution of services, serious negligence, of contravention in the execution of contractual obligations;
- e) bankruptcy of the air carrier or imposition of sanctions that inhibit contracts with the public administration, or other hypotheses envisaged by law;
- f) in the event of a merger, rental and usufruct of the air carrier with another company, when Airgest S.p.A. do not intend to continue with the new venture;
- g) human resources not regularly recruited or contracted or lacking in the ethical - professional requisites envisaged by current legal provisions;
- h) failure to comply with obligations of confidentiality, insurance against civil liability risks, the laws on accident prevention, workplace safety and compulsory insurance for human resources, remuneration, contributions, social security obligations for workers;
- i) suspension, even partial, of the service by the air carrier without justified reason;
- j) even partial transfer of the contract to third parties;
- k) failure to comply with the anti-mafia provisions, on the traceability of financial flows, as well as with other provisions provided for under penalty of termination of the contract by national and regional regulations.

- Traceability obligations: The contract will be subject to the obligations regarding the traceability of financial flows pursuant to art. 3 of Law 13 August 2010, n. 136.

The air carrier will use one or more dedicated bank or postal current accounts, even if not exclusively.

- SLA: The Service Level Agreements are made up of the total volume of passengers that the air carrier has undertaken to pass through / to Trapani Birgi Airport for the duration indicated in its Project.

**10. Clarifications or questions**

Any requests for clarification or question must be sent exclusively to the e-mail address: [m.bufo@airgest.it](mailto:m.bufo@airgest.it)

**11. Advertising and Information**

This notice is published also on the institutional website of Airgest spa on [www.airgest.it](http://www.airgest.it)  
The outcome of this public notice will be published on the institutional website of Trapani Birgi Airport.  
The head of the procedure is Dr. Michele Bufo.

Birgi, 26 June 2023

Airgest S.p.A.  
The President  
Salvatore Ombra

Attached:

- 1) Application form

Courtesy copy