



Desenzano del Garda Council

Province of Brescia

**AUCTION NOTICE FOR THE SALE OF PROPERTY
FORMING PART OF DISPOSABLE PUBLIC ASSETS**

**Property: Former ITC (Technical Business School) and IPC (Professional Business School),
Via Carducci**

(RESERVE PRICE €4,000,000.00)

IN VIEW OF:

- Royal Decree no.827 of 23/05/1924 containing the regulations for managing public assets and accounts;
- Town council resolution no. 90 of 19/12/2018 approving the plan for the disposal and monetisation of property for the year 2019;
- Legislative Decree no. 42 of 22/01/2004 and subsequent additions and amendments;
- the covering notes dated 17/01/2019 to the plan for the disposal and monetisation of property for the year 2019 sent to the Lombardy Office for Archaeological Heritage and the Architectural Heritage and Landscape Authority;
- the Regulations on the disposal of available public property belonging to Desenzano del Garda Council, approved with Town Council resolution no. 16 of 31/03/2015;
- Council Committee decision no.73 of 26/02/2019 approving the guidelines for this auction,

NOTICE IS HEREBY GIVEN

that the public auction for the sale of the property which is the subject of this notice, situated in Via Carducci, Desenzano del Garda and belonging to the local authority, **will be held on 3rd June 2019 at 9.30 a.m. at the offices of Desenzano del Garda Council, at Via Carducci no. 4, in the council antechamber** on the first floor.

Article 1 - Vendor

Desenzano del Garda Council with offices at Via Carducci no. 4, 25015 Desenzano del Garda (Province of Brescia), website: www.comune.desenzano.brescia.it , certified e-mail address: protocollo@pec.comune.desenzano.brescia.it
tel + 39 030 9994106 - fax + 39 030 9143700

Article 2 - Bidding System - auction result

The auction will be held with the procedure referred to in Article 73, letter c) and 76 of Royal Decree no. 827 of 23/05/1924, with sealed bids to be compared with the reserve price indicated in this notice for the property in question. The highest bid exceeding the reserve price will win the auction; bids equal to the reserve price will not be admitted.

Bidding increments must be in multiples of € 1,000.00 (one thousand euros).

The auction will be declared won even if only one valid bid is submitted. If equal bids are made, the procedure set out in Article 77 of Royal Decree no. 827 of 23.05.1924 will be followed. If parties that have submitted equal bids are not present, or are present but do not wish to increase their bid, a draw will be carried out.

Article 3 - Terms for paying the bid amount and publication costs.

Terms for signing transfer and ownership deeds

In the event of the auction being won, notwithstanding the receipt in advance, by way of down payment, of a security deposit (to guarantee the bid) of € 400,000.00, the successful bidder will be obliged to pay the council treasury:

- a **first instalment of a further down payment of € 600,000.00 (six hundred thousand euros) within 60 days from the provisional winning of the auction, as an irrevocable payment on account of the price;**
- the second instalment of **€ 1,000,000.00 (one million euros) by 30/06/2020, as an irrevocable payment on account of the price**
- the third instalment in settlement, to bring the amount paid up to the amount of the bid, by **30/06/2021** and in any case on the signing of the deed of sale.

The successful bidder will also be responsible for costs relating to the following, which must be reimbursed to the Council within 60 days of the winning of the auction:

- a)– costs for the publication of this auction notice, as outlined in Article 17, clause 3 of the regulations on the disposal of council property, amounting to € 713,76;
- a)– costs incurred by the Council for drawing up a valuation report in accordance with Article 20, clause 1 c) of the regulations on the disposal of council property, amounting to € 7,320;

The deed of sale can be signed on payment of the final instalment (fixed above), resulting in possession of the property. In the event of payment of the last instalment in settlement earlier than the indicated time-limit, the Council undertakes to allow vacant possession of the premises of the former ITC (Technical Business School) within six months of the payment of the last instalment by the successful bidder. The sale of this property is exempt from VAT.

The successful bidder is responsible for all costs relating to and resulting from this sale, such as land registry fees, conveyancing fees, taxes, notary's fees, registration fees and anything else relating to the sale of the property.

Article 4 - Properties being sold: conditions of sale/constraints/easements

The property is sold as a whole on an as-is basis and not according to units of measurement; for a description of the property, quantitative data and restrictions, refer to the valuation report drawn up by Probrixia (the property register maintained by Brescia Chamber of Commerce) on 30/11/2018, which is attached to this notice.

In accordance with Lombardy Regional Committee resolution no. 5018/2007, as amended and supplemented by Regional Committee resolution 8/8745 of 22/12/2008 and subsequent additions and amendments, the former ITC (Technical Business School) property (plot no. 8/3) which is the subject of this notice is in energy class G, as per the Energy Performance Certificate of 09/12/2014. The former IPC (Professional Business School) property (plot no. 6) which is the subject of this notice is in energy class D, as per the Energy Performance Certificate of 23/02/2019.

The council-owned property being sold is registered at the Desenzano del Garda Land Registry as follows: sheet no. 11, parcel no. 426, plot 6, plot 3 and plot 8.

The property being sold is in Desenzano's old town, and in particular the property identified as parcel 426, plot 8, furthermore, is the subject of a PR2 Renovation Plan in accordance with the information set out in the Technical Implementation Standards for the Rules of the Area Governance Plan, which provide, in short, for the following:

- that the Plan should identify the permitted intervention procedures, the locations and the characteristics of any new constructions according to permitted values and intended use;
- that the level of allocations should be defined in consideration of the type of settlement density planned, with the possibility of consulting the monetisation institute to meet the needs created by the settlement in accordance with the parameters indicated in the Services Plan;
- that the type and construction characteristics must generally be in keeping with examples of historic architecture;
- that the land ratio and height should be equivalent to or less than the existing figures.

The property and surrounding area are within an area which is subject to planning restrictions under the Ministerial Decree of 14.11.1962 (Official Gazette 294 of 19.11.1962).

The property and surrounding area have been excluded from conservation orders as per part II, chapter I of Legislative Decree 42/2004, as demonstrated by regulation no. 0009791 of 10.10.2005 of the Ministry for Cultural Heritage / Lombardy Regional Management for Cultural Heritage and Landscape. The successful bidder will be able to submit the proposal for the Renovation Plan for the property being sold, even while the signing of the deed of sale for the property transfer is pending; the Council Authority undertakes to examine the Renovation Plan and approve it, in compliance with the forecasts of the Area Governance Plan, even while the transfer deed is still pending. To this end the successful bidder will be allowed access to the property, within the terms agreed with the competent office. It remains understood that the Building Permit can only be issued after the transfer deed has been signed.

The successful bidder will be obliged to pay urbanisation and monetisation charges in relation to the plans actually presented in the renovation plan, which will be subject to administrative procedures in accordance with Presidential Decree 380 of 2001 and subsequent additions and amendments, and Lombardy Regional Law no. 12 of 2005 and subsequent additions and amendments.

Article 5 - Inspection

Viewing the property for sale is obligatory.

The inspection can be carried out by a suitably delegated representative. In the case of a partnership, the survey must be carried out by a representative of the leading party, and failure to comply will result in exclusion.

The inspection can only take place by appointment, once this is agreed with the council's Public Works Sector Manager (tel. 030/9994106), no later than 8 (eight) days prior to the deadline for submitting the bid; note that this inspection can be carried out simultaneously by several participants.

The fact that a survey has taken place will be confirmed with a certificate issued by the Public Works Sector Manager; a copy of this certificate must be inserted in envelope A, entitled "Documentazione Amministrativa" (Administrative Documentation).

Article 6 - Security Deposit

The bid must be accompanied by a security deposit of € **400,000.00** (four hundred thousand euros), equivalent to 10% of the amount of the reserve price. This deposit is designed to cover the possibility of the transfer deed not being signed by the successful bidder. The bidder can choose to provide this guarantee using the following methods:

1. bank transfer to the Council Treasury as follows:

Bank: Desenzano del Garda branch of Banco Popolare Soc. Coop, Piazza Matteotti, IBAN: IT14G0503454462000000044424 - Description: security deposit for auction of former ITC & IPC, property of the Council.

2. bank draft, on pain of exclusion, made out to Desenzano del Garda Council – Municipal Treasury (Banco Popolare Soc. Coop - Desenzano del Garda branch, Piazza Matteotti). The security deposit will be returned, without interest, to the unsuccessful bidders after the final winning of the auction, whereas the successful bidder's deposit will be retained as confirmation deposit and payment on account.

In the case of a successful bidder who, for any cause or reason, does not intend to conclude the sale contract, no restitution will be made of sums paid by way of deposits in accordance with Article 3 above.

Article 7 - Terms and conditions for submitting a bid

Parties interested in purchasing the property must send, to reach Desenzano del Garda Council Administration Department, Via Carducci no. 4, **no later than 12.30 pm on 30th May 2019**, a sealed envelope countersigned on the sealed edges, carrying clearly on the outside, as well as the sender's details, the following wording, identifying the bid:

“BID FOR THE AUCTION ON 3rd JUNE 2019 RELATING TO THE SALE OF THE PROPERTY FORMERLY AN ITC AND IPC”.

The bidder must submit the envelope by the aforementioned deadline at the bidder's sole risk. The local authority cannot be held liable for missing or late delivery.

The sealed outer envelope countersigned on the sealed edges must contain 2 envelopes; failure to comply will result in exclusion:

- **ENVELOPE no. 1** - with personal details, address and the words “**documentazione amministrativa**” (**Administrative Documentation**) on the outside. This envelope must be sealed and countersigned by the participants and contain the administrative documentation;
- **ENVELOPE no. 2** - with personal details, address and the words “**offerta economica**” (**Bid Offer**) on the outside. This envelope must be sealed and countersigned by the participants and contain only the bid offer;

All documentation submitted must be in Italian.

CONTENTS OF ENVELOPE NO. 1 -Administrative Documentation

Envelope no. 1 must contain the following, and failure to comply will result in exclusion:

1. the purchase request and accompanying declaration (in Italian) with tax stamp attached (to the value of €16.00), on the relevant forms (**appendix A1 for individuals or A2 for businesses or organisations of any kind and A2 bis for businesses**), duly signed and accompanied by a photocopy of a valid personal identity document for the signing party/parties.

If the purchase request is submitted by businesses (individuals or companies) or organisations of any kind, the business or company name, registered headquarters, tax code and VAT registration no. must be indicated, in addition to the personal details of parties with powers of representation (with power of attorney if applicable);

2. the original documentation relating to setting up the **security deposit for € 400,000.00** consisting of either a bank draft or a receipt for the payment of the bank transfer;
3. a copy of the declaration issued by the Vendor confirming that the inspection took place (issued at the time of the site visit);
4. legal documentation that bidders must submit, approved with council committee resolution no. 29 of 29/01/2019, signed by the bidder's legal representative and submitted along with a photocopy of a valid identity document for the signing party. In the event that the bidder consists of a Temporary Joint Venture or Consortium not yet constituted, the documentation must be signed by the legal representatives of all the parties forming the said Joint Enterprise or Consortium. The documentation may also be signed by a proxy for the bidder and in this case the corresponding power of attorney must be included (original or certified copy), without which the bidder will be excluded.

CONTENTS OF ENVELOPE NO. 2 -Bid Offer

Envelope no. 2 must contain the following, and failure to comply will result in exclusion: the bid offer with tax stamp (to the value of €16.00) on the relevant form (appendix **B**), consisting of a duly signed declaration in which the bidder/s must indicate the amount of the bid offered to purchase the property, in figures and words; the bid must be **more than** the indicated reserve price. It should be remembered that increments must be expressed in multiples of €1,000.00 (one thousand euros).

The bid offer must be expressed in words and figures. If these do not agree, the most beneficial price for the local authority will be taken as valid.

Article 8 - Reasons for exclusion

Bids submitted after the date indicated in this notice will not be considered.

The following issues with bids submitted will also be reason for exclusion:

- a) The outer envelope does not have the sender's details;
- b) The outer envelope does not have the wording identifying the property which is the subject of the bid;
- c) The outer envelope does not have the sealed edges countersigned;
- d) The security deposit for 10% of the reserve price is not included;
- e) The bid has not been signed by the bidder;
- f) The contents of envelopes 1 and 2 do not meet the requirements set out in Article 7 above.

Article 9 - Additional information

The sale is also subject to the following additional conditions:

1. conditional or open-ended bids are not permitted;
2. failure to **pay the price according to the terms and conditions indicated in Article 3 of this notice** will result in all cases in the auction result being deemed void and the deposit paid will be retained; it will count as a security deposit in terms of Article 1385 of the Italian Civil Code;

3. the deeds will be signed simultaneously with the payment of the last instalment, in the presence of a notary appointed and paid for by the purchaser;
4. for anything not specifically covered in this notice the regulations on general public accounts approved by Royal Decree no. 827 of 23.05.1924 shall apply.
5. The Local Authority reserves the right, at any time up to the signing of the contract, to withdraw from the sale transactions without the provisional winner of the auction having any claim against it. Such withdrawal will be notified to the successful bidder by registered letter or certified email and consequently the down payment made will be returned, excluding any other compensation.

Article 10 - Participation requirements

The following can take part in the auction: all natural or legal persons, companies, temporary groupings of businesses, whether parent companies or subsidiaries, capable of entering into binding contracts and not subject to a court judgement making them unable to sign contracts with government departments or the sanction of being prohibited from signing contracts with government departments, and in any event possessing the requirements specified in attached declaration A1 or A2. Any deeds signed in breach of the above will be invalid.

Article 11 - Procedure Manager and information about this notice

The procedure manager is Dott. Enrico Benedetti - Manager of Local Public Services for Desenzano del Garda Council.

Requests for clarification on specific topics may be sent in writing only (via fax to +39 030 9143700 or by email to: lavoripubblici@comune.desenzano.brescia.it) starting from the day after this notice is published on the Council's online notice board, and **up to one week** before the deadline for submitting a bid. Responses to queries will be published on the Desenzano del Garda Council website within four days from being received, and will be considered a supplement to the auction notice.

In accordance with articles 13 and 14 of European Regulation 679/2016 governing the protection of personal data, the Town Council of Desenzano del Garda, as data controller, states that personal data which comes into its possession in carrying out this procedure will be held by the Council's Asset Management Section and processed for the purpose of managing the procedure and the contractual relationship which will subsequently be created, and also for performing specific obligations imposed by law, regulations and European standards, and it will be handled in compliance with the above regulations, following principles of correctness, legality and transparency and protection of the confidentiality and the rights of the candidates concerned. In compliance with the national and European regulations mentioned above, interested parties have the right to access data which concerns them and, in accordance with the terms and provisions relating to the procedure, demand that it be updated, rectified and/or supplemented, as well as requesting the deletion or blocking of any irrelevant data or data not collected in accordance with the regulations. Interested parties can also oppose the processing of their data for legitimate reasons.

For any further information, contact the Council's Technical and Public Works Department, tel. 030.9994106, where documentation relating to the property for sale can also be submitted (available on the Council website at www.comune.desenzano.brescia.it in the Public Notices and Competitions section). The offices are open for potential purchasers from Monday to Friday, 9.00 to 12.30, and 14.30 to 17.30 on Thursdays.

Article 12 - Publication

This auction notice is published in full:

- on the Desenzano del Garda Council online notice board;
- on the Desenzano del Garda Council website at <http://www.comune.desenzano.brescia.it>. "Public Notices and Competitions" section.

This notice has been translated into English and German and is available for consultation and download from the council website at: <http://www.comune.desenzano.brescia.it>. "Public Notices and Competitions" section.

To ensure wide circulation, a copy of the notice has been sent to:

- the Province of Brescia Association of Architects;
- the Province of Brescia Association of Engineers;
- the Province of Brescia Association of Surveyors;
- A.N.C.E. (National Association of Private Builders), Brescia Builders' Association;
- Assoimmobiliare
- Audis - Association for Disused Urban Areas
- Federcasa
- Federimmobiliare

and it is also published on:

- the site Arca Lombardia - SINTEL;
- the site Agenzia del Demanio

and extracts have been published as notices in the following dailies:

- Giornale di Brescia;
- Bresciaoggi.

In the event of discrepancies between the Italian and German or English version of this Auction notice, the Italian version shall prevail in case of dispute.

Signed at Desenzano del Garda, 27th March 2019

Director
Local Public Services
Dott. Enrico Benedetti

Appendices:

- valuation report on the property
- land registry plans
- measurements (plans, sections and elevations)
- statement from the Cultural Heritage Ministry that no cultural interests are involved
- energy performance certificate
- question form (A1 - individuals; A2 and A2 *bis*- companies/organisations)
- legal documentation
- bidding form (B)
- proof that an inspection has been carried out