PRESS RELEASE

The Council of State (*Consiglio di Stato*) accepts the appeal brought by Manutencoop Facility Management relating to the tender called by Intercent-ER for the cleaning and environmental hygienic services to be performed for the Bologna and Ferrara's local health authorities

The Supreme Administrative Court has confirmed also on this occasion that an anti-competitive conduct cannot be considered a ground for the potential exclusion from public tenders

Zola Predosa (Bologna), May, 15 2018 – **Manutencoop Facility Management S.p.A.** ("**MFM**" or the **"Company"**) announces that the Council of State (*Consiglio di Stato*) **accepted on the merit the Company's appeal** brought against the decision of the Emilia-Romagna Administrative Tribunal (the "**TAR**"). On December 6, 2017, the TAR accepted the claim which had been brought by PFE, a competitor company, and relating to a public tender called by Intercent-ER, a central purchasing organization (*centrale d'acquisto*), for the cleaning and environmental hygienic services to be performed for the Bologna and Ferrara's local health authorities (*ASL*) and awarded to the temporary joint association lead by MFM (the "**RTI Manutencoop**").

The Council of State (*Consiglio di Stato*) has therefore confirmed also on this occasion that an anti-competitive conduct, such as that alleged against MFM by the Italian Competition Authority in the context of the "Consip Scuole" tender, is not in itself included in the list of relevant conducts that, pursuant to the applicable legislation, may constitute grounds for potential exclusion from public tender procedures.

The claim brought by PFE focused, among other things, on the fact that the public contracting authority should have excluded the RTI Manutencoop from the public tender, considering that an Antitrust sanction had been previously imposed on MFM. The Council of State (*Consiglio di Stato*), on the basis of detailed grounds and a thorough examination of the documentation produced during the tender and during the trial, repealed the first instance judgment, rejecting all the complaints brought by PFE before the first instance judge. Therefore, the Supreme Administrative Court declared the full validity of the RTI Manutencoop's offer.

The tender awarded has a value for MFM of about € 30 million and a duration of 5 years.

MFM has always deemed that the exclusion of the Company from participation in public tenders, resulting from the aforementioned Antitrust sanction, was groundless and based on erroneous legal reasoning. MFM, therefore, welcomes today's ruling which confirms what has been repeatedly stated.

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