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## **REGULATIONS AND GUIDELINES REGISTRATION AND SELECTION PROCESSES OF SUPPLIERS AND CONTRACTORS BY ITALIAN TRADE AGENCY OF KUALA LUMPUR**

For the purposes of regulating ITA Kuala Lumpur Office's procurement process, protecting rights and interests of ITA Kuala Lumpur Office and other parties involved in the procurement process, improving economic efficiency and ensuring quality and fairness in the procurement process, these Guidelines are hereby formulated.

These Guidelines stipulate the procedures of selection and enrolment for suppliers and contractors who are listed on the "Register of Suppliers and Contractors" which is created and recorded by ITA Kuala Lumpur Office. These Guidelines supersede and replace any and all prior guidance and/or rules and/or regulations on the subject matter, whether oral or written, and sets forth the entire Guidelines with respects to the subject matters contained herein. Any amendment to these Guidelines must be in writing by ITA Kuala Lumpur Office.

### **ARTICLE 1: DEFINITIONS**

For the purposes of these Guidelines, the term "Procurement" means the process of finding and obtaining goods, projects and services from an external source in the form of contracts for consideration and via tendering or competitive bidding process (if needed), including by acquisition, lease, appointment, and employment etc.

For the purposes of these Guidelines, the term "Goods" means all types and categories of articles including furniture, equipment, tools, machineries and other products etc.

For the purposes of these Guidelines, the term "Services" means the objects of procurement other than goods, such as all kinds of professional advisory service, advertisement and commercial promotion, exhibition and trade fairs, etc.

### **ARTICLE 2: STRUCTURE OF THE REGISTRER OF SUPPLIERS AND CONTRACTORS**

According to the objects of procurement, the suppliers and contractors listed on the Register of Suppliers and Contractors are required to be classified as part of the 5 macro-sectors while each sector consists of several sub-categories:



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Macro-Sector A: ORGANIZATION OF EXHIBITION AND FAIRS

Macro-Sector B: OFFICE SUPPLIES

Macro-Sector C: OFFICE FURNISHINGS AND MACHINERY

Macro-Sector D: LABOUR AND MAINTENANCE

Macro-Sector E: SERVICES AND CONSULTATION

All suppliers and contractors are required to indicate under which macro-sectors and sub-categories they are listed. Each supplier or contractor is allowed to be listed under maximum of 2 macro-sectors and maximum of 5 sub-categories.

The business scope of each listed supplier or contractor must match with the macro-sector and sub-category as indicated with the Companies Commission of Malaysia (SSM).

A detailed list of macro-sectors and sub-categories of goods and service is available on ITA Kuala Lumpur Office's official website <https://www.ice.it/en/markets/malaysia/kuala-lumpur> under the section "Work With Us".

ITA Kuala Lumpur Office is entitled to accept the applications only for those goods and services required by ITA Kuala Lumpur.

### **ARTICLE 3 REQUIREMENTS FOR SUPPLIERS AND CONTRACTORS**

To participate in the ITA's procurement activities, a supplier or contractor is required to satisfy the following criteria:

- Legally established according to the applicable laws and regulations of its registration country and obtain a valid Business License issued by the local competent authority with scope of business that must be registered with the Companies Commission of Malaysia (SSM) and has obtained a Company Registration Number and Certificate;
- where the contractor or supplier is a natural person, he/she is required to provide his/her valid ID documents (such as ID Card or passport) and tax number;
- Have the capacity to bear civil liability independently;
- Have a good commercial reputation and sound financial accounting systems;
- Have a good record of paying taxes and social insurance in accordance with the applicable laws and regulations;



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- Have no record of material violations in its business activities in the past three years;
- Have the necessary equipment and professional and technical competence required for performance of the contract proven by supporting documents with regards to their competence
- Respect and observe all the relevant labour and employment laws, and employ workers according to the applicable laws and regulations;
- Never breach any contracts with ITA Kuala Lumpur Office in the past three years;
- Must submit Company Establishment Certificate issued by SSM and the latest Article of Association of such company, all permits with regards to their scope of business, and company / other business entities' profile.
- Other criteria stipulated in relevant laws and administrative regulations (if any).
- Where the supplier and contractor is a profession association, each member of such association must fulfil the above-mentioned criteria.

#### **ARTICLE 4: APPLICATION PROCESS**

The process of application for enrolment commences with the Supplier or Contractor compiling and submitting the following documents (available for download from ITA Kuala Lumpur Office's official website <https://www.ice.it/en/markets/malaysia/kuala-lumpur> under the section - "Work With Us".):

##### **For Individual Applicants:**

- Supplier Form (completed all applicable sections and signed by the natural person);
- Copy of valid identification card / passport;
- Curriculum Vitae, including information such as education backgrounds, related previous experience, professional skills and professional certificates, etc.;
- References of previous employers or clients (names and contact details) who purchased Goods or engaged Services from the individual applicants over the last three years; or

##### **For Company Applications:**

- Supplier Form (completed all applicable sections and signed by the natural person);
- Copy of valid identification card / passport of the legal representative;
- SSM Company/Business Registration Certificate;
- SSM Company Profile;



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- Supporting professional certificates, licenses, permits or documents;
- At least two references of previous clients (names and contact details) who purchased Goods or engaged Services from the company applicants over the last three years.

The Supplier Form must be completed, printed and endorsed by the company's legal representative along with the above required documents, scanned and emailed to [kualalumpur@ice.it](mailto:kualalumpur@ice.it). Any further queries on the procedure or documentation can be directed to the same email address.

Please note that the fulfilment of the documents online doesn't mean that the applicants have been selected or included in the Register of Suppliers and Contractors. ITA Kuala Lumpur Office reserves sole discretion to determine which supplier and contractor is selected.

#### **Additional Documents required from the Exhibition/Trade Fair Boost Setting Up/Preparation Supplier/Contractor**

- References related with the settings up provided during the last 3 years. The technical specification of the most important settings up. Relevant pictures need to be attached if possible. Relevant information, such as information for each setting up realized in the specific geographic area, details of the measures of the area set up, place and materials used in the setting up, etc. shall be provided.
- List of equipment required for Exhibition/Trade Fair Boost setting up usage owned by the supplier/contractor, included warehouse or the factories of the suppliers/contractors.

A supplier/contractor may be considered to be invited by ITA Kuala Lumpur Office as an Exhibition/Trade Fair boost setting up supplier/contractor providing all above mentioned criteria are fulfilled.

#### **ARTICLE 6: TIMELINE**

All application documents shall be checked and examined within thirty (30) days from the date of receipt. Should there are any missing or incorrect contents in the application documents, ITA Kuala Lumpur Office is entitled to require applicants to complete or correct the application documents.



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### **ARTICLE 7: OBLIGATION TO PROVIDE AND UPDATE INFORMATION**

Suppliers enrolled on the Register must notify ITA Kuala Lumpur Office of any changes or amendments to the information provided in the enrolment documentation submitted no later than 30 days from the date when the changes or amendments occurred. The Contractor/Supplier shall timely update its amended information via email to: [kualalumpur@ice.it](mailto:kualalumpur@ice.it)

ITA Kuala Lumpur Office will send an annual communication to the Suppliers to confirm that the information provided is up to date. The procedure for updating the information will be outlined therein. The failure to respond within 60 days of the update request, will result in the company being deemed ineligible for consideration for any future tenders. It may also lead to cancellation from the Register.

### **ARTICLE 8: QUALITY ASSESSMENT OF SUPPLIERS AND/OR CONTRACTORS**

The Suppliers or Contractors enrolled on the Register who provide goods or services to ITA Kuala Lumpur Office, are subject to a quality assessment by ITA Kuala Lumpur Office. The assessment will be expressed by ITA on a points-based system as follows:

1 - very poor, 2 - inadequate, 3 - adequate, 4 - good, 5 - excellent.

A number from 1-5 will be assigned by ITA Kuala Lumpur Office for each type of goods or services provided, and will be assessed by considering a number of factors, including but not limited to an assessment of technical skills / capability, timeliness of delivery, conformity of the product / services with what was contracted for, ease of communication, etc.

### **ARTICLE 9: RANDOM VERIFICATION OF INFORMATION PROVIDED BY SUPPLIERS**

ITA Kuala Lumpur Office may carry out random checks on the accuracy of the information and the supporting self-declarations furnished by the Suppliers and Contractors. Findings of inaccurate and/or out of date information may result in further investigations by ITA Kuala Lumpur Office, and/or the suspension or removal from the Register. Depending on the gravity of any violation found to have occurred, this may also be reported to the relevant authorities.



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## **ARTICLE 10: REPRESENTATIONS AND WARRANTIES BY SUPPLIERS/CONTRACTORS**

Each supplier/contractor shall represent and warrant to the ITA Kuala Lumpur Office that as of the application date:

- It meets all qualifications and conditions required by the applicable laws and regulations of its country-of-incorporation;
- It is an independent legal person duly incorporated and legally in existence in accordance with the laws and regulations of its country-of-incorporation; or an individual has full and complete civil capacity;
- It has authorized its legal representative or duly authorized its representative to sign all necessary application document required by ITA Kuala Lumpur Office;
- Its application for being listed as ITA Kuala Lumpur Office's supplier/contractor will not:
  - a) Violate any provision of its business license, its incorporation documents, articles of association or similar organizational documents;
  - b) Violate any applicable laws or any governmental authorization or approval;
  - c) Violate any other contract or agreement to which it is a party or any of its commitments or undertakings; and
  - d) Violate any verdict or arbitral award issued against it, or any order or ruling of any government or regulatory body to whom it is subject;
- No pending lawsuit, arbitration or other legal or governmental proceeding which may adversely affect its ability to perform its contractual obligation with ITA Kuala Lumpur Office, or, to its knowledge, no such threat is in existence;
- It has disclosed to ITA Kuala Lumpur Office all relevant documents and information issued by any competent governmental department that may have material adverse effect on its ability to fully perform its contractual obligations with ITA Kuala Lumpur Office, and the documents previously provided by it to ITA Kuala Lumpur Office do not contain any false, misleading or omissive information with respect to material facts.

If any of the above representations and warranties of a Supplier/Contractor are false or inauthentic in any material respect, then such Supplier/Contractor shall be deemed as intended deceiving and will be removed from the Register of Suppliers and Contractors.



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### **ARTICLE 11: DUTY OF HONESTY BY SUPPLIERS AND CONTRACTORS**

All Contractors and Suppliers are prohibited to be involved in any of the following misconducts:

- Collude in relation to the quoted price, and shall not force out other Contractor/Supplier from fair competition, or infringe the lawful rights and interests of the ITA Kuala Lumpur Office or public interests of society;
- Collude with ITA Kuala Lumpur Office's staff or agency to the detriment of ITA Kuala Lumpur Office's interests, the public interest of society or the lawful rights and interests of any other person;
- Bribe the ITA Kuala Lumpur Office's staff or agency in order to be included on the Register of Contractor/Supplier or get the chance to enter into contracts with ITA Kuala Lumpur Office.
- Provides forged or altered license, certificates or permits;
- Misrepresents the company's financial status or performance;
- Provides falsified resumes of and proof of employment relationship with the person-in-charge of the project or of key technical personnel;
- Misrepresents credit status;
- Other false and deceptive means.

A Supplier/Contractor will be immediately removed from the Register of Suppliers and Contractors once it is found involving in any of the abovementioned misconducts.

### **ARTICLE 12: SUSPENSION FROM REGISTER**

A Supplier/Contractor may be temporarily removed from the Register due to the occurrence of any of the following situations:

- A Supplier/Contractor may be suspended from the Register for a time of period between 6 months and 1 year if such Supplier/Contractor got an evaluation under 3 points/scores from the assessment as outlined in Article 8.
- A Supplier/Contractor may be suspended from the Register if it involves in any litigations or arbitration procedure against ITA Kuala Lumpur Office until such legal procedures fully completed.
- A Supplier/Contractor may be suspended from the Register if there are any necessary information required by ITA Kuala Lumpur Office are missing.



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- A Supplier/Contractor may be suspended from the Register if there are any delay in delivery of the Goods or Services.

The decision of suspension of a Supplier/Contractor from the Register shall be made by the Director of the ITA Kuala Lumpur Office.

The Supplier/Contractor suspended from the Register may be reinstated once the above-mentioned situations are thoroughly corrected or eliminated. However, there is still the possibility that the Supplier/Contractor temporarily removed from the Register may be permanently removed if the above-mentioned situations are not corrected or eliminated or even deteriorated within the given time limit.

The communication between ITA Kuala Lumpur Office and the Supplier/Contractor regarding the suspension shall be conducted via the certified e-mail address of the Supplier/Contractor.

#### **ARTICLE 13: PERMANENTLY REMOVED FROM THE REGISTER**

A Supplier/Contractor may be permanently removed from the Register due to the occurrence of any of the following situations:

- If such Supplier/Contractor be ranked less than 3 scores for any Goods or Services supply from the assessment as outlined in Article 8.
- A Supplier/Contractor has already been suspended from the Register for at least 3 times over the past 3 year.
- A Supplier/Contractor has already been excluded by the selection of other public administration.
- A Supplier/Contractor is responsible or liable for any breach of contracts.
- If it fails to meet the requirements listed in Article 3.
- If it fails to provide the documents listed in Article 5, or the documents and certificates contains false and/or inauthentic information.
- If it fails to pass the periodical inspection and reviewing conducted by ITA Kuala Lumpur Office according to Article 9.
- If any of its representations and warranties listed in the Article 10 are proved to be false or inauthentic in any material respect.
- If it is found involving in any of the misconducts listed in Article 11 of these Guidelines.
- If it fails to update its information according to Article 7 for 2 years.





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- A Supplier/Contractor shows lack of interest in the commercial negotiation, such as lack of communication, lack of reply without reasonable grounds for at least 3 quotations over the past 2 years.

For the first 9 situations abovementioned, the communication regarding on removal from the Register shall be conducted between ITA Kuala Lumpur Office and the Supplier/Contractor via certified email addresses; for the last 2 situations abovementioned, no communication is provided.

For the last 2 situations abovementioned, the removed Supplier/Contractor could apply for being added in the Register after two years from last removal.

The decision of permanently removal of a Supplier/Contractor from the Register shall be made by the Director of the ITA Kuala Lumpur Office.

#### **ARTICLE 14: PRIVACY**

All the information and data transmitted by each Supplier/Contractor to ITA Kuala Lumpur Office according to these Guidelines are collected and managed by the ITA Kuala Lumpur Office solely for the purpose permitted by the applicable laws and regulations of Malaysia.

#### **ARTICLE 15: CONFIDENTIALITY**

During the application of being enrolled on the Register of Suppliers and Contractors, the applicants may have access to the trade secrets of ITA Kuala Lumpur Office.

All Suppliers/Contractors expressly acknowledge the confidentiality and the intellectual property character of trade secret of ITA Kuala Lumpur Office, each Supplier/Contractor undertakes to retain in confidence trade secret of ITA Kuala Lumpur Office and guarantees that its employees, representatives and agents will retain in confidence the same in accordance with these Guidelines.

Each Supplier/Contractor or any of its employees, representatives or agents shall not be released from their confidentiality obligations under these Guidelines in any case unless:

- a) trade secret becomes public; or
- b) the other party has released it from such obligation in writing, even if these Guidelines are terminated.



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## **ARTICLE 16: ANTI-CORRUPTION**

Each Supplier/Contractor represents that in connection with its application of been enrolled on the Register of Suppliers and Contractors under according to these Guidelines and provided Goods and Services to ITA Kuala Lumpur Office, it will not commit any act which violates or may violate any laws or any rules or regulations of any governmental, regulatory, or administrative authority (Applicable Laws of Malaysia), including without limitation any act which confers, directly or indirectly, any unlawful benefit (whether under the laws of Malaysia or an applicable foreign jurisdiction) on any official of any government or governmental, regulatory or administrative authority, or any other person or where such offer, payment or gift is intended to influence a decision in a manner that is inconsistent with ITA Kuala Lumpur Office's policy of conducting business fairly and ethically.

Each Supplier/Contractor shall represent that it is in compliance with all applicable anti-corruption laws and regulations in Malaysia, and that it has not taken, and shall not take, any action that would cause ITA Kuala Lumpur Office to violate any such anti-corruption laws and regulations, which includes offering, paying, giving, promising or authorizing the payment of any money, gift or anything of value to;

- 1) Any government official (defined as any officer, employee or person acting in an official capacity for any government department, agency or instrumentality, including state-owned or state-controlled enterprises and public international organizations, as well as a political party or official thereof or candidate for political office), or
- 2) Any person the Supplier/Contractor knows, or has reasons to know, that all or a portion of such money, gift or thing of value will be offered, paid or given, directly or indirectly, to any government official. Each Supplier/Contractor agrees that should it learn, or have reason to know, of any payment or transfer (or any offer or promise to pay or transfer) that would violate applicable anti-corruption laws and regulations, it shall immediately disclose it to ITA Kuala Lumpur Office.

## **ARTICLE 17: DISCLAIMER**

ITA Kuala Lumpur Office shall not bear any responsibility and/or liability for any losses and/or damages incurred because of any decision made and/or action taken by the Supplier/Contractor based upon and/or having any connection with any such content or information in these Guidelines.



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These Guidelines is solely for the purpose of the Suppliers/Contractors reference on how to apply to be enrolled on the Register Suppliers and Contractors of ITA Kuala Lumpur Office reserves full rights to update, amend and interpret these Guidelines.

The Articles in these Guidelines are intended to be substituted, amended, revoked or automatically cancelled if they do not comply with the current applicable laws and regulations of Malaysia. Should any Article of these Guidelines be, for any reason whatsoever, invalid or unenforceable, the remaining Articles shall not be affected by this invalid or unenforceable provision.

#### **ARTICLE 18: PROCESSING OF PERSONAL DATA**

Data obtained and held by ITA Kuala Lumpur Office in implementing these Regulations, will be collected and handled exclusively in accordance with relevant data protection laws, including the Personal Data Protection Act in Malaysia, and the GDPR and other legislation, where applicable.