

# **REGULATION FOR THE ACCREDITATION, EVALUATION, OPERATION AND MANAGEMENT OF THE REGISTER OF SUPPLIERS OF GOODS, SERVICES AND WORKS OF ITALIAN TRADE AGENCIES OFFICES ABROAD**

## **ART. 1**

### **Subject matter and scope**

With the adoption of this Regulation, the on-line Register of Suppliers of Companies and Professionals for the public procurement of the ITALIAN TRADE AGENCY - Peripheral Offices, hereinafter referred to as "ITA" for brevity, is created.

The Register of Suppliers is the tool used by ITA Peripheral Offices to identify the most qualified companies and professionals to meet its procurement needs. Each Peripheral Office is in charge of managing the Register

The services of managing, registering, updating and consulting the Register are provided through the ITA portal <http://ice.traspare.com>.

The purposes that ITA pursues by establishing the Register are as follows:

- To guarantee the quality of the services provided to ITA Peripheral Offices in compliance with the principles of cost-effectiveness, efficacy, timeliness and fairness;
- To set up a list of companies and professional figures with adequate professional skills to refer to for the procurement of professional services, in the cases provided for by the laws in force;
- To acquire a tool capable of speeding up the processes of awarding and procuring supplies, services and works, in full compliance with public procurement regulations (Legislative Decree 36/2023 and its subsequent modifications and additions; Ministerial Decree 192/2017 for contracting stations abroad and its subsequent modifications and addition);
- To acquire a useful market consultation tool, broken down by product classes, for the selection of economic operators to be invited in public contract award procedures.

## **ART. 2**

### **Scope of application**

The Register is used by ITA Peripheral Offices in the following cases:

- selection of economic operators to be invited to carry out direct procurement contracts;
- invitation to qualified companies to participate in negotiated procedures;
- purchases in economy within the limits and in the manner laid down in Legislative Decree 36/2023 and in Ministerial Decree 192/2017 and sma;
- selection of Professionals for professional assignments;
- cases provided for in Ministerial Decree 192/2017 and sma.

The selection of suppliers for individual procedures is carried out by the individual contracting entities. Companies and Professionals may be asked, at any time, to prove that they meet the requirements declared when submitting their application for entry in the Register.

The formation of the Register does not set up any selective, para-competitive procedure, nor does it provide for any ranking of merit of the members, but allows ITA Peripheral Offices to identify the most qualified Companies and Professionals to draw from in order to meet its procurement needs. Registration does not, therefore, entail the assumption of any specific obligation by

by ITA nor binds ITA to enter into a contract with the persons listed therein, nor does it confer any right and/or expectation on the candidate with regard to the possible conferment.

### **ART. 3**

#### **Principles**

In using this Register, ITA undertakes to comply with the general principles of result, trust, market access, free competition, equal treatment, non-discrimination, transparency, proportionality and publicity. The principle of economy may be subordinated, within the limits in which it is expressly permitted by the regulations in force.

### **ART. 4**

#### **Online Supplier Register – Structure**

The Register is structured in two separate sections dedicated to Suppliers and Professionals respectively. The individual sections are divided into product categories, the complete list of which can be found on the ITA portal.

- ITA Peripheral Offices use the online Supplier Register as a suitable tool to identify the economic operators qualified to supply the goods, services and works they need, based on the list of product categories, identified both by description and by code, in which they are registered.
- Entry in the Suppliers' Register takes place following an application by interested economic operators in the manner described in Article 7.
- The Suppliers' Register is of exclusive interest to ITA, so the selection of economic operators to be invited to the procedures is carried out according to criteria of absolute impartiality, respecting rotation, at the sole discretion of ITA.
- Registration in the Suppliers' Register does not entitle the economic operator to be invited to all the purchasing procedures organised by ITA.
- For tendering procedures above the Community threshold, ITA will proceed with the identification of bidders in the manner provided for by Legislative Decree 36/2023 and by Ministerial Decree 192/2017 and its sma.
- ITA reserves the right to invite economic operators who, by object, specialisation and/or production, are exclusive suppliers on the market, even if they are not registered in the Register, to participate in the tender procedures.

### **ART. 5**

#### **Use of the Register**

The Register shall be used in accordance with the provisions of Article 4 above in connection with online procedures for choosing the operators to be invited, in application of these Rules and with the operating procedures set out in the following paragraphs:

- ITA, in accordance with the provisions in force, implements the rotation criterion in order to achieve maximum transparency.
- the invitation will be addressed to the suppliers identified with reference to the product category as specified above.
- in special and justified cases and in any case when this is necessary to ensure the best supply or service, ITA reserves the right to make use of non-registered and/or directly identified economic operators as an exception.

## **ART. 6**

### **Prior publication**

The Register referred to in the previous articles shall be drawn up following the publication of a notice, in accordance with the principle of transparency, on the websites of both the peripheral offices and the central administration of the ITA. ITA reserves the right to give maximum publicity to the possibility of enrolling in its Supplier Register by any means, including direct communication to economic operators. The notice will indicate the date from which it will be possible to register in the Supplier Register and the procedures for registration by interested parties.

## **ART. 7**

### **Submission of applications and how to fill in the application form**

The application form must be filled in online, according to the procedure described below. Interested economic operators may log on to the portal <http://ice.traspares.com/suppliers> .

Companies wishing to register with ITA as suppliers have at their disposal a Wizard that assists the user throughout the registration process. This procedure allows the user to enter the data and the required documentation in accordance with the procedures established on the portal itself, including all the elements that are useful for the identification and connotation of each company, such as, but not limited to: the products or services they intend to supply once registered (following the product classification transposed by the appropriate procedures on the portal), commercial and technical information, and the certifications held. Companies must upload to the platform their Chamber of Commerce certificate, updated to the date of submission of the application, or an equivalent document in use in the country in which the supplier's registered office is located.

Professionals, on the other hand, will have to insert their curriculum vitae in European format attesting their relevant professional skills and experience, as well as their membership to the relative professional register.

Under penalty of exclusion, the curriculum must bear, at the bottom, the authorisation to process the data, pursuant to EU Regulation 2016/679 and Legislative Decree no. 196/2003 and the declaration of awareness of the provisions of Article 76 of Presidential Decree no. 445/2000 on the criminal laws regulating the cases of false declarations and use of false documents, or equivalent forms according to the law in force in the Professional's country of residence.

During the procedure of registration in the supplier register, the economic operator will be authenticated through the access credentials set during registration on the Traspares platform. Economic operators who have submitted an application will be notified, by e-mail, of their registration in the Register.

## **ART. 8**

### **General admission requirements and related checks**

- Before awarding the relative contract, the contracting entities shall verify the truthfulness of the declarations made by the economic operators. The registration request implies unconditional acceptance of the contents of these regulations and any additions and/or amendments thereto.
- Failure to respond to ITA's requests for documentation, failure to communicate changes in status or the communication of untrue information shall result in exclusion from the suppliers' register, without prejudice to any other action for the application of the sanctions provided for by the regulations in force;
- The general requirements set out in Article 94 et seq. of Legislative Decree 36/2023 and Article 9(3), D.M. 192/2017 and sma and professional suitability pursuant to Article 100, paragraph 1, letter a), Legislative Decree 36/2023 and Article 9, paragraph 2 , D.M. 192/2017

and sma represent binding prerequisites for any other assessment.

Enrolment in the Register becomes effective the moment the name is entered in the official ITA list visible on the portal [https://ice.traspare.com/albo\\_suppliers](https://ice.traspare.com/albo_suppliers).

## **ART. 9**

### **Supplier qualification and monitoring**

Without prejudice to the provisions of the regulations in force concerning exclusions from tenders, the individual specifications as well as the express provisions of these regulations, the supplier must guarantee reliability with regard to the quality of the supply of goods and services, the cost-quality ratio, the compliance with production and/or delivery times, the organisational aspects, the compliance with technical standards and labour regulations, and any forms of product quality certification.

ITA will activate, during the period of the supply of the single services, a process of monitoring and internal control of the registered suppliers in order to ensure that they operate in accordance with the requirements declared during the presentation of the offer. In particular, monitoring and control, in relation to the good/service to be procured, may concern, for example, delivery times, product conformity, service times and quality, and everything envisaged in the special terms and/or declared by the economic operator when submitting the offer. Upon completion of the supplies, qualitative evaluation sheets on the supply and the work performed may be issued by peripheral offices of the ITA concerned.

## **ART. 10**

### **How to update and change data**

Updates and changes to the information contained in the data sheet will be the responsibility of the individual economic operator.

The registered economic operator is obliged to periodically monitor its entry in the register of suppliers, verifying that the information is correct, complete and current.

The registered economic operator is obliged to report all the variations that have occurred in its corporate structure and/or in the production and/or marketing of the products for which the registration was made, within 15 days from the occurrence of the variations themselves. In this sense, ITA is relieved from any responsibility regarding the completeness and correctness of the information contained in the form, as well as the timeliness in reporting any variations.

At any time, should ITA deem it necessary, it may request the registered economic operators to submit declarations in lieu of certification or any other documentation proving that the requirements that determined their registration in the Supplier Register continue to be met.

## **ART. 11**

### **Duration of registration**

Companies and Professionals shall remain registered in the Register until a duly motivated suspension and cancellation order is issued for the reasons set out in Article 12 below.

This is without prejudice, however, to the registered party's right to change the data contained in its registration application at any time.

## **ART. 12**

### **Grounds for non-registrability, suspension and cancellation**

Suppliers for whom there are conditions of inability to negotiate with the Public Administration, grounds for exclusion or who do not meet the requirements of professional competence according to the national legislation of the operator, in accordance with the provisions of Art. 94 and 95 et seq. and by Article 100(1)(a) of Legislative Decree 36/2023 or equivalently by Article 9(2) and (3) of Ministerial Decree 192/2017 and sma, shall not be able to register to the Suppliers Register.

A supplier who is found to be lacking the necessary requirements for registration in the Register, and against whom a de-registration measure is ordered, may not reapply for registration until two years after the finding.

The Peripheral Office in charge of managing the Register may suspend the supplier from the Register itself for an adequate period of time or proceed to delete its registration, if any of the following situations occurs:

- inability to negotiate with the Public Administration in accordance with current legislation, in the manner set out above;
- loss or misrepresentation of the minimum requirements for registration;
- termination of professional activity;
- gross negligence or bad faith in the performance of the services entrusted to the supplier;
- grave professional misconduct;
- repeated refusals or failure to respond to requests for tenders without justification;
- breach of contract;
- failure by the supplier to notify changes pursuant to Article 10 of these regulations;
- any other case provided for by current legislation.

The measure of suspension or cancellation:

- is adopted directly by the manager in charge of the structure responsible for managing the Register;
- is communicated to the supplier concerned;
- may be revoked at the supplier's documented request if the conditions that led to the suspension or cancellation no longer apply.

## **ART. 13**

### **Processing of personal data**

ITA guarantees that the processing of the Supplier's personal data will be carried out exclusively for the purposes inherent to the management of the procedure set out in this Regulation. The data provided will be collected, published and processed in accordance with EU Regulation 2016/679 and Legislative Decree no.196/2003 and as provided for by the rules on public procurement.

## **ART. 14**

### **Warnings**

The account and password required to access and participate in the system are personal. Users of the system are required to keep them with the utmost diligence and to keep them secret; they may not, however, pass them on to third parties and must use them under their own exclusive responsibility. The supplier must have the minimum technical equipment of a personal computer connected to the Internet and equipped with a browser (such as Google Chrome, Firefox, etc.).

ITA is not obliged to pay any remuneration and/or reimbursement to the participants for any reason or title whatsoever for the applications submitted.

**ART. 15**  
**Disputes**

For any dispute concerning the execution, interpretation, implementation and modification of these rules, the Court of ROME shall have jurisdiction.

**ART. 16**  
**Referral rules**

For all matters not provided for in this Regulation, reference is made to the current national and EU regulations on the supply of goods and services, to Presidential Decree 445/2000 and Legislative Decree 36/2023 and, where applicable, to Ministerial Decree 192/2017 and its sma. These Rules and Regulations may be amended or revoked as a result of changes in the relevant legislation in force.