



MARKET SURVEY NOTICE New York, January 19th, 2024

Selection of economic operators (licensed insurance brokers) to be invited to futures tenders for amounts below the European community threshold, to be carried out pursuant to articles 7 and 10 of Ministerial Decree no. 192 of 2 November 2017, for a two-year insurance brokerage service for the Italian Trade Agency Office in New York (January 1st 2025 - December 31st, 2026)

Pursuant to art. 7, paragraph 2, letter b) of Ministerial Decree 192/2017 it is announced that the Italian Trade Agency (ITA) New York intends to initiate a negotiated procedure for the acquisition of the service in question, proceeding with the preliminary identification of economic operators (insurance brokerage) – **Located in the United States of America** - interested in participating in the procedure that are in possession of the general requirements and professional competence, as per Legislative Decree 36/2023.

CONTENT OF THE REQUESTED SERVICES FOR “A TWO YEARS INSURANCE BROKERAGE SERVICE”

The insurance brokerage and management services, which include managing insurance policies, handling the relations with insurance companies, finding solutions to the insurance needs of ITA Agency, in addition to providing assistance and support.

In particular, said insurance brokerage services, to be executed in the sole interest of ITA Agency, include full support for all insurance issues and the following:

1. Analysis and assessment of all insurance needs of ITA Agency in the United States, taking into account the most recent laws and local provisions;
2. Assistance in the execution of open calls for bids and informal calls for bids when new policies are signed, drawing up all the proper bidding specifications for each bid, the invitations to bid in compliance with existing laws at the time of the bidding process, all award criteria, as well as assistance in evaluating all bids;
3. Management of insurance policies, monitoring of the issuance of policies, addenda, accrued payables and any other pertaining accounting and administrative activities;
4. Thorough ascertainment that the Insurance Companies comply with all contractual clauses concerning the transmission of data on risk status within the deadlines set forth in each policy;
5. Transmission of information on new US insurance laws concerning foreign entities located in the United States having employees hired locally, indicating new and/or different insurance issues, if any, arising during the performance of the contract;
6. Monitoring of the costs of coverage and evaluation of costs against benefits, in order to guarantee the lowest costs while receiving the best services.
7. The broker's services may not include some ITA offices, which will have a separate contract if there are major differences (when selecting an insurance company), at equal costs per person, between insurance services that could be obtained by individual offices and insurance services for the entire ITA network in the United States.

Furthermore, the broker agrees to:

1. Prepare the technical specifications for the bids by Insurance Companies no later than **fifteen consecutive calendar days** from the signing of the agreement.

2. Transfer to a new broker, at the expiration of the contract, all the documentation concerning the management of services for ITA Agency and execute all the necessary actions for a proper and complete transfer of duties in accordance with the conditions of the code of practice and the general principles on the subject.
3. Manage open claims, (filed before the beginning of services as set forth in this letter) which have not been settled yet;
4. Inform ITA Agency of any address, company name or business changes, as well as any administrative or legal representation changes.

ITA Agency will be entitled to compensation for damages, if any, in consideration of the nature of the contract, when damages are due to negligence, errors and omissions by the Broker.

In the execution of his activities as an insurance broker and consultant, the Broker will always be available to support ITA Agency technically.

The broker will organize at least two training courses a year to be chosen among the following:

- Personnel training on insurance coverage;
- Personnel training on claim management;
- Training on the use of an electronic insurance platform, if any;
- Customized on-line training, if available.

The courses may be held simultaneously or consecutively, based on needs and priorities of all parties involved.

As for the management of policies, ITA Agency will pay the premiums not to the brokers but directly to the Insurance Company/Companies, as provided by the local laws.

If no receipt or proof of payment is issued by the Insurance Companies, ITA Agency's accounting entries will be the sole valid reference points on the subject and therefore, to all intents and purposes, the orders to make payments to the Insurance Company (or Companies) will be deemed to be legally valid receipts of ITA Agency.

The contract does not entail any present or future costs by ITA Agency for compensation, reimbursements and the likes, since any remuneration will be the sole responsibility of the Insurance Companies signing or renewing the insurance contracts of ITA Agency.

No remuneration may be requested if ITA Agency does not sign any insurance contracts.

DURATION OF THE SERVICES/LIFE OF THE CONTRACT

The contract will have the same duration as the contracts with the insurance companies and will last until December 31, 2026

From the commencement date of the contract, the Broker will make sure that ITA Agency's insurance policies are fully managed. It is understood that the brokerage contract will automatically end on its expiration date, without any notification between the parties. Whether the contract expires on its original date or earlier, the Broker, at the request of ITA Agency, agrees to guarantee the continuation of services for up to 90 days, in order to allow for the gradual transfer of services to the new Broker or ITA Agency.

PRESENTATION OF APPLICATIONS FOR PARTICIPATION

This notice will remain published on the website of this office (contracting authority) for a period of 15 days starting from the day following the date of publication.

BUDGET

There is a tentative maximum budget of

- 2,400.000,00 USD, including local taxes, that will be allocated for the services related to the **Health insurance policy covering medical, dental and vision expenses, for employees working at the US offices of the Italian Trade Commission for the period January 2025 - December 2026;**

- 90.000,00 USD, including local taxes, that will be allocated annually for the year 2025 and for the year 2026 services related to the **Commercial Property and Umbrella policies for the office of the Italian Trade Commission in New York City;**

- 6,000.00 USD including local taxes, that will be allocated annually for the year 2025 and for the year 2026 services related to the **Commercial Crime Insurance Policy;**

- 6,000.00 USD including local taxes, that will be allocated annually for the year 2025 and for the year 2026 services related to the **Short Term Disability and (possibly) for Paid Family Leave for the Italian Trade Commission Local Employees;**

- 3.000,00 USD including local taxes, that will be allocated annually for the year 2025 and for the year 2026 services related to the **Worker's Compensation insurance policy for the Italian Trade Commission Local Employees;**

ITA reserves the right to increase or decrease the contractual amount by 20% max as needed, without any further obligation toward the awarded Contractor (if applicable).

Requests for participation by economic operators interested in the selection procedure in question must be signed by the legal representative of the company, or his delegate, and sent to the e-mail address newyork@ice.it no later than **12:00 noon on February 5th, 2024** clearly indicating in the subject of email the following statement:

“INSURANCE BROKERAGE SERVICE for the Year 2025 - 2026 ”.

And must include the following attachments:

- **Enclosed application form “A”;**
- **IRS Form W-9 provided by the company;**
- **Enclosed declaration Form “B” duly completed, dated and signed by the legal representative or its delegate with power of representation accompanied by a valid photocopy of the ID, in compliance with:**
 - **General requirements;**
 - **Requirements for professional competence in the sector of reference for the service requested;**
 - **Technical and professional skills.**

Applications for participation received after the above deadline will not be considered.

The request for participation does not lead to the Administration having any specific obligation regarding the continuation of the negotiation.

REQUIREMENTS FOR PARTICIPATION IN THE TENDERING PROCEDURE

In implementation of the principles of transparency, publicity, impartiality the ITA will proceed to invite to the tender procedure the economic operators that have properly applied for participation.

Companies, which will be invited to participate in the negotiated procedure to be carried out, will be required to meet the requirements of the enclosed declaration (form B).

The procedure for the realization of the service in question will be awarded with the criterion of the lowest price offer pursuant to art. 11, of the Ministerial Decree no. 192 of the November 2, 2017.

The detailed procedures for evaluating offers will be indicated in the letter of invitation to the Request for Proposal (RFP).

The applications for participation will be examined by the person in charge of the proceedings in public session **on the day and on the date indicated in the announcement** at the premises of the ITA in New York. Only one legal representative, or his delegate, can participate in the public session for each economic operator.

The letter of invitation and the documents necessary for the participation in the tender in question will be sent - to the selected operators - to the email address indicated in the application form A.

PROCESSING OF PERSONAL DATA

Pursuant to Article 13 of EU Regulation No. 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (hereinafter also "EU Regulation" or "GDPR"), the Administration provides the following information on the processing of personal data.

Purpose of processing

- The data provided by the competitors are collected and processed by the Administration in order to verify the existence of the requirements required by law for participation in the tender and, in particular, for the purpose of verifying the administrative and technical-economic capacity of these subjects, as well as for the purpose of the award, in fulfillment of specific legal obligations arising from the legislation on procurement and public contracts;
- The data provided by the winning bidder are acquired by the Administration for the purposes of the stipulation of the Contract, for the fulfillment of legal obligations related to it, as well as for the economic and administrative management and execution.
- All data acquired by the Administration may also be processed for study and statistical purposes in accordance with the rules laid down in the EU Regulation.

Legal basis and nature of conferment

The Competitor is required to provide data to the Administration, due to legal obligations arising from legislation on procurement and public contracts. Refusal to provide the data requested by the Administration could determine, depending on the case, the impossibility of admitting the competitor to participate in the tender or its exclusion from it or the forfeiture of the award, as well as the impossibility of entering into the contract.

Nature of the data processed

The data processed for the purposes specified above are of the following nature: i) common personal data (e.g. personal details and contact data); ii) data relating to criminal convictions and offences (so-

called "judicial" data) pursuant to art. 10 of the EU Regulation, for the sole purpose of assessing the possession of the requirements and qualities provided for by current applicable legislation for the purposes of participation in the tender and the awarding of the contract. On the other hand, no data is required that fall within the "special categories of personal data" (so-called "sensitive"), pursuant to art. 9 of the EU Regulation.

Modalities of data processing

The processing of data will be carried out by the Administration in such a way as to guarantee the necessary security and confidentiality and may be implemented using manual, paper, computer and telematic tools suitable for processing data in compliance with the security measures provided by the EU Regulation.

Scope of communication and dissemination of data

The data may be

- processed by the staff of the Administration that takes care of the tender procedure and the execution of the Contract, by the staff of other offices of the same that carry out inherent activities, as well as by the offices that deal with activities for study and statistical purposes;
- communicated to self-employed collaborators, professionals, consultants, who provide advice or assistance to the Administration with regard to the tender process and the execution of the Contract, including for the possible protection in court, or for studies or statistical purposes;
- communicated to any external parties who are part of the adjudication and testing committees that will be set up from time to time;
- communicated to other competitors who request access to the tender documents within the limits permitted by Law no. 241 of August 7, 1990;
- communicated to the National Anti-Corruption Authority, in compliance with the provisions of AVCP Determination no. 1 of 10/01/2008.

The name of the winning bidder and the price at which the contract was awarded will be published on the website www.ice.it at the link http://ww2.gazzettaamministrativa.it/opencms/opencms/_gazzetta_amministrativa/amministrazione_trasparente/_agenzie_enti_stato/_agenzia_ICE/110_ban_gar_con/. In addition to the above, in compliance with legal obligations requiring administrative transparency (art. 1, paragraph 16, letter b, and paragraph 32 of Law no. 190/2012; art. 35 of Legislative Decree no. 33/2012; as well as art. 29 of Legislative Decree no. 33/2012). Lgs. n. 33/2012; as well as art. 27 D. Lgs. n. 36/2023), the competitor/contractor acknowledges and agrees that the data and documentation that the law requires to be published, are published and disseminated, given the conditions, through the website www.ice.it, section "Transparency".

The data may be transferred to an international organization, in fulfillment of legal obligations, in which case the transfer will take place in accordance with the requirements of the EU Regulation.

Period of data retention

The data retention period is 10 years from the conclusion of the execution of the Contract, due to the potential legal actions that can be exercised. In addition, the data may be stored, also in aggregate form, for study or statistical purposes in compliance with Art. 89 of the EU Regulation.

Automated decision-making process

Within the tender phase, there is no automated decision-making process.

Rights of the competitor/interested party

The term "interested party" refers to any natural person whose data is transferred by the bidder to the Administration.

The data subject is granted the rights set out in articles 15 to 23 of the EU Regulation. In particular, the data subject has the right to: i) obtain, at any time, confirmation as to whether or not personal data relating to him or her are being processed; ii) the right to access his or her own personal data in order to know the purpose of the processing, the category of data processed, the recipients or categories of recipients to whom the data are or will be communicated, the storage period of the data or the criteria used to determine this period; iii) the right to request, and in case obtain, the rectification and, where possible, the cancellation or, again, the limitation of processing and, finally, may oppose, for legitimate reasons, their processing; iv) the right to data portability which will be applicable within the limits of art. 20 of the EU Regulation.

If in case of exercise of the right of access and related rights, the response to the request does not arrive within the time limits prescribed by law and / or is not satisfactory, the person concerned may assert their rights before the courts or by addressing the Guarantor for the protection of personal data through a complaint, appeal or report.

Data Controller and Data Protection Manager

The data controller is ICE - Rome-based agency which has appointed its own Data Protection Manager.

Any request regarding the processing of the personal data provided and the exercise of rights must be addressed to the Data Protection Officer (DPO) who can be contacted at the following email address privacy@ice.it

Consent to the processing of personal data

Acquired the above information, with the submission of the offer and / or the signing of the Contract, the legal representative pro tempore of the Competitor / tenderer acknowledges and expressly agrees to the processing as defined above of personal data, including judicial, concerning him.

The competitor undertakes to comply with the obligations of information and consent, where necessary, with regard to individuals (interested parties) whose personal data are provided as part of the award procedure, with regard to the processing of their personal data, including judicial data, by the Administration for the purposes described above.

Before proceeding with entering into a contract with a U.S. company, the ITALIAN TRADE COMMISSION/ITALIAN TRADE AGENCY OFFICE IN NEW YORK will verify the presence of the U.S. company within the "Active" section of the list on the portal which can be accessed at: <https://www.dataprivacyframework.gov/s/participant-search>

This notice constitutes exclusively a call for expressions of interest to be invited to the tender that will be carried out and therefore does not imply any obligation for the ITA towards the interested parties.

The Office of reference for the selection procedure is the ICE-New York Office (email: newyork@ice.it).

The only subject in charge of the proceeding [Chief Procurement Officer (CPO)/Responsabile Unico del Procedimento (RUP)] is **Ms Erica Di giovancarlo – The Italian Trade Agency - New York, Italian Trade Commissioner.**

Erica Di Giovancarlo
Italian Trade Commissioner
Executive Director for the USA
(signed in original)