



ITALIAN TRADE AGENCY  
ICE - Italian Trade Commission  
Trade Promotion Section of  
the Consulate General of Italy  
HO CHI MINH CITY

## **GUIDELINES: RULES AND REGULATIONS FOR SELECTION OF SUPPLIERS AND CONTRACTORS BY ITALIAN TRADE COMMISSION HOCHIMINH CITY OFFICE (ITC)**

For the purposes of regulating ITC's procurement process, protecting rights and interests of ITC 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 "List of Suppliers and Contractors" which is created and recorded by the the ITC Hochiminh City 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 set forth the entire Guidelines with respects to the subject matters contained herein. Any amendment to these Guidelines must be in writing by ITC.

### **ARTICLE 1 - DEFINITIONS**

For the purposes of these Guidelines, the term "Procurement" means the obtaining of goods, projects and services in the form of contracts for consideration, 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 LIST OF SUPPLIERS AND CONTRACTORS**

According to the objects of procurement, the suppliers and contractors listed on the List of Suppliers and Contractors are classified into 5 categories and each category consists of several sub-categories:

Category A: EXHIBITIONS, TRADE FAIRS AND RELATED SERVICES

Category B: OFFICE SUPPLY

Category C: OFFICE FURNISHINGS AND MACHINES

Category D: WORKS AND MAINTENENCE

Category E: SERVICES AND CONSULTANCY

One supplier or contractor is allowed to be listed under 2 categories.

All suppliers and contractors are required to indicate under which category and sub-category to be listed, in no way for one supplier or contractor be listed under more than 5 sub-categories.

The business scope of each supplier or contractor must be matched to the category and sub-category under which it is listed and with the business scope/prevaling activity certified by the business licence or other valid legal document.

A detailed list of categories and subcategories of goods and service is publicized on ITC's official website [www.ice.gov.it/en/markets/vietnam/hochiminh](http://www.ice.gov.it/en/markets/vietnam/hochiminh), in the section "Work with us".

ITC is entitled to accept the applications only for those goods and services needed ITC.

### **ARTICLE 3 - REQUIREMENT FOR SUPPLIERS AND CONTRACTORS**

To participate in the ITC's procurement activities, a supplier or contractor shall 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;
- where the supplier or contractor is a natural person, he/she is required to provide his/her valid ID documents, such as ID Card or passport, and personal income 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;
- 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 ITC in the past three years; and
- Other criteria stipulated in relevant laws and administrative regulations (if any).

PLEASE NOTE: where the contractor and supplier is a profession association, each member of such association must fulfill the abovementioned criteria.

### **ARTICLE 4 - APPLICATION INSTRUCTION**

The applicants shall send the application form (Supplier Form) here attached to this e-mail address: [hochiminh@ice.it](mailto:hochiminh@ice.it) . The Supplier Form can be also downloaded from the section "Work with us" of the official website of ITC Hochiminh Office [www.ice.gov.it/en/markets/vietnam/hochiminh](http://www.ice.gov.it/en/markets/vietnam/hochiminh) .

The Application Forms need to be signed by the Legal Representative of the applicant; the signed Application Forms shall be sent by a certified official e-mail address of the contractor and supplier to [hochiminh@ice.it](mailto:hochiminh@ice.it) in the following way:

- If signed manually, the documents need to be scanned together with a copy of the identity document of the person who has signed them;

- If signed in a digital way, the documents need to be scanned without any identity documents.

Further to these documents also other documents are needed for the selection as indicated here below by Article 5.

Please note that the fulfilment of the documents online does not mean that the applicants have been selected or included in the List of Suppliers and Contractors. ITC reserves sole discretion to determine which supplier and contractor is selected.

## **ARTICLE 5 - DOCUMENTS NEED TO BE PROVIDED BY APPLICANTS**

### **FOR INDIVIDUAL APPLICANTS:**

- Valid ID documents, such as ID card or passport;
- Curriculum Vitae, including information such as education backgrounds, related previous experience, professional skills and professional certificates, etc.;
- References provided by previous employers or clients who purchased Goods or engaged Service from the individual applicants over the last three years; or

### **FOR COMPANY APPLICANTS:**

- Valid company registration documents, such as Business License, Certificate of Incorporation, etc.;
- Valid financial statements over the last three years;
- Tax registration certificates;
- Professional Certificates;
- Specific licenses or permits required in conducting sales of specific Goods or providing specific Service;
- At least two references provided by previous clients who purchased Goods or engaged Service from the company applicants over the last three years;

### **ADDITIONAL DOCUMENTS REQUIRED FROM THE EXHIBITION/TRADE FAIR BOOTHS SETTING UP/PREPARATION SUPPLIER/CONTRACTOR:**

- 1) 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.
- 2) List of equipment required for Exhibition/Trade Fair Booths 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 ITC as an Exhibition/Trade Fair booths setting up supplier/contractor providing all abovementioned 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, ITC is



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entitled to require applicants to complete or correct the application documents.

#### **ARTICLE 7 - PERIODICAL INSPECTION AND REVIEWING**

ITC has the right to conduct periodical inspection on documents provided by supplier/contractor, including but not limited to qualification, incorporate certificate, financial statements, professional certificates, specific certificates or permits, etc.

ITC has the right to conduct periodical review on performance of the supplier/contractor, including but not limited to quality of Goods and Service, price, continuous performance capability, performance promptness and stability, etc.

The supplier/contractor on the List of Suppliers and Contractors may be removed from the list if it fails to pass the periodical inspection and reviewing conducted by ITC from time to time.

#### **ARTICLE 8 - REPRESENTATIONS AND WARRANTIES BY SUPPLIER/CONTRACTOR'S**

Each supplier/contractor shall represent and warrant to the ITC 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 ITC;
- Its application for being listed as ITC's supplier/contractor will not: (i) violate any provision of its business license, its incorporation documents, articles of association or similar organizational documents; (ii) violate any applicable laws or any governmental authorization or approval; (iii) violate any other contract or agreement to which it is a party or any of its commitments or undertakings; and (iv) 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 ITC, or, to its knowledge, no such threat is in existence;
- It has disclosed to ITC 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 ITC, and the documents previously provided by it to ITC do not contain any false, cheating, 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 List of the Suppliers and Contractors.

#### **ARTICLE 9 - DUTY OF HONESTY BY SUPPLIERS AND CONTRACTORS**

All supplier/contractor are forbidden to involve in any of the following misconducts:

- Collude in relation to the quoted price, and shall not force out other supplier/contractor from



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fair competition, or infringe the lawful rights and interests of the ITC or public interests of society;

- Collude with ITC's staff or agency to the detriment of ITC's interests, the public interest of society or the lawful rights and interests of any other person;
- Bribe the ITC's staff or agency in order to be listed on the List of Suppliers and Contractors or get the chance to enter into contracts with ITC;
- 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 List of Suppliers and Contractors once it is found involving in any of the abovementioned misconducts.

#### **ARTICLE 10 - INFORMATION UPDATE**

Where there are any information filed with ITC by a supplier/contractor listed on the List of Suppliers and Contractors are changed or updated, such suppliers/contractors are obliged to update such changed or amended information with ITC within 30 days from the completion date of such amendments.

The supplier/contractor shall timely update its amended information on email: [hochiminh@ice.it](mailto:hochiminh@ice.it)

#### **ARTICLE 11 - REGULAR UPDATE OF THE LIST OF SUPPLIERS AND CONTRACTORS**

The List of Suppliers and Contractors shall be updated at least once a year.

Each supplier/contractor has to proactively update its information by sending an email to [hochiminh@ice.it](mailto:hochiminh@ice.it) once a year. By sending this e-mail each supplier/contractor has to demonstrate that they still own the requirements of integrity and respectability.

Fail to update its information per ITC's requirement within the required time limit, the supplier/contractor may be removed from the List of Suppliers and Contractors by ITC.

#### **ARTICLE 12 - EVALUATION OF THE SELECTED CONTRACTORS/SUPPLIERS**

The selected Supplier/Contractor who receive the commitment to provide Goods or Service to ITC Hochiminh City Office are evaluated by the Italian Public Administration office called RUP and the related officer.

The evaluation of the selected Supplier/Contractors is based on a scoring system ranking from 1 to 5. (1 refers to really low; 2 refers to not sufficient; 3 refers to sufficient; 4 refers to good; 5 refers to excellent).

For each Category there are different criteria for the evaluation (not only under a technical point of view but also with reference to the timelines for the supply, quality of the good/service provided, numbers of any malfunctions, problem solving).

The evaluations are examined also by ITC Hochiminh City Office, who elaborates an average of

scores for each contract. The number of scores got in this way is relevant also for future selections. If the supplier/contractor agrees more than one contract with the Administration, each contract is subject to an evaluation and each evaluation is taken in consideration for an average general score.

#### **ARTICLE 13 - TEMPORARILY REMOVED FROM THE LIST**

A supplier/contractor may be temporarily removed from the List due to the occurrence of any of the following situations:

- A supplier/contractor may be temporarily removed from the List for a time of period between 6 months and 1 year if such supplier/contractor got an evaluation under 3 points/scores.
- A supplier/contractor may be temporarily removed from the List if it involves in any litigations or arbitration procedure against ITC until such legal procedures fully completed.
- A supplier/contractor may be temporarily removed from the List if there are any necessary information required by ITC are missing.
- A supplier/contractor may be temporarily removed from the List if there are any delay in delivery of the Goods or Service.

The decision of temporarily removal of a supplier/contractor from the List shall be made by the director of Ho Chi Minh City Office.

The supplier/contractor temporarily removed from the List may be added to List again once the abovementioned situations are thoroughly corrected or eliminated. However, there is still the possibility that the supplier/contractor temporarily removed from the List may be permanently removed from the List if the abovementioned situations are not corrected or eliminated within the given time limit, or even deteriorated.

The communication between ITC and the supplier/contractor regarding the temporarily removal shall be conducted via the certified e-mail address of the supplier/contractor.

#### **ARTICLE 14 - PERMANENTLY REMOVED FROM THE LIST**

A supplier/contractor may be permanently removed from the List due to the occurrence of any of the following situations:

- A supplier/contractor may be permanently removed from the List if such supplier/contractor be ranked less than 3 scores for any Goods or Service supply.
- A supplier/contractor has already been temporarily removed from the List 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.
- A supplier/contractor may be removed from the List if it fails to meet the requirement listed in Article 3 of these Guidelines.
- A supplier/contractor may be removed from the List if it fails to provide the documents listed in Article 5 of these Guidelines, or the documents and certificates contains false and/or inauthentic information.



- A supplier/contractor may be removed from the List if it fails to pass the periodical inspection and reviewing conducted by ITC according to Article 7 of these Guidelines.
- A supplier/contractor may be removed from the List if any of its representations and warranties listed in the Article 8 of these Guidelines are proved to be false or inauthentic in any material respect.
- A supplier/contractor may be removed from the List once it is found involving in any of the misconducts listed in Article 9 of the Guideline.
- A supplier/contractor may be removed from the List if it fails to update its information according to Article 11 of these Guidelines for 2 years.
- 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 quotation over the past 2 years.

For the first 9 situation abovementioned, the communication regarding on removal from the List shall be conducted between ITC and the supplier/contractor via certified email address; 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 List after two years from last removal.

The decision of permanently removal of a supplier/contractor from the List shall be made by the director of the Ho Chi Minh City Office.

#### **ARTICLE 15 - PRIVACY**

All the information and data transmitted by each supplier/contractor to ITC according to these Guidelines are collected and managed by ITC solely for the purpose permitted by the applicable laws and regulations of Vietnam.

#### **ARTICLE 16 - CONFIDENTIALITY**

During the application of been enrolled on the List of Suppliers and Contractors, the applicants may have access to the trade secrets of ITC.

All suppliers/contractors expressly acknowledge the confidentiality and the intellectual property character of trade secret of ITC, each supplier/contractor undertakes to retain in confidence trade secret of ITC 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 is terminated.

#### **ARTICLE 17 - ANTI-CORRUPTION**

Each supplier/contractor represents that in connection with its application of been enrolled on the List of Suppliers and Contractors under according to these Guidelines and provided Goods and Services to ITC, 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 Vietnam), including without limitation any act which confers, directly or indirectly, any unlawful



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benefit (whether under the laws of Vietnam 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 ITC'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 Vietnam, and that it has not taken, and shall not take, any action that would cause ITC 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 ITC.

#### **ARTICLE 18 - DISCLAIMER**

ITC 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.

These Guidelines is solely for the purpose of the Suppliers/Contractors' reference on how to apply to be enrolled on the List of Suppliers and Contractors of ITC. ITC 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 it is not comply with the current applicable laws and regulations of Vietnam. 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.