

MARKET SURVEY NOTICE EXPERT FOR THE FAIRTRADE AND IPR DESK, NEW YORK

Selection of law firm professionals to be invited to a bid for amounts below the European Union community threshold, to be carried out pursuant to Italy's art. 36, paragraph 2, lett. b) of Legislative Decree 50/2016, and subsequent amendments for the Service of Expert of the Fairtrade and IPR Desk by a licensed law firm professional in favor of the Italian Trade Agency - New York office.

Pursuant to art. 36, paragraph 2, lett. b) of Legislative Decree 50/2016 and subsequent amendments, in conjunction with Guidelines n. 4, issued by the ANAC in implementation of Legislative Decree 18 April 2016, n. 50, containing "Procedures for the awarding of public contracts for amounts below the thresholds of Community relevance, market surveys and training and management of lists of economic operators" (Resolution No. 1097 of 26 October 2016), and as regards D.Lgs. 19 April 2017, n.56, the Italian Trade Agency - New York office (hereinafter referred to as "ITA") intends to initiate a negotiated procedure for the acquisition of the services in question, proceeding with the preliminary identification of **US law firms with lawyers in possession of the relevant professional qualifications in the United States and a minimum of three consecutive years' experience in a law firm established in the US** interested in participating in the procedure that are in possession of the general requirements and professional competence, as per articles 80 and 83 of Legislative Decree 50/2016.

1. CONTENTS OF THE SERVICE

The Expert of the Fairtrade and IPR Desk (hereinafter referred to as "Expert") will have to carry out the following activities envisaged by the project:

- **Specialized assistance** to individual companies, where assistance is intended as an activity of first orientation, not of legal or administrative assistance of an operational nature; this activity is typically carried out through advices and practical indications in response to specific enquiries addressed with daily frequency from Italian companies or associations to ITA, through its 5 offices in the USA or through its HQs in Rome;
- Dissemination of reliable and constantly updated **information** on regulatory aspects related to **anti-counterfeiting, intellectual property rights and protection as well as to barriers to foreign trade, with a focus on the existing tariff and non-tariff barriers in the USA;**
- **Study and processing of information reports** on new acts, provisions and regulatory practices related to market access and intellectual property;
- **Regular updating**, with operational timelines to be defined with the ITA, of the contents of the two Practical Guides, respectively on Market Access and on Protection of Intellectual Property in the USA;
- The Desk's activity will also include **supply of information contents** and their **constant updating** for the dedicated sections of the **ITA's website**, including the "FAQ", "Publications" and "Useful Documents" sections, as well as the **drafting of flash notices** to be disseminated through social network tools that will be indicated by the ICE Agency.
- Support the informational activity of the ITA through the revision of **information reports** and their updating on all themes and issues highlighted above.

- **Training sessions** addressed to companies and other Italian entities involved in foreign trade and international business relations (associations, consortia, etc.), on the topics covered by the Desk activity and with reference to the US market;
- Other **communication activities** related with the topics covered by the Desk where required by and under the guidance of the Ministry of Economic Development and ITA.
- **Quarterly reports** on the Desk activities, as well as **reports on specific issues** where required by the Ministry of Economic Development and ITA.

2. SERVICE OPERATION GUIDELINES

The Expert is requested to carry out his assignments by meeting the following minimum requirements:

- a) **processing information enquiries** on a daily basis, through a dedicated e-mail address provided by ITA, sending an exhaustively reply **within 72 hours**; in case of complex enquiries, a preliminary reply shall be sent within 24 hours followed by a comprehensive reply within 5 working days; Based on the experience, a minimum of **20 monthly enquiries** to be processed is required;
- b) assuring his presence at ITA New York Office, upon ITA's 2 working days' notice, for **meetings with individual Italian companies** or other entities to provide them advise and information; based of the experience, a minimum number of **10 individual meetings monthly** is required;
- c) assuring his presence, upon ITA's 3 working days' notice, for **presentations during seminars or training events** with delegations of Italian entrepreneurs, students or other professionals, organized by the ITA; based on the experience, a presence to a minimum of **1-2 monthly training events** is required;
- d) full availability, upon 2-3 weeks' notice by ITA, to take part in missions in the USA or in Italy, during promotional or institutional events organized by the ITA; mission expenses will be entirely borne by ITA in compliance with Italian law as well as with ITA's administrative regulations and procedures; based on the experience, a minimum of **1-2 annual work missions** is required;

The Expert will fulfill his duties under the directions of the Director of the ITA Office in New York, elaborated in line with those the Ministry of Economic Development competent for the matter. The Director of the ITA New York or a person in charge will be the point of contact and supervisor.

The Expert must also undertake to respect the confidentiality and confidentiality of the information and data acquired in the exercise of his assigned tasks, as well as the commitment not to exercise outside activities incompatible with the task entrusted to him, to protect Italian interests.

The Expert will not be requested to perform its assigned tasks with his physical presence at the ITA, except for the activities as described above under points b), c) and d).

The Expert is requested to be available, by telephone and/or by email, when contacted by the staff of the ITA Office in New York and / or by the Italian companies, during the Office's opening hours: **Monday - Friday, 9: 00am -17: 00pm.**

3. MANDATORY REQUIREMENTS

The bid procedure will be request participant law firms to provide documentary evidence of the following mandatory requirements related to their candidates as Expert:

1. to be fiscally resident in the USA and in possession of a regular work permit;
2. not having received criminal convictions and not be the recipient of measures concerning the application of prevention measures, administrative measures, nor have criminal proceedings in progress, both in the US and in Italy;
3. university degree with a law profile;
4. professional qualifications required by local, state and federal regulations of the USA;
5. certificate of "good standing" issued by the competent US authorities;
6. a minimum of three consecutive years of professional experience gained in the USA;
7. excellent knowledge of the Italian language, both oral and written, and excellent command of the English language, both oral and written, both to be certified with the European model of classification of language skills.

Bid procedure will initiate with a preliminary evaluation of the mandatory requirements. Law firms whose candidates will not comply with all requested requirements, will not be admitted to the following steps of the bid.

4. VALUE AND DURATION OF THE CONTRACT

This notice will be published on the website of this contracting authority for a period of **15 days starting from the day following the date of publication.**

The duration of the service will be **two years (24 months)** from the signing of the contract, verified the participation requirements through the bid procedure.

The expected contract amount is **\$144,000.00** for the mentioned services, distributed in **24 monthly payments** of **\$ 6,000.00** each.

5. PRESENTATION OF APPLICATIONS FOR PARTICIPATION

Law firms interested in participating to the bid procedure with their own professional candidate, shall fill the **Application for Participation (see attachment no. 1)** which **shall be delivered - under penalty of exclusion - in a sealed envelope** to the New York ITA, 33 East 67 Street, New York, NY 10065, **within 15 days from the publishing date.**

The envelopes must bear the following wording:

DO NOT OPEN –This envelope contains Application for Participation to "Selection of law firms with licensed professional to be invited to a bid for amounts below the European Union community threshold, to be carried out pursuant to Italy's art. 36, paragraph 2, lett. b) of Legislative Decree 50/2016 and subsequent amendments, for the Service of Expert of the Fairtrade and IPR Desk in favor of the Italian Trade Agency - New York Office".

The envelope must also contain an indication of the sender's name (complete with address and telephone number) and the email address to receive any communications from.

Applications for participation received after the above deadline will not be considered. The delivery of the envelope remains at the sole risk of the sender, not assuming the ITA any responsibility where it did not arrive within the terms or was not intact.

VERY IMPORTANT NOTICE!

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

Professional law firms interested in participating should also enclose the following documents

- **IRS Form W-9;**
- **enclosed declaration (see attachment no. 2) 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 (pursuant to Article 80 of Legislative Decree 50/2016);**
 - **Requirements for professional competence in the sector of reference for the service requested (pursuant to Article 83, paragraph 1, letter a) of Legislative Decree No. 50/2016);**
 - **Technical and professional skills (pursuant to Article 83, paragraph 1, letter c) of Legislative Decree 50/2016).**

In implementation of the principles of transparency, publicity, impartiality pursuant to art. 4 of Legislative Decree 50/2016, amended by Legislative Decree 56/2017, the ITA will proceed to invite to the tender procedure a number not less than five operators, where they exist. If the minimum number of candidates that meet the selection criteria is not reached, we will proceed, pursuant to art. 91, c. 2 of Legislative Decree 50/2016 and subsequent amendments, also in case of candidates lower in number than the above-mentioned minimum.

The procedure for the realization of the service in question will be awarded with the criterion of the most economically advantageous tender on the fee pursuant to art. 95, c. 2 of Legislative Decree 50/2016 and subsequent amendments. The candidates will be evaluated according to their consolidated professional experience and specialization on the subjects related to the contents of the requested services. The detailed procedures for evaluating offers will be indicated in the letter of invitation.

The letter of invitation and the documents necessary for the participation to the bid will be sent - to the selected law firms - to the address indicated in the application form.

The data provided by the applicants will be processed in accordance with Legislative Decree 196/2003 exclusively for the purposes connected with the completion of the procedure in question.

The Office in charge of the selection procedure is ITA New York Office (email: newyork@ice.it).

The Responsible of the Procedure is Maurizio Forte, Italian Trade Commissioner in New York.

Signed by
Maurizio Forte
Italian Trade Commissioner in New York
Executive Director for the USA

Attachment no. 1

To be used on the applicant's letterhead

Italian Trade Agency
New York Office
33 East 67th Street
New York City, NY 10065
E-mail: newyork@ice.it

Application for Participation to the Bid for the Service of Expert of the Fairtrade and IPR Desk by a licensed law firm professional in favor of the Italian Trade Agency - New York office.

I _____ as legal representative of the law firm _____ with headquarters in _____ (Official Registered Address), _____ (City), _____ (State), _____ (Zip Code) _____, TAX ID no. _____ Telephone no. _____ E-mail _____

I express

As a bidding entity, the interest in being invited to the captioned bid procedure, being aware of any responsibility under existing laws and regulations.

I acknowledge

All terms and conditions as mentioned in the Market Survey Notice published by the Italian Trade Agency in New York on its webpage on **22 June 2018**.

I declare

That the candidate lawyer is in possession of all mandatory requirements as stated under section 3. of the mentioned Market Survey Notice, listed under points no. 1, 2, 3, 4, 5, 6, 7;

To accept that all bid procedure related communications will be sent to the following email address:

_____;

All collected data will be treated according to the existing laws.

Place and date

__/__/____

SIGNATURE

n.b.: please attach also to the present declaration a copy of a valid ID document