



ITALIAN TRADE AGENCY

New Delhi Office

**RULES AND REGULATIONS FOR SELECTION OF SUPPLIERS BY
ITALIAN TRADE AGENCY
NEW DELHI OFFICE**

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RULES AND REGULATIONS FOR SELECTION OF SUPPLIERS BY ITALIAN TRADE AGENCY NEW DELHI OFFICE

The Italian Trade Agency - NEW DELHI Office – Trade Promotion Office of the Italian Embassy in New Delhi (hereinafter “**ITA New Delhi**”),

Pursuant to the perusal of:

The Italian Legislative Decree No. 50 of 2016 as modified by the Legislative Decree No. 56/2017 (Italian Code of Public Contracts)¹; and

The Ministerial Decree No. 92 of 2017 by the Italian Ministry of Foreign Affairs and International Cooperation²; and

The Guidelines No. 4 approved by the Italian National Anti-Corruption Authority with Resolution No. 1097/2016 as updated by Resolution No. 206/2018 (hereinafter referred to as the “**Guidelines**”)³,

Issues the following provisions in order to rule the establishment and the operation of a register of suppliers of works, goods and services and to set forth the terms and conditions under which economic operators may be admitted to such register and may be selected by ITA NEW DELHI for the supply of works, goods and services (hereinafter the “**Regulation**”).

Article 1: DEFINITIONS

In this Regulation, the following terms shall have the meaning specified below:

“**Applicant**” shall mean the Economic Operator which submits an application to the Register pursuant to this Regulation;

“**Application Form**” shall mean the application form submitted by the Applicant in order to request the admission to the Register;

“**Article**” or “**Articles**” shall mean the articles of this Regulation unless explicitly specified otherwise;

“**Category**” or “**Categories**” shall mean the category or the categories of supplies as set forth in the Register;

“**Declaration**” shall mean the Declaration of Moral and Professional Requirements;

“**Economic Operator**” shall mean individual, company and group of companies;

¹ Implementing Directives 2014/23/UE, 2014/24/UE e 2014/25/UE on public procurement and awarding concession contracts, procurement by entities operating in the water, energy, transport and postal services sectors and on the reorganization of the Public Procurement Regulation.

² Decree No. 192, of the 2 November 2017, issued by the Ministry of Foreign Affairs and International Cooperation concerning general provisions for selection procedures and execution of contracts that take place abroad, pursuant to Article 1, paragraph 7 of the Legislative Decree No. 50 of 2016.

³ Concerning Procedures for the award of public contracts having an amount below the EC thresholds, market investigations, implementation and management of the lists of the economic operators, approved with Resolution of the Italian Anti-Corruption Authority No. 1097 of 26 October 2016 updated with Resolution No. 206 of 1 March 2018.

“**ICE**” shall mean ICE – Agenzia per la promozione all’estero e l’internazionalizzazione delle imprese italiane having its registered office at Via Liszt 21, 00144, Rome, Italy;

“**ITA New Delhi**” shall mean the Italian Trade Agency - NEW DELHI Office - Trade Promotion Office of the Italian Embassy in New Delhi;

“**Register**” shall mean the register of suppliers of works, goods and services implemented by this Regulation;

“**Supplier**” shall mean the Economic Operator admitted to the Register which provides works, goods or services to ITA NEW DELHI;

“**Supply**” or “**Supplies**” shall mean the works, good and services provided by a Supplier to ITA NEW DELHI;

“**Territory**” shall mean the India, Bangladesh, Sri Lanka.

Article 2: APPLICANT’S REQUIREMENTS

In order to be admitted to the Register, the Applicant shall meet all the requirements set by the relevant laws of their country of establishment for the performance of the Supplies. In case the laws of the Territory impose further requirements for such a purpose, the Applicant shall also meet such requirements. Furthermore, only the Applicant who meets the requirements of professional competence, moral eligibility as well as financial and technical capacity set forth by this Regulation may be included in the Register.

Article 3: LIST OF SUPPLIES

The Register provides for 5 (five) categories of Supplies:

Category A: Organization of exhibitions and trade fairs.

Category B: Supply of office equipment (e.g. stationery suppliers, magazines suppliers, printing companies, publishers).

Category C: Supply of office furniture and machines (e.g. software providers, hardware providers, machineries maintenance companies, lighting companies, curtains suppliers).

Category D: Supply of works and/or maintenance works (e.g. construction companies, air conditioning equipment suppliers, electrical installations suppliers, cleaning companies and security systems providers).

Category E: Supply of services and consultancies (e.g. graphic design firms, advertisements services, travel agencies, translation agencies, consultancy services, training services, research and advisory firms, event management companies, architects and engineers).

The Applicant may apply for the admission to the Register in a maximum of 2 (two) Categories. The Category or the Categories shall be selected by the Applicant according to its scope of business and the relevant registration with the competent bodies.

Article 4: ADMISSION REQUIREMENTS

To be admitted to the Register, the Applicant must submit the Application Form, comply with the requirements listed in the Declaration and it must:

- a) be registered with the relevant professional register or with the relevant companies' register or with the competent body of the country of establishment, as applicable, and be licensed to perform the activity related to the Category or the Categories the application is submitted for;
- b) declare that the Applicant and its legal representatives, as applicable have not been convicted or found guilty with a final judgement for the following crimes:
 - criminal organization, bankruptcy, corruption or fraud, theft, fraudulent misrepresentation, breach of trust, forgery or use of forged papery;
 - money laundering or terrorist financing and any related criminal activities;
 - exploitation of minor and other form of human trafficking;
 - any violations related to the payment of taxes and social contributions if applicable;
 - any criminal offenses or any circumstances which may affect the right to participate in public procurement procedures or the reputation or hamper the punctual carrying out of the Applicant's activities

unless it has been rehabilitated and/or it has obtained the revocation of the conviction for the aforementioned crimes and/or violations.

- c) declare that:
 - it has not been subject to bankruptcy, unless rehabilitated, and declare that it has not submitted any application for a protective composition;
 - it meets the requirements of professional and moral eligibility as well as the financial and technical capacity necessary for the performance of the Supply or the Supplies;
 - it did not fail to fulfil its obligations under any agreement with ITA NEW DELHI or with any other public entity, so that ITA NEW DELHI or any other public entity has been due to terminate the contract with it;

- it did not carry out conducts aimed at impeding the regular tendering procedure and/or the regular determination of its price and/or the controls and inspections from ITA NEW DELHI or any other public entity as well as conducts aimed at the obtainment of illicit profits;
- it has not conferred any professional assignment or activities to ex-government employees who had authoritative or negotiating powers on behalf of ITA NEW DELHI during the last 3 (three) years of employment and who have terminated the employment with ITA NEW DELHI from less than 3 (three) years;
- by requesting the admission to the Register, it will not violate:
 - any provision of its business license, incorporation documents, article of association or similar documents;
 - any applicable law;
 - any agreements in which the Applicant is a party or any commitments or undertaking;
 - any executive judgment or arbitration award issued against the Applicant or any order or ruling to which the Applicant is subject.

d) comply with and observe all the applicable labor laws and regulations, both in the country of establishment and in the Territory;

The Applicant shall download the Application Form and the Declaration from the following link: <https://www.ice.it/it/mercati/india/regolamento-e-iscrizione-albo-fornitori-ita-e-eng>

Article 5: APPLICATION FOR THE ADMISSION TO THE REGISTER

The Applicant shall download the Application Form and the Declaration from the following link: <https://www.ice.it/it/mercati/india/regolamento-e-iscrizione-albo-fornitori-ita-e-eng>. The Application Form and the Declaration shall be filled out and submitted by email to the following address newdelhi@ice.it together with a copy of a valid identity document of the signatory, as well as the duly executed documents specified in Articles 6 and 7.

The Applicant understands and accepts that the submission of the Application Form, the Declaration and all relevant documents does not imply, or lead to, the automatic admission to the Register. ITA New Delhi is entitled to evaluate the Application Form, the Declaration and the other documents submitted by the Applicant and decide, at its own discretion, if the Applicant can be admitted to the Register.

Article 6: REQUIRED DOCUMENTATIONS

If the Applicant is a **legal entity**, the following documents shall be provided by the Applicant:

- a) Valid commercial registration and/or certificate of incorporation and/or business license and/or certificate of incumbency and/or any other certificate which may attest the current registration of the Applicant to the competent body in order to carry out its business activity; in the latter case, such certificate shall be issued no later than 3 (three) months before the date of the application for the admission to the Register;
- b) Valid ID card and passport of its legal representative and document attesting the powers of the legal representative to act on behalf of the Applicant;
- c) Good standing certificate or equivalent document issued in accordance with the laws of the Applicant's country of establishment;
- d) Copy of the audited financial statements over the last 3 (three) years, if any;
- e) Copy of the Tax Registration Certificate, if any;
- f) At least two references provided, over the last 3 (three) years, by public or private entities for which the Applicant has provided Supplies similar to those of the Category or the Categories for which it requests the admission to the Register or, alternatively, the copy(ies) of the contract(s) executed by the Applicant with public or private entities over the last 3 (three) years together with a copy of the relevant invoice(s), if any, stating their conformity with the originals;
- g) Bank liability letter.

If the Applicant is an **individual**, the following documents shall be provided by the Applicant:

- a) Valid ID card and passport;
- b) Certificate which attests the current registration of the Applicant to the professional register or to the competent body in order to carry out its business activity issued no later than 3 (three) months before the date of the application for admission to the Register;
- c) *Curriculum vitae*;
- d) Good standing certificate or equivalent document issued in accordance with the laws of the Applicant's country of establishment;
- e) At least two references provided, over the last 3 (three) years, by public or private entities for which the Applicant has provided Supplies similar to those of the Category or the Categories for which it requests the admission to the Register or, alternatively, the copy(ies) of the contract(s) executed by the Applicant with public or private entities over the last 3 (three) years together with a copy of the relevant invoice(s), if any, stating their conformity with the originals.

ITA New Delhi will review the application and the related documents within 30 (thirty) days of their submission. In case of any missing or incorrect contents in the Application Form, the Declaration and/or in the documents, ITA New Delhi may request to the Applicant to complete and/or to correct them by sending an email to the email address specified by the Applicant in the Application Form submitted to ITA New Delhi. In such a case, the Applicant shall reply to ITA New Delhi within 5 (five) days.

Article 7: SPECIAL DOCUMENTS

In case the Applicant applies for the admission to **Category A**, the following additional documents shall be submitted:

- a) references relating to exhibition setup works carried out in trade fairs over the last 3 (three) years, technical specifications related to the main works executed, with relevant photographic documentation, if possible, and the details of the works including size, place and materials used;
- b) list of equipment, premises and warehousing facilities owned or possessed.

Furthermore, the Applicant shall provide for the additional information required in the Application Form.

Article 8: INSPECTION BY ITA NEW DELHI

ITA New Delhi reserves the right to periodically assess the truthfulness of any declarations and/or of the documents submitted by the Supplier and/or the compliance with this Regulation. In case of discrepancies, ITA New Delhi may suspend or remove the Supplier from the Register and it may adopt, at its own discretion, any action which is deemed necessary in this regard.

Article 9: OBLIGATION TO PROVIDE INFORMATION AND UPDATES

The Supplier must inform ITA New Delhi in writing of any change in the information provided in the Application Form and/or in the Declaration and/or in the documents submitted according to this Regulation within 30 (thirty) days from the date the change occurred by sending an email to newdelhi@ice.it. In case the Supplier fails to send such information, ITA New Delhi may apply Article 12 or Article 13.

Article 10: YEARLY REGISTER'S UPDATE

At least once per year ITA New Delhi will update the Register. For such purpose, ITA New Delhi will send an email to the email address declared by the Supplier in the Application Form (or in case of its amendments according to Article 9, to any other email address provided for by the Applicant) asking for the update of the information provided. Within 30 (thirty) days and,

even in case no updates have occurred, the Supplier is required to reply to such email, otherwise it will not be selected by ITA New Delhi for the Supplies. Furthermore, should the Supplier fail to respond to the update request by ITA New Delhi, ITA New Delhi reserves the right to apply Article 12 at the first unanswered request and Article 13 in case of two subsequent unanswered requests.

Article 11: ASSESSMENT OF THE SUPPLIERS PERFORMANCES

Supplies will be evaluated by ITA New Delhi, assessing different factors like the quality of the goods and/or of the services, delivery times, flexibility, ability to adapt to the requests of ITA New Delhi staff and problem-solving capabilities. For each factor, ITA New Delhi will assign a score from 1 (one) to 5 (five), where 1 (one) means very poor, 2 (two) means insufficient, 3 (three) means sufficient, 4 (four) means good and 5 (five) means excellent.

Considering the score assigned to each factor, an average evaluation score for the Supply will be calculated and such average shall be also considered for the engagement of the Supplier for further Supplies.

In case a Supplier carries out several Supplies, each of them will be evaluated by ITA New Delhi according to the above, and a final average evaluation shall be made considering the average score reached by the Supplier for each of the Supplies provided.

The Supplier is entitled to request a copy of the evaluation form by sending an email to newdelhi@ice.it.

Article 12: SUSPENSION FROM THE REGISTER

The Supplier can be suspended for a period of no less than 6 (six) months and not exceeding 1 (one) year in case its average score, as set forth in Article 11 above, is below 3 (three).

The suspension may also be adopted by ITA New Delhi if the Supplier:

- a) does not inform ITA New Delhi about any changes in the information provided according to Article 9 above;
- b) is involved in a litigation or arbitration with ITA New Delhi, until such proceeding is terminated;
- c) has incurred in delays in the performance of the Supply;
- d) has incurred in negative tests;
- e) is in breach of the agreement executed for the Supply;

The suspension can be revoked when the suspension term has expired or when the Supplier submits evidences that the conditions which had led to the suspension no longer exist.

Article 13: CANCELLATION FROM THE REGISTER

The Supplier can be removed from the Register if the Supplier:

- a) is found in violation of Article 4 of these Regulation;
- b) has not provided ITA New Delhi with the necessary updates in accordance with Article 9 above for the past 2 (two) years;
- c) has failed to respond to two subsequent update requests by ITA New Delhi according to Article 10;
- d) for more than one Supply, it reached an average evaluation score lower than 3 (three);
- e) has been suspended for at least 3 (three) times in a period of 3 (three) years or the suspension is not revoked according to Article 12;
- f) has been excluded from the participation to tenders by other governmental entities either in its territory of establishment or in the Territory;
- g) is responsible for repeated breaches of the agreement(s) executed with ITA New Delhi;
- h) following the admission to the Register, it no longer meets the necessary requirements for such purpose;
- i) has not replied – without reasonable justifications – to at least 3 (three) requests of ITA New Delhi for quotations for Supplies over a 2 (two)-year period.

In cases h) and i) above, following 2 (two) years from the date the cancellation occurred, the Supplier is entitled to submit a new request for the admission to the Register.

Article 14: PARTICIPATION IN TENDERING FOR THE SUPPLIES – SELECTION OF THE SUPPLIERS

ITA New Delhi will select the Suppliers in compliance with the Italian Code of Public Contracts, the Decree No. 192/2017 and the Guidelines as indicated hereinabove.

Furthermore, ITA New Delhi reserves the right to select the Suppliers according to their technical and professional skills, to their economic and financial situation and to the assessment made pursuant to Article 11.

For the selection of the Suppliers, ITA New Delhi may utilize a rotation system based on some factors, included but not limited to, the number of the Suppliers registered in the Category, the compliance with specific requirements and the performance of former Suppliers.

Article 15: PERSONAL DATA

ITA New Delhi will comply with all applicable rules on data protection. The privacy notice is set out at:

https://www.ice.it/it/sites/default/files/inline-files/ITA%20New%20Delhi_Privacy%20Notice.pdf.

Article 16: FINAL PROVISION

This Regulation supersedes and replaces any and all prior guidance, rules or regulations on the subject matter, whether oral or written, and sets forth the entire regulations with respect to the subject matter contained herein.