

ANNEX 3 PROCUREMENT OF GOODS, SERVICES AND WORKS

Procurement of goods, services and works shall be governed by the principles of the Manual of Instructions for the awarding of contracts for works, supplies and services for the purposes of Community Cooperation with Third Countries adopted by the European Commission on November 10, 1999.

The selected Procurement Company, as set out in the Article 3, letter d), of the Agreement :

1. shall define the technical specifications of the equipment and services related to the Programme in collaboration of each Provincial Programme Management Office (PPMO);
2. shall define the weighting criteria for the evaluation of the offers;
3. shall prepare the notice of the tender and the tender dossier. The tender dossier shall include:
 - 1.1) Instructions to tenderers:
 - a) the conditions for participating to the selection
 - b) the instructions for bidders and procedures and criteria for awarding the contract;
 - c) all other provisions relating to the tender.
 - 1.2) The applicable special contract terms and conditions:
 - a) general conditions and administrative, financial, legal and technical contract clauses relating to the performance of contract;
 - b) technical specifications.

The notice of the tender will be send to MAE – D.G.C.S. for the publishing in national daily newspapers;

4. shall provide to the drawing up and stipulation of the contracts.

The basic principles governing the award of contracts is competitive tendering. In particular, the Procurement Company shall adopt the open procedure.

The selection procedure will be based on:

1. 1) Verification of the eligibility of the tenderers. Legal persons, companies or firms shall not be eligible in the event:
 - a) they are undergoing bankruptcy proceedings, liquidation, winding up or composition with creditors or in any other similar situation under foreign law, or against which there are pending proceedings for the declaration of such states;
 - b) they are in a proven state of insolvency by judicial decision other than a judgement declaring bankruptcy and resulting, in compliance with their domestic law, the total or partial loss of control over the management and disposition of their assets;
 - c) legal proceedings have been instituted against them to ascertain the state of insolvency that may result, in compliance with their domestic law, in a declaration of bankruptcy or of any other state entailing the total or partial loss of control over the management and disposition of their assets;
 - d) a final conviction has been handed down against them for any crime involving professional ethics or financial criminal offences;
 - e) they have been found guilty of false statements in a tender bid;
 - f) that have not performed on another contract with the principal party;

- g) they are not up to date with social security or health care contributions for their employees, pursuant to the laws of Italy or the laws of their country of residence;
- h) they are not up to date with tax payments pursuant to Italian law or the laws of their country of residence;

In addition, the Italian tenderers shall present the certificate or equivalent declaration not to be in the conditions as referred in the Legislative Decree 8.8.1994, n. 490, (“antimafia”).

1. 2) Verification of the financial and economic standing of tenderers through:
 - a) a declaration as to the capital of the firm, the turnover in the three business years prior to the tender;
 - b) a declaration of the total turnover of the bidder and, in the case of temporarily grouped firms, of the turnover of individual participants;
 - c) a declaration indicating the turnover of the specific sectors to which the bid refers or the sector which, in the case of a temporary association of firms, the individual firm intends to contribute, to an overall extent that is at least equal to the value of the lot bid on;
 - d) adequate declarations of legal representatives or bank certification, containing information on relations with banking institutions of international renown, apt to demonstrate both the commercial and financial viability of the bidders and of the firms forming a temporary association of firms;
 - e) copy of the certification that he is a member of the Chamber of Commerce in the country where he is based;
 - f) in the case of temporary associations of firms, a special joint-agency contract with proxies to one of them appointed group leader, who will be jointly responsible with the other participants in the group to the contracting authority;
1. 3) Verification of the technical and professional capacity of tenderers through:
 - a) copies of original documents proving the legal constitution and/or juridical status and establishing the place of registration and/or the corporate headquarters or registered office and, if they are not the same, the location of the headquarters of the company, firm or ordinary partnership, or of the various parts that form the bidder, in the case of a temporary association;
 - b) a report containing supported information on the experience and past work of the bidder or of a temporary association of firms in tenders of a similar nature in the last three years, and concerning other tenders in course with specific information as to the effective and concrete participation in each tender;
 - c) the qualifications and experience of the key staff members assigned by the contractor to implement the contract;
 - d) a brief report on the activities of the individual or associate bidder with specific reference to the activities related to the Programme.
2. Comparison of tenders on the basis of the award criteria stipulated in the procurement notice and in the tender dossier, using pre-established criteria and price for identifying the most economically advantageous tender.

These criteria must be precise, must not be discriminatory and must not be prejudicial to fair competition.

When the tender is addressed to public entities, institutions, University, NGOs, the declaration required for the verification of the financial and economic standing shall include only the letter a), letter e) (if present), and letter f).

The EC Manual of Instructions for the awarding of contracts for works, supplies and services for the purposes of Community Cooperation with Third Countries adopted by the European Commission on November 10, 1999 shall apply in all matters not provided for in this Annex.