

**TENDER RULES AND REGULATIONS  
TO BE CARRIED OUT WITH OPEN PROCEDURE**

**TENDER Code: PR AND MEDIA GREAT BRITAIN**

**CUP Code: G82E11000030003**

**Tender Identification Code (CIG): 286294836D**

**PART I**

***Short description of the performance:***

Three-year service as an advertising agency and/or PR agency for the British market, including strategic consulting, as well as the operational execution of the proposed communication plans and the PR (public relations) service, aiming at having South Tyrol both on touristic press (specialized press, travel pages on magazines and newspapers) and on non-touristic press (along with the typical magazines related to tourism), as well as on the online media and on TV, and aiming at increasing the attractiveness of this tourist destination.

***Total amount of the performance for the three-year period:*** Euros 200,000.00 (plus VAT) as the payment for agency activities, PR activities and Media fees for an expected yearly investment of 300,000.00 Euros, including each documented expense connected to the performance of the service.

***Possible further performance:***

The Commissioning Body also reserves the right to require the agency which will be awarded the tender, in agreement with the same and within the limits of a yearly investment of Euros 1,000,000.00, to carry out the following further services: market research, as well as community projects and similar projects.

***Additional costs of specific safety:*** no interference, safety costs not indicated.

***Requirements for participation in the tender:***

The tender is open to applicants who, on the date of presentation of the offer, under **penalty of exclusion of the applicant from the tender**, possess:

1. the general requirements, in compliance with the provisions of art. 38 of Legislative Decree no. 163/06;
2. the professional suitability requirements, in compliance with the provisions of article 39 of Legislative Decree no. 163/06,
3. the following special requirements, as specified hereafter, and in compliance with the provisions of articles 41 and 42 of Legislative Decree no. 163/06:
  - 3.1 the applicant must have financial and economic solidity - solvency - to be proved by means of a written declaration (reference) issued by at least two banks or brokers authorized in compliance with the provisions of Legislative Decree dated September 1st, 1993, no. 385;
  - 3.2 the applicant must have carried out advertising agency activities and/or public relations and communication consulting activities in Great Britain continuously in the three-year period before the date of publication of the present tender on the European Union Official Journal.
  - 3.3 the applicant must be registered in the Companies' Register set up at the Chamber of Commerce – or in the professional register of the State of residence, in case of foreign agencies which do not reside in Italy, for advertising agency activities and/or public relations and communication consulting activities – before the three-year period before the tender publication date on the European Union Official Journal.
  - 3.4 the applicant must have performed at least 5 services in the framework of the strategic setting and execution of communication plans and/or in the framework of public relations and of communication consulting, for the duration of at least one year, on the market of Great Britain, in the past three years before the publication of the present tender on the Official Journal of the European Union.

- 3.5 the applicant must have at least three employees/cooperators, each of whom should have a public relations consultant qualification and proved experience of at least three years in the PR sector.
4. the applicant must not have any conflicts of interests with regards to the performance object of the tender and must commit itself to avoiding any future conflicts of interests.

In case of a temporary group of companies:

- the minimum requirement, as per point 3.1, must be met as follows:  
All of the companies which are part of the group of companies must prove their financial and economic stability by means of at least one reference.
- the minimum requirement, as per point 3.4, must be met as follows: head company: minimum of 3 services; principal company: minimum of 1 service; the group must own the total 100% of the requirement.
- the minimum requirement, as per point 3.5, must be met as follows: head company: at least two employees/cooperators; principal company: at least one employee/cooperator. The group must own the total 100% of the requirement.

In case of a temporary group of companies, the minimum requirements, as per points 3.2. 3.3 and 4, must be met by each single company of the group.

**The group must own the total 100% of the requirements.**

**If a temporary group of companies participates in the tender, the greatest part of the performance will have to be carried out by the head company. The service will have to be carried out in compliance with the quotas indicated in the application.**

## **II. HOW TO PRESENT THE BIDS**

Companies wishing to participate in the tender must present the following documentation, in Italian or in German, in **a sealed envelope**, within the term indicated in the tender, **under penalty of exclusion**, to the following address:

**ALTO ADIGE MARKETING S.C.P.A.  
Piazza Parrocchia 11  
I - 39100 Bolzano, Italy**

The envelope may be hand-delivered – **to the Ufficio Ricevimento (ground floor)** from 9.00am to 12.00 and from 3:00pm to 5:00pm on working days (from Monday to Friday) or it can be sent, at the exclusive risk of the sender, by Post.

Please notice that, in order to be valid, the offer must be presented by the stated day and time: only the bids received by the day and time indicated will be accepted. Please notice that, **even in the case of envelopes sent by mail** to the afore-mentioned Office, bids will be valid on the basis of the day and time of receipt and **not on the basis of the date of the post stamp**.

The Commissioning Body shall not be considered responsible for delays in the delivery of envelopes sent by mail or through third parties, or for delivery at a different address from the one indicated here.

The envelope will have to carry the indication of the company name and the legal headquarters of the applicant (in case of already established / not yet established temporary groups of companies, please indicate the data of all of the companies), as well as the following indication: **"PR AND MEDIA GREAT BRITAIN - OFFERTA - BID – NON APRIRE - DO NOT OPEN"**.

The envelope must be **closed**, under penalty of exclusion, so as to confirm that the original sealing of the envelope comes from the sender, in order to exclude any tampering with the contents.

The envelope must include **three envelopes**, which will have to carry the indication of the company name and legal headquarters of the applicant, as well as, respectively, **"Busta A – Documentazione amministrativa"** ("Envelope A – Administrative Documentation"), **"Busta B -Offerta tecnica"** ("Envelope B – Technical Offer"), and **"Busta C - Offerta economica"** ("Envelope C – Economic Offer").

The envelope must include a **fourth envelope**, only if the offer is presented by an applicant who, in compliance with the provisions of art. 38, paragraph 1 letter *m-quater* of Legislative Decree no.

163/06, controls another tenderer, in compliance with the provisions of art. 2359 of the Civil Code (company control) or has any relationship, even a de fact relationship, with another applicant, which might involve a substantial connection between them and which might potentially indicate that the offers presented by such tenderers were created in a single decision-making centre, based on univocal elements found by the Commissioning Body. Such fourth envelope, which must include the useful documents to prove that the control situation did not affect the offer, shall carry the indication of the company name and the legal address of the applicant, as well as “**Busta D - Documentazione utile ad escludere che le offerte siano imputabili ad un unico centro decisionale**” (“**Envelope D – Documentation required to prove that the offers were not created by a single decision-making centre**”).

All of the afore-mentioned envelopes must be **sealed**, under penalty of exclusion, so as to confirm the authenticity of the original seal by the sender, in order to exclude any tampering with their contents.

The envelope called “**Busta A – Documentazione amministrativa**” (“**Envelope A – Administrative Documentation**”) must include, **under penalty of exclusion**, the following documents:

- 1) **Statement of participation in the tender**, as provided by the Commissioning Body and called “**Attachment 1**”, completely filled in and subscribed by the legal representative of the applicant.  
If the applicant is made up of a current or a to-be-created group of companies, **each** member of the group should produce a statement.  
**A copy of a valid identification document of the subscriber of the statement must be attached to the statement.**  
  
*The documentation as per the following point 2) is mandatory only for the applicants which created a temporary group of companies before the tender:*
- 2) Original copy or authenticated copy of the **memorandum of association** of the temporary group of companies, in compliance with the provisions of Presidential Decree no. 445/00 current version, including the data of the registration, and including the special, irrevocable collective mandate with representation powers for the mandatory company (head company) created by means of a deed under private seal and with subscriptions authenticated by a notary public.
- 3) **Certificate of registration at the Companies’ Register** set up at the Chamber of Commerce – or at the professional register of the State of residence, in case of foreign companies which do not reside in Italy – indicating the continual execution of advertising agency activities and/or public relations and communication consulting activities in Great Britain in the three-year period before the tender publication date on the European Union Official Journal.  
If the applicant is made up of a current or a to-be-created group of companies, **each** member of the group of companies should produce a statement.
- 4) **List of at least 5 services** in the framework of the strategic setting and execution of communication plans and/or in the framework of public relations and of communication consulting, for the duration of at least one year, on the market of Great Britain, performed in the three-year period before the publication of the present tender on the Official Journal of the European Union. The list is to be created using “**Attachment 1 bis**” attached to the present Rules and regulations, completely filled in and subscribed in the required field by the legal representative of the client.
- 5) **Documentation** to prove the existence of an employment relationship or a cooperation with subjects having the requirements indicated in the previous point 3.5. – Participation requirements.
- 6) **Declaration (reference) indicating the solvency** of the applicant, made by two banks or brokers authorized in compliance with the provisions of Legislative Decree dated September 1st, 1993, no. 385. If the applicant is made up of an established or a to-be-established group of companies, each company must provide at least one of the previously-described references.

**With regards to the documentation indicated at points 3, 4), 5), 6), please notice that, in any case, it is possible to present the substitute statement by filling in the “Attachment 1” in the corresponding part (Letter D).**

In case of presentation of a substitute statement, the tender procedure will be suspended to carry out, in compliance with the provisions of art. 48 of Legislative Decree dated April 12th, 2006, no. 163, sample checks on the truthfulness of the statements. During that occasion, the following documents will be requested.

- **With regards to the requirement as per the previous point 4**, the following documentation will have to be presented, indicating the amount, the dates and the receiver of the service **AND** including the statement by the client to prove the regular execution of the service:
  - in case of service in favour of public administrations or of public entities: certificate issued and endorsed by the same;
  - in case of service in favour of a private client: statement by the private client, or, in lack thereof, by the applicant.
- **With regards to the availability of personnel**, in compliance with point 3.5. –Requirements to participate in the procedure - the necessary documentation will have to be provided, proving the existence of an employment relationship with the employee or a cooperation with subjects having the necessary requirements.
- **With regards to the requirement indicated at the previous point 6**, the following documentation will have to be provided:
  - In case of a single company: declaration (reference) indicating the solvency of the applicant issued by **two** banks or brokers authorized in compliance with the provisions of Legislative Decree dated September 1st, 1993, no. 385, proving the solvency of the same.
  - In case of a temporary group of companies: for each company, a statement (reference) indicating the solvency of the same issued by **a** bank or a broker authorized in compliance with the provisions of Legislative Decree dated September 1st, 1993, no. 385, proving the solvency of the same.

**If the checks on the documentation– which will have to be presented within 10 days of the receipt of the request thereof - produce a negative result, the applicant will be excluded from the tender and will be reported to the Vigilance Authority on public contracts for works, services and supplies.**

- 7) **Subcontracting statement, if necessary, as** provided by the Commissioning Body and named "**Attachment 2**", completely filled in and subscribed by the legal representative of the applicant.
- 8) **Temporary guarantee** (temporary deposit payment) which, **under penalty of exclusion** from the tender, will have to meet the following conditions: it must be for an amount of **Euros 4,000.00, equal to 2% (two percent)** of the total amount of the performance, made up, alternatively, according to the applicant's decision, in compliance with the provisions of art. 75 of Legislative Decree no. 163/06:
  - 8.1. of a **bank guarantee**, issued by a Bank Institute authorized by law, or **an insurance guarantee policy**, issued by an Insurance company authorized by law, or **a guarantee**, issued by a Financial Brokerage Company registered in the special list, in compliance with art. 107 of Legislative Decree dated 01/09/1993, no. 385 and carrying out mainly or exclusively the activity of guarantee issuing, authorized by the Ministry of Economics and Finance, in compliance with Presidential Decree dated 30/03/2004 no. 115. The previously-mentioned bank guarantee, or insurance guarantee or guarantee by a financial broker must be issued, **under penalty of exclusion** from the tender, in compliance with **SCHEME TYPE 1.1. Ministry Decree dated 12/03/2004, no. 123**, please see "**Attachment 6**". In any case, the guarantee must be released in an original copy and it must include all of the clauses required, under penalty of exclusion, by art. 75 of Legislative Decree no. 163/06, including in particular the **commitment to supply** the Tenderer, and in favour of this Commissioning Body, in case of awarding of the tender and upon request of the Tenderer, the **final deposit payment for the execution of the performance** in object, in compliance with the provisions of art. 113 of the same Legislative Decree no. 163/06.

**In case of already established / yet to be established temporary groups of companies, the temporary deposit, under penalty of exclusion from the tender, must be single, with the indication of the shares referring to the single members of the temporary groups of companies.**
  - 8.2. to be paid **in cash or in public debt bonds guaranteed by the State** at the currency on the day of the deposit, to be executed according to the following indications:
    - a) **in cash**: in such case, the payment can be made by means of a **money transfer** in favour of Alto Adige Marketing S.c.p.a. at the bank CASSA DI RISPARMIO

di BOLZANO S.p.A. – International Bank Account Number (IBAN code): IT 64 Y 06045 11601 0000 0000 4200, BIC code: CRBZIT2B001.

In any case, the **original** receipt of payment for the amount of the temporary deposit will have to be sent, along with the tender documentation, **under penalty of exclusion**.

- b) **in public debt bonds guaranteed by the State** at the currency of the day of the deposit, at a Provincial Treasury Section or at the authorized Companies as a pledge in favour of the Company which is awarded the tender. In both cases, the **original** act or an **original** suitable document proving the deposit of such bonds will have to be sent along with the tender documentation, **under penalty of exclusion**.

If the deposit is paid in cash or in bonds, it is also necessary to present **the statement** indicated by the provisions of art. 75, paragraph 8, of Legislative Decree no. 163/06, issued by an authorized **Bank** or Insurance company, or by an authorized Financial Brokerage Company, indicating that, in case the applicant is awarded the tender, and upon request of the applicant, **the final deposit** for the **execution of the performance** in object will be **paid** on behalf of the applicant and in favour of the Commissioning Body, as per the provisions of art. 113 of the same Legislative Decree no. 163/06.

**Please note: if you wish to benefit from the 50% reduction of the temporary deposit, please insert into envelope "A" the "System of company quality" certification.**

In case of horizontal groups of companies or of ordinary consortia, in order to reduce the guarantee, the afore-mentioned certification must be presented by all of the companies which are part of the group of companies or of the consortium.

- 9) **Documentation** required to prove the payment, in favour of the Vigilance Authority on public contracts for works, services and supplies, for the amount of **Euros 20.00** as a **contribution to the tender**, in order to take part in the tender in compliance with the provisions of art. 1, paragraph 65, of law dated 23/12/2005, no. 266 (Financial Act of 2006), to be executed in compliance with the **operational** indications and the instructions supplied by the same Authority on its website [www.autoritalavoripubblici.it](http://www.autoritalavoripubblici.it) (please also see **decision dated 15/02/2010** and **operational instructions connected to it –notice dated 31/03/2010** - published there).

**The Tender Identification Code (CIG) is: 286294836D**

Therefore, depending on the modality chosen by the applicant to make this payment, the applicant will have to attach the following documentation:

- a) in case of **online payment by credit card** - Visa, MasterCard, Diners, American Express - (to make the payment, please go to "Servizio riscossione"): **the payment receipt**, which must be printed, that the operator will receive at the e-mail address supplied. The receipt can be retrieved at any time by going to "pagamenti effettuati";
- b) in case of **cash payment: the original payment receipt** (bill – Lottomatica), issued by all points of sale of enabled lotto tobacconists, will have to be attached. The payment may be made with the payment template issued by the Servizio di riscossione at the afore-mentioned points of sale.
- c) **only for foreign operators**, in case of payment by **international money transfer**, on the current account no. 4806788, at the bank Monte dei Paschi di Siena (IBAN code: IT 77 O 01030 03200 0000 04806788), (BIC code: PASCITMMROM) in the name of the Vigilance Authority for public contracts for works, services and supplies: **the original or authenticated copy of the receipt of payment**, in compliance with the provisions of Presidential Decree no. 445/00 and subsequent amendments thereto (photocopy of the payment made along with an authenticity declaration and along with a copy of the valid ID of the applicant).

The **description of payment** must include only:

- the applicant's taxpayer's code number;
- the CIG identifying the procedure in which the applicant is participating.

The latest date on which the payment can be made is the date in which the offer must be presented. If the documentation indicating the payment of the tender contribution is missing from the tender documentation, the applicant's offer will be excluded from the selection procedure (the afore-mentioned document cannot be presented after the presentation of the tender offer envelope).

The following **documentation**: the guarantee to be sent along with the offer (temporary deposit), the statement on the future payment of the final deposit as a guarantee of the execution of the contract, in case the applicant is awarded the tender (only in case the temporary deposit was paid in cash or in public debt bonds guaranteed by the State), the receipt of the payment of the tender contribution in favour of the Authority - **under penalty of exclusion from the tender** - must be **unique** (which is, each document must be made up of a single act presented for the tender and referring to the applicant in full, regardless of the juridical form of the applicant) and, therefore, in case of an applicant being part of a temporary group of companies (group of companies or consortium), such documents may not be divided by the companies making up or which will make up said group of companies.

The Commissioning Body reserves the right to exclude applicants which have proved no adequate professional reliability, and which, on the basis of the data included in the Database of the Authority, were responsible of serious negligence and mala fide or of serious errors in the execution of performance requested by other commissioning bodies.

**10) : (if the applicant wishes to USE THE SPECIAL REQUIREMENTS owned by another subject, defined "auxiliary subject", in compliance with the provisions of art. 49 of Legislative Decree no. 163/06):**

- A) **Statement** of possession of the requirements necessary to take part in the tender, with the specific indication of those owned by the applicant and those owned by the auxiliary company;
- B) **Statement** subscribed by the auxiliary company indicating that it possesses the general requirements necessary for participation in the tender;
- C) **Statement** subscribed by the legal representative of the auxiliary subject, made as a substitute statement of the affidavit, in compliance with the provisions of art. 47 of Presidential Decree no. 445/00, certifying that the auxiliary subject has the general requirements, in compliance with the provisions of art. 38 of Legislative Decree no. 163/06;
- D) **Statement** subscribed by the legal representative of the auxiliary subject, with which it declares to the subject requesting the services of the auxiliary company and to the Commissioning Body that, for the entire duration of the tender, it will make available the necessary resources which the applicant does not have;
- E) **Statement** subscribed by the legal representative of the auxiliary subject, made as a substitute declaration of the affidavit, certifying that it does not participate in the tender in object alone, or in a group or in a consortium, in compliance with the provisions of art. 34 of Legislative Decree no. 163/06, neither does it control one of the other companies participating in the tender
- F) **Contract** drawn up between the applicant and the auxiliary subject, in the original or an authenticated copy thereof, in compliance with the provisions of Presidential Decree no. 445/00 and subsequent amendments thereto, on the basis of which the auxiliary subject is going to supply the special requirements and to make available the necessary resources for the entire duration of the tender contract. (N.B.: in case of a company belonging to the same group, instead of this contract the company requiring the services of the auxiliary company may produce a substitute statement, in compliance with the provisions of Presidential Decree no. 445/00, indicating the juridical and economic link existing in the group)

Please also notice that, in case of cooperation with an auxiliary company:

- it is not permitted, in compliance with the provisions of art. 49, paragraph 8, of Legislative Decree no. 163/2006, for the same auxiliary company to offer its services more than one applicant, for the same tender, under penalty of exclusion of all of the applicants which received the services by the same company. Please also notice, therefore, that it is not allowed for two or more participants - both participating in the same lot or

- participating in different lots - to receive the services by the same auxiliary company, under penalty of exclusion from the tender, of the applicants which violated such a provision;
- it is not permitted, in compliance with the afore-mentioned art. 49, paragraph 8, of Legislative Decree no.163/2006, to the auxiliary company to participate in the tender in which the company requiring its services participates, under penalty of exclusion of both companies;
  - the applicant may receive the services from more than one auxiliary companies in order to fulfill the same requirement.

**Under penalty of exclusion from the tender, the administrative documentation must not include price indications.**

The envelope called “ <b>Busta “B - Offerta tecnica” (“Envelope B – Technical Offer”)</b> must include, <b>under penalty of exclusion</b> , the following documentation:
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**1. For the evaluation criterion “Three-year strategic communication plan” (MEDIA)**

**A report** must be included, pointing out:

- a) An analysis of the recent development of touristic movements and of the foreseeable touristic behaviours of British tourists, with particular reference to those who go on holiday in the mountains.
- b) Three-year strategic communication plan for the three years of contract based on the position indicated in the document “Briefing for agencies” (Attachment 4 to the present Rules and regulations)

**2. For the evaluation criterion “Proposal for a yearly communication campaign” (MEDIA)**

**A report** must be included, pointing out the description of a concrete proposal for a yearly communication campaign with reference to the three-yearly strategic communication plan proposed and the expected investment of 300,000.00 Euros.

**3. For the evaluation criterion “Three-year strategic plan” (PR)**

**A report** must be included, pointing out:

- a) An analysis, based on the current state of the art, on a PR job carried out for a destination
- b) the three-year PR and Media strategy that the applicant intends to carry out, keeping into consideration the indications included in the document “Briefing for agencies” relating to the positioning.

**4. For the evaluation criterion “Annual Print operational campaign” (PR)**

**A report** must be included, pointing out the actions (concept) and the modalities for the “print” for the year 2012, aiming at attaining the strategic aims indicated in the three-year program, as per the previous point 3. letter b)

**5. For the criterion “Annual online and new media operational campaign” (PR)**

**A report** must be included, pointing out the actions (concept) and the modalities for the “online and new media” for the year 2012, aiming at attaining the strategic aims indicated in the three-year program, as per the previous point 3. letter b)

**6. For the criterion “Annual TV operational campaign” (PR)**

**A report** must be included, pointing out the actions (concept) and the modalities for the “TV” for the year 2012, aiming at attaining the strategic aims indicated in the three-year program, as per the previous point 3. letter b)

**7. For the evaluation criterion “Organizational chart: personnel involved in the execution of the service”**

The following documentation must be provided:

- a) **Organizational chart** of the personnel involved in the execution of the service object of the present tender – **under penalty of exclusion from the tender** - which must be made up of three employees/cooperators, each of whom must have a public relations consulting qualification and a proved experience of at least three years in the PR sector.

- b) **Professional curriculum vitae** for each of the persons indicated in the organization chart. The curriculum vitae must include the required school qualification as well as the acquired professional experience – with the precise indication of the period in which they were acquired.

Curricula must be subscribed by the single employees/cooperators and by the legal representative of the company.

**The afore-mentioned documents must not contain a price indication, under penalty of exclusion from the tender.**

All of the documents in compliance with the previous points 1., 2., 3., 4., 5., 6 and 7 must be signed by the legal representative of the applicant.

In case of established or yet to be established **temporary group of companies**, such documents will have to be subscribed by the legal representatives of all of the companies making up the group.

In case of a **Consortium** such documents will have to be subscribed by the legal representative of the Consortium and by the legal representative of the single companies making up the Consortium, which will directly carry out the performance for the consortium.

**The envelope called “Busta C - Offerta economica” (“Envelope C – Economic Offer”) must include, under penalty of exclusion, the following documentation:**

**Economic offer** to be drawn up **exclusively** on the “**Attachment 3 – Economic offer form**”.

It must be filled in completely and stamped, in compliance with the current legislation.

Foreign applicants which do not have legal headquarters or branches in Italy need not stamp the offer.

**The economic offer must be subscribed – under penalty of exclusion from the tender – by the legal representative of the applicant.**

In case of an established or a yet to be established **temporary group of companies**, the economic offer must be subscribed - under penalty of exclusion from the tender – by the legal representatives of all of the companies which make up group.

In case of a **Consortium**, the economic offer must be subscribed - under penalty of exclusion from the tender - by the legal representative of the Consortium and by the legal representatives of the single companies which make up the Consortium, which will directly carry out the performance for the consortium.

Any required amendments must be expressly confirmed and subscribed.

**Attachment 3 -Economic offer must be filled in completely. A partial filled in form causes the exclusion of the applicant from the tender.**

**The “Economic offer form” was prepared for the automatic calculation of the offered amounts. Therefore, data must be entered directly into the Excel spreadsheet, and in particular in the yellow-highlighted cells. Only afterwards may it be printed and subscribed.**

Each agency can produce a single offer, **no** alternatives are allowed.

**Offers whose prices (POS. 1 and POS. 2 of the economic offer) are higher than 200,000.00 EUROS are not accepted.**

Offers in which exceptions and/or conditions of any type are present or which are based on a condition are **not** accepted.

### **III. OTHER INFORMATION**

- **Questions and queries** must be sent only in writing, either by Fax (0471 999800) or by e-mail to the following e-mail address: [angelika.runggaldier@suedtirol.info](mailto:angelika.runggaldier@suedtirol.info), **by the eighth day before the date of expiry of the tender.**



- Amount of the **final deposit**: 10% of contract amount. The final deposit for the execution of the contract is a guarantee in the measure and according to the provisions of art. 113 of Legislative Decree no. 163/06. In case of a reduction of the tender price by more than ten percent, the final deposit will be increased by as many percentage points as those exceeding the aforementioned reduction percentage; where the reduction is higher than 20 percent, the increase will be by two percentage points for every reduction point above 20 percent.  
**For the final deposit there is the benefit of the reduction by 50% of the same, too, if the company which is awarded the tender has the “Company quality system” certification.**
  
- Any **changes to the composition of the groups of companies and of the consortia** from the one presented in the offer is forbidden. This is in compliance with the provisions of art. 37, paragraph 7 and it is true both for the groups of companies which will be established after the tender, for which the composition indicated in the bid is mandatory, as well as for the groups of companies already established, for which the memorandum of association presented in the bid is mandatory.
  
- In compliance with the provisions of art. 37, paragraph 7, of Legislative Decree no. 163/06, **applicants are not allowed to participate in the tender in more than one temporary group of companies or ordinary consortium**, or to participate in the tender also in individual form, if they have taken part in the same tender within a group of companies or ordinary consortium; in case of violation, all involved applicants will be excluded.
  
- In compliance with the provisions of art. 36, paragraph 5, of Legislative Decree no. 163/06 and of art. 17 of Law no. 69/09, **consortia must indicate in their offers the members of the consortium**: these cannot participate in any other form in the same tender; in case of violation, both the consortium and the member of the consortium will be excluded from the tender; in case of non compliance, article 353 of the Criminal Code applies. Participation to more than one stable consortium is forbidden.
  
- In case of a claim against the tender and the regulations connected to the same and related to the tender, it is possible to present the claim to the Regional Court of Administrative Justice, with the support of a lawyer. The term for the claim is 30 days from the knowledge of the same, in compliance with articles 243 – bis and following of Legislative Decree no. 163/06.

The data gathered in the framework of the procedures activated on the basis of the tender document will be treated in compliance with the provisions of art. 13 of Legislative Decree dated 30/06/2003, no. 196, which is “Code for the protection of personal data” exclusively in the framework of the present tender.

#### IV DUTY OF TRACEABILITY OF FINANCIAL FLOWS

The Company which is awarded the tender has the obligation of traceability of the financial flows, in compliance with the provisions of article 3 of law no. 163 dated August 13th, 2010 and subsequent amendments thereto. For this reason, it shall:

- a) use one or more bank or postal current accounts, opened at banks or at the company Poste Italiane S.p.A., dedicated to public orders for financial movements connected to the management of the present tender;
- b) communicate the details of the current accounts to the Commissioning Body, as per the previous point, as well as the general data and the taxpayer's code number of the people who can operate on such accounts, within seven days of the opening of the same;
- c) indicate in the contracts which will be subscribed with possible subcontractors the clause according to which each of them has traceability obligations of the financial flows, in compliance with the aforementioned law, under penalty of total voidness of the contracts;
- d) in case of information of non-fulfillment of the obligations of financial traceability by the subjects indicated in the previous letter c), it shall immediately terminate the contract with the counterpart, simultaneously informing the Commissioning Body, as well as the competent Government Commissariat.

In order to verify the application of the rule, the Commissioning Body may request the Company which is awarded the tender to present a copy of the contracts, as per letter c), and the Company which is awarded the tender will provide such documents within the deadlines and terms indicated.

The Commissioning Body will not make any payments and will terminate the contract if the company which was awarded the tender has not set up a bank or postal current account dedicated to the contracts with the Public Administration, in compliance with the provisions of art. 3 of law no. 136 dated 16/08/2010.

**PART II**  
**CONTRACT AWARDING PROCEDURE**

The open procedure will start at the place, day and time indicated in the tender. Please notice, however, that there might be slight changes in the times.

The tender will be awarded to the applicant which will have presented the most profitable offer, based on the following criteria:

CRITERIA	WEIGHTS
<b>PRICE (Economic offer)</b> for expected yearly investment of 300,000.00 Euro	<b>15.00</b>
<b>FURTHER ECONOMIC CONDITIONS</b> <i>of which</i>	<b>15.00</b>
Economic conditions in case of yearly investment from 300,000.01 to 350,000.00 Euro	5.00
Economic conditions in case of yearly investment from 350.000,01 to 700,000.00 Euro	5.00
Economic conditions in case of yearly investment from 700,000.01 to 1,000,000.00 Euro	5.00
<b>QUALITY</b> <i>of which</i>	<b>70.00</b>
<b>Three-year strategic communication plan” (MEDIA)</b> (Point 1 technical offer) <i>divided as follows:</i>	<b>14.00</b>
– Analysis (point 1, letter a of the technical offer)	5.00
– Strategic plan (point 1, letter b of the technical offer)	5.00
– Consistency between analysis and strategic plan	4.00
<b>Proposal for a yearly communication campaign (MEDIA)</b> (Point 2 technical offer) <i>divided as follows:</i>	<b>10.00</b>
– Concept	6.00
– How it will be realized	4.00
<b>Three-year strategic plan (PR)</b> (Point 3 technical offer) <i>divided as follows:</i>	<b>20.00</b>
– Analysis (point 3, letter a of the technical offer)	7.00
– Strategic plan (point 3, letter b of the technical offer)	9.00
– Consistency of the three-year PR strategic plan with the three-year MEDIA strategic plan, as per point 1 technical offer	4.00

<b>Annual “print” operational campaign (PR)</b> (Point 4 technical offer) <i>divided as follows:</i>		<b>7.00</b>	
– Concept	4.00		
– How it will be realized	3.00		
<b>Annual "online and new media" operational campaign (PR)</b> (Point 5 technical offer) <i>divided as follows:</i>		<b>8.00</b>	
– Concept	4.00		
– How it will be realized	4.00		
<b>Annual “TV” operational campaign (PR)</b> (Point 6 technical offer) <i>divided as follows:</i>		<b>5.00</b>	
– Concept	3.00		
– How it will be realized	2.00		
<b>Organizational chart: personnel working to carry out the service</b> (Point 7 technical offer)		<b>6.00</b>	

At the place, the day and the time defined in the tender, the President of the Tender Authority, during a meeting which will be open to the public, will open the envelopes received within the set time, having ascertained that they are intact.

Subsequently, the Tender Authority will check for completeness and validity the administrative documentation included in envelope "A" and will also carry out the sample check, if required, in compliance with the provisions of art. 48 of Legislative Decree no. 163/2006. Then the President will open the envelopes containing the technical offers (envelope "B") of accepted offers, and the Tender Authority will check their validity as to the terms of the tender.

The technical offers accepted will be forwarded to a Technical Commission, which will be appointed in compliance with the provisions of article 6 of Deontological Law 22.10.1993, no. 17, to support the tender entity for the evaluation of the “Quality” criterion.

**The criterion used to give quality score, as per the criteria “Three-year strategic communication plan” (MEDIA), “Proposal for an annual communication campaign” (MEDIA) “Three-year strategic plan” (PR), “Annual “print” operational campaign” (PR), “Annual “online and new media” operational campaign” (PR), “Annual TV operational campaign” (PR)”, in compliance with the provisions of attachment P to Presidential Decree no. 207/2010, is the following:**

The points for each subcriterion will be assigned on the basis of the following formula:

$$P_i = P_{max} * (V_i / V_{max})$$

P<sub>i</sub> = the score applied for the subcriterion

P<sub>max</sub> = the maximum attributable score for the subcriterion

V<sub>i</sub> = evaluation coefficient attributed to the applicant (average of the coefficients discretionally attributed by the single members of the commission)

V<sub>max</sub> = maximum coefficient obtained by all applicants

Evaluation coefficients will be assigned by the single members of the commission on the basis of the following evaluations

- poor quality = 0.00 to 0.09
- mediocre = 0.10 to 0.29
- sufficient = 0.30 to 0.49
- good = 0.50 to 0.69
- very good = 0.70 to 0.89
- excellent = 0.90 to 1.00

**The criterion used to assign the scores for the criterion “Organizational chart: personnel carrying out the service” is as follows:**

a) for each employee/cooperator with qualification of public relations consulting and with proved three-year experience in the PR sector	4.00 points
b) for each year of experience in the sector for a maximum period of 10 years	4.00 points

The applicant with the highest total score (= scores a) + b)) will receive the maximum score of 6 points, the other applicants will receive lesser scores in proportion to the total score received.

During a subsequent public meeting, the president of the Tender Authority will communicate the result of the quality evaluation and will finally open the envelopes “C – Offerta economica” (“C – Economic Offer”) of the offers accepted so far, and will subsequently open envelopes “D - Documentazione utile ad escludere che le offerte siano imputabili ad un unico centro decisionale” (“D – Documentation required to prove that the offers were not created by a single decision-making centre”), if present, and check, in case of control as per former art. 38, paragraph 1 letter m) quater of Legislative Decree no. 163/06, that the envelope required by the previously-recalled legislation includes the useful documents to prove that the control situation did not affect the offer.

The Tender Authority will check that the economic offers are regular, and assign the scores as follows, and then will draw up the list of applicants.

**The criterion used to define the scores for the element "Price" is the following:**

The maximum score will be assigned to the amount corresponding to the average reduction. The highest reduction will receive the highest score, too, whereas the lower reductions will receive a proportionately lower score, on the basis of linear interpolation system, between the coefficient which is 1, attributed to the average reduction and to the highest reduction, and coefficient 0, assigned to the offer with no reduction. Finally, this score will be multiplied by its relative weight.

**The criterion used to assign the score for the element "Further economic conditions" is the following:**

The lowest price of each subcriterion will be assigned the maximum score (5 scores), the other prices will receive inversely proportional scores, on the basis of the following formula:

<b>Lowest price X 5 (maximum score)</b>	<b>= Score of the offer being examined</b>
<b>Price of the offer being examined</b>	

Applicants have the right to be present at envelope opening.

All of the offers which are considered to be abnormally low, in compliance with the provisions of art. 86, paragraph 2, of Legislative Decree no. 163/06 or by the Commissioning Body, are subject to the anomaly check by the Commissioning Body, in compliance with the provisions of articles 87 and 88 of Legislative Decree no. 163/06.

The companies which presented the anomalous offers will therefore be asked, in writing and within 15 (fifteen) days of the receipt of the request, to produce the required explanations. In such cases, tender awarding will be postponed until all of the check operations are completed.

The Commissioning Body reserves the right to simultaneously check the anomaly of the best offers, not over the fifth one, in compliance with paragraph 7 of art. 88 of Legislative Decree no. 163/06.

The Commissioning Body subsequently checks that the general and professional suitability requirements are present, in compliance with the provisions of articles 38 and 39 of Legislative Decree no. 163/06 and of other provisions of law and regulations, if this was not already done. If this check does

not provide a positive result, the Commissioning Body then proceeds to the possible new awarding, or declares the tender deserted.

Tender operations will be minuted, in compliance with the provisions of art. 78 of Legislative Decree no. 163/06.

In any case, the tender awarding becomes effective only once the general and special requirements have been checked and are found to be present for the company which is awarded the tender, as well as after checking the presence of the special requirements for the second in line on the award list. Tender awarding is immediately binding on the company which is awarded the tender, whereas it becomes binding for the Commissioning Body only from the date of the contract. The contract will be made at least 35 days after the date in which the communication is sent, in compliance with art. 79 of Legislative Decree no. 163/2006.

The Tenderer cannot withdraw its bid after the expiry date for the presentation of the same in the tender.

In compliance with the provisions of art. 55, paragraph 4, of Legislative Decree no. 163/06, it is specified that the tender will be awarded even at the presence of a single valid offer, if it considered suitable, convenient or proper with respect to the object of the contract, in compliance with art. 81, paragraph 3, of the same Legislative Decree no. 163/06.

In case of offers being awarded the same score, the tender will be decided by lot.

Applicants presenting conditional offers will be excluded from the tender.

At the end of the tender procedure, the Commissioning Body will execute all communications, within 5 days, as per the provisions of art. 79, paragraph 5 and following of Legislative Decree no. 163/06, by means of a fax to the chosen domicile of the applicant, in compliance with the provisions of article 79 paragraph 5-bis and paragraph 5-quinquies of Legislative Decree no. 163/06.

The sole person in charge of the tender is Mr. Marco Pappalardo, the administrative director of the Commissioning Body.

**Documents attached to the present Tender Rules and Regulations:**

- Attachment 1: Statement of participation to the tender
- Attachment 1 bis List of at least 5 services
- Attachment 2 Subcontracting Statement
- Attachment 3 Economic offer form
- Attachment 4 Briefing to the agencies
- Attachment 5 Expense specifications
- Attachment 6 Temporary deposit scheme