

## ELECTRONIC TENDER PROVISIONS

### OPEN TENDERING PROCEDURE FOR ASSIGNMENT OF PROJECT MANAGEMENT SERVICES AND RELATED SERVICES SUPPORTING THE GENERAL SECTION COMMISSIONER'S OFFICE FOR ITALY'S PARTICIPATION IN EXPO 2025 – OSAKA

**TENDER IDENTIFICATION CODE (CIG): 98111977E3**

**UNIQUE PROJECT CODE (CUP): J34J21000090001**

#### RECITALS

The next World Expo (EXPO) will open on 13 April 2025 in Osaka, Japan, in the Kansai region. It will last until 13 October 2025.

The theme of EXPO 2025 in Osaka, Kansai, is "*Designing Future Societies for Our Lives*", a theme that places the human being at the centre of development and innovation and aims to create a major event centred on the humanism of life sciences, economic and social policies, technologies and the digitisation of learning, information and communication systems.

The Italian Pavilion will have the slogan "*Art Regenerates Life*" on the theme of the interdependence between man, nature and technology in the design of future societies. The main objective of the Pavilion will be to show how, in the past, today and in the future, we can create a human-centred society capable of generating innovation, sustainability and well-being, overcoming the opposition between humans and machines, between the natural and the artificial.

Lot A9 was selected to host the Italian Pavilion at EXPO 2025 Osaka. Lot A9 is coded as a Type-A Pavilion, as indicated in the Guidelines of the EXPO 2025 Osaka Organiser (hereinafter the "**EXPO 2025 Osaka Organiser**").

Lot A9 is located in the "*Saving life*" district and has a surface area of 3,626 square metres, 2,538 square metres of which can be built on, with a maximum height of 17 metres for 50% of the surface area and 12 metres for the remaining 50%.

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These Regulations (hereinafter, the "**Regulations**"), to which the Contract Notice (hereinafter, the "**Notice**") attached, as **Annex 1**, constitutes the document launching this tendering procedure to award of the contract for "**Project Manager Service and Related Services in favour of the General Commissioner of Section for Italian participation in Expo 2025 Osaka.**"

This tender procedure is organised by Invitalia - Agenzia nazionale per l'attrazione degli investimenti e lo sviluppo d'impresa S.p.A. (hereinafter, "**Invitalia**") as *Centrale di Committenza* (Central Purchasing Body), pursuant to Articles

37, para. 7 (a) and 38, para. 1 of Italian Legislative Decree No. 50 of 18 April 2016 (hereinafter, "**Italian Procurement Code**") on behalf of the General Commissioner of Section for Italian participation in Expo 2025 Osaka (hereinafter "**Commissioner**"), in the role of Contracting Authority with permanent establishment at the Italian General Consulate in Osaka, pursuant to the Convention signed on 27 December 2022.

In this procedure, the Commissioner acts as the Contracting Authority.

Invitalia reserves the right not to award the contract if no bid is the most economically advantageous or appropriate in relation to the subject of the contract.

At its absolute discretion, Invitalia reserves the right to suspend or revoke the procedure at any time, with notice thereof on its institutional website, without candidates being entitled to any rights in this regard.

The procedure shall be suspended following any anomalies reported on the electronic system.

Furthermore, Invitalia reserves the right not to accept the bid of an economic operator participating in this procedure (hereinafter, "**Tenderer**") if it is demonstrated that the Tenderer has not correctly performed services related to other previous contracts awarded.

The Tenderer may be asked by Invitalia or by the Commissioner to discuss and/or clarify its bid, but this invitation or discussion shall not in any way be understood as an undertaking by the Commissioner or by Invitalia to award the concession to this party.

The Commissioner reserves the right not to enter into the contract for justifiable reasons, even once the award has been made.

The Tenderer shall cover all costs connected to the preparation and submission of its Bid, and connected to gathering of all information required for preparation and submission of its Bid. Invitalia and the Contracting Authority may not under any circumstances be held liable for such costs, regardless of the outcome of the tendering procedure.

## ARTICLE 1

### PUBLICATION

All the documents relating to this procedure and the notices concerning the results of the same are published:

- on the Commissioner's website: <https://www.italyexpo2025osaka.it/bandi-e-gare>;
- on the website of the Ministry of Foreign Affairs and International Cooperation (hereinafter "**MAECI**"): [https://www.esteri.it/it/trasparenza\\_comunicazioni\\_legali/bandi-gara-contratti/bandi-di-gara-e-contratti-rete-diplomatico-consolare-e-istituti-di-cultura/](https://www.esteri.it/it/trasparenza_comunicazioni_legali/bandi-gara-contratti/bandi-di-gara-e-contratti-rete-diplomatico-consolare-e-istituti-di-cultura/)
- on Invitalia's site: <https://ingate.invitalia.it/>;
- as well as on the EXPO 2025 Organiser's e-procurement site, accessible after accreditation: <https://www.expo2025.or.jp/en/association/maintenance/category/contract-information/>

In addition, on a voluntary basis, the Notice has been sent electronically to the Publications Office of the European Union for publication in the European Union's *Official Journal*.

## ARTICLE 2

### INFORMATION ON THE PROCEDURE

#### INVITALIA REFERENCES. PROCUREMENT PROCEDURE MANAGER.

#### PROCEDURE LANGUAGE. CURRENCY. ACCESS TO DOCUMENTS

The tendering procedure will be managed via a specific electronic system (hereinafter the "*e-Procurement Platform*"), which is accessible via the portal available at <https://ingate.invitalia.it> (hereinafter the "*Portal*").

To participate in this procedure, interested economic operators need to first register on the Portal, which will then provide access to the e-Procurement Platform. The instructions available in the "*Bid Submission Guide*" (hereinafter the "*Guide*"), in **Annex 2** to these Rules need to be followed in this respect.

Therefore, participation in this procedure, and submission and drafting of a bid may only be performed via the aforementioned Portal, in accordance with the specifications set out in the aforementioned Guide.

Tender documents can be accessed at the following address: <https://ingate.invitalia.it>.

This procedure is launched by Invitalia, with registered office in Rome (Italy) at Via Calabria no. 46 – 00187.

The sole Procurement Procedure Manager (hereinafter "*RUP*") is Giovanni Urso. Giancarlo Mastinu, pursuant to Resolution of appointment prot. no. 0041003 of 10 February 2023.

The RUP's e-mail and fax no. are [realizzazioneinterventi@pec.invitalia.it; fax +39 06 42 160457]. The fax is to be used only when the e-Procurement system and e-mail are strictly unavailable.

The official language for the procedure is **English**.

In compliance with what is set forth in these Rules, requests for information or clarifications regarding the tender procedure, formulated by the Tenderers, the responses provided by Invitalia, as well as the minutes, measures and any further written communications during the tender procedure will be in English.

Documents not prepared in English or available only in another language submitted by the Tenderer during the tender, in original or copy, must be accompanied by a translation thereof into English. Invitalia reserves the right to ask the Tenderer for the English translation to be sworn and for this to be done, at the Tenderer's expense, within a reasonable period of time established by Invitalia.

The Tenderer shall ensure that all pages of the bid are complete. All documents for participation in the procedure must be prepared in their entirety in English and must be drawn up and submitted in accordance with and based on the

procedures set out in these Rules. Documents prepared in languages other than the official language for the procedure will not be considered if they are not accompanied by their English translation.

Please note that according to the rules of the *Bureau International des Expositions* (hereinafter "**BIE**"), tenderers must have sufficient language skills to communicate with the EXPO 2025 Osaka Organiser in the official languages (English, French and Japanese).

Therefore, once this tender procedure has been awarded, the economic operator selected from among the Tenderers (hereinafter, the "**Contractor**") must provide all the necessary language skills for effective local communication during the various stages of the contract and must arrange, at its own expense, for the translation into Japanese of all documents for submission to the EXPO 2025 Osaka Organiser and the Local Authorities.

The currency for this tendering procedure, as well as the contract itself, including the contract execution, is the **euro**. If the Bid is presented by a Tenderer that is not of Italian nationality, this party must present the bid exclusively in Euro.

**Bids in currencies other than the euro will be automatically converted into euro**, applying the official exchange rate on the day on which the Tenderer uploads its bid on Invitalia's e-Procurement Platform, as recorded according to the procedures established within the European System of Central Banks (ESCB) [<https://www.bancaditalia.it/compiti/operazioni-cambi/cambi/index.html>]

No updating of prices shall be made on the basis of fluctuations or variations in exchange rates between the Euro and other currencies during the period of validity of the tender contract.

Graphic representations shall be made using the decimal metric system.

Any requests to access documents may be sent by following the instructions from the Guide.

### ARTICLE 3

#### **RULES GOVERNING THE CONTRACTOR SELECTION PROCEDURE.**

#### **RULES GOVERNING THE EXECUTION OF THE CONTRACT.**

#### **PREVALENCE CLAUSES.**

#### **COLLABORATIVE SUPERVISION PROTOCOL WITH THE ITALIAN ANTI-CORRUPTION AUTHORITY. TENDER FEE.**

This open procedure is announced on behalf of the Commissioner, foreign Contracting Authority, with permanent establishment at the Italian General Consulate in Osaka pursuant to Italian Ministry of Foreign Affairs Decree no. 192 of 2 November 2017 "*Regulation containing the general guidelines governing the procedures for selecting contractors and*

the execution of the contract to be carried out abroad, under the terms of Article 1, paragraph 7 of Italian Legislative Decree no. 50 of 18 April 2016" (hereinafter the "**Regulation**").

Specifically, under the terms of Article 2 of the Regulation, the European Directives will be applied, without prejudice to the Regulation itself, the basic principles in the Italian Public Contracts Code, and more specifically, those under Article 30, paragraphs 1, 2 and 7, as well as the provisions of the Public Procurement Code, to which express reference will be made in the tender documents.

In particular, the Italian Public Procurement Code is based on the principles of affordability, efficiency, appropriate timing and fairness, as well as free competition, non-discrimination, transparency, proportionality and publicity.

Execution of the service contract shall be compliant with applicable health and safety laws in Japan. Furthermore, the current regulations in Japan relating to basic workers' rights shall also apply, taking into consideration the minimum standards for workers' protection acceptable at international level.

This procedure to select the contractor and the execution of the tendering contract are subject to the application of the specific rules adopted by the EXPO 2025 Osaka Organiser, as approved by the BIE, the international non-governmental organisation managing universal and international expositions.

In the event of discrepancies between Conditions of the Contract and these Rules, these Rules shall prevail.

The laws of the Republic of Italy shall govern the Contract.

In relation to the tendering procedure, for the purposes of Economic Operators' qualifications to participate in this tendering procedure, the provisions contained in these Rules and the relative annexes shall prevail.

This procedure is subject to high-level surveillance monitoring by the Italian National Anti-corruption Authority [Autorità Nazionale Anticorruzione] (hereinafter "**ANAC**"), pursuant to Article 213, paragraph 3, letter h of the Italian Public Procurement Code, based on the Collaborative Supervision Protocol (hereinafter the "**Supervision Protocol**"), signed on 25 October 2022 by ANAC and the Commissioner. The Vigilance Protocol is attached to these Regulations, including the corrigendum, as **Annex 3** (hereinafter "**Vigilance Protocol**").

On this basis, for the purposes of participation, the Tenderer must acknowledge and accept the Supervision Protocol, with reference to the assumptions for terminating the contract hereunder, which shall be considered as Particular Conditions of the Contract:

i. "The contractor or the subcontractor in the case of subcontracting shall undertake to notify the judicial authorities promptly of any attempts at extortion which may have been made, in any way, against person(s) belonging to the "supply chain", the contractor, the corporate bodies or the company directors. The aforementioned requirement is fundamental to the execution of the contract, and non-compliance shall result in the express and automatic termination of the contract, pursuant to Article 1456 of the Italian Civil Code, at any time that precautionary measures are ordered or there

is an indictment for the crime of malfeasance in office referred to under Article 317 of the Italian Criminal Code, in respect of public administration officials that have exercised functions relating to the awarding, drafting and execution of the contract”;

ii. “The Commissioner or the contractor, in the case of subcontracting, undertake to avail themselves of the express termination clause referred to in Article 1456 of the Italian Civil Code whenever a precautionary measure has been ordered against the contractor or the members of the corporate structure, or the managers of the company with specific functions relating to the award, stipulation and execution of the contract, or if an indictment has been issued for any of the offences referred to in Article 321 of the Italian Criminal Code with regard to the articles 318, 319, 319-bis, and 320 of the criminal code, as well as for the crimes pursuant to articles 319-quater, paragraph 2, 322, 322-bis, paragraph 2, 346-bis, paragraph 2, 353 and 353-bis of the criminal code”.

Pursuant to Article 1, paragraph 67 of Italian Law 266/2005, **prior to the deadline for submitting the bid**, the Tenderer shall pay a fee to ANAC, in the amount of € 70.00 (seventy/00 euro), via bank transfer to current account no 4806788, held at Banca Monte dei Paschi di Siena (IBAN: IT 77 0 01030 03200 0000 04806788 - BIC: PASCITMMROM) in the name of the Italian Anti-Corruption Authority. The reference for the payment must only contain the identification code for tax purposes used in the country of residence or the registered office of the Tenderer making payment (for example, the VAT number), together with the tender identification code (CIG) appearing at the beginning of these Rules, which identifies the tendering procedure that the Tenderer intends participating in. The receipt for the payment made must be attached by the Tenderer to the bid, following the procedures specified below.

Invitalia shall check that the fee payment was made prior to the expiry of the deadline for tender submissions, that the correct amount was paid, and that the tender identification code (CIG) provided by the economic operator corresponds with the number assigned to this procedure.

#### ARTICLE 4

##### SUBJECT AND PLACE OF EXECUTION OF CONTRACT.

##### AMENDMENTS TO THE SUBJECT OF THE CONTRACT. VARIANTS.

The subject of this contract is the assignment of “**Project management services to support the General Commissioner's Office of the Section for Italy's participation in Expo 2025 – Osaka**”, as described and detailed in the Tender Specifications, **Annex 4** to these Rules.

The services covered by the contract fall within those referred to in CPV 72224000-1 and 79417000-0.

The project management service must be guaranteed by a Project Manager (hereinafter “**PM**”) appointed by the Contractor on the basis of availability, professional qualities and experience required for the role and taking into account the specific minimum requirements indicated in the Tender Specifications.

The place where activities will be carried out is the Italian Pavilion at EXPO 2025 Osaka, unless otherwise specified by the Commissioner. The Commissioner may arrange for the activities to be carried out at a different location and may convene coordination meetings at the Commissioner's offices in Japan or Rome.

Furthermore, as outlined in more detail in the Tender Specifications, considering the requirement to deal with a possible increase in operational activity, during the creation and operation/management as well as the dismantling and/or demolition of the Italian Pavilion, above all in the context of typical operational peaks connected to the phases of set-up and operation, primarily regarding supplier logistics to and from the Pavilion and coordination of administrative and managerial aspects, the Contracting Authority reserves the right to request the contractor to activate up to a maximum of **five further professional figures to support the already identified PM**, who may aid the latter in provision of specific services covered by the contract. In such case, an increase in the contract amount shall be applied, as specified in the following article.

The aforementioned activation option for the Contracting Authority may be exercised without incurring any liability, claims for damages, indemnity or compensation, including pursuant to Articles 1337 and 1338 of the Italian Civil Code and, therefore, without any objection or claim on whatever basis from the Contractor.

The contract has not been divided into lots as the object of the same cannot be divided into lots; on the contrary, it constitutes a single lot, since the technical-specialist activities requested by the Commissioner for the purpose of supporting the implementation and construction activities of the Italy Pavilion at Expo 2025 Osaka can only be performed through a single general and technical supervision which guarantees efficient and effective coordination also at a transversal level between several macro-areas and spheres of activity.

## ARTICLE 5

### TENDERING AMOUNT

#### MAXIMUM ESTIMATED VALUE OF THE CONTRACT

The tendering amount for this procedure is **€ 360,000.00 (three hundred and sixty thousand/00 euro)**, plus VAT and welfare and pensions payments as required by law, determined as specified in the following Table 1:

**Table 1**

ID	Profile	Personnel Number (max)	Amount (max) (€/month)	Month (max)	Reducible	Optional
<b>A</b>	Project Manager (PM)	1	10,000.00	36	YES	NO
<b>Contract amount (A)</b>			<b>€ 360,000.00</b>			
<b>B</b>	Project Assistant with local license	1	7,000.00	110 (total)	YES	YES
<b>C</b>	HSE Manager	1	4,500.00		YES	YES
<b>D</b>	Logistics Assistant	1	4,500.00		YES	YES
<b>E</b>	Project Assistant	1	4,500.00		YES	YES
<b>F</b>	Project Assistant	1	4,500.00		YES	YES

<b>Maximum contractual increase in additional figures (B+C+D+E+F)</b>	€ 560,000.00*
<b>Maximum estimated value of the contract (A+B+C+D+E+F)</b>	<b>€ 920,000.00</b>

\*Within the contractual term of 36 consecutive months, the option for the five additional figures may be activated for a total maximum period of 110 months, 26 of which for the Project Assistant with local license.

The maximum estimated value (hereinafter the “**MES**”) for this procedure comprises the sum of (presented in Table 1):

- the amount for the contract services (A);
- the maximum amount for optional services (B), (C) (D), (E) and (F), considering optional services as those subject to an activation request to the Contractor as specified in the previous Articles 4 and 9 of these Rules;

and totals € 920,000.00 (nine hundred and twenty thousand/00 euro), plus VAT and other charges as applicable by law.

The percentage reduction offered by the successful tenderer during the procedure, indicated in relation to the service (A), is binding also for the definition, evaluation and accounting of optional services, where activated, and all possible variants, additions or deductions while the service is being performed, should these be admissible and ordered or authorised by the Contracting Authority.

**NO HIGHER BIDS WILL BE ADMITTED AND THEREFORE, ECONOMIC OPERATORS OFFERING A PRICE THAT IS HIGHER THAN THE STARTING AMOUNT [EUR 360,000.00] WILL BE EXCLUDED FROM THE PROCEDURE.**

#### ARTICLE 6

##### CRITERIA FOR AWARDING CONCESSION AND PROCEDURES FOR FINALISING THE CONTRACT

**Under penalty of exclusion**, the operator must submit a technical offer.

Bids submitted shall be assessed on the basis of the criterion of the most economically advantageous bid, identified according to the best quality/price ratio, based on objective criteria, such as the experience, qualitative and methodological aspects relating to the assignment.

The total points are based on the sum of the points obtained for the technical offer and those for the economic offer.

The maximum total points are 100 and are distributed as follows:

**Table 2**

ID.	EVALUATION ASPECTS	MAXIMUM SCORE
1	Technical offer	80
2	Economic bid	20
<b>Total</b>		<b>100</b>

Bids will be evaluated on the basis of the criteria, weighting or points shown below in Table 3, and according to the methodology detailed below.



**Table 3**

ID	CRITERION	WEIGHTING OR POINTS (Wi)
<b>CRITERION A – QUALITIES OF THE PROJECT PROPOSAL</b>		
A.1	Level of analysis and comprehension by the operator of the functional and procedural context of reference and relative specific nature of the underlying requirement for support	6
A.2	Completeness and appropriate structuring of activities proposed in the offer relative to the requirements set out in the Tender Specifications regarding the activities included in the “Project Management” services	12
A.3	Completeness and appropriate structuring of activities proposed in the offer relative to the requirements set out in the Tender Specifications regarding the activities included in the “Assurance Management” services	6
A.4	Completeness and appropriate structuring of activities proposed in the offer relative to the requirements set out in the Tender Specifications regarding the activities included in the “Logistics Management” services	6
<b>CRITERION B - METHODOLOGICAL CHARACTERISTICS OF THE OFFER</b>		
B.1	Level of functional suitability of operational and methodological solutions identified for provision of the requested services	7
B.2	Methodologies adopted to effectively guarantee internal and external interaction	9
<b>CRITERION C - QUALITIES OF THE PROFESSIONAL FIGURE OF PROJECT MANAGER</b>		
C.1	Suitability and correspondence of the CV profile proposed for the role of Project Manager, for the purposes of analysis and comprehension of the territorial, procedural, governance and functional reference context relative to Osaka and, secondly, the Japan	6
C.2	Suitability and correspondence of the CV profile proposed for the role of Project Manager, for the purposes of analysis and comprehension of the specific procedural, governance and functional reference context of EXPO 2025 – Osaka - Kansai	6
C.3	Suitability and correspondence of the CV profile proposed for the role of Project Manager, for the purposes of analysis and comprehension of the procedural, governance and functional context relative to provision of services, similar to those covered by the contract, for large events	6
C.4	Suitability and correspondence of the CV profile proposed for the role of Project Manager in terms of technical experience in heading contracts gained in the context of complex projects	6
C.5	Project Manager native Italian speaker or in possession of a certificate or attestation of knowledge of the Italian language, both spoken and written, issued by a legally recognised institution, with a minimum level equivalent to C1 of the Common European Framework of Reference for Languages (CEFR) (e.g. CILS certification with a score of at least 3).	YES = 1 NO = 0
<b>CRITERION D – EQUAL GENERATIONAL AND GENDER OPPORTUNITY</b>		
D.1	Commitment to identify any additional figures activated by the Commissioner among persons that are under the age of thirty-six and/or female.	< 2/5 figures = 0 2/5 figures = 1 3/5 figures = 2 4/5 figures = 2

		5/5 figures = 3
CRITERIA AND - CERTIFICATIONS		
E.1	The operator has the quality certifications compliant with UNI EN ISO 9001:2015 standards for activities equivalent to those being assigned	YES = 3 NO = 0
E.2	The professional figure proposed for the role of Project Manager has the "Project Management Professional" (PMP) certification	YES = 3 NO = 0
		80
ECONOMIC BID		
F	Sole percentage reduction	20
<b>TOTAL</b>		<b>100</b>

The technical offer consists of a report from which characteristics can be drawn for assignment of points for the criteria set out in table 3, above. This must be composed of:

- two paragraphs (A) and (B), structured with the sections described in Table 4, below, that illustrate the qualifications of the tenderer, the suitability of the offer and the methodologies proposed for provision of the service;
- the CV of the PM proposed for performance of the task, prepared in line with the provisions provided in Table 4, below;
- [as applicable] a certified copy of the originals of certifications and declarations indicated, in compliance with the provisions provided in Table 4, below.

Table 4

TECHNICAL OFFER AND EVALUATION PROCEDURES	
PARAGRAPH A – QUALITIES OF THE PROJECT PROPOSAL	
Paragraph A must consist of four sections (A.1, A.2, A.3 and A.4), containing the descriptive elements needed to evaluate the four criteria A.1, A.2, A.3 and A.4.	
The Adjudication Commission will assign points based on the evaluation procedures set out for each section.	
Criterion	Paragraph content and evaluation procedures
A.1 Level of analysis and comprehension by the operator of the functional and procedural context of reference and relative specific nature of the underlying requirement for support	<p><b>Section A.1</b></p> <p><b>Required content:</b></p> <p>General presentation of the project proposal, with analysis and description of how it is compatible with the functional and procedural reference context of Expo 2025 Osaka - Kansai and relative specific nature of the requirement for support underlying the services.</p>
	<p><b>Evaluation procedures:</b></p> <p>The following aspects will be positively evaluated:</p> <ul style="list-style-type: none"> <li>- complete and exhaustive content, compliance with the service to be assigned, analysis of environmental, functional and procedural reference context;</li> <li>- accurate assessment of the underlying requirement for support.</li> </ul>

<p>A.2 Completeness and appropriate structuring of activities proposed in the offer relative to the requirements set out in the Tender Specifications regarding the activities included in the “Project Management” services</p>	<p><b><u>Section A.2</u></b> <b>Required content:</b> Description of the project proposal with focus on the key themes characterising the service and correspondence of goals, structure and content of the proposed activities with the requirements set out in the Specifications for “Project Management” services; identification of any critical issues and possible solutions to these.</p> <hr/> <p><b>Evaluation procedures:</b> Positive evaluation will be given to proposals that are complete on the basis of the service indications contained in the Tender Specifications for “Project Management” services. Reports which provide precise and clear details of the following will, in particular, receive positive evaluation:</p> <ul style="list-style-type: none"> <li>- the key areas characterising the service and correspondence of goals, structure and content of the proposed activities with the requirements set out in the Tender Specifications for “Project Management” services;</li> <li>- identification of possible critical issues;</li> <li>- identification of possible solutions to critical issues and unexpected challenges as outlined by the Tenderer.</li> </ul>
<p>A.3 Completeness and appropriate structuring of activities proposed in the offer relative to the requirements set out in the Tender Specifications regarding the activities included in the “Assurance Management” services</p>	<p><b><u>Section A.3</u></b> <b>Required content:</b> Description of the project proposal with focus on the key themes characterising the service and correspondence of goals, structure and content of the proposed activities with the requirements set out in the Tender Specifications for “Assurance Management” services; identification of any critical issues and possible solutions to these.</p> <hr/> <p><b>Evaluation procedures:</b> Positive evaluation will be given proposals that are complete according to the service indications contained in the Tender Specifications for “Assurance Management” services. Reports which provide precise and clear details of the following will, in particular, receive positive evaluation:</p> <ul style="list-style-type: none"> <li>- the key areas characterising the service and correspondence of goals, structure and content of the proposed activities with the requirements set out in the Tender Specifications for “Assurance Management” services;</li> <li>- identification of possible critical issues;</li> <li>- identification of possible solutions to critical issues and unexpected challenges as outlined by the Tenderer.</li> </ul>

<p style="text-align: center;">A.4</p> <p>Completeness and appropriate structuring of activities proposed in the offer relative to the requirements set out in the Tender Specifications regarding the activities included in the “Logistics Management” services</p>	<p><b><u>Section A.4</u></b> <b>Required content:</b> Description of the project proposal with focus on the key themes characterising the service and correspondence of goals, structure and content of the proposed activities with the requirements set out in the Tender Specifications for “Logistics Management” services; identification of any critical issues and possible solutions to these.</p> <p><b>Evaluation procedures:</b> Positive evaluation will be given proposals that are complete on the basis of the provisions of the service indications in the Tender Specifications for “Logistics Management” services. Reports which provide precise and clear details of the following will, in particular, receive positive evaluation:</p> <ul style="list-style-type: none"> <li>- the key areas characterising the service and correspondence of goals, structure and content of the proposed activities with the requirements set out in the Tender Specifications for “Logistics Management” services;</li> <li>- identification of possible critical issues;</li> <li>- identification of possible solutions to critical issues and unexpected challenges as outlined by the Tenderer.</li> </ul>
<p><b><u>PARAGRAPH B - METHODOLOGICAL CHARACTERISTICS OF THE OFFER</u></b> Paragraph B must consist of two sections (B.1 and B.2), containing the descriptive aspects needed to evaluate the two criteria B.1 and B.2. The Adjudication Commission will assign points based on the evaluation procedures set out for each section.</p>	
<b>Criterion</b>	<b>Paragraph content and evaluation procedures</b>
<p style="text-align: center;">B.1</p> <p>Level of functional suitability of operational and methodological solutions identified for provision of the requested services</p>	<p><b><u>Section B.1</u></b> <b>Required content:</b> illustration of the operational and methodological proposals for provision of the services covered by the contract, in line with the content indications already set out in these Tender Regulations and the Tender specifications, particularly highlighting the goals, structure and content of proposed activities, the proposed organisational model, management processes, identification of possible logistical/operational critical issues and unexpected challenges and proposed solutions to these. Solutions may also be presented that best guarantee and include improvements and additional elements aimed at optimising time frames and quality of the response.</p>

	<p><b>Evaluation procedures:</b> Positive evaluation will be given to operational and methodological proposals that guarantee smooth execution of the service and take into consideration possible logistical/operational difficulties, providing appropriate strategies for their resolution. The following elements will also be judged positively:</p> <ul style="list-style-type: none"> <li>- effectiveness of the organisational model proposed and management processes for performance of the activities and control of the service;</li> <li>- identification of solutions aimed at guaranteeing optimal efficiency of results from the professional figure proposed for the role of Project Manager;</li> <li>- solutions that best guarantee and include improvements and additional elements aimed at optimising time frames and quality of the response.</li> </ul>
<p>B.2 Methodologies adopted to effectively guarantee internal and external interaction</p>	<p><b>Section B.2</b> <b>Required content:</b> illustration of methodologies planned to guarantee internal and external interaction, information flows with the Offices of the Commissioner, the Organising Body and other stakeholders involved, and representation of data, situations and open issues.</p> <p><b>Evaluation procedures:</b> Positive evaluation will be given to proposals that guarantee use of methodologies ensuring:</p> <ul style="list-style-type: none"> <li>- correct information flows with the assigned Offices of the Commissioner, the Organising Body and other stakeholders involved;</li> <li>- use of communication techniques that allow optimal representation of data, situations and open issues and support decision making of the Commissioner;</li> <li>- the most effective methods and related scheduling with which the Contractor undertakes to comply with the recommendations and/or requirements, however named, dictated by the Contracting Authority, even if such services are not specifically provided for in the Specifications and in the Contractual Documents.</li> </ul>
<p><b>CV OF THE PM.</b> The CV must present the information needed to evaluate the five criteria: C.1, C.2, C.3, C.4 and C.5. In particular, the CV of the professional figure proposed for the role of PM must clearly set out professional experience (track record), duration of previous roles, and knowledge and skills held in order to evaluate the individual's capability to execute the services covered by the contract. The Adjudication Commission will assign points to the criteria C.1, C.2, C.3, C.4 and C.5 based on the evaluation procedures set out for each criterion.</p>	
<b>Criterion</b>	<b>Evaluation procedures</b>
<p>C.1 Suitability and correspondence of the CV profile proposed for the</p>	<p>Positive evaluation will be given to the track record of the professional figure proposed for the role of PM which presents the highest level of territorial, procedural, governance and functional knowledge of the relative context in</p>

<p>role of Project Manager, for the purposes of analysis and comprehension of the territorial, procedural, governance and functional reference context relative to Osaka and, secondly, the Japan</p>	<p>Osaka and, secondly, Japan.</p>
<p>C.2 Suitability and correspondence of the CV profile proposed for the role of Project Manager, for the purposes of analysis and comprehension of the specific procedural, governance and functional reference context of EXPO 2025 – Osaka - Kansai</p>	<p>Positive evaluation will be given to the track record of the professional figure proposed for the role of PM that presents the highest level of knowledge of the procedural, governance, administrative and functional context relative to works for the Osaka EXPO 2025 event, particularly concerning the management of contracts for complex projects.</p>
<p>C.3 Suitability and correspondence of the CV profile proposed for the role of Project Manager, for the purposes of analysis and comprehension of the procedural, governance and functional context relative to provision of services, similar to those covered by the contract, for large events</p>	<p>Positive evaluation will be given to the track record of the professional figure proposed for the role of PM that presents the highest level of knowledge of the procedural, governance, administrative and functional context relative to works for previous large events (e.g. Olympics, EXPO, etc.), particularly concerning the management of contracts for complex projects.</p>
<p>C.4 Suitability and correspondence of the CV profile proposed for the role of Project Manager in terms of technical experience in heading works gained in the context of complex projects</p>	<p>Positive evaluation will be given to the track record of the professional figure proposed for the role of PM which presents experience gained in heading contracts for works characterised by an equivalent level of complexity as that of creating the Italy Pavilion at EXPO 2025 - Kansai.</p>
<p>C.5 Knowledge of the Italian language</p>	<p>A bonus point will be given if the Project Manager is a native Italian speaker or possessing a certificate or attestation of knowledge of Italian, spoken and written, issued by a legally recognised institution, with a minimum level equivalent to C1 of the Common European Framework of Reference for Languages (CEFR) (e.g. CILS certification with a score of at least 3).</p>
<p><b><u>EQUAL GENERATIONAL AND GENDER OPPORTUNITY</u></b> The Adjudication Commission will assign points to criteria D.1 based on the evaluation procedures set out.</p>	
<b>Criterion</b>	<b>Evaluation procedures</b>
<p>D.1 Commitment to identify any additional figures activated by the Commissioner among persons that</p>	<p>A bonus score will be assigned, according to the criteria indicated in Table 3, to the proposal which provides, in the event of activation by the Commissioner of the additional figures referred to in article 4 of the Specifications, the commitment to identify the aforementioned figures among subjects who are under the age of thirty-six and/or female.</p>

are under the age of thirty-six and/or female.	
<b>CERTIFICATIONS</b>	
The Adjudication Commission will assign points to the criteria E.1 and E.2 based on the evaluation procedures set out for each criterion.	
<b>Criterion</b>	<b>Evaluation procedures</b>
E.1 The Economic Operator has the quality certifications compliant with ISO 9001:2015 standards for activities equivalent to those being assigned	Copy of quality certification compliant with ISO 9001:2015 standards for activities equivalent to those being assigned.
E.2 The professional figure proposed for the role of PM has the “Project Management Professional” (PMP) certification	Copy of certificate/declaration of “Project Management Professional” (PMP)

The Technical Report must be prepared as follows:

- a maximum total of 25, A4 pages for Paragraphs A and B, and ordered according to the relative sections indicated above;
- a maximum total of 10 A4 pages for the CV of the professional figure proposed for the role of PM;
- a maximum total of 4, A4 pages for any certificates/declarations held.

The Technical Report must be signed by the economic operator’s legal representative or by the person vested with the necessary powers, and observe the following instructions:

- pages must be progressively and individually numbered, with each page specifying page number and total number of pages (for example, page 3 of 40);
- each page must specify the CIG, CUP, title of the intervention, and the name of the operator presenting the tender;
- the following formats and formatting must be observed:
  - font: Arial;
  - font size: 12;
  - line spacing: 1.5;
  - 25 lines per page.

\*\*\*

Identifying the most economically advantageous bid will be based on the following formula:

$$C_a = \sum_n [W_i * V_{ai}]$$

where:

$C_a$  = Total points assigned to the offer (a)

$\sum_n$  = Sum

$n$  = Total number of elements for evaluation (i)

$W_i$  = Weighting or points attributed to the elements for evaluation (i)

$V_{ai}$  = Coefficient, variable between zero and one, of the performance of the offer (a) with respect to the element for evaluation (i)

It should be noted that, to determine the coefficients, it is necessary to distinguish between:

1. coefficients  $V_{ai}$  **of a qualitative nature** (technical offers: elements for evaluation A.1, A.2, A.3, A.4, B.1, B.2, C.1, C.2, C.3, C.4 );
2. coefficients  $V_{ai}$  **of a quantitative nature / in tables** (technical offer: evaluation elements C5, D.1, E.1, E.2);
3. coefficients  $V_{ai}$  **of a quantitative nature** (financial offer: evaluation element F).

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**1)** With regard to the **qualitative** coefficients (technical bids, evaluation aspects A.1, A.2, A.3, A.4, B.1, B.2, C.1, C.2, C.3, C.4), these coefficients will be determined by averaging the evaluation coefficients (included between zero and one) assigned on a discretionary basis by each commissioner.

More specifically, each commissioner will assign the score to each evaluation aspect, according to the following evaluation scheme:

**Table no. 5**

OPINION	DESCRIPTION OF OPINION	SCORE
NOT APPLICABLE	Handling not applicable for the subject in question.	0
UNSATISFACTORY	Handling unclear; absence of proposed benefits/advantages in relation to the Sub-Rules; lack of analytical technical content.	0.1
POOR	Incomplete handling indicative of a lack of real foundation of the proposal relative to the benchmark. The benefits/advantages are unclear and/or are not demonstrated analytically in the proposal.	0.2
SATISFACTORY	Handling is just adequate in relation to the expectations set out in the Sub-Rules. The advantages and/or benefits can just about be seen.	0.3
MORE THAN SATISFACTORY	Handling is exhaustive in relation to the expectations set out in the Sub-Rules. The advantages and/or benefits can be seen.	0.4
AVERAGE	Whilst the handling is complete in relation to the expectations set out in the Sub-Rules, it does not feature aspects that make the offer stand out. The advantages and/or benefits appear to be partially analysed and fairly clear, but without innovation.	0.5
ABOVE AVERAGE	Handling is complete in relation to the expectations set out in the Sub-Rules. The advantages and/or benefits appear to be partially analysed and fairly clear and there are some signs of innovation.	0.6



GOOD	Complete handling of the areas requested clearly, effectively and efficiently in relation to the expectations set out in the Sub-Rules. Technical aspects are still dealt with superficially; however, the advantages are evident and mark the key features of the bid.	0.7
PARTICULARLY GOOD	Complete handling of the areas requested clearly, effectively and efficiently in relation to the expectations set out in the Sub-Rules with a good level of technical detail. Solutions appear to be concrete and innovative. The advantages are clearly evident, highlighting the key features of the bid.	0.8
VERY GOOD	Complete handling of the areas requested with a very good level of detail for all technical aspects. Very effective proposal relative to the expectations set out in the Sub-Rules also in relation to possible solutions available on the market and the feasibility of the proposal itself.	0.9
EXCELLENT	Exceeds the expectations expressed in the Sub-Rules, with exhaustive and precise handling of requested areas and matters. The benefits and advantages of the proposal are evident, well beyond expectations, also with reference to possible solutions present on the market and the feasibility of the proposal itself. The reliability of the bid is concrete and evident.	1

**Once each commissioner has assigned a coefficient to each tenderer for each sub-criterion, the average of the coefficients assigned will then be calculated. This average will be calculated rounding to the third decimal place: if the fourth decimal place is equal to or greater than 5, it will be rounded up; if the fourth decimal place is less than 5, it will be rounded down.**

The value thus obtained ( $V_{ai}$ ) will be multiplied by the maximum score attributable in relation to each element for evaluation (A.1, A.2, A.3, A.4, B.1, B.2, C.1, C.2, C.3, C.4).

**2)** As regards the **quantitative** coefficients  $V_{ai}$  of the technical offer, relating to the elements C5, D.1, E.1, E.2, for evaluation they will be attributed according to the indications previously reported in Table no. 4 relating to said criteria.

**This total points for the bid will be calculated rounding to the third decimal place: if the fourth decimal place is equal to or greater than 5, it will be rounded up; if the fourth decimal place is less than 5, it will be rounded down.**

**3)** With regard to the **quantitative** coefficients  $V_{ai}$  (economic bid: evaluation aspect F) the following formula will be applied, using the linear interpolation method, attributing the coefficient zero to the minimum possible bid (i.e. the one offering no percentage discount) and the coefficient one to the most advantageous economic bid (i.e. the one offering the highest percentage discount):

$$V_{ai} = R_a / R_{max}$$

where:

$V_{ai}$  = Coefficient of rendering the service (a) in relation to the evaluation aspect (i), variable between 0 and 1

$R_a$  = Value (percentage reduction) offered by the tenderer (a)

$R_{max}$  = Value (percentage reduction) of the most advantageous bid

With regard to the economic bid, the coefficient  $R_a$  represents the single percentage discount in the economic bid submitted by the tenderer (a).

The value obtained in this way,  $V_{ai}$ , will be multiplied by the maximum points assignable in relation to criterion F.

**The product ( $V_{ai} * W_i$ ) will be rounded to the third decimal place: if the fourth decimal place is 5 or more, it will be rounded up; if the fourth decimal place is less than 5, it will be rounded down.**

## ARTICLE 7

### FUNDING DETAILS

This procedure is financed with the funding allocated in Chapter 2318, management plan 7, of the Italian Ministry of Foreign Affairs and International Cooperation budget for the 2022 financial year and for the 2022-2024 three-year period, to the Commissioner, which operates as the Appointed Official.

#### ARTICLE 8

##### DEADLINES FOR SERVICE EXECUTION. PENALTIES

The services covered by the contract must be provided according to the procedures and in accordance with the deadlines specified in the Tender Specifications.

The maximum duration set for the contract is 36 (thirty-six) months from launch of the service. In any case, the service will end on 30 June 2026, the date projected as the last day to complete the dismantling and/or demolishing of the Italian Pavilion.

Penalties for failing to comply with the deadlines for the execution of the services are indicated in the Tender Specifications.

#### ARTICLE 9

##### PARTIES ADMITTED TO THE PROCEDURE AND PARTICIPATION REQUIREMENTS.

**Provided they possess the requirements specified in these Rules**, all economic operators in the European Union are permitted to participate, and/or those pursuant to Article 25 of Directive 2014/24/EU and/or those with the requirements and authorisations stipulated by local legislation, namely the laws of Japan.

In general terms, an economic operator may be a legal person or public entity or group of such entities, including any temporary association of undertakings, which offers services on the market.

This said, the participant in this tendering procedure may be a single economic operator or a temporary association of such economic operators that has already been duly constituted or is to be constituted.

To safeguard competition, competitors are prohibited from participating in the tender in more than one group of competitors, or from participating in the tender even individually if they have participated in the same tender as part of a group of competitors.

**Excluded** from the procedure are Tenderers that do not possess all the requirements specified in this Article 9 (hereinafter the "**Participation Requirements**").

Further excluded from participation in the tender are Tenderers whom Invitalia has established to have rendered untrue statements regarding having the aforesaid Participation Requirements.

**In the event of any case of exclusion, Invitalia shall enforce the provisional guarantee (hereinafter, the "Tender Bond") provided by the Tenderer as required in Article 11 below of these Rules.**

##### **PARTICIPATION REQUIREMENTS:**

## 1. Legality requirements

**Excluded from participation** in this procedure is any Tenderer to whom any one of the reasons for exclusion specified below is applicable, as detailed in **SECTION 1** of the *Participation Application* form, **Annex 5** to these Rules:

- A. reasons for exclusion related to criminal convictions;
- B. reasons for exclusion related to the payment of taxes or social security contributions;
- C. reasons for exclusion related to insolvency, conflicts of interest or professional misconduct.

Furthermore, under penalty of exclusion, the operator must not have causes of incompatibility referred to in article 53, paragraph 16 ter, of Italian Legislative Decree no. 165 of 30 March 2001;

In any case, please note that work abroad complies with national and European provisions on environmental protection, health and safety, within the limits of compatibility with local legislation for contracts to be performed in non-EU states, in accordance with the provisions of article 2, paragraph 4 of the Regulation.

For economic operators residing or with a permanent establishment in Italy, the verification of serious violations not definitively ascertained in relation to the obligations relating to the payment of taxes and duties pursuant to article 80, para. 4, of the Italian Procurement Code takes place through interaction with the Italian Revenue Agency with territorial jurisdiction in relation to the economic operator's headquarters, through the same Economic Operator Virtual Dossier.

The Tenderer who encounters situations envisaged by local legislation equivalent to those indicated above and detailed in the "*Participation Application*" form, Annex 5 to these Regulations is excluded.

In the event of participation in the tender by a multi-party Tenderer, the legality requirements must be held and proven by all individual economic operators making up the Tenderer.

## 2. Specific tender requirements

**Excluded from participation** in this procedure is any Tenderer not possessing the requirements detailed in **SECTION 2** of **Annex 5** to these Tendering Rules.

In particular:

### i. Professional competence requirements:

Tenderers must satisfy the professional competence requirements, **with failure to comply resulting in exclusion from the procedure**, including commercial licences and/or permits and/or relevant authorisations, certifications or registrations required by applicable local legislation of the relative country, to perform the activities defined by the company purpose, and, where defined by the legal system of the State in question, registration with official lists or registers required for performance of relative business.

In the case of participation in the tender by a multi-party Tenderer, the **applicable professional competence requirements in terms of legislation** must be held and proven by all parties in relation to the activities falling within

the scope of their corporate purpose and those undertaken to execute the contract, in relation to which these prerequisites are required.

**ii. Technical-professional capacity requirements**

**With failure to comply resulting in exclusion from the procedure**, Tenderers must declare to have provided project-management services equivalent to those covered by this procedure to public or private clients on at least two occasions, within the ten years prior to publication of the Notice, and provided in the context of works with a total value (works amount) no less than € 16,000,000.00. In place of these two contracts, a single equivalent contract for a value that meets the minimum required value is also acceptable.

Equivalent services should be understood as services of client representation, project management, assurance management or logistics management for works in the context of residential, office, hospitality, cultural, social, sporting, religious, artistic/exhibition construction for large events, etc., or heading up works for similar projects, for public or private clients, as well as organisational/management consulting, planning and strategic control, execution of complex projects, programmes and risk management, and more general consulting for execution of similar projects.

In the case of a multi-party Tenderer, the requisite must be possessed cumulatively by all the economic operators.

The absence of any reasons for disqualification and holding the requirements for participation must be certified by the single-party Tenderer or, in the case of a multiple-party Tenderer, by the individual economic operators comprising this, based on a self-declaration rendered on the basis of the Participation Application, pursuant to **Annex 5** to the **Rules**.

By virtue of participation in this procedure, Invitalia is authorised to conduct all the necessary checks with the competent Authorities, on behalf of the Commissioner with regard to the veracity of the statements made by the Tenderer and more specifically, those relating to holding all the participation requirements.

For the purposes of satisfying the requirements of economic and financial and technical and professional capacities, the possibility remains for the Tenderer to make use of the abilities of other parties pursuant to article 63 of Directive 2014/24/EU.

The parties whose skills the Tenderer intends to use must not incur one of the reasons for exclusion identified in Article 9.1 of these Regulations.

If the Tenderer intends to use the skills of other parties, the Tenderer must submit a declaration during the tender phase containing the commitment made by said parties to this end.

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### 3. Additional Statements

The Tenderer shall make the “Additional Statements” in **Section 4** of the Participation Application form, pursuant to **Annex 5** of the **Rules**.

\*\*\*\*

Invitalia reserves the right, at any time during the procedure, to ask the Tenderer to supplement and/or clarify the content of the statements made, as well as provide proof for these statements by submitting certifications or additional documents or parts thereof, where this may be necessary to ensure the procedure is conducted correctly.

In the case of the failure, incompleteness or any other substantial irregularity in the elements and statements requested, Invitalia shall assign the Tenderer a deadline of no more than ten days, for the necessary statements to be provided, supplemented or made compliant. Should this deadline lapse without compliance, the Tenderer shall be excluded from the tender. Substantial irregularities that **cannot be remedied** refer to shortcomings in documentation that do not make it possible to identify the content or the party responsible for the documentation itself.

## ARTICLE 10

### SUB-CONTRACTING

Sub-contracting is governed as follows and in compliance with the provisions of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public tenders.

The Contractor may not sub-contract the entirety of the services forming the subject of the contract.

Under no circumstances may the activities for which the PM is responsible, governed by the Tender Specifications, be sub-contracted, given that such services cannot be delegated and must be performed personally and directly by the PM

Recourse to sub-contracting is permitted only with prior authorisation from the Commissioner as the Contracting Authority, and provided that:

- a) at the time of the bid, the intention to seek recourse to sub-contracting is declared and the services intended for sub-contracting are indicated;
- b) the sub-contractor is qualified to carry out the services assigned based on legislation applicable at national and local level, as well as the specific rules adopted by the EXPO 2025 Organiser as contained in the documentation made available to Participants by the EXPO 2025 Organiser;
- c) the impediments to participation to this tendering procedure established for Tenderers are not applicable to sub-contractors.

For the purposes of authorising the sub-contracting, the Contractor shall submit the sub-contracting contract to the Contracting Authority at least twenty-eight (28) days prior to the date when the execution of the relevant services effectively starts. At the time of submitting the sub-contracting contract, the Contractor shall also provide certification certifying that the sub-contractor has the qualification requirements stipulated with regard to the sub-contracted

services and the sub-contractor's declaration certifying the absence of the impediments specified in **Article 9** for participation in the procedure.

The sub-contracting contract, accompanied by the technical and administrative documentation related to the assigned contract, must clearly indicate the operational context for the sub-contracting both on a performance and economic level.

The Contractor shall arrange to replace the sub-contractors should the Contracting Authority request this on justified grounds, and in particular, when the sub-contractor does not hold or has lost the prescribed requirements to execute the service assigned, as these had been declared at the time of the application for the sub-contracting authorisation.

The execution of the services assigned on a sub-contracting basis may not be sub-contracted further.

The Contractor is jointly responsible with the sub-contractor regarding remuneration and contribution obligations and compliance with the aforementioned obligations by the sub-contractor in respect of their employees for the services rendered in the scope of the sub-contracting.

#### **ARTICLE 11**

##### **TENDER BOND**

The Tenderer's bid must be accompanied by a tender security or by a tender bond/bid bond (hereinafter, the "**Tender Bond**") for an amount equalling 2% (two percent) of the contract amount of **€ 7,200.00**.

The Tender Bond must be issued as protection and a guarantee for the Contracting Authority to cover any damages arising from a failure to sign the Contract due to a fact attributable to the successful Tenderer.

If the successful Tenderer comprises multiple economic operators, the Tender Bond must be issued in the interest of all the economic operators making up the Tenderer.

The Tender Bond must be issued by an insurance company or a bank or a credit institution authorised, in either the European Union or in Japan, to issue sureties or insurance policies or bonds (hereinafter the "**Guarantor**").

The Tender Bond must be valid for 180 (one hundred and eighty) days from the date of the tender submission, and should be extendible for the period specified by Invitalia. It must be an independent, first-demand, unconditional and irrevocable guarantee.

The Tender Bond issued shall have the following exact characteristics:

<b>BENEFICIARY ENTITY</b>	General Section Commissioner for Italy's participation in EXPO 2025 Osaka - Kansai
<b>TENDERING PROCEDURE</b>	Award of the contract for Project Manager Service and Related Services in favour of the General Commissioner of Section for Italian participation in Expo 2025 Osaka - Kansai.

<b>TENDER IDENTIFICATION CODE (CIG):</b>	<b>98111977E3</b>
<b>TENDERER</b>	In the case of a single-party Tenderer: specify the name of the economic operator. In the case of a multi-party Tenderer: specify all the economic operators making up the Tenderer
<b>DURATION</b>	180 (one hundred and eighty) days from the date of the bid submission, and extendible for the additional time period specified by the Central Purchasing Body, if the awarding of the tender has not yet taken place by the original expiry date
<b>AMOUNT (2% OF THE TOTAL CONTRACT AMOUNT)</b>	<b>€ 7.200,00</b>
<b>ENFORCEMENT</b>	Based on a simple written request from Invitalia, without additional conditions and without the guaranteed Tenderer being consulted beforehand for the purposes of enforcement

With the exception of that indicated in the Tender Bond, the current Uniform Rules will apply for First-Demand Guarantees issued by the International Chamber of Commerce.

## ARTICLE 12

### BID SUBMISSION

The Tenderer shall use the “Participation Application” form, as per **Annex 5**, to submit the application to participate and render the statements needed to participate in this procedure.

The Bid submission shall be made via the Invitalia e-Procurement Platform, based on the guidelines in the relevant Guide under **Annex 2** to these Rules, **with failure to comply resulting in exclusion from the procedure**.

You are reminded that unless indicated otherwise, any document attached by the Tenderer on the e-Procurement Platform in respect of this procedure and the bid submission, must be signed by the Tenderer’s legal representative.

In the case of a multi-party Tenderer, the bid must be signed by the legal representative of each economic operator making up the Tenderer.

If the bid and/or documentation produced to participate in the procedure is signed by an agent of the economic operator, the latter must provide appropriate documentation (proxy, board resolution, etc.) showing the conferral of signing powers.

Multiple, conditional and alternative bids shall be excluded.

The Guide also provides a listing of the documents making up the bid, subdivided into:

- A. The Administrative Documentation;
- B. The Technical Documentation;
- C. The Economic Documentation.

Tenderers are reminded that the section containing the *Administrative Documentation* should also include the Tender Bond, in addition to the Participation Application, as per Article 11 of these Rules.

Tenderers are always responsible for the timely and complete sending of all documentation required within the final deadline indicated below in these Rules, taking into account that the e-Procurement Platform does not accept (nor can it accept) bids submitted after the date and time established as the final deadline for submission of bids.

Submission of the bid via the e-Procurement Platform is at the complete and sole risk of the Tenderer, along with failed or late receipt of the bid by Invitalia, due (solely as an example) to faults of digital equipment used, connection and data-transmission difficulties, slow connection speeds or any other reason, releasing Invitalia from all responsibility in the event that the bid is not received by the specified final deadline due to any delay or technical issues or issues of any other nature or for any other reason.

**Economic operators are therefore invited to launch these activities with ample time prior to final deadline in order to avoid incomplete and consequent failed transmission of the bid after this deadline.**

**Please take the utmost care when uploading annexes within the relative sections, as specified in the Guide and in particular, to avoid indicating or providing data regarding the economic bid in sections other than the dedicated sections, upon penalty of exclusion from the procedure.**

All documents to be submitted relating to participation in the procedure must be prepared entirely in English and must be prepared and submitted in accordance with and based on the procedures set out in these Rules and in the Guide referred under **Annex 2** to these Rules.

### ARTICLE 13

#### INFORMATION AND NOTICES. AMENDMENTS

Tenderers may request additional information pertinent to this tendering procedure by the deadline of **01 June 2023**, solely via the e-Procurement Platform, and based on the procedures set out in the Guide, as per **Annex 2** to these Rules.

Requests for clarification received verbally, by telephone or after the expiry of the aforementioned deadlines shall not be considered.

Clarification may refer to any doubts regarding the interpretation of the documentation provided or the relative discrepancies.

The responses to clarification will be published by **June 06 2023**, which may be done in a single text, on the e-Procurement Platform based on the procedures set out in the Guide, thus making the responses available to all Tenderers.

Communications and exchanges of information with the economic operators will take place by means of messaging on the e-Procurement Platform in the special "**Messages**" area. In the event the e-Procurement Platform and the other aforementioned channels are strictly unavailable, a communication may be sent by Certified Electronic Mail (Posta



Elettronica Certificata - P.E.C.) to [realizzazioneinterventi@pec.invitalia.it](mailto:realizzazioneinterventi@pec.invitalia.it) or by ordinary e-mail to [expoosaka@invitalia.it](mailto:expoosaka@invitalia.it). In this case, the economic operator is obliged to prove that the e-Procurement Platform is not functioning:

- by contacting the call centre on +39 02 12 41 21 304 and reporting the error blocking the system;
- including in the communication, sent by P.E.C. or ordinary e-mail, a specific declaration, attesting the system blockage, accompanied by a screenshot showing the error that caused the blockage on the e-Procurement Platform.

Notices shall be sent to the address stated by the Tenderer at the time of registration, based on the procedures set out in the Guide. In the case of a multi-party Tenderer, these notices shall be sent to the address stated at the time of registration by the lead economic operator. In the case of the latter, the notice is deemed to have been validly sent to the entire group of economic operators when sent to the lead operator.

Invitalia shall extend the deadlines to receive bids so that Tenderers may become familiar with all the necessary information to prepare their bids, in the case of the following:

- if, for whatever reason, the significant supplementary information for the purposes of preparing adequate bids, albeit requested in good time by the Tenderer, is not provided at the latest 6 (six) days prior to the deadline set to receive bids;
- if significant amendments are made to the tender documents.

#### **ARTICLE 14**

##### **DEADLINE FOR THE SUBMISSION OF BIDS. BID VALIDITY**

Economic operators must submit their bids by and no later than **10:00 am on June, 12 2023**.

The bid is binding in respect of the Tenderer for 180 (one hundred and eighty) days from the specified deadline for the submission of bids. If tender procedure operations are still underway at the date when the validity of the bids expires, Invitalia may request Tenderers to confirm the validity of their bid until the date that will be indicated and to produce an appropriate document certifying that the Tender Bond provided at the time of the tender is still valid up to the aforementioned date. Failure to respond to Invitalia's request will be deemed as failed confirmation of the Tenderer's participation in the tender.

#### **ARTICLE 15**

##### **THE PROCEDURE, AWARDING THE TENDER AND ENTERING INTO THE CONTRACT**

On the expiry of the deadline set for the submission of bids indicated in the Notice, the latter will be definitively accepted on the e-Procurement Platform and shall be kept in a secret, confidential and secure manner. Bids may no longer be amended or replaced at this stage.

The tendering procedure will be declared open by the PPM, which will take place in an electronic public session starting **11:00 am on June, 12 2023**.

Subsequent public sessions shall take place on the days specified via the e-Procurement Platform.

Given the use by Invitalia of an e-Procurement Platform which guarantees that the offers presented cannot be modified, as well as the traceability of each operation performed therein, all the sessions will take place electronically through the Platform itself, without the presence of the Tenderers.

#### **A. Adjudication Commission**

After the expiry of the deadline for the submission of tenders, an Adjudication Commission (hereinafter, the "**Commission**") will be appointed to evaluate bids from a technical and economic perspective.

The Committee shall comprise 3 members (hereinafter, "**Commissioners**"), with one of these acting as Chair.

The Commissioners shall have the technical qualifications and competencies for evaluation of the offers presented in relation to the subject of the contract.

The Adjudication Commission shall be identified by Invitalia pursuant to the "*Organisational procedure for tenders and public works contracts*" and the company policy "*Regulation for the appointment of adjudication commissions*".

Invitalia will publish the composition of the Selection Committee and the CVs of its members in the section "*Transparent Administration*" on the client's profile.

The duration of the Committee's work and the number of public and private sessions will be adequate in relation to the number of bids submitted, without prejudice that the commissioners may work remotely, utilising the e-Procurement Platform, which safeguards the confidentiality of all communications.

The work by the Commission shall always be based on the principles of speed and efficiency.

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The integrity of packages is guaranteed by the E-Procurement Platform.

The PPM as the single commission, operating via the e-Procurement Platform shall:

- i. during a public session, verify receipt of the bids received within the deadline;
- ii. during a public session, open the bids and open the Administrative Documentation;
- iii. during a private session, verify the declaration and documents contained in the Administrative Documentation.

Once the Administrative Documentation has been verified by the single commission, the Adjudication Commission shall carry out the following activities, working via the e-Procurement Platform:

- i. during a public session, open the Technical Documentation so as to verify that all documents are submitted;
- ii. during a private session, evaluate the technical offers and assign the relevant points;

- iii. during a public session, announce the points assigned to the technical offers;
- iv. during a public session, open the Economic Documentation and assign the relevant points, as well as identifying the bids that exceed the anomaly threshold and subsequent requirements.

Once this is done, the Committee will close the tendering procedure and send the RUP all the documentation for the purposes of the subsequent formalities.

If there are bids with identical overall point scores, then lots shall be drawn to determine the tender to be accepted.

#### **B. Anomalies sub-procedure**

Invitalia shall verify whether the Tender is consistent based on the provisions under Article 13 of the Regulation and Article 69 of Directive 2014/24/EU.

The bid's consistency is assessed in respect of bids that have the points relating to the price, and the sum of points relating to the other evaluation aspects, both of which should be equal to or higher than four fifths (4/5) of the corresponding maximum points.

Calculations to determine the anomaly threshold will be done up until the third decimal digit, without rounding off.

The consistency check shall be carried out by the RUP, assisted by the Commission.

With the support of the Commission, the RUP will examine the explanations provided by the Tenderer in a private session and, where these are not deemed sufficient to exclude the anomaly, the RUP may ask for additional clarification, including by way of an oral hearing, and will assign a deadline for the response.

The RUP shall exclude, pursuant to Article 59, para. 3(c) and Article 97, paragraphs 5 and 6 of the Italian Public Contracts Code, bids that are unreliable as a whole, based on a review of the elements provided with the explanations, and shall continue under the terms of this article.

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Once the aforementioned procedures have been completed, the classification of the tenders admitted will be available on the Platform, ranked in descending order and this will then provide the relevant provisional classification.

If there were any consistency verifications done on anomalous bids, the RUP will formulate an awarding proposal at the end of the relevant procedure.

Bids will in any case be declared irregular and inadmissible and consequently excluded from this tendering procedure, where:

- a) they do not comply with the tender documents;
- b) they are received later than the deadline specified in the tender or notice launching the tender;
- c) Invitalia has assessed them as being abnormally low;

- d) they do not have the necessary qualifications;
- e) the price exceeds the amount specified by Invitalia as the starting amount;
- f) bids are subject to conditions;
- g) bids that substitute, modify and/or supplement the Contractual Conditions;
- h) bids are incomplete and/or partial.

Any intervening change, including those resulting from a court judgement, subsequent to the admission, regularising or exclusion stage in the bids, does not apply for the purposes of calculating the averages in the procedure, nor to identify the bids' anomaly threshold.

### **C. Entering into contract**

Pursuant to articles 32, para. 9 of the Italian Public Procurement Code, the contract cannot be entered into prior to 35 days (so-called stand still) from the time the last awarding notice, pursuant to Article 76, para. 5, letters a) and b) of the Public Procurements Code, was sent.

Once Invitalia has verified that the successful Tenderer meets the requirements and the aforementioned stand still period has elapsed, the Contract will be stipulated between the Commissioner and the successful Tenderer.

Notwithstanding the above, the Commissioner, as Contracting Authority, may in any case proceed with the early execution of the contract pending verification of the fulfilment of the requirements declared by the Tenderer in the tender. Should the services already be initiated due to urgency (or prior to entering into the contract), the successful Tenderer is entitled to the reimbursement of the expenses incurred to execute the services ordered by the Contracting Authority.

The tender contract is subject to the obligations relating to the traceability of financial flows established by Italian Law no. 136 of 13 August 2010.

In the cases pursuant to Article 110, para. 1 of the Public Procurement Code, i.e. in the event of the Tenderer's bankruptcy, compulsory liquidation and arrangement with creditors, or the termination of the tender contract due to non-compliance or the withdrawal from the tender contract, or in the case of a court judgement declaring the tender contract invalid, Invitalia shall consult the other Tenderers that participated in the tendering process on a progressive basis, according to their relative classification ranking, so as to enter into a new tender contract to complete the tender. The awarding shall be done according to the same conditions already proposed by the original tender award.

## **ARTICLE 16 RESOLUTION OF DISPUTES**

The Administrative Court of Rome shall be the entity responsible for any recourse proceedings regarding these procedures.

Under the terms of Article 120, paragraph 5 of Italian Legislative Decree No. 104 of 2 July 2010, the deadline for presenting recourse against the Notice and these Rules for reasons that preclude participation in this procedure is 30 (thirty) days with effect from the publication of the Notice on the Client's Profile.

Any dispute that may arise in relation and with reference to the execution of the tender contract, including those of a non-contractual nature, related to or associated with the latter, shall be resolved by arbitration based on the Milan Arbitration Board Arbitration Rules, as per Annex 8 to these Rules. The Board shall comprise three arbitrators, appointed in accordance with this Regulation, and pursuant to the last section of paragraph 3 of Article 2 of the New York Convention of 10 June 1958, namely the "Convention on the Recognition and Enforcement of Foreign Arbitral Awards". The Arbitration Board shall decide according to Italian Law. Arbitration will be conducted in Rome. Arbitration will be conducted in English.

## **ARTICLE 17 PERSONAL DATA PROCESSING**

The data collected will be processed, also through the use of IT tools, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 concerning the protection of natural persons with regard to the processing of personal data, as well as the free circulation of such data and which repeals Directive 95/46/EC, exclusively in the context of the tender regulated by these Regulations.

It is further specified that the data collected as part of this procedure will be processed in accordance with the GDPR and with what is indicated in the general disclosure and in the specific disclosure referred to in article 8 of the "*Contract for the use of the digital system*", available, respectively, under the "*Privacy Policy*" and "*Regulations*" in the "*Site and References*" section of the Online Platform, as well as in the information available under the "*Privacy Policy*" in the same "*Site and References*" section. The aforementioned information is provided pursuant to articles 13 and 14 of the GDPR.

### **ATTACHED DOCUMENTATION**

The following documentation is attached to these Rules and may be viewed at <https://ingate.invitalia.it/>:

- ANNEX 1.        CONTRACT NOTICE**
- ANNEX 2.        BID SUBMISSION GUIDE**
- ANNEX 3.        VIGILANCE PROTOCOL – ANAC (including the “corrigendum”)**
- ANNEX 4.        TENDER SPECIFICATIONS**
- ANNEX 5.        PARTICIPATION APPLICATION**



- ANNEX 6.      CONTRACT TEMPLATE**
- ANNEX 7.      TENDER BOND FORM**
- ANNEX 8.      MILAN ARBITRATION BOARD RULES**

**Sole Manager of the Procedure  
Mr Giancarlo Mastinu**

*Document signed by GIANCARLO MASTINU, with digital signature, pursuant to Italian Legislative Decree no. 82 of 7 March 2005 and Italian Decree of the Presidency of 22 February 2013 and subsequent amendments.*