



**RULES AND REGULATIONS FOR SELECTION OF CONTRACTORS AND  
SUPPLIERS BY ITALIAN TRADE AGENCY BEIJING OFFICE (ITA)**

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For the purposes of regulating ITA's procurement process, protecting rights and interests of ITA and other parties involved in the procurement process, improving economic efficiency and ensuring quality and fairness in the procurement process, this Guideline is hereby formulated.

These Regulations set the procedures of selection and enrolment for contractor and suppliers who are listed on the "List of Contractors/Suppliers" which is created and recorded by the Office of the ITA.

### **Article 1: DEFINITIONS**

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

**"Applicant"** means the economic operator (individual or company) which submits an application form to be included in the List of Contractor and Supplier of ITA Beijing Office.

**"Application Form"** or **"Supplier Form"** means the application form or supplier form submitted by the applicant to request the admission to the List of Contractors and Suppliers of ITA Beijing Office.

**"Category"** or **"Categories"** means the category or categories of supplies as set forth in Article 2.

**"Goods"** means all types and categories of articles including furniture, equipment, tools, machineries and other products etc.

**"List of Contractors and Suppliers"** or **"List"** means the list of economic operators accepted to provide works, goods and services to ITA Beijing;

**"Procurement"** means the obtaining of goods, projects and services in the form of contracts for consideration, including by acquisition, lease, appointment, and employment etc.

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"**Services**" means the objects of procurement other than goods, such as all kinds of professional advisory service, advertisement and commercial promotion, exhibition and trade fairs, etc.

"**Supplier**" or "**Contractor**" means the economic operator admitted to the List of Contractors and Supplier of ITA Beijing Office.

## **Article 2: STRUCTURE OF THE LIST OF THE CONTRACTORS AND SUPPLIERS**

The contractors and suppliers are classified into 5 (five) categories:

**Category A:** Organization of exhibition and trade fairs.

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

**Category C:** Furniture and tools/machineries for office (e.g software providers, hardware providers, machinery maintenance companies, lighting companies, curtains suppliers).

**Category D:** Works and/or maintenance works (e.g. construction companies, air-conditioning equipment suppliers, electrical installation suppliers, cleaning companies and security system providers).

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

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

The business scope of each listed contractor or supplier must be matched to the category under which it is listed.

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### **Article 3: ADMISSION REQUIREMENTS**

To participate in the ITA's procurement activities, a contractor or supplier shall satisfy the following criteria:

- Legally established according to the applicable laws and regulations of its registration country and obtain a valid Business License issued by the local competent authority; where the contractor or supplier is a natural person, he/she is required to provide his/her valid ID documents, such as ID Card or passport;

And declares through its legal representative or an authorized person that:

- It has not been convicted or found guilty with a final judgement for the following reasons: participation in criminal organizations, corruption, fraud, terrorist offences or crimes related terrorist activities, money laundering or terrorist financing, child labour and other forms of human trafficking, any other crime that results in the inability of negotiation with the public administration;
- It respects and observes all the relevant labour and employment laws, and employ workers according to the applicable laws and regulations;
- It never breached any contracts with ITA in the past three years;
- It has the capacity to bear civil liability independently;
- It has a good commercial reputation and sound financial accounting systems;
- It has a good record of paying taxes and social insurance in accordance with the applicable laws and regulations;
- It has no record of material violations in its business activities in the past 3 (three) years;
- It has the necessary equipment and professional and technical competence required for the performance of the contract;
- It did not carry out conducts aimed at impeding the regular tendering procedure and/or the regular determination of its price and/or the controls and inspections from ITA Beijing or any other public entity as well as conducts aimed at the obtainment of illicit profits;



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- It has not conferred any professional assignment or activities to ex-government employees who had authoritative or negotiating powers on behalf of ITA Beijing during the last 3 (three) years of employment and who have terminated the employment with ITA Beijing from less than 3 (three) years (pantouflage or revolving doors).

N.B. where the contractor and supplier is a profession association, each member of such association must fulfill the abovementioned criteria.

#### **Article 4: APPLICATION INSTRUCTIONS**

The applicant shall download the application form the link here below, fill it out and submit it by e-mail to the following e-mail address: [pechino@ice.it](mailto:pechino@ice.it)

**Link:** <https://www.ice.it/it/mercati/cina/pechino/sraf>

The application form needs to be signed by the Legal Representative of the applicant, or by an authorized person, stamped, and sent together with a valid copy of the identity document of the signatory and the documents listed in Article 5.

The applicant understands and accepts that the submission of the application form and all relevant documents does not imply, or lead to, the automatic admission to the List of the Contractors and Suppliers of ITA Beijing Office. ITA Beijing is entitled to evaluate the application form and the other documents submitted by the applicant and decide, at its own discretion, if the applicant can be admitted to the List.

#### **Article 5: DOCUMENTS NEED TO BE PROVIDED BY APPLICANTS**

##### **For individual applicants:**

- Valid ID documents, such as ID Card or passport;
- *Curriculum Vitae*, including information such as education backgrounds, related previous experience, professional skills and professional certificates, etc.;
- References provided by previous employers or clients who purchased goods or engaged service from the individual applicants over the last three years.

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**For company applicants:**

- Copy of the updated “3-in-1” business license (or certificate of registration for entities for which business license is not applicable);
- Copy of the tax registration certificate (only for legal entities not possessing a business license);
- Copy of the licenses/permits/authorizations required for performing the contract in accordance with PRC laws (where applicable);
- At least two references provided by previous clients who purchased Goods or engaged Service from the company applicants over the last three years.

**Additional Documents required for the admission to Category A:**

- References related to exhibition setup works provided over the last 3 (three) years, technical specifications regarding the main works executed with relevant photographic documentation, if possible, and details of the works including size, place and materials used;
- List of equipment, premises and warehouses facilities owned or possessed.

**Article 6: REPRESENTATIONS AND WARRANTIES BY CONTRACTORS/SUPPLIERS**

Each contractor/supplier shall represent and warrant to ITA that as of the application date:

- It meets all qualifications and conditions required by the applicable laws and regulations of its country-of-incorporation;
- It is an independent legal person duly incorporated and legally in existence in accordance with the laws and regulations of its country-of-incorporation; or an individual has full and complete civil capacity;
- Its application for being listed as ITA’s contractor/supplier will not: (i) violate any provision of its business license, its incorporation documents, articles of association or similar organizational documents; (ii) violate any applicable laws or any governmental authorization or approval; (iii) violate any other contract or agreement to which it is a party or any of its commitments or undertakings; and (iv) violate any verdict or arbitral award issued against it, or any order or ruling of any government or regulatory body to whom it is subject;

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- It has no pending lawsuit, arbitration or other legal or governmental proceeding which may adversely affect its ability to perform its contractual obligation with ITA, or, to its knowledge, no such threat is in existence;
- It has disclosed to ITA all relevant documents and information issued by any competent governmental department that may have material adverse effect on its ability to fully perform its contractual obligations with ITA, and the documents previously provided by it to ITA do not contain any false, cheating, misleading or omissive information with respect to material facts.

Evidence can be provided through a self-declaration signed by the legal representative of the company or by an authorized person.

If any of the above representations and warranties are false or inauthentic, the supplier will be removed from the List.

#### **Article 7: TIMELINE**

All application documents shall be checked and examined within thirty (30) days from the date of receipt. In case of missing or incorrect documents, ITA Beijing will ask the applicant to integrate or amend the documentation.

Once accepted in the List, the supplier must promptly inform ITA Beijing of any occurred change in the documentation, by sending an e-mail to [pechino@ice.it](mailto:pechino@ice.it). In case the supplier fails to send such information ITA Beijing may apply Articles 11 or Article 12.

#### **Article 8: PERIODICAL INSPECTION AND REVIEWING**

ITA Beijing reserves the right to periodically assess the truthfulness of any document provided by contractor/supplier and performances by conducting periodical inspections and reviews. The contractor/supplier on the List may be removed if it fails to pass the periodical inspection and reviewing conducted by ITA Beijing.

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## **Article 9: YEARLY UPDATE OF THE LIST OF CONTRACTORS/SUPPLIERS**

At least once per year ITA Beijing will update the List of the Contractors and Suppliers. For such purpose, ITA Beijing will send an email to the contact communicated by the supplier in the application form (or in case of its amendments according to Article 7, to any other email address provided for by the applicant) asking for the update of the information provided.

Within 30 (thirty) days and, even in case no updates have occurred, the supplier is required to reply to such email. Should the supplier fail to respond to the update request by ITA Beijing, ITA Beijing reserves the right to apply Article 11 at the first unanswered request and Article 12 in case of two subsequent unanswered requests.

## **Article 10: EVALUATION OF THE SUPPLIERS' PERFORMANCES**

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

Considering the score assigned to each criterion, an average evaluation score will be calculated, and such average shall be also considered for the engagement for further supplies. In case a supplier carries out several supplies, each of them will be evaluated by ITA Beijing according to the above, and a final average evaluation shall be made considering the average score reached by the supplier for each of the supplies provided.

## **Article 11: SUSPENSION FROM THE LIST**

The supplier can be suspended for a period of no less than 6 (six) months and not exceeding 1 (one) year in case its average score, as set forth in Article 10 above, is below 3 (three).

The suspension may also be adopted by ITA Beijing if the supplier:

- does not inform ITA Beijing about any changes in the information provided according to Article 9 above;





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- is involved in a litigation or arbitration with ITA Beijing, until such proceeding is terminated;
- has incurred in delays in the performance of the supply;
- has incurred in negative tests;
- is in breach of the agreement executed for the supply;

The contractor/supplier temporarily removed from the List may be added to List again once the above-mentioned situations are thoroughly corrected or eliminated. However, there is still the possibility that the Contractor/Supplier temporarily removed from the List may be permanently removed from the List if the above-mentioned situations are not corrected or eliminated within the given time limit.

#### **Article 12: CANCELLATION FROM THE LIST**

The supplier can be removed from the List due to the occurrence of any of the following circumstances:

- is found in violation of Article 3 of these Regulations;
- has not provided ITA Beijing with the necessary updates in accordance with Article 9 above for the past 2 (two) years;
- for more than one supply, it reached an average evaluation score lower than 3 (three);
- has been suspended for at least 3 (three) times in a period of 3 (three) years;
- has been excluded from the participation to tenders by other governmental entities;
- is responsible for any breach of contracts executed with ITA Beijing;
- following the admission to the List, it no longer meets the necessary requirements for such purpose;
- has not replied – without reasonable justifications – to at least 3 (three) requests of ITA Beijing for quotations for supplies over a 2 (two)-year period.

In the last two cases, following 2 (two) years from the date the cancellation occurred, the supplier is entitled to submit a new request for the admission to the List.

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### **Article 13: PARTICIPATION IN TENDER PROCEDURES**

ITA Beijing will select the suppliers in compliance with the Italian Code of Public Contracts, the Decree No. 192/2017 and the present Regulations. Furthermore, ITA Beijing reserves the right to select the suppliers according to their technical and professional skills, to their economic and financial situation and to the assessment made pursuant to Article 10. The selection of the suppliers is carried out according to a rotation system based on some factors, included but not limited to, the number of the suppliers registered in the Category, the compliance with specific requirements and the evaluation of previous supplies.

### **Article 14: PRIVACY**

All the information and data transmitted by each contractor/supplier to ITA according to this Regulations are collected and managed by ITA solely for the purpose permitted by the applicable laws and regulations of China.

### **Article 15: DISCLAIMER**

ITA shall not bear any responsibility and/or liability for any losses and/or damages incurred because of any decision made and/or action taken by the contractor/supplier based upon and/or having any connection with any such content or information in these Regulations.

These Regulations are solely for the purpose of the contractors/suppliers' reference on how to apply to be enrolled on the List of ITA Beijing. ITA Beijing reserves full rights to update, amend and interpret these Regulations.

The articles of these Regulations are intended to be substituted, amended, revoked, or automatically cancelled if it is not compliant with the current applicable laws and regulations of China. Should any article be, for any reason whatsoever, invalid or unenforceable, the remaining Articles shall not be affected by this invalid or unenforceable provision.

### **Article 16: FINAL PROVISIONS**

These Regulations supersede and replace any and all prior guidance, rules or regulations on the subject matter and set forth the entire regulations with respect to the subject matter contained herein.

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