

RULES AND REGULATIONS FOR THE REGISTRATION AND SELECTION OF CONTRACTORS/SUPPLIERS BY THE ITALIAN TRADE COMMISSION – JOHANNESBURG OFFICE

For the purposes of regulating the Italian Trade Commission's – Johannesburg (*hereinafter ITC-JHB*) procurement process, and with a view to protecting rights and interests of the ITC-JHB and other concerned parties, improving efficiency and ensuring quality and fairness, these Rules and Regulations (*hereinafter R&Rs*) are hereby formulated.

These R&Rs stipulate procedures for the registration and selection of contractors and suppliers wishing to be listed in the "Register of Contractors/Suppliers" (*hereinafter "Register"*) instituted by the ITC-JHB. They supersede any prior rules and regulations on the subject matter, whether oral or written. Any amendment to them shall be formulated in writing by the ITC-JHB.

ARTICLE 1 - DEFINITIONS

For the purposes of these R&Rs, the term "Procurement" means the purchase of goods, projects and services in the form of contracts, including by acquisition, lease, appointment, employment etc.

The term "Goods" means all types and categories of articles including furniture, equipment, tools, machinery and other products.

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

ARTICLE 2 - STRUCTURE OF THE REGISTER

According to the objects of procurement, the contractors and suppliers listed in the Register are classified into 5 categories:

Category A: Organization of Trade Exhibitions and Events

- Stand Design and Construction
- Event Management
- Graphic Design and Printing
- Media (Magazine, Radio and TV adverts)
- Photographer and Videographer

Category B: Office Supplies

- Stationary and Toners
- Consumables

Category C: Furniture and Office Equipment

- Office Furniture
- Computers and Printers
- Switchboard and Telephones

- Domestic Appliances, Generator, etc.

Category D: Office Maintenance and Renovation

- Building Renovation
- Computer and Printers Maintenance
- Generator Maintenance
- General Electrical and Plumbing Maintenance and Repairs

Category E: Advisory and Legal Consultancies and General Office Services

- Advisory and Legal Consultancies
- Cleaning Service
- Courier Service
- Electrical Services
- Garden Service
- Hostess, Interpreter/Translator, Driver
- Hotels / B&B
- Insurance
- Media Subscriptions
- Rentals
- Security Service
- Telecommunications
- Travel Agents
- Transport
- Utilities
- Other Services

Contractors/suppliers can request to be registered under a maximum of 2 categories. Applications to be registered under more than 2 categories will be rejected.

The business scope of contractors/suppliers must be consistent with the category under which they are registered.

ITC-JHB reserves the right to accept applications only if they are related to goods and services it requires.

ARTICLE 3 - REQUIREMENTS FOR REGISTRATION OF CONTRACTORS AND SUPPLIERS

Contractors/suppliers aiming to qualify for ITC-JHB procurement shall fulfil the following criteria:

- Be legally established according to the laws and regulations of their country of incorporation and be in possession of a valid business licence issued by the local competent authority; if the contractor/supplier is a natural person, he/she is required to provide his/her valid ID documents, such as ID card or passport;
- Have the necessary financial capability, equipment and professional and technical skills required for performing contracts in the selected category/ies;
- Have a good record of paying taxes and social insurance in accordance with applicable laws and regulations;
- Employ workers in compliance with all relevant labour and employment laws;
- Have no record of breach of contract with the ITC-JHB in the past three years; and

- Not incur in any of the “Causes excluding applicants from ITC-JHB procurement”, separately listed in **Annex A**, stipulated by Italian law and, wherever applicable, equally recognised by South African law. It is understood that the applicant has read said ANNEX A and that his/her application implies that none of the causes mentioned in that document exists in his/her regard (see also art. 7 in this regard).

N.B. Where the contractor/supplier is a business consortium, each member of such consortium must fulfil the above-mentioned criteria.

ARTICLE 4 - APPLICATION INSTRUCTIONS

Applicants shall send relevant application form (“Supplier Registration Form”) and documents – see art. 5 below - to ITC-JHB email address johannesburg@ice.it.

The forms must be signed by the applicant’s Legal Representative; the signed forms shall be sent in pdf format from the applicant’s official e-mail address to johannesburg@ice.it together with a copy of the identity document of the person who has signed them. Submission of documents does not imply acceptance by ITC-JHB and resulting inclusion in its Register. ITC-JHB reserves the right to determine which contractors/suppliers have the requirements to qualify for its procurement and consequently be included in the Register.

Application forms can be downloaded from the following links:

SUPPLIER REGISTRATION FORM (Companies and Professionals)

SUPPLIER REGISTRATION FORM (Individuals)

SUPPLIER REGISTRATION FORM (Stand Builders)

ARTICLE 5 - DOCUMENTS TO BE PROVIDED BY APPLICANTS

For company and professionals

- Company Profile;
- Copy of company registration certificate;
- Copy of tax registration certificate;
- Copy of professional certificate (if applicable);
- Copy of quality certificate (if any);
- Two or more references, over the last three years, issued by companies, including state-owned entities, or individuals for which/whom the applicant has performed the same services as those for which he/she is applying for registration, or alternatively a list of major corporate clients the applicant is currently working with.

For individuals

- Valid ID documents, such as ID card or passport;
- Curriculum Vitae, including information such as education background, previous experience, professional skills and certificates, etc.;
- References provided by previous employers or clients who purchased goods or services from the applicants over the last three years, or alternatively a list of clients the applicant is currently working with.

Additional documents required from exhibition stand builders/designers

- 1) References regarding stand build-ups made in the last 3 years, technical specifications (size, materials used, etc.) of the main 2/3 stand build-ups with relevant pictures if possible, any other relevant information.
- 2) List of equipment/facilities required for stand design/build-up owned by the contractor/supplier, including warehouse or other relevant facilities.

ARTICLE 6 - DEADLINE FOR EXAMINATION OF SUBMITTED DOCUMENTS

All application documents will be examined and evaluated within thirty (30) days from the date of receipt. Should there be any missing or incorrect contents in the application documents, ITC-JHB will request applicants by email to complete or correct them.

ARTICLE 7 - PERIODIC INSPECTION/VERIFICATION AND REVIEWS

In so far as applicable laws and regulations permit, ITC-JHB reserves the right to conduct periodic inspections/verification on documents provided by contractors/suppliers, including but not limited to qualification, certificate of incorporations, professional certificates, specific certificates or permits, etc. ITC-JHB equally reserves the right to conduct periodical review on performance of contractors/suppliers, including but not limited to quality of goods and services, price, continuity of performance capability, etc.

Contractors/suppliers may be removed from the Register if they fail to pass periodic inspections/verification and reviews conducted by ITC-JHB as it sees fit.

ARTICLE 8 - CONTRACTORS'/SUPPLIERS' INFORMATION UPDATE

Whenever any information filed with the ITC-JHB by a registered contractor/supplier is amended or updated, such contractor/supplier shall notify the ITC-JHB of such amendments/update within 30 days. Such amendment/update shall be notified to ICE-JHB by email (johannesburg@ice.it).

ARTICLE 9 - PERIODIC UPDATE OF THE REGISTER

The Register shall be updated at least once a year.

ITC-JHB will request registered contractors/suppliers by email to update their information.

Failure to respond within a period of 60 days will cause exclusion of contractors/suppliers from ITC-JHB procurement process.

ARTICLE 10 - EVALUATION OF REGISTERED CONTRACTORS/SUPPLIERS

Registered contractors/suppliers that bid successfully for goods/services required by the ITC-JHB will be subject to evaluation by ITC-JHB director.

Such evaluation is based on a scoring system ranking from 1 to 5 (1 = lowest quality; 2 = substandard; 3 = fairly good; 4 = good; 5 = excellent).

For each evaluation category there are various evaluation criteria (such as: technical performance, compliance with agreed terms and time of delivery, quality of the good/service provided, number of negative incidents/malfunctions, capacity for problem solving).

Evaluations are processed by the ITC-JHB so as to formulate an average score for each contract. The score thus obtained will also affect award of future contracts.

If the contractor/supplier enters into more than one contract with the ITC-JHB, an average score of all the awarded contracts will be calculated after evaluation of every single contract.

ARTICLE 11 – SUSPENSION FROM THE REGISTER (TEMPORARY REMOVAL)

A contractor/supplier may be suspended (i.e. temporarily removed) from the Register for a period between six months and a year due to the occurrence of any of the following situations:

- Average score below 3 points in relation to the contracts it has been awarded and has executed;
- Existence of pending litigation or arbitration proceedings against ITC-JHB, until such proceedings are completed and come to an end;
- Failure to provide any of the information required by ITC-JHB regarding the company or individual;
- Serious delay in delivery of the goods or service, negative test certificate, failure to fulfil any of the contractual obligations.

The decision of temporary removal/suspension of a contractor/supplier from the Register will be made by the director of the ITC-JHB.

The suspended contractor/supplier may be readmitted to the Register once the 6-month/1-year period has lapsed or the other above-mentioned situations have ceased. However, the same suspension may be turned into permanent removal from the Register if the said situations do not cease.

ARTICLE 12 - PERMANENT REMOVAL FROM THE REGISTER

1. A contractor/supplier may be permanently removed from the Register due to the occurrence of any of the following situations:
2. Failure to comply with art. 3 of these R&Rs, pertaining to requirements of contractors/suppliers;
3. Average score below the level of 3 for more than one contract;
4. Temporary removal/suspension from the Register for at least 3 times over the past 3 years;
5. Exclusion from procurement process of other public-sector bodies;
6. Repeated breaches of contractual obligations towards the ITC-JHB;
7. Manifest and repeated neglect of ITC-JHB procurement offers, consisting in unwarranted failure to respond to 3 or more offers in a period of 2 years;
8. Failure to follow up for 2 years to ITC-JHB yearly requests to update information on requirements;
9. Ascertained loss of contractors'/suppliers' requirements after registration.

In cases from point 1. to 5. contractors/suppliers will be notified of the permanent removal from the Register by email, whereas they will receive no such notification in cases from 6. to 8.

Decision to permanently remove a contractor/supplier from the Register will be made by ITC-JHB director.

For cases 6. and 7. contractors/suppliers removed from the Register will be allowed to apply for new registration after a minimum period of 2 years from the date of removal.

ARTICLE 13 - SELECTION OF REGISTERED CONTRACTORS/SUPPLIERS

ITC-JHB reserves the right to invite/not to invite registered contractors/suppliers to bid for one or more contracts based on evaluations that take account of contractors'/suppliers' capacity as well as other criteria as may be mandated by Italian law, such as rotation of contractors/suppliers belonging to the same product category or evaluations based on art. 12 of these R&Rs.

With regard to rotation, the following criteria will also be considered:

- Number of registered contractors/suppliers in each product category;



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- Presence of other contracts underway and quality of past performance;
- Official directives not to invite the same contractor/supplier that has already been awarded a contract for a second consecutive time, barring warranted exceptions;
- Failure of invited contractors/suppliers to respond to past invitations to bid;
- Possession of specific requirements that prove to be necessary for particular tasks/jobs (professional skills and know-how, financial strength etc.).

Listing in the Register does not automatically entail any right to be invited to bid for ITC-JHB contracts.

ARTICLE 14 - PRIVACY

All information and data provided by contractors/suppliers to ITC-JHB according to these R&Rs are collected and processed by ITC-JHB solely for the purpose herein described and in accordance with applicable laws and regulations.

ARTICLE 15 - DISCLAIMER

ITC-JHB will not bear any responsibility and/or liability for any losses and/or damages incurred because of any decision made and/or action taken by contractors/suppliers based upon and/or having any connection with any content or information in these R&Rs. These R&Rs are solely for reference of contractors/suppliers' on how to apply for registration in the Register. ITC-JHB reserves the right to update, amend and interpret these R&Rs.

The prospective contractor and/or supplier warrants that it has disclosed and/or provided ITC-JHB with all of the information and/or documentation requested of it to disclose and that such information and/or documentation is both true and correct, and furthermore, that the prospective contractor and/or supplier shall hold ITC-JHB harmless against any claim for any loss, losses, interest, penalties, damages or costs (including costs of an attorney and own client scale) of any nature whatsoever, arising out of or in connection with the said prospective Contractor's and/or Supplier's failure to provide all of the information and/or documentation, and/or true and correct information and/or documentation, requested of it for disclosure and/or for its failure to comply with any term and condition contained in the Rules and/or Requested Disclosure Document.

It is further understood that any of the clauses herein contained shall be amended or revoked should the ITC-JHB become aware that they do not comply with the applicable laws and regulations of South Africa. Should any article of these R&Rs, for any reason whatsoever, prove to be invalid or unenforceable, the remaining articles shall not be affected by such invalid or unenforceable provision.

(Contractor and/or Supplier Signature)

(Print Contractor and/or Supplier Name)

(Date)

Initial _____