

Suppliers Register rules

1) Scope

Inclusion in the Supplier Register allows prospective suppliers to be called for tenders organized by ICE for values below the EU thresholds, in accordance with the R.E.S.P.E. rules (*Regolamento delle spese in Economia*). The R.E.S.P.E. rules are published in the *Gazzetta Ufficiale* of the Italian Republic nr. 145 of June 6th 2003, and later amended by ICE's Board decision nr. 383/03 of November 11th 2003.

The Italian Trade Commission will call upon registered suppliers according to the nature of the supply, work or service to be contracted out and on a principle of rotation among suppliers.

Inclusion in the Suppliers Register does not imply the right to be called for tenders.

2) Requirements

In order to be included in the Suppliers Register, companies have to provide the following documents:

i) general requirements

- authenticated copy of the company's business license;
- authenticated copies of professional qualifications, authorizations or licenses needed for the execution of the specific works, supplies or services, required by the law in effect for each category;
- a statement – in the form of a notary deed – by which the applicant declares that it is subject to any legal proceedings concerning - or that may lead to - its bankruptcy, liquidation, or controlled administration;
- a statement – in the form of a notary deed – by which prospective bidders declare that they are not affected by the tender exclusion causes indicated under section 38 of the Italian Legislative Decree n. 163/2006; under section 45, paragraph 2, letters from a) to g) of the European Union 2004/18/CE Directive; under section 41 of the Italian Legislative Decree n. 198/2006; under section 44, paragraph 11, of the Italian Legislative Decree n. 286/98

- a statement – in the form of a notary deed – by which prospective bidders declare their full compliance with regard to relevant tax, contribution and labor regulations in force in the P. R. of China;
- UNI EN ISO 9001:2000 quality certification or any other relevant quality certifications, if available;

ii) economic requirements:

- two appropriate, original (or authenticated copies of) bank letters of references
- a statement regarding the company's global turnover, in the form of balance sheets and income tax returns, for the previous three years
- a statement regarding the company's specific turnover (i.e. – turnover generated by the sector of activity for which the company submits the Suppliers Register application) and main contracts list for the previous three years, in the form of certificates of good performance issued and signed by public contracting agencies or statements of good performance issued and signed by private contracting companies, which clearly state the contract object and value. Alternatively, invoices or contracts in original or authenticated copy.

iii) technical requirements:

- a list of the main contracts carried out in the previous 3 years accompanied by original (or authenticated copies of) letters of references;
- number and main features of factories or workshops, and technical equipment and/or products in stock;
- technical managers' education and professional certification.

3) Documentary investigation and ex officio controls

Should the provided documents be incomplete or irregular, the applicant will receive a written communication by e-mail. .

The registration can be rejected if the applicant – based on the documents it has submitted - is deemed not suitable and/or the business activity is not interesting for the Italian Trade Commission.

The Italian Trade Commission reserves the right – and, by submitting its application, the prospective supplier company accepts – to make all appropriate checks, including company or plant inspections, in order to verify the truthfulness of the applicants' statements.

Providing untruthful statements will result in the suspension or cancellation from the Suppliers Register.

4) Suppliers data update

The registered suppliers must inform ICE about any modification affecting company data included in the Suppliers Register within 30 days of these changes. Failure to comply may result in the suspension or cancellation from the Suppliers Register.

5) Evaluation

Suppliers' contractual performance will be discretionally evaluated by the Italian Trade Commission.

6) Suspension

The registration in the Suppliers Register can be suspended, for a period of not less than six months and not exceeding one year, if the supplier's contractual performance evaluations are not adequate.

The suspension can also derive from: a) failure in providing updated company data, b) litigation with the Italian Trade Commission, c) delays in delivery, negative inspections, and any other contractual breach.

Suspension may be revoked if the supplier provides – and the Italian Trade Commission, in its sole discretion, accepts - proof that those conditions leading to the suspension are no longer in place. Suspension may lead to cancellation if it is proven that such conditions are still in place.

7) Cancellation

Cancellation may derive from: a) the supplier's loss of the above stated Requirements, b) closure of business or radical change of its scope, c) cancellation from other Italian Trade Commission Offices' Suppliers Register, d) repeated breach of contract or repeated contract underperformance (resulting

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from negative evaluations), e) if the supplier has already been suspended 3 times in a period of 3 years.

The cancelled supplier will be able to apply again after 3 years from the cancellation date.