

## **RULES OF PARTICIPATION**

### **SELECTION PROCEDURE FOR AN EXTERNAL SERVICE PROVIDER TO SUPPORT THE ITALIAN CONSULAR/DIPLOMATIC MISSION IN THE PROCESSING OF VISA APPLICATION**

For the purposes of this procedure, the following definitions are adopted.

"VISA" means individual entry visa to Italy, type C, and D (or other types of visas).

"OFFICE" means the Consular Office or the consular section of the Embassy or Consulate responsible for issuing the visa.

"OUTSOURCER" means the company identified through the selection procedure that will be part of the contract.

"MINISTRY" means the Ministry of Foreign Affairs of the Republic of Italy.

"USER" means the VISA applicant using the services provided by the Outsourcer.

#### **1. AWARDING PROCEDURE**

The following rules apply to the tender for the outsourcing of services relating to the issue of visas to enter Italy. The procedure applied is an open tender. The contractor will be the best bidder on the basis of the listed criteria.

#### **2. PARTICIPANTS**

Only companies duly constituted under the law of the State to which they belong can take part to the tender. The Bidder agrees to register in the State of operation, or to establish a local company, within 90 days after signing the contract, under the penalty of contract resolution according to art. 1456 of the Italian Civil Code.

Only companies that are not in bankruptcy, receivership, liquidation nor in other forms of limitation of their rights, and which fully comply with the local regulations to exercise business (taxes, social security contributions, administrative permissions, the absence of criminal sanctions related to entrepreneurial activity against directors and technical directors, administrative penalties against the company) can take part to the tender.

Applicants in temporary grouping or joint venture shall specify the type of association (horizontal or vertical) indicating, respectively, the parts of the service or supply taken by each associated partner.

Companies in a situation of control under Article 2359 of the Italian Civil Code cannot take part to the tender.

It is forbidden for bidders to participate in the selection process in more than a temporary grouping or joint venture or individually if they are already part of a consortium, joint venture or temporary grouping.

No joint venture is allowed. Any change in the composition of the temporary groupings and joint venture shall be notified to the Office.

No profit organization can participate in temporary groupings or joint venture, if registered in compliance with the regulations of the state of residence and if allowed by the law.

### **3. ADMISSION REQUIREMENTS**

Bidders shall be in possession of the general requirements to contract with the public administration.

#### *Contractual requirements for the bidder*

(01) The bidder shall be properly constituted and have fulfilled all obligations set by law in relation to its legal status and to carry out its business, including registrations in logs, lists, or professional registers, according to the regulations of the State to which it belongs.

(02) The bidder shall not be in a state of suspension or termination of its activity.

(03) The bidder shall not be in a state of bankruptcy, compulsory liquidation, arrangement with creditors, or should not be subject to proceedings to declare such situations, under the laws of its state of origin;

#### *Tax clearance*

(04) Bidders shall not have violated any obligations related to the payment of taxes in accordance with Italian legislation or that of its state of origin.

The assessment involves the application of sanctions (administrative or criminal) five years prior to the publication of the notice.

#### *Compliance with the obligations arising from labour law.*

(05) The bidder shall not have committed serious violations of social security contributions according to Italian law or the law applied in its state of origin.

(06) The bidder shall comply with the rules governing the labour rights for disabled people and with the provisions of Law of 12 March 1999. (only for Italian bidders or employing staff in accordance with the Italian law).

(07) The bidder shall not have committed serious offences to labour law, as set by the legislation of Italy or the state of origin.

(08) The bidder shall not be prohibited to contract with the government nor to participate in public tenders pursuant to Article 36-bis of Law Decree no. 223 of 4 July 2006, converted with amendments by Law n. 448 of 4 August 2006.

#### *Ability to contract with the public administration*

(09) The bidder shall not be in a state of incapacity to contract with the public administration.

(10) The bidder shall not be subject to any sanctions listed in Decree of 8 June 2001, n. 231.

#### *Professional conduct*

(11) Any convicted bidder is excluded from the procedure.

The bidders using self-certification shall declare all types of sentencing and pledging against it.

#### *Trust*

(12) All forms of trusting are prohibited.

Before signing the contract, the selected outsourcer shall provide the contracting authority with a full due diligence and a list of the shareholders over the previous 24 months.

If the successful bidder is a joint venture, it is required to provide all the information referred to in the precedent paragraph, regarding all the members.

Any change in the share property above or under 2% shall be communicated to the contracting authority.

*False statement*

(13) Any false statements about the requirements mentioned or relevant conditions of participation could result in the immediate exclusion from the procedure.

#### **4. QUALIFICATION**

Bidders must satisfy the following requirements.

*4.1. Economic and financial capacity*

4.1.a. The bidder shall have a overall balance over the last three years of more than four times the annual value of 'Outsourcing as estimated by the contracting authority, with an annual balance of more than half of this amount, and a three-year balance in the field of visas issue of more than the annual amount estimated by the Administration and more than ... for each year 75% of the estimated annual.

In case of groupings, the main partner shall fulfil 70% of the economic and financial requirements, whereas each of the other partner shall fulfil no less than 10% of such requirements.

4.2 Pooling. Bidders may use pooling, within the limits of the law.

4.3. Bidders established outside Italy are subject to the above-mentioned rules, in accordance with the laws of the country of origin. All the documents written in a language other than Italian or English shall be accompanied by an English translation. The documents drawn up by foreign authorities shall be legalized by the competent Italian diplomatic or consular representation, except in cases of exemption established by an international agreement. The amounts shall be in euro. The amounts contained in documents produced and expressed in another currency shall be converted at the official exchange rate valid at the date of the notice.

#### **5. APPLICATION**

The bidder shall submit the application form, according to the scheme set out in Annex. The application shall contain the following information: (A) statements concerning the legal status of the company (B) statements concerning the absence of any impediment to procurement for the company, the boards of directors and the authorised representative (C) pre-contractual statements; (D) statements relating to partnership or joint ventures.

The statements in paragraph (B) are proof that the admission requirements are met and replace each of the relevant certificates. The bidders are entitled to omit any statements if evidence (original or a certified copy) is attached to the application form.

### *Applications*

The applications form shall be filled in Italian or English.

The application form shall be signed by the authorised representative of the company. A photocopy of the subscriber ID shall be attached.

### *Documents to be enclosed in the bid*

The application form shall be accompanied by the following documentation:

(A) a technical-economic bid.

(B) two bank references and a provisional guarantee for the amount of 2% of the total estimated value of the Contract.

## **6. OFFER**

The contracting authority will assess the offers.

The offer shall include a report on the proposed organizational model, taking into consideration the specifications of the service. The organizational model shall be guided by the following objectives: (1) being user friendly, (2) developing professional services, in accordance with updated technical expertise, know how, and knowledge of local market, (3) providing high standards of quality in accordance with the possible variation of the number of requested Visas, the regulatory requirements, the technological innovations and the expectations of the users.

The offer shall also contain a detailed description of the organizational and technical quality of the bidder, such as previous experience in the field, the knowledge of the local market, the capacity to promote Italy as a touristic and business destination.

The offer shall be: (a) written in Italian or English, (b) unconditional, (c) signed by the legal representative of the bidder. The offers issued by temporary groupings or the joint ventures shall be signed by the legal representatives of each member.

The economic offer shall be signed by the legal representative of the bidder. A photocopy of the subscriber ID shall be attached.

## **7. HOW TO MAKE AN OFFER**

The offer shall be contained in a single envelope, sealed with sealing wax on the closing flaps or glued or closed with adhesive tape and signed with the initials of the authorised representative and the Company seal. The Company name and the ID tendering procedure shall be written on the envelop.

The envelope shall contain two non-transparent envelopes – so as not to make their content readable - identified by letters A and B. Envelope "A" shall contain the application form; envelope 'B' shall contain : the technical and economic offer and two bank references and temporary guarantee for the amount of 2% of the total value of 'Outsourcing. Envelopes A and B shall be sealed with sealing wax on the closing flaps or or glued or closed with adhesive tape and signed with the initials of the authorised representative and the Company seal. The Bidder name and the ID tendering procedure shall be written on the envelopes.

The envelope must be received by the Embassy of Italy in Jakarta, Jl. Diponegoro no. 45 – Menteng, Jakarta 10310, Indonesia by the date specified in the call for tender. The envelope shall be: (a) sent by registered post within 7 days before the date of opening: in this case the Office will take into consideration the date of postmark and the bidder shall anticipate the application form by email. (b) personally delivered to the Office any day from Monday to Friday from 8:30 to 12:30, by private courier or delivery company or bidder’s nominated person. In this case, the Office will deliver a receipt indicating the time and date of delivery. Finally the bidder may send the documentation to the certified e-mail address : the Annexes (to be called Envelope A and Envelope B and contain as indicated *above*) will be opened on the day of the opening.

Any application and documentation received after the given deadlines will not be accepted. The risk of delivery is borne solely by the sender. The Administration is not responsible for misplacement or delay due to any cause.

## **8. SELECTION CRITERIA**

The Outsourcer will be selected on the basis of the highest bid according to the following criteria. The jury will assign a maximum of 100 points. The evaluation of bids is determined by the sum of the scores assigned to each criteria by the jury.

### **8.1. Selection criteria:**

a) Previous experience .....up to 20 points  
Evaluation will be conducted on previous shown experience of the company in managing the services of visa externalization in Indonesia and in other countries. Major consideration will be given to the previous experience, firstly with the Italian foreign network and secondly with the embassies of other Schengen countries, especially in consideration of the number of the visa applications handled annually and of the quality of the offered service, measured mainly in the speed of the handling of the visa applications, in the efficacy of the administrative structure, and in the quality of the welcome offered to the applicants.

b) Organisation .....up to 15 points.  
The service is to be offered continuously from 08.00 a.m. to 4 p.m. from Monday to Friday, in accordance with calendar of festivities of the Embassy of Italy in Jakarta, or under other indication from the latter. It is requested the possibility that users be able to communicate by phone or by online means in the three languages previously indicated (Italian, Indonesian, and English). The visa applications and the related visa fees are to be consigned to the Embassy by 11 a.m. of the next working day and, under specific requests, consigned and collected at the earliest within the same day. A physical point/counter must be present in which it would be possible to obtain the information regarding visa applications procedures in Indonesian and in English.

c) Infrastructure provided ..... up to 20 points  
The outsourcer must provide a website that contains all the necessary information on how to obtain the visa in three languages: Italian, Indonesian, and English. The company must provide

an online appointment system that is based on the principles of equity and non-discrimination, by through an online procedure or call centre. The waiting list should be maximum 15 days. Under specific request from this Embassy, it should be foreseen specific appointment system for certain persons. The outsourcer must provide at least 2 (two) visa application centres, one in Jakarta, and one in Bali. The centres must be situated in a central position, clearly visible by public and easily reached by users. With reference to the site in Jakarta, it will also be evaluated positively the distance between the centres and the Embassy of Italy in Jakarta. The centres must provide a welcoming environment and other additional services offered that will render the services easier and more comfortable for the applicants' waiting time will also be evaluated positively. The structures must be furnished with biometric equipment as per ministerial specifications. The outsourcer must also provide a space/booth for tourism, cultural and economic promotion of the sistema Italia that will be managed in coordination with the embassy.

d) Personnel .....up to 10 points  
Number of employee in correspondence with the number of the visa applications:

- up to 10.000 : 10 personnel
- 10.000-20.000 : 15 personnel
- 20.000-30.000 : 20 personnel
- 30.000-40.000 : 25 personnel

The personnel must be adequately trained on the Schengen and national regulation related to visa application procedures. There must be a supervisor/manager with proper professionalism and the knowledge of Italian language will be favourably evaluated.

e) Improvement proposal.....up to 5 points

The possibility of future opening of other visa application centres with the same characteristics to the principal centres will be evaluated positively, as well as the creation of the video conference system to conduct eventual interview by the Embassy to the applicants without the need for the users to come to the Embassy of Italy. The system and all the related internet protected connectivity at the centres as well as at the Embassy will be under the responsibility of the Company. It could also be installed a tracking and identification system that will enable user to know the exact position and movement of the visa application. The Embassy will have the possibility to access the tracking system. It will also be evaluated positively the arrangement of mobile points that can be created in strategic locations to promote the image of Italy.

f) Economic Offer (Final cost for the user, excluding any optional service).....up to 30 points.

The jury will discretionary assign a score to every bid, expressed by a coefficient ranging from 0 to 1, with a maximum of two decimal points. The jury will decide the coefficient definition methodology before opening the envelopes containing the bids.

The jury will promptly communicate the result of the selection to the winner by mail and on the website page.

Whereas a bid only is presented, the jury has the right to award the contract, provided that the adequacy of the offer has been verified.

In case of equal scores, the contract is awarded by draw

The contracting authority has the right to suspend the selection, to cancel the procedure or not to proceed with the contract at any moment.

## **9. ACCESS TO DOCUMENTS AND CONFIDENTIALITY**

Bidders are required to clearly indicate any information provided in the offer for which they do not allow access to third parties, justifying the reasons. The declaration shall be included in the envelope. The contracting authority has the right to allow access in case of missing or insufficient motivation.

The documents submitted by the bidders will not be returned.

## **10. PRE-CONTRACTUAL REQUIREMENTS**

1. Within a week from the evaluation of tenders, the contracting administration will notify the selected bidder the result of the procedure. The result will also be published on the Office website. The contracting authority has the right to verify the statements made in the offer by the successful bidder. All the documents presented in the form of self-certification are required to be submitted in the original form.

2. Within 60 days from to the communication of the award, the successful bidder is required to register in the commercial register of the State, or to establish a local company in the State of competence of the Office. Furthermore, within the deadline indicated in the notice and before the conclusion of the contract or the beginning of the execution of the contractual performance, Contractor shall provide the guarantee and the payment of the costs of the contract.

3. The Successful bidder agrees to sign the contract within 30 days from the obligations laid down in paragraph 2 of this article.

These provisions are part of the call for tender.