

Rome, 27 febbraio 2018

Ref. no. 6459\_18

Sent by certified e-mail

FAO

**Keypoint Intelligence (UK) Limited**

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**Subject: Direct award pursuant to art. 36, paragraph 2, letter a) of Legislative Decree no. 50/2016 aimed at stipulating a contract for bliQ Sales Advantage UK Edition + Solutions Center - SMART CIG ZC62279E65. Request for Proposal**

Consip proceeds for the present acquisition to the assignment to Keypoint Intelligence (UK) Limited since the service offered meets the specific internal information needs related to technical and functional features of printing services on the market. For the purpose of the acquisition, standard contract terms are enclosed.

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In this Request of Proposals, Consip S.p.A. intends to award the Contract – the subject of which is bliQ Sales Advantage UK Edition + Solutions Center as specified below:

- Nr. 1 Multi-user license for Access to Database BliQSi valid until 30th November 2018

By signing the Contract, the successful company is undertaking to provide the services referred to above. The Contract will be entered into by Consip.

The Contract will not contain an arbitration clause.

**Consip S.p.A., single-member joint stock company**

Registered Office: Via Isonzo 19/E – 00198 Rome

T +39 06 85449.1 – F +39 06 85449 281 – [www.consip.it](http://www.consip.it)

Fully paid-in share capital of €5,200,000.00 Tax Code and VAT no. 05359681003

Listed on the Companies' Register at the Chamber of Commerce, Industry, Trades and Agriculture of Rome under no. 05359681003 - REA (Economic and Administrative Index) no. 878407

Document classification: Consip public

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In accordance with art. 31 of Italian Legislative Decree no. 50 of 18 April 2016, Ms Patrizia Bramini is appointed as the person responsible for the procedure.

Following the correct and complete provision of the supplies and services under the purview of the Contract, Consip shall pay the Supplier the fees agreed-upon in the contract on the basis of the services described above .

The Supplier may not claim any right to other compensations, adjustments or increases of the fees agreed upon in contract, except as provided for by art. 106 of Legislative Decree 50/2016 for recurring and continuous contracts.

Please note that Art. 106 co. 11 of Legislative Decree no. 50/2016 will be applied, so that the duration of the contract may be extended for the time strictly necessary to complete the procedures necessary for the identification of a new supplier. In such a case, the supplier will be required to carry out the performance of the contract at the same prices, terms and conditions stipulated in the contract. Amendments are only possible if they favour the contracting authority.

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In light of the considerations above, the company is therefore required to send to Consip S.p.A., by 7<sup>th</sup> March 2018, its Bid Declaration, complete with all the documentation indicated hereinafter to the e-mail address: [riccardo.ribacchi@consip.it](mailto:riccardo.ribacchi@consip.it).

Please note that, in order to send the documentation indicated hereinafter, which is mandatory in order to participate in the procedure, a certified e-mail address attributable to the supplier has to be used. In particular, the competing company must insert the following data into the subject line of the e-mail:

***“Purchase request no. 48118 – attn. Riccardo Ribacchi”***

The e-mail containing the proposal must include the following:

- a) **mandatory declaration in accordance with the facsimile in Annex 1**, i.e. a document/declaration to be issued in accordance with Italian Presidential Decree no. 445/2000, containing the certification of possession of the requirements established by art. 80 of Italian Legislative Decree no. 50/2016, the absence of the grounds for prohibition laid down in paragraph 16-ter of art. 53 of Italian Legislative Decree no. 165/2001, as well as the further declarations included in the facsimile in Annex 1 to this Request of Proposal (to this end, the



said facsimile must be used). The aforementioned declaration must be submitted in electronic format, complete with the digital signature of the legal representative of the competing company, or, in any event, a party vested with proven signatory powers>.

The declarations concerning the absence of grounds for exclusion referred to paragraph 1 of art. 80 of Italian Legislative Decree no. 50/2016 must be made by the legal representative of the supplier or by a representative with power of attorney vis-à-vis the persons responsible for the duties referred to par. 3 of art. 80 of Italian Legislative Decree no. 50/2016 (i.e. the owner or technical director, if a single-member company. The partners or technical director, if a partnership; a partner and the technical director if it is a company in collective name; of the partners and the technical director, if it is a simple partnership; members of the board of directors who have been assigned legal representation, including general secretaries and prosecutors, members of the bodies with managerial or supervisory powers (i.e. members of the board of statutory auditors in companies with a traditional management system, members of the management control committee in companies with a single management system, members of the board of directors and members of the supervisory board, in companies with a dualistic management system), of subjects with powers of representation, direction or control (such as auditors and the supervisory body referred to in Article 6 of Legislative Decree 231/2001), the technical director and the sole shareholder a natural person, a majority shareholder in the case of companies with fewer than four members, in the case of another type of company or consortium; of persons ceased in the year prior to the date of sending the letter of invitation and in any case until the submission of the bid, if the firm does not demonstrate the complete and effective dissociation from the penalized sanction. The offenses referred to art 80 par. 1 do not apply when they have been de-penalized, when rehabilitation has taken place, when offenses have been declared extinguished after the conviction or in case of revocation of the sentence.

Concerning sole shareholders and majority shareholders in case of companies with less than four partners, please note that both the physical and legal persons are relevant, and the company (together with the auxiliary or subcontractor if any) must thus make the declarations concerning the absence of the exclusion cases referred to in art. 80, paragraphs 1 and 2, of the Legislative Decree no. 50/2016. Concerning legal administrators, the relevant positions are those of the Directors that have representative powers (eg Managing Director, Delegate, Councilor with Representative powers, etc.). It should also be noted that in the case of companies with only two members (whether legal or physical), holding each of fifty percent



(50%) of the shareholding, the statements provided for in art. 80 (paragraphs 1 and 2), Legislative Decree no. 50/2016 must be made for both.

It should also be noted that in case of transfer or lease of a business or branch of a business, incorporation or merger in the year before the date of the sending of the letter of invitation and until the date of submission of the bid, the declaration on the absence of the exclusion criteria referred to art. 80, paragraphs 1, 2 and 5 letter l) of Legislative Decree no. 50/2016, must be made in respect of all the aforementioned subjects who have operated with the transferor / leasing company, incorporated or incorporated companies in the year prior to the date of sending the letter of invitation and until the date of submission of the offer and those who have ceased to be in charge in the same period, which must be considered as "ceased parties" for the supplier.

All the facts referred to art. 80, paragraph 5, of Legislative Decree no. 50/2016 must be declared. In particular, it should be noted that:

- Infringements of the rules on health and safety at work and the obligations under Article 30 (3) (referred to in Article 80 (5) (a)), fall within the scope of derive definitive measures of condemnation against the subjects referred to in art. 80, co. 3, of Legislative Decree no. 50/2016 and so on, for conducts referred to the performance of the functions conferred by the proper economic operator. The assessment of the severity of the conduct carried out by the economic operator is remitted to the contracting station;
- Among the cases referred to in art. 80, paragraph 5, lett. c) of Legislative Decree no. 50/2016 (relevant for the time period referred to in Article 80, paragraph 10, of Legislative Decree 50/2016 and §5), are the those relating to antitrust or other circumstances that may affect the integrity or the competitor's reliability. The supplier, in the indication of the relevant facts shall take into account the indications given in Guidelines no. 6 of the ACN. "Indication of the appropriate means of proof and of the deficiencies in the execution of a previous contract of employment which may be considered significant for the demonstration of the exclusion circumstances referred to art. 80, paragraph 5, lett. c) of the Legislative Decree ".

In this case, and in the case of self-cleaning measures, all relevant documents (including any convictions) must be produced in order to allow the Consip to make every reasonable assessment.

- b) a copy of the power of attorney in the case of a statement made by a person with power of attorney whose name and powers are not reported at the Chamber of Commerce



- c) the Bid declaration, which, in accordance with the facsimile attached to this Request for Proposal, must specify the maximum overall contractual amount and all fixed and variable payments, which must not exceed the maximum amount of EUR 1.755,00 (one thousand five hundred and fifty-five/00). This must be submitted in electronic format, complete with the digital signature of the legal representative of the company, or, in any event, a party vested with proven power of attorney;

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The provisions of art. 35 of Italian Legislative Decree no. 90 of 24 June 2014, as converted by Law no. 114 of 11 August 2014, shall apply.

Yours sincerely,

Salvatore Celano  
Administration finance and control  
(the responsible)  
Digital signature

Annexes:

Annex 1 – Facsimile of declaration

Annex 2 – Contract scheme

Annex 3 – Financial offer declaration facsimile

Annex 4 – Supplier Data sheet and declaration concerning the traceability of financial flows