

Rome, 4\12\2018

Ref. no.40107-2018

Sent by e-mail

**FAO**

**Software Engineering of America Inc.**

1230 Hempstead Turnpike

Franklin Square

11010 New York

E mail: jday@seasoft.com

**Subject: Direct award pursuant to art. 36, paragraph 2, letter a) of Legislative Decree no. 50/2016 aimed at stipulating a contract for "Maintenance service of the software product \$AVRS for Sogei – year 2019"**

**SMART CIG: Z0226042AA**

**Request for Proposal.**

By means of a determination to contract signed on 29 november 2018, Consip S.p.A. single-member joint stock company (hereinafter also Consip) on behalf of Sogei S.p.A. (hereinafter also Customer), has resolved to entrust the Maintenance service of the software product \$AVRS for Sogei – year 2019.

By means of an Agreement concluded on 12 April 2013, Sogei S.p.A. has entrusted Consip S.p.A. to perform the activities related to the procurement process for the acquisition of goods and services, also including any ancillary and instrumental activities.

Consip S.p.A. is performing this procurement action by the assignment to Software Engineering of America Inc. because motivated by exclusive rights.

The **draft contract (annex 2)** is attached for the present acquisition.

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In this Request of Proposals, Consip S.p.A. intends to award the Contract – the subject of which is Maintenance service of the software product \$AVRS for Sogei – year 2019.

Specific details are provided in the annex 3 **"Technical Specifications"**

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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By signing the Contract, the successful company is undertaking to provide the good(s) and/or service(s) referred to above. The Contract will be entered into by Sogei S.p.A .

The Contract will not contain an arbitration clause.

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

Sogei reserves the right to negotiate the payment terms with the successful bidder, pursuant to and in accordance with paragraph 4 of art. 4 of Italian Legislative Decree no. 231/02 as subsequently amended and supplemented. This must be taken into consideration when formulating the bid.

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.

\* \* \* \*

In light of the considerations above, the company is therefore required to send to Consip S.p.A., by **14 december 2018**, its Bid Declaration, complete with all the documentation indicated hereinafter to the e-mail address: [floriana.milisenda@consip.it](mailto:floriana.milisenda@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:

***"Initiative no.448/2018 - Purchase request no. 48867 – attn. Floriana Milisenda."***

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;



- b) a **declaration** providing the identification details of the bank account (s) attached (s) to this contract, as well as the general (name and surname) and the Tax Code of the persons delegated to operate on said account (s) in compliance with the provisions of Article 3, paragraph 7 of Law No.136 / 2010 (**annex 5 - Supplier Data sheet and declaration on the traceability of financial flows**);
- c) 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;
- d) 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 26.000 (twenty-six thousand/00).

\* \* \*

Please note that the services covered by the contract will be subject **to payment of stamp duty**, which the Supplier will be required to pay to Sogei when signing the contractual documentation.

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,

*Divisione Agenda Digitale e  
Disciplinari di Acquisto Bilaterali  
Division Manager  
(Eng. Renato Di Donna)  
Digital signature*

**Annexes:**

Annex 1-Facsimile of declaration

Annex 2 – Draft Contract

Annex 3 – Technical specifications

Annex 4 - Facsimile of bid declaration

Annex 5 – Supplier Data sheet and declaration on the traceability of financial flows