

Rome, 04/11/2018

Ref. no. 11911/2018

Sent by e-mail

FAO

ICE Benchmark Administration Limited

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Subject: Negotiated procedure pursuant to art. 63, co. 2 lett. b), point n. 3, of Legislative Decree no. 50/2016, aimed at stipulating a contract for ICE Libor licenses - CIG 744533981A.

Request for Proposal

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.

The supplier has declared, with notice of 15 February 2018, that it possesses exclusive rights for the following services/products: Ice Libor Data, Ice Swap rate data, that are relevant to the Contract in question.

In this Request of Proposals, Consip S.p.A. intends to award the Contract for ICE Libor licenses for 3 years – the subject of which is:

- ICE LIBOR - Non-financial Institution - All currencies
- ICE LIBOR – Historical Access License
- EUR ICE SWAP Rate – Non-financial institution – Single currency

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 Stefano Intini is appointed as the person responsible for the procedure.

Registration on the AVCpass System and use of the National Public Contracts Database (*Banca Dati Nazionale Contratti Pubblici*).

By virtue of the provisions of par. 13 of art. 216 of Italian Legislative Decree no. 50/2016, until the entry into force of the decree referred to in par. 2 of art. 81 of the aforementioned Italian Legislative Decree

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

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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

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no. 50/2016, the contracting authorities and suppliers shall use the AVCPass database kept by the Italian National Anti-Corruption Authority (ANAC).

In view of the above, pending the entry into force of the aforementioned decree, the previous regulations are still applicable: the documentation proving possession of the general, technical/organisational and economic/financial requirements for participating in public calls for tenders must be acquired exclusively through the National Public Works Database (*Banca Dati Nazionale Contratti Pubblici*) (hereinafter, in short, the BDNCP) kept by the National Anti-Corruption Authority (art. 6-bis of Italian Legislative Decree no. 163/2006 as subsequently amended and supplemented, as introduced by paragraph 1a) of art. 20 of Law no. 35 of 04 April 2012). In accordance with the provisions of art. 6-bis of Italian Legislative Decree no. 163/2006 as subsequently amended and supplemented, the AVCP (now ANAC) issued Deliberation no. 111, dated 20 December 2012, which identified, inter alia, *“data concerning participation in tender procedures and the assessment of bids to be inserted into the BDNCP to enable contracting authorities/contracting entities to verify possession of the requirements applicable to suppliers for the awarding of public contracts”*.

Art. 9 of the aforementioned Deliberation, as modified during the formal meetings held on 08 May and 05 June 2013, states that the obligation to perform verifications exclusively through use of the AVCPASS system runs from *“01 January 2014 for contracts with an initial value equal to or greater than EUR 40,000.00”*.

For the purpose of this procurement action, prospective suppliers must register on the AVCPass System according to the operating instructions as well as the terms and technical regulations for the acquisition, updating and consultation of data present on the www.avcp.it website.

Once the economic operator has registered for the AVCPASS service and identified the procedure in which it wishes to participate, it will obtain a “PassOE” code which must be inserted into the e-mail containing the documentation requested for participation in the procedure, according to the procedures described below.

In accordance with the provisions of art. 6-bis of Italian Legislative Decree no. 163/2006 as subsequently amended and supplemented, of AVCP (now ANAC) Deliberation no. 111 of 20 December 2012 and of law no. 15 of 27 February 2014, as well as with the provisions of the aforementioned art. 216 (par. 13) of Italian Legislative Decree no. 50/2016, Consip shall conduct a compliance check of the requirements relating to this initiative exclusively through the BDNCP.

Lastly, it should be noted that failure to register with the AVCPass service, or to send the PassOE code, will not entail, by itself (unless otherwise stipulated), exclusion from this procedure. By means of a suitable notification, Consip provide suitable deadline for conducting the activities indicated above.>

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.

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 **20/04/2018**, its Bid Declaration, complete with all the documentation indicated hereinafter to the e-mail address: **lucia.magliocco@consip.it**.

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

- a) **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 \$ 97.500,00 (ninety-seven thousand and five hundred/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;

The competitor must also indicate in the economic offer (or it will be excluded from the procedure) the "corporate costs of meeting the health and safety provisions" in the workplace referred to the art. 95, paragraph 10, of Legislative Decree no. 50/2016.

The documentation that constitutes the economic offer must be submitted in accordance with the provisions of Presidential Decree 672/1972 on the payment of "stamp duty". The payment of the above mentioned duty has a value of Euro 16.00 and must be made by Bank Transfer, using the IBAN (International Bank Account Number) n° IT07Y0100003245348008120501 by specifying in Bank purpose of Transfer the following information: *"ICE Benchmark Administration Limited - VAT n. "– Consip SpA P. IVA 05359681003- cod. trib. 456T – anno 2018 – RdA Consip n 48324"*.

As confirmation of the payment, the tenderer must send to Consip S.p.A. a copy of the Bank Transfer receipt in PDF format, within the deadline for submitting the offer.

- b) In the same mail, this company, if previously registered, will have to produce **the document attesting the attribution of the "PASSOE" by the AVCPASS service**. For this purpose, the supplier will be able to produce the Passoe in the form of: a) a document signed by the legal representative or subject with power of attorney; or (b) a copy of the Passoe, bearing a



declaration of conformity to the original signed by the legal representative or with power of attorney;

- c) **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;

According to art. 83, paragraph 9 of Legislative Decree no. 50/2016, any formal deficiencies in the submission can be remedied through the “*soccorso istruttorio*” procedure.

In particular, in case of incompleteness and any other irregularities in the statements made, regarding the non-essential participation requirements (with the exception of those relating to the economic offer and the technical offer), Consip will give the operator a term not exceeding ten days, for the necessary declarations to be made, integrated or regularized, indicating the content and subjects that have to make the declaration.

If there are unjustified delays of the documents than the competitor will be excluded. Deficiencies that do not allow the identification of the content or the person responsible for it, constitute irremediable irregularities. Consip S.p.A., however, may require competitors to clarify the content of the documentation and statements submitted, that differ from the ones submitted that differ from those subject to a possible sanction within the meaning of the preceding paragraph, with the power to assign a peremptory term within which suppliers must submit the documentation required, **or they will be excluded** from the procedure.

* * *

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,

Mr Sante Dotto
(the Head of Department)
Digital signature

Annexes:

Annex 1 – Bid declaration facsimile

Annex 2 – Supplier Data sheet and declaration concerning the traceability of financial flows

Annex 3 – Contractual addendum