



TENDER DISCIPLINARY

PROT. N. 0102/18

EUROPEAN OPEN CALL FOR TENDER FOR DRAFTING A FRAMEWORK AGREEMENT FOR THE AWARDING OF SERVICES FOR A PROMOTIONAL MARKETING CAMPAIGN IN RUSSIA, IN THE ORGANISED TOURISM SECTOR (FIT/GROUPS), FOR THE PROMOTION, MARKETING AND PLACEMENT ON THE MARKET OF THE GLOBAL DESTINATION TOURISM BRAND "EMILIA-ROMAGNA" – Contract Reference Number/CIG 7563592990

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PREMISE

This Administration hereby announces an open call for tender, pursuant to Arts. 60 and 95 of Legislative Decree 50/2016.

The open tender procedure is announced further to resolutions to contract no. 5/2018 and no. 6/2018, enforceable since 5 March 2018.

The tender shall be awarded on the basis of the criterion of best-value-for-money, pursuant to Art. 95, paragraph 3 of Legislative Decree 50/2016.

Pursuant to Art. 95, paragraph 7 of Legislative Decree 50/2016, the cost element shall assume the form of a fixed cost that business operators shall compete on, based solely on quality criteria.

Payments due to successful bidders shall follow the provisions indicated in the special tender specifications.

These specifications, along with the call for tender, contain the rules relating to the terms and conditions for participating in the selection procedure, the methods for filling in and presenting the bid and additional documents to be presented with the same and the award procedure, as well as any further information regarding the tender, as specified in more detail in the project, ex Art. 23, paragraphs 14 and 15 of Legislative Decree 50/2016.

This tender award is part of the biennial programme for the purchase of goods and services, pursuant to Art. 21 of Legislative Decree 50/2016.

The tender itself:

- was transmitted to the European Community Official Gazette on 20/07/2018;
- as published on the Official Gazette of the Italian Republic on 25/07/2018;
- is published on the contractor's online profile on <https://www.aptservizi.com/azienda/bandi-di-gara-richieste-di-offerta/pubblicazioni-di-bandi-di-gara-e-richieste-di-offerta/>

Art 1 CONTRACTING AUTHORITY

The contracting authority is Apt Servizi S.r.l., with registered offices in Viale Aldo Moro, 62 40127 Bologna and operational offices in Piazzale Fellini, 3, 47921, Rimini, tax code and VAT no. 01886791209, tel. +39 0541430111, fax +39 0541430150, certified email address aptservizi@pec.aptservizi.com, website www.aptservizi.com.

The Sole Project Manager is Rita Boselli, who also covers the role of Administration Office Manager and Transparency and Anti-Corruption Manager, email address: r.boselli@aptservizi.com.

Art 2 TENDER DOCUMENTS, CLARIFICATIONS AND COMMUNICATIONS

Tender documents include the:

- the project, pursuant to Art. 23, paragraphs 14 and 15 of Legislative Decree 50/2016, and the contents provided therein:
 - a) technical-illustrative report of the context of the service;
 - b) special descriptive and performance-based specifications and relevant attachments;
 - c) draft contract
- Invitation to tender
- Tender specifications and relevant attachments

The tender in question does not require drafting of the Interference Risk Assessment Document (IRAD) given that the terms and conditions provided for by existing legislation do not apply, as the service being awarded is of an intellectual nature. Services shall be provided away from the offices of the contracting authority and

shall be carried out exclusively by the personnel of the successful bidders, not employed by the contracting authority.

Further clarifications on these procedures can be obtained by sending written queries to the Sole Project Manager at the following addresses:

- bandi@pec.aptservizi.com (for Italian economic operators)
- bandi@aptservizi.com (for overseas economic operators)

at least 5 days prior to expiry of the deadline for bid presentation. Any queries arriving after the deadline indicated above therefore, shall remain unanswered.

Any requests for clarifications must be made exclusively in Italian or English.

Pursuant to Art. 74, paragraph 4 of Legislative Decree 50/2016, replies to all queries presented on time shall be given at least 5 days prior to the deadline set for bid presentation and shall be published anonymously on the contracting party's website <https://www.aptservizi.com/azienda/bandi-di-gara-richieste-di-offerta/pubblicazioni-di-bandi-di-gara-e-richieste-di-offerta/>

Pursuant to Art. 76, paragraph 6 of the Code, competing bidders must indicate in their bid their certified email address or - only for those with registered offices in other Member States or third countries - the email address to be used for communication, pursuant to Art. 76, paragraph 5 of the Code.

With the exception of the provisions of these specifications, all communications between the contracting authority and economic operators are deemed validly and effectively made when they take place between the following addresses:

- ***bandi@pec.aptservizi.com (for Italian economic operators)***
- ***bandi@aptservizi.com (for overseas economic operators)***

and the address indicated by bidders in the tender documents.

Any changes to the certified email/email address or temporary problems in the use of such forms of communication must be promptly notified to the contracting authority; otherwise, the contracting authority declines all liability for the late arrival or unsuccessful sending of communications.

For temporary associations, EEIGs, network groupings of companies or ordinary consortiums, even if not yet formally constituted, communication sent to the agent shall be deemed validly sent to all economic operators in the group or consortium.

For pooling, communication sent to the bidder shall be deemed validly sent to all auxiliary economic operators.

For subcontracting, communication sent to the bidder shall be deemed validly sent to all subcontractors indicated.

Art 3 SUBJECT OF THE CONTRACT

The subject of the tender procedure is the drafting of a framework agreement for awarding services relating to a promotional marketing campaign in Russia, in the organised tourism sector (FIT/groups), targeting the promotion, marketing and placement on the market of the global destination tourism brand “Emilia-Romagna”.

The subject of the tender contract is a single service, not one divided into lots.

Through this co-marketing project, Apt Servizi, an in-house company of the Region of Emilia-Romagna, specialising in regional tourism promotion, pursuant to Regional Law 4/2016, aims to:

- increase inbound tourism flows to Emilia-Romagna from Russia, to support the growth and stability of the regional tourism industry;
- foster the loyalty of continuing inbound tourism flows from Russia;
- favour deseasonalisation of inbound tourism flows, increase the occupancy coefficient of regional tourism accommodation facilities and thus support the territory's economic growth;
- promote the reputation and importance of the global destination tourism brand Emilia-Romagna in Russia;
- develop synergies with well-established and renowned inbound tourism brands in a strategic overseas catchment area for the tourism industry of Emilia-Romagna, the Russian Federation;
- consolidate the efficacy of the promotional and advertising message,

combining it with the commercial activity implemented by four operators that organise and sell holidays and tourism packages for the destination Emilia-Romagna in Russia;

- increase the market share of organised tourism (groups and FIT).

Co-marketing consists in the co-participation of Apt Servizi in joint promotional marketing campaigns realised by four operators with a view to:

- increasing the reputation of the destination Emilia-Romagna in the target market, both with the final consumer and product distribution networks;
- placing the tourism offer of Emilia-Romagna on the target market;
- favouring the sale of tourism packages and services for Emilia-Romagna.

Art 4 TENDER STARTING PRICE, DURATION, OPTIONS

The contract that successful economic operators draft shall have the legal nature of a Framework Agreement.

The Framework Agreement contract shall be drawn up with all economic operators that finish in the top six places on the final tender ranking.

Drafting of the Framework Agreement shall give these subjects the right to access the next phase of tender contract allocation based on the rules established in the special specifications.

The maximum annual expenditure following drafting of the Framework Agreement shall be € 160,000.00 plus VAT, if due.

The potential overall value of a possible further year of renewal is € 320,000.00 plus VAT, if due.

The cost of labour is estimated at € 80,000.00 plus VAT, if due.

Services shall be provided away from the offices of the contracting authority and exclusively by the personnel of the successful bidder, not employed by the contracting authority. Therefore, safety from interference costs for the contracting authority are zero.

The tender applies as of the date of signing the contract and is effective until 31.12.2018, with the faculty for the contractor to activate the renewal

option for another year, based on the same terms and conditions, for the same bid and at the same price.

The overall value of the tender, inclusive of any tender option, renewal or deferment amounts to € 320,000.00 plus VAT, if due.

The value of the first year is €160,000.00 plus VAT, if due.

The value of the optional second year is € 160,000.00 plus VAT, if due.

The tender is funded through the contracting authority's budget and expenditure relating to the relevant financial year, with allocation to the respective intervention and expenditure items.

**Art 5 BIDDERS ADMITTED, EITHER INDIVIDUALLY OR IN ASSOCIATION,
PARTICIPATION TERMS AND CONDITIONS, REQUISITES, GROUNDS FOR
EXCLUSION**

Economic operators, even those based in other Member States, can participate in this tender, either individually or in association, pursuant to the provisions of Art. 45 of Legislative Decree 50/2016, providing they possess the requisites provided for in the articles below. For subjects constituted in associated form, the provisions of Arts. 47 and 48 of Legislative Decree 50/2016 apply.

Temporary associations of companies and ordinary consortiums

Pursuant to Art. 48 of Legislative Decree 50/2016, temporary associations of companies and ordinary consortiums of bidders, even if not yet constituted, are admitted to participate. In this event, the bid should be signed by all the economic operators in the grouping or consortium and should contain the commitment that if the bid is successful, the said operators shall confer a special collective mandate with representation to one of the parties, indicated in the bid and qualified as agent that shall draft the contract in the name and on behalf of itself and the principals. The bid should specify the percentage of the service to be carried out by the individual economic operators in the grouping or consortium.

Bidders are strictly forbidden to participate in the tender in more than one temporary grouping or ordinary consortium of bidders or even to participate in the

tender individually if they are also participating in the same tender in a grouping or ordinary consortium of bidders.

Consortiums of production and labour cooperatives, artisan company consortiums and permanent consortiums

Pursuant to Art. 45, paragraph 2, letters b) and c) of Legislative Decree 50/2016, consortiums must indicate for which consortium members the consortium is competing. The latter is strictly forbidden to participate in the same tender in any other form; in the presence of such co-participation, both the consortium and the consortium member the consortium is bidding with shall be excluded from the tender.

Any modification to the composition of temporary associations of companies and ordinary consortiums of bidders from those resulting from the commitment presented during the bid is strictly forbidden, with the exception of the provision of paragraphs 17,18, 19, 19 bis and 19 ter of Art. 48 of Legislative Decree 50/2016.

Network contracts

In as far as compatible, pursuant to Art. 45, paragraph 2, letter f) of Legislative Decree 50/2016, the provisions for temporary associations and ordinary consortiums apply to groupings of companies adhering to network contracts.

EEIG

In as far as compatible, pursuant to Art. 45, paragraph 2, letter g) of Legislative Decree 50/2016, the provisions for temporary associations and ordinary consortiums also apply to EEIG.

Each bidder cannot present more than one bid.

Pursuant to Art. 186 bis of Regional Decree 367 of 16 March 1942, a company operating in composition with creditors on an ongoing concern basis can bid, even as part of a temporary grouping of companies, providing it does not cover the role of agent and also providing that the other companies in the temporary grouping of companies are not subject to insolvency procedures.

Furthermore, Art. 48, paragraph 7-bis, of the Code regarding the replacement of an associated company applies.

Requisites and grounds for exclusion

General requisites

The tender excludes any economic operator:

- for whom grounds for exclusion pursuant to Art. 80 of Legislative Decree 50/2016 apply; the inexistence of grounds for exclusion pursuant to paragraph 1 must also be declared for subjects removed from office the year prior to publication of the call for tender, if the company fails to demonstrate it has completely and effectively dissociated from the criminally-sanctioned conduct;
- forbidden to negotiate with public administrations.

In any case, economic operators who have entrusted appointments in breach of Art. 53, paragraph 16-ter of Legislative Decree 165/2001 are also excluded.

Special requisites

On penalty of exclusion, the tender is reserved for the following types of economic operator in the commerce and tourism sector:

➤ **tour operator/organiser**

By tour operator we mean a commercial activity that develops, puts together and sells holidays and tourism packages, assuming the relevant economic, financial and enterprise risks. In order to carry out this activity, tour operators must have authorisation, defined and identified by applicable existing legislation in the company has its registered offices.

On penalty of exclusion, participation in the tender is open exclusively to tour operators that organise and sell - either directly or through intermediaries - trips, holidays and tourism packages for the destination Emilia-Romagna in **Russia** that:

- are authorised to carry out the activity of organising and selling trips, holidays and tourism packages (tour operator/organiser or travel agency licence), pursuant to the applicable legislation of the country where it is based, operating for at least three years;
- directly assume the financial enterprise risk deriving from the organisation and sale of trips, holidays and tourism packages for the destination Emilia-Romagna;

Suitability requisites

Competing bidders must be registered with the Chamber of Commerce, Industry, Crafts and Agriculture or registered with the provincial committees for artisans for activities coherent to those that are the subject of these procedures.

Pursuant to Art. 83, paragraph 3 of Legislative Decree 50/2016, competing bidders not based in Italy but in another Member State or a third country must present a sworn declaration or comply with methods applicable in the state they are based in.

Economic and financial standing requisites

On penalty of exclusion, participation in the tender is open to companies that:

- have a specific average annual turnover in the activity sector that is the subject of the tender contract, referring to the last three financial years for the period 2014-2016, of no less than € 700,000.00 excluding VAT;
- possess insurance cover against professional risks for a liability limit not lower than the tender starting price, net of VAT.

The tender excludes:

- representation offices and marketing and communication agencies, even if owned by the tour operator and operating under proxy in the name and on behalf of the tour operator, as these are not the subjects enterprise risks falls on.
- economic operators that have requested a contribution from the Region of Emilia-Romagna and obtained approval of the same, ex. Regional Law 4/2016 and subsequent modifications, Art. 5, paragraph 4, letter C) – Contributions to tourism promotional marketing projects by companies even in associated form.

Failure to meet even just one of the requisites indicated above shall imply exclusion from the procedure.

Indications for temporary associations, ordinary consortiums, groupings of companies

Pursuant to Art. 45, paragraph 2, letter d), e), f) e g), of Legislative Decree 50/2016, subjects must have the participation requisites compliant with the terms and conditions indicated below.

Pursuant to Art. 83, paragraph 3 of Legislative Decree 50/2016, the requisite relating to registration with the Chamber of Commerce, Industry, Craft and Agriculture or a similar register for competing bidders not from Italy but from another Member State or a third country must apply:

- a. to each of the companies that form/shall form the group or are part/shall be part of the consortium or EEIG;
- b. to each of the companies adhering to the network contract indicated as the contracting company and by the network itself, if it has legal personality.

The requisite relating to authorisation to exercise the activity of organising and selling trips, holidays and tourism packages (tour operator/organiser or travel agency licence) must be held by at least one of the components of the grouping.

The requisite relating to specific turnover must be satisfied by the horizontal temporary association, consortium, EEIG or companies adhering to the network contract as a whole; the principal company must have the majority of this requisite.

The requisite relating to insurance cover must be satisfied by the principal company.

Indications for consortiums of artisan company cooperatives and permanent consortiums

Subjects pursuant to Art. 45, paragraph 2, letters b) and c) of Legislative Decree 50/2016 must possess the requisites for participation in compliance with the terms indicated below.

The requisite relating to registration with the Chamber of Commerce, Industry, Craft and Agriculture or a similar register for competing bidders not based in Italy but in another Member State or a third country, pursuant to Art. 83, paragraph 3 of Legislative Decree 50/2016 must apply to the consortium and the companies in the consortium indicated as the contracting companies.

The requisite relating to the authorisation to exercise the activity of organising and selling trips, holidays and tourism packages (tour operator/organiser or travel agency licence), must apply to at least one of the members of the consortium or at least one of the consortium companies indicated as contracting companies.

Pursuant to Art. 47 of Legislative Decree 50/2016, the economic and financial standing requisites must apply:

- a. for consortiums of artisan cooperatives and companies, pursuant to Art. 45, paragraph 2, letter b) of Legislative Decree 50/2016, directly to the consortium itself;
- b. for permanent consortiums, pursuant to Art. 45, paragraph 2, letter c) of Legislative Decree 50/2016, directly to the consortium or the individual companies in the consortium that are contracting companies or by the consortium via pooling of the requisites possessed by the consortium companies not indicated as contracting companies, pursuant to Art. 47, paragraph 2 of Legislative Decree 50/2016.

Art 6 POOLING

Art. 89 of Legislative Decree 50/2016 provides for the economic operator, whether individually or in association, pursuant to Art. 45 of Legislative Decree 50/2016, to prove possession of the economic and financial standing requisites, pursuant to Art. 83, paragraph 1, letter b) of Legislative Decree 50/2016, using the requisites of other subjects, including those participating in the grouping. Pooling is not permitted in order to prove moral or professional suitability requisites.

Pursuant to Art. 89, paragraph 1 of the Code, **on penalty of nullity**, the pooling contract must contain details of the requisites provided and the resources offered by the auxiliary company.

The competing bidder and auxiliary company are jointly liable towards the contracting authority in relation to the services that are the subject of the contract.

The pooling of several auxiliary companies is permitted. Auxiliary companies cannot, in turn, avail themselves of other subjects.

Pursuant to Art. 89, paragraph 7 of Legislative Decree 50/2016, on penalty of exclusion, it is not permitted for more than one competing bidder to avail itself of the same auxiliary or that both the auxiliary and the company that avails itself of its requisites participate in the tender.

The auxiliary company can assume the role of subcontractor, within the limits of the pre-established requisites.

Pursuant to Art. 89, paragraph 3 of Legislative Decree 50/2016, the competing bidder undertakes to replace the auxiliary should there be reasons that obligatorily exclude it or should it not satisfy the relevant selection criteria.

Pursuant to Art. 89, paragraph 5 of Legislative Decree 50/2016 the obligations provided for in anti-mafia legislation that apply to the bidder also apply to the auxiliary subject.

Art 7 SUBCONTRACTING

On making the bid, the competing bidder indicates the parts of the service it intends to subcontract or grant in piece work, which should amount to no more than 30% of the overall contract, in compliance with the provisions of Art. 105 of Legislative Decree 50/2016; if subcontracting is not indicated, it is forbidden.

Pursuant to Art. 105, paragraph 6 of Legislative Decree 50/2016, the bidder must name three subcontractors in the bid: indicating the same subcontractor in more than one bid by different competing bidders is permitted. Failure to declare the trio does not constitute a reason for exclusion but means the bidder cannot subcontract.

Subcontractors must possess the requisites pursuant to Art. 80 of Legislative Decree 50/2016 and declare them in the bid by presenting their own ESPD or a self-declaration with the same contents.

Failure of one of the subcontractors indicated in the trio to possess the requisites, pursuant to Art. 80 of Legislative Decree 50/2016, implies exclusion of the bidder from the tender.

Art 8 PROVISIONAL GUARANTEE

With the sole exception of the tender contract awarded to the first placed in the ranking, payments due to successful bidders signing the Framework Agreement amount to less than € 40.000,00 plus VAT if due. Pursuant to Art. 93, paragraph 1 of Legislative Decree 50/2016, the contracting authority does not require bidders to attach a provisional guarantee to the bid.

Art 9 PAYMENT OF THE CONTRIBUTION TO ANAC

On penalty of exclusion and further to legal provisions, bidders must make a payment to the National Anti-Corruption Authority (ANAC) of € 35.00, pursuant to ANAC deliberation no. 1377 of 21 December 2016 and attach the receipt to the tender documents.

In the event of failure to present the receipt, the contracting authority shall ascertain payment by consulting the AVCpass system. Should payment not be registered on the system, failure to present the receipt can be rectified pursuant to Art. 83, paragraph 9 of Legislative Decree 50/2016, providing payment is made prior to expiry of the bid presentation deadline.

In the event of failure to demonstrate payment, the contracting authority shall exclude the bidder from the tender procedure, pursuant to Art. 1, paragraph 67 of Italian Law 266/2005.

Art10 BID PRESENTATION METHOD AND SIGNING OF TENDER DOCUMENTS

On penalty of exclusion, the pack containing the bid must be sealed and sent by recorded delivery or courier or delivered by hand.

The pack should be sent exclusively to the following address: Apt Servizi, Piazzale Fellini, 3, 47921 Rimini (RN), Italy and should arrive no later than 12.00 pm

On 31st August 2018.

For delivery by hand, the administration offices of Apt Servizi are open on the following days and at the following times:

- from Monday to Thursday from 9.00 am - 1.00 pm and 2.00 pm - 5.00 pm.
- Friday from 9.00 am to 2.00 pm.

In this case, the administration offices shall issue the relevant receipt.

Deliveries made other than on the days, at the times and in the places indicated above shall not be accepted.

Apt Servizi declines all liability regarding postal errors or errors of any other nature that prevent delivery of the pack

No refund shall be due for participation in the tender, even if the tender is not awarded.

On the outside, the pack should indicate the name/company name of the bidder, the bidder's certified email address (for Italian economic operators) or email address (for overseas economic operators), as well as the following wording:

CONTRACT REFERENCE NUMBER/ CIG 7563592990

OPEN CALL FOR TENDER FOR DRAFTING A FRAMEWORK AGREEMENT FOR THE AWARDING OF SERVICES FOR A PROMOTIONAL MARKETING CAMPAIGN IN RUSSIA, IN THE ORGANISED TOURISM SECTOR (FIT/GROUPS), FOR THE PROMOTION, MARKETING AND PLACEMENT ON THE MARKET OF THE GLOBAL DESTINATION TOURIST BRAND – EMILIA ROMAGNA – DO NOT OPEN – BID DEADLINE 31st August 2018

For associated bidders, whether already constituted or due to be constituted, the pack should provide information regarding each individual participant.

The pack should contain two closed and sealed envelopes bearing the name of the sender, an indication of the subject of the tender contract and the following words, respectively:

ENVELOPE "A" – ADMINISTRATIVE DOCUMENTS

ENVELOPE "B" – TECHNICAL BID

Should envelopes "A" and "B" contained in the pack not be sealed or should they not be intact, compromising the requirement for confidentiality, these shall be considered grounds for exclusion from the tender.

Based on the same terms and conditions and formalities indicated above and within the deadline indicated for presentation of the bid, on penalty of the impossibility to accept the same, bidders can send replacements to packs already

presented. Neither integrations to packs already delivered, nor integrations or replacements of the individual envelopes in the packs are permitted as the bidder can only request for a pack that has already been delivered to be replaced with another pack.

For bidders with registered offices in Italy or in a country of the European Union, self-declarations should be drafted, pursuant to Arts. 46 and 47 of Presidential Decree 445/2000; for bidders with registered offices in a European Union country, self-declarations are made using equivalent documents, in compliance with the legislation applicable in the country of origin.

All self-declarations made, as well as the ESPD, the application for participation and the technical bid must be signed by the legal representative or proxy of the bidder or for multi-subject participation, in compliance with the terms and conditions of these tender specifications.

The application for participation form can be found on the contractor's online profile. <https://www.aptservizi.com/azienda/bandi-di-gara-richieste-di-offerta/pubblicazioni-di-bandi-di-gara-e-richieste-di-offerta/>

The declarant must attach a photostatic copy of a valid identity document (only one copy of the identity document is necessary for each declarant even if there are several declarations on separate sheets).

The proxy should attach a conformant copy of the original of the relevant proxy.

Pursuant to Arts. 18 and 19 of Presidential Decree 445/2000, respectively, documents can be presented in authenticated or compliant copies, unless the original is expressly requested.

For bidders not based in Italy, equivalent and appropriate documents should be presented, pursuant to the legislation of the country of origin; Art. 83, paragraph 3 and Arts. 86 and 90 of Legislative Decree 50/2016.

All the documents to be presented must be in Italian or if drafted in a foreign language, must be accompanied by a sworn translation into Italian. For any contrast between the foreign language text and the text in Italian, the text in Italian shall

prevail, it being at the risk of the bidder to guarantee the faithfulness of the translation.
For documents in English, a simple translation is permitted.

Late bids **shall be excluded** as they shall be considered irregular, pursuant to Art. 59, paragraph 3, letter b) of Legislative Decree 50/2016.

Pursuant to Art. 32, paragraph 4, of Legislative Decree 50/2016, bids shall bind the corresponding bidder for 180 days from the deadline date given for presentation of the bid.

Should tender operations still be underway on the date of expiry of the validity of the bids, the contracting authority can, pursuant to Art. 32, paragraph 4 of Legislative Decree 50/2016, ask bidders to confirm the validity of the bid until the date indicated by the aforementioned contracting authority by presenting a special document certifying the validity of the guarantee made during the bid until the same date.

Failure to respond to the request of the contracting authority shall be considered as waiving participation in the tender by the bidder.

Art 11 REMEDYING PROCEDURAL SHORTCOMINGS

As provided for by Art. 83, paragraph 9 of Legislative Decree 50/2016, should any essential element or self-declaration be missing, incomplete or in any case, not compliant, the non-compliant bidder may be asked to integrate or regularise the necessary declarations, with an indication of the content and subjects that should provide it.

The bidder has the right, within 4 days of receipt of the request, to integrate the missing element or declaration.

In the event of failure to act promptly, the bidder shall be excluded from the procedure.

Art 12 CONTENTS OF ENVELOPE "A"

On penalty of exclusion, the envelope must be closed and sealed and should indicate on the outside the name of the sender, the subject of the contract and the words "ENVELOPE A - ADMINISTRATIVE DOCUMENTS"

It should contain:

A. ESPD - European Single Procurement Documents signed, pursuant to Presidential Decree no. 445/2000, by the economic operator's legal representative. The online ESPD is available on the EU website: <https://ec.europa.eu/tools/espd?lang=it>

The ESPD must be provided electronically (saved on CD or USB stick), signed digitally (in pades or cades format) by the legal representative.

In the ESPD, bidders must:

- ✓ provide all the information requested by filling in the relevant parts.
- ✓ confirm they possess the selection criteria, in other words:
 - they have the general requisites, pursuant to Art. 80 of Legislative Decree 50/2016;
 - they are a tour operator/tour organiser with specific authorisation defined and identified by applicable legislation in the country where the registered offices of the company are, meaning by this a commercial business that develops, puts together and sells trips and tourist packages, assuming the relevant economic, financial and enterprise risks;
 - they have a specific average annual turnover in the sector of activity that is the subject of the contract, referring to the last three financial years for the period from 2014 - 2016, of not less than € 700,000.00 plus VAT;
 - they have insurance cover against professional risks for a liability limit not lower than the tender starting price, net of VAT.
- ✓ declare that the grounds for exclusion pursuant to these procedures do not apply to it, in other words:
 - it is not a representation office or marketing and communication agency, even if owned by the tour operator, with a proxy to act in the name and on behalf of the tour operator;
 - it has never requested a contribution from the Region of Emilia-Romagna and obtained approval of the same, ex Regional Law 4/2016

and subsequent modifications, Art 5 paragraph 4 letter c) – Contribution to tourism promotional marketing projects realised by companies, even in associated form.

A.1 The declaration regarding possession of the requisites pursuant to Art. 80, paragraph 1 of Legislative Decree 50/2016 can be presented by the legal representative of the company in the name and on behalf of the following other figures, as indicated by law:

1. for sole proprietorship companies: the owner and the technical director;
2. for general partnership companies: all shareholders and the technical director;
3. for limited partnership companies: all general partners and the technical director;
4. for other companies or consortiums: all members of the Board of Directors that have been given legal representation, including agents and general proxies, members of the organs with management and supervisory powers or subject with the powers of representation, management and control, the technical director, the sole shareholder, a physical entity or the majority shareholder for companies with fewer than four shareholders, if another type of company or consortium.

As an alternative to this declaration, the company can present a single self-certification from each of the subjects indicated above.

SUPPLEMENTARY DECLARATION (preferably using the form in Attachment B) signed by an administrator with the power of representation or by a special proxy (in which case, the special proxy or an authenticated copy of the same must be attached).

On penalty of exclusion, the bidder must attach a photostatic copy of an identity document belonging to the signatory.

In the application for participation, the bidder must indicate if the company is participating in the tender individually or in association (single company, consortium, temporary grouping of companies, network group of companies, EEGI).

The application for participation and supplementary declaration should state:

B.1) the parts of the service assumed by each participant in the temporary association (for temporary associations of companies);

B.2) that all the rules and provisions contained in the special specifications and any other document attached to the present procedure are accepted unconditionally and unreservedly;

B.3) that the contract terms and conditions are known and have been taken into account in formulating the offer;

B.4) which parts of the technical bid are to be classified as corporate trade secrets, with the relevant reason;

B.5) the certified email address (only for Italian economic operators) or the email address to which all communication relating to these procedures should be sent.

For temporary associations of companies, ordinary consortiums and EEGIs:

The ESPD, the application for participation and the supplementary declaration, pursuant to points A. and B., must be filled in and signed by all the subjects that form the group, the ordinary consortium or the EEGI;

For consortiums pursuant to letters b) and c) of Art. 45 of Legislative Decree 50/2016:

The ESPD, parts II and III, must also be filled in and signed by the companies in the consortium that shall become providers of the service.

For subcontracting:

Pursuant to Art. 105 of Legislative Decree. 50/2016 subcontracting is permitted up to a maximum limit of 30% of the total of the award. Bidders should indicate in the bid, in a special section of the ESPD form (part II, section D), the parts of the contract they intend to subcontract to third parties, in compliance with the provisions of Art. 105, paragraph 4, letter b) of Legislative Decree no. 50/2016. For each subcontractor, the competing bidder must attach:

- ❖ the ESPD, signed by the subcontractor, containing the information pursuant to part II, sections A and B, to part III, section A, C and D and part VI;
- ❖ The subcontractor's economic operator pass (PASSOE).

For subcontracting, the legal representative of the subcontracting company should declare that the grounds for exclusion, pursuant to Art. 80, paragraph 1 of Legislative Decree 50/2016, do not apply.

C. Receipt for payment of the ANAC contribution

D. If applicable (for declarations or bids signed by a proxy or agent not registered in the certificate at the Chamber of Commerce), the original or compliant copy of the **general power of attorney or special proxy**, if the application for participation and/or the bid is signed on by these representatives of the bidder.

Art 13 CONTENTS OF ENVELOPE “B”

On penalty of exclusion, the envelope must be closed and should indicate on the outside the name of the sender, along with indications of the subject of the contract and the words “ENVELOPE “B” – TECHNICAL BID”.

It should contain, on penalty of exclusion, the technical-illustrative bid that shows, with reference to the assessment criteria and sub-criteria indicated in the table in the point below, the following elements:

1. the company details of the bidder (company name, address, name of the project contact person with relevant direct tel/email contact details);
2. the strategic marketing plan for the destination of Emilia-Romagna:
 - targets (indicate the sales targets for the season: target turnover, target presences and tourist arrivals, the latter indicated in absolute figures and for tour operators operating for several years on the Emilia-Romagna product, also percentage variations compared to the previous year - NOTE: sales targets are the indicator for measuring the impact of the project on the tourism industry of Emilia-Romagna. Values should be expressed in absolute figures and in percentage changes);
 - products (indicate the tourism products marketed, highlighting the innovations, destinations and clusters proposed in the Region of Emilia-Romagna, the types and number of accommodation facilities offered, etc.);
 - in the case of airplane hire (chain of charter flight), where the tour operator is the charterer that has purchased the entire capacity of the airline, describe the flight plan fully and in detail (period it runs, route(s), weekly frequency, type of airplane, number of seats on board, etc.); if the tourism packages to Emilia-Romagna sold also include return flights on a charter flight, indicate if the seats are purchased in block, indicating the quantities,

routes, etc.

- target group;
- seasonality (indicate the period of tourist flows from Russia to Emilia-Romagna).

3. The plan for the promotional marketing campaign of Emilia-Romagna in Russia:

- ✓ a detailed plan of the b2c and b2b publicity, advertising and promotional marketing activities the tour operator shall implement in order to increase the reputation of the destination and to place and sell the products and offers. The campaign should be connected to and an integral part of the strategic marketing plan, as well as the “tool” for achieving the sales targets. The plan should indicate the overall resources invested, expressed in Euro, and for each activity, the target audience (gross contacts equvalating to net contacts by frequency), coverage of the target group (in percentage values), advantages (flexibility, promptness, good market cover, consensus, credibility, selectivity, combination of captivating visual, audio and movement aspects, etc.), period and duration. *NOTE - Apt Servizi will co-participate in the communication, publicity and promotional marketing plan. The tour operator can therefore, include the plan in the actions already activated or realised in the year in question.*

4. Creativity of the promotional marketing campaign for the destination of Emilia-Romagna:

- ✓ campaign layout.

The technical bid should comply with the minimum characteristics established in the project, on penalty of exclusion from the tender procedure, in compliance with the equivalence principle pursuant to Art. 68 of Legislative Decree 50/2016.

Pursuant to Art. 45, paragraph 4 of Legislative Decree 50/2016, the economic operator should indicate the name and professional qualifications of the physical entities entrusted with providing the service relating to the specific contract.

On penalty of exclusion, the tender bid must be signed by the legal representative of the bidder or a proxy. For associated bidders, the bid should be signed based

on the terms and conditions indicated for signing the application for participation and supplementary declaration.

The technical bid, on penalty of exclusion, must be drafted in Italian or English.

Art 14 AWARD CRITERIA

Pursuant to Art. 95 of Legislative Decree 50/2016, the tender shall be awarded based on the criterion of the **best-value-for-money**.

Pursuant to Art. 95, paragraph 7 of Legislative Decree 50/2016, the element relating to cost shall assume the form of a fixed cost on the basis of which economic operators shall compete on the sole criterion of quality.

Sums due to successful bidders shall follow the provisions indicated in the special tender specifications.

Technical assessment of the projects shall be made on the basis of the following criteria and relevant points score:

- Technical bid: max 100 points

The points score for the technical bid is attributed on the basis of the assessment criteria listed in the table below with the relevant allocation of points.

ASSESSMENT ELEMENTS	MOTIVATION CRITERIA	SCORE POINTS
1) Impact of the marketing strategy and project on the development, growth and stability of the tourism industry in Emilia-Romagna	Overall quality of the strategic marketing plan proposed, with reference to the objectives, variety and innovation of the products, the level of segmentation of the target groups, the organisation of chains of charter flights towards one of the airports of the Region of Emilia-Romagna, the deseasonalisation of tourist flows. <i>It is specified that the above aspects shall be considered as a whole and do not therefore, in any way constitute "sub-elements or sub-scores".</i>	Maximum score: 40 points <ul style="list-style-type: none"> • <i>Excellent: 40 points</i> • <i>Good: 30 points</i> • <i>Fairly good: 25 points</i> • <i>Satisfactory: 20 points</i> • <i>Unsatisfactory: 10 points</i>

<p>2) Efficacy and efficiency of the promotional marketing campaign</p>	<p>Quality, completeness and innovation of the activity plan of the promotional marketing campaign of the destination Emilia-Romagna</p>	<p>Maximum score: 40 points</p> <ul style="list-style-type: none"> • <i>Excellent:</i> 40 points • <i>Good:</i> 30 points • <i>Fairly good:</i> 25 points • <i>Satisfactory:</i> 20 Points • <i>Unsatisfactory:</i> 10 points
<p>3) Quality of the creative proposal of the promotional marketing campaign</p>	<p>Originality, visual impact, innovation and graphics, coherence with the values of the global brand of the destination Emilia-Romagna and the tourism products of the Region of Emilia-Romagna <i>It is specified that the above aspects shall be considered as a whole and do not therefore, in any way constitute "sub-elements or sub-scores".</i></p>	<p>Maximum score: 20 points</p> <ul style="list-style-type: none"> • <i>Good:</i> 20 points • <i>Fairly good:</i> 15 points • <i>Satisfactory:</i> 10 points • <i>Unsatisfactory:</i> 5 points

On the basis of the final point score (derived from the sum of points obtained for each criterion), should no offer be awarded the maximum score attributable (100 points), the maximum score shall be established by the bid that has been awarded the highest final point score and new proportional parameters shall be set accordingly for the scores awarded to the other bids, leading to the final technical point score. Fixing new parameters shall not apply if there is only one valid offer or if at least one bidder has been awarded the maximum score.

Art. 95, paragraph 8 of Legislative Decree 50/2016 provides for a minimum threshold score of **50 points**. Bidders shall be excluded from the tender if they score less than the above threshold.

Art 15 TERMS AND CONDITIONS OF THE TENDER

The Selection Board shall meet in an initial public session within 15 days of the deadline for presentation of the tender bid and shall communicate to bidders the date the tenders shall be opened, publishing the date on

the contracting authority website or sending it via email to the certified email addresses (for Italian economic operators) and email addresses (for foreign economic operators). The public session can be attended by the legal representatives/proxies of the companies involved or persons with the specific proxy to do so.

On the day set for opening the bids, on the basis of the documents contained in the bids presented the Sole Project Manager shall:

- verify the integrity and formal validity of the packs promptly presented and containing the administrative documents and the technical bid and if the contrary is true, exclude the bid from the tender.

Subsequently, the Sole Project Manager shall;

- open the packs containing the administrative documents (Envelope A) and verify the validity of the documents contained therein;
- activate the procedure for remedying shortcomings should the premises apply;
- subsequently open Envelope B – Technical bid, to verify contents;
- draft specific minutes relating to the activities carried out;
- adopt procedures that determine the exclusion or admission of the tender procedure, also carrying out fulfilments pursuant to Art. 29, paragraph 1, of Legislative Decree 50/2016.

In one or more confidential sessions, the Selection Board shall assess the technical bids and attribute the relevant points.

In a subsequent public session, the outcome of the assessments of the technical bids shall be read out and the final ranking defined.

The tender shall be awarded even in the presence of a single valid offer, providing it is deemed congruous and value-for-money.

It is the faculty of the contracting authority not to proceed to award the tender if no bid is considered value-for-money or suitable in relation to the subject of the contract or if it is decided not to draw up the tender contract.

Fulfillment of the procedure does not constitute the obligation for the contracting authority to entrust the bid in question and in no case are bidders, excluding successful bidders, owed any compensation, remuneration, refund or indemnity for presenting the bid, even in the event of cancellation, suspension or revocation of the present procedure.

Art 16 SELECTION BOARD

The Selection Board is appointed after the deadline for presentation of the bids and consists in 3 members who are experts in the specific sector of the subject of the contract. There should be no grounds that impede appointment of board members, pursuant to Art. 77, paragraph 9 of the Code.

The Selection Board is responsible for assessing the technical bids made by the bidders and assisting the Sole Project Manager in assessing the congruity of technical bids.

The contracting authority publishes the composition of the Selection Board and the curricula of its members, pursuant to Art. 29, paragraph 1 of the Code, on the contractor's profile at the following link <https://www.aptservizi.com/azienda/bandi-di-gara-richieste-di-offerta/pubblicazioni-di-bandi-di-gara-e-richieste-di-offerta/>

Art 17 AWARDING OF THE TENDER AND DRAFTING OF THE CONTRACT

The contract successful bidders draft shall have the legal nature of a Framework Agreement. Allocation of tender contracts shall follow the order of the final ranking determined by the tender procedure. The value of the single contracts shall be established depending on the allocation indicated in the special specifications.

Prior to awarding, pursuant to Art. 85, paragraph 5 of the Code, the contracting authority shall ask successful bidders to present up-to-date complementary documents, pursuant to Art. 86 of Legislative Decree 50/2016, in order to prove the absence of any grounds for exclusion, pursuant to Art. 80 and compliance with the selection criteria, pursuant to Art. 83 of the same.

After verifying and approving the award proposal, pursuant to Art. 32, paragraph 5 and Art. 33, paragraph 1 of Legislative Decree 50/2016, the contracting

authority shall award the tender: awarding shall become effective, pursuant to Art. 32, paragraph 7 of the Code, on the positive outcome of verification of possession of the requisites prescribed.

In the event of a negative outcome, the contracting authority shall proceed to revoke the successful bid and signalling to the ANAC. The contracting authority shall therefore, award the tender starting from the second classified, again verifying the aforementioned terms and conditions.

Should the tender not be awarded even in favour of the bidder placed second in the ranking, the tender shall be awarded, based on the aforementioned terms and conditions continuing down the list.

Drafting the resulting contract is subordinate to the positive outcome of the procedures provided for in existing law on matters relating to the fight against the mafia, with the exception of the provisions of Art. 88, paragraph 4-bis, Art. 89 and Art. 92, paragraph 3 of Legislative Decree no. 159 of 6 September 2011 in the applicable text (so-called Anti-Mafia Code).

After the deadlines provided for in Art. 92, paragraphs 2 and 3 of Legislative Decree 159 of 6 September 2011, after consulting the databank, the contracting authority shall draft the contract, even in the absence of anti-mafia information, save subsequently rescinding the contract should elements relating to attempted mafia-related infiltrations be ascertained, pursuant to Art. 92, paragraph 4 of the above decree.

The contract shall be drafted within 60 days of the award becoming effective, pursuant to Art. 32, paragraph 8 of Legislative Decree 50/2016, save any deferment expressly agreed with the successful bidder.

When drafting the contract, the successful bidder for the contract awarded to the company placing first in the ranking should present, in the measure of and based on the terms and conditions of Art. 103 of Legislative Decree 50/2016, the final guarantee that shall be redeemed pursuant to and in compliance with the terms and conditions provided for in the same article.

Contracts are subject to obligations relating to the traceability of financial transactions, pursuant to Italian law 136 of 13 August 2010.

Costs relating to publication of the tender, pursuant to the combined provisions of Arts. 72 and 73 and Art. 216, paragraph 11 of the Code, as well as Ministerial Decree of 2 December 2016, are at the expense of the successful bidder and should be paid to the contracting authority within 60 days of the award.

Advertising costs amount to € 565.00 VAT and taxes incl. the contracting authority shall communicate the relevant payment methods to the successful bidder. Successful bidders are responsible for fiscal obligations, such as duties and taxes, including those for registration relating to drafting of the contract.

Pursuant to Art. 105, paragraph 2 of the Code, the trustee shall communicate for each subcontract that does not constitute sub-tendering, the amount and subject of the same, as well as the name of the subcontractor, prior to the start of provision.

Prior to or on signing the tender contract, the trustee shall lodge continuative cooperation, service and/or supply contracts, pursuant to Art. 105, paragraph 3, letter c bis) of the Code.

Art 18 DEFINING CONTROVERSIES

For any controversies relating to fulfilment of the tender procedure and execution of the contract, the sole competent court is the Court of Bologna, arbitration being expressly excluded.

Art 19 PROCESSING OF PERSONAL DATA

Pursuant to European Regulation (UE) 2016/679, the so-called GDPR, any data transmitted to this administration shall be used exclusively to fulfil institutional functions, within the limits established by the above code.

The data controller is Apt Servizi S.r.l. in the person of its legal representative and the data processor is the Sole Project Manager who can be contacted to exercise applicable rights.



THE SOLE PROJECT MANAGER

Rita Boselli

Attachments:

Attachment B – application for participation and supplementary declaration

Remarks:

The online ESPD form is available under <https://ec.europa.eu/tools/espd?lang=it>