

APPLICATION FOR PARTICIPATION

Application for participation in the Restricted Procedure for the award of engineering and architectural services for Works Management and Safety Coordination during the execution phase, related to the construction of a new Compound to be used as the Embassy of Italy on the land located on Limuru Road, Muthinga, Nairobi, Kenya.

****C.I.G. BB05CD82CE****

I, the undersigned _____, born in _____ on _____,
residing at _____ (street) _____, in the capacity of
_____ and as the legal representative of _____, with its
registered office at _____ (street) _____, telephone number

email/certified email address _____

REQUEST

To be invited to the above-mentioned tender and, fully aware of the criminal responsibility arising from false or misleading statements,

DECLARES

To participate in the aforementioned tender as _____
(individual Economic Operator, proxy, leader of a temporary association, etc.);

That the legal status of _____ is

(Society, Consortium, etc.);

That the persons authorized with power of attorney to represent the Company are as follows:

(Indicate all owners or individuals with legal representation power, management, and control, as well as the technical directors. Include the name, place, date of birth, and position held).

That the company is registered with the

(Orders, Professional Associations, Chamber of Commerce, etc.);

That the professional individuals responsible for the service referred to in point 7.1 of this document are:

The following persons are appointed:

1. Construction Manager and Head of the Site Works Supervision Office

(Indicate name and registration details with the Boards of Registration of Architects and Quantity Surveyors Kenya (BORAQ) or Engineers Board of Kenya (EBK))

2. Health and Safety Coordinator during the Construction Phase

(Indicate name and registration details with the Boards of Registration of Architects and Quantity Surveyors Kenya (BORAQ) or Engineers Board of Kenya (EBK))

3. Site Director for Architectural and Landscape/Environmental Works

(Indicate name and registration details with the Boards of Registration of Architects and Quantity Surveyors Kenya (BORAQ) or Engineers Board of Kenya (EBK))

4. Site Director for Structural Works

(Indicate name and registration details with the Engineers Board of Kenya (EBK))

5. Site Director for Water, Sanitary, Sewerage and Fire-Fighting Systems

(Indicate name and registration details with the Engineers Board of Kenya (EBK))

6. Site Director for Mechanical, HVAC, and Solar-thermal Systems

(Indicate name and registration details with the Engineers Board of Kenya (EBK))

7. Site Director for Electrical and ICT Systems

(Indicate name and registration details with the Engineers Board of Kenya (EBK))

8. Quantity Surveyor (Cost and Measurement Expert)

(Indicate name and registration details with the Boards of Registration of Architects and Quantity Surveyors Kenya (BORAQ) or Engineers Board of Kenya (EBK))

- Not subject to any exclusion grounds pursuant to Article 57 of Directive 2014/24/EU, as well as Articles 94 and 95 of the Public Procurement Code, Legislative Decree 36/2023, and any other situations provided by local regulations (Article 31 of the Government Communication No. 466 of December 20, 2013);
- The absence of multiple participation, meaning that the individual Economic Operator does not participate in any way in the same procedure with more than one application.
- As specified in point 7.2.a of the Notice of Tender, professional liability insurance coverage for risks, with a guaranteed coverage amount per insured, per claim, and per insurance year, not lower than 10% of the contract value, with a limit of USD 1,642,967.00;

;

- The total revenue for works management and safety coordination services, as indicated in point 7.2.b of the Notice of Tender, must be equal to or greater than the estimated value of the service of USD 1,265,770.00, earned in the three years preceding the publication of this tender notice, and is specifically:

;

- The Works Management office must demonstrate that, in the last five years, it has completed at least two works management services for projects similar in size and technical characteristics to those of this contract, with a total value of at least 0.6 times the estimated value of the works of USD 16,429,666.76.

- That overall, the Works Management office, as indicated in point 7.2.c of the Notice of Tender, must be able to demonstrate that, over the last three years, it has employed a stable and adequately organized technical structure, with an average annual number of technical staff (such as engineers, architects, quantity surveyors, specialized technicians, or equivalent figures) at least equal to twice the professional personnel required by this contract as the “minimum operational structure” (working group). This requirement must be documented with appropriate evidence, such as declarations from the office, company organizational charts of the technical staff employed, or corporate documentation
- That, directly or through another controlled, controlling, or affiliated entity, it has never performed auxiliary activities for the above-mentioned tender, nor have its employees or consultants under exclusive annual contracts participated in any agreement;
- That it wishes to receive all communications related to this tender at the following certified email address (PEC) (if available) _____ or at the email address _____ and expressly authorizes the Contracting Authority to send communications to the aforementioned email addresses.

(In the case of multiple participation, indicate the email address of the lead member or the lead company, etc.);

- That it has received the information notice pursuant to Article 13 of EU Regulation 2016/679 regarding privacy and the processing of personal data (**Annex 6**) and consents to its use pursuant to Legislative Decree 196/2003 and subsequent amendments;
- That it fully and unreservedly accepts all provisions of this Notice and its Annexes, including the confidentiality clause referred to in point 19 of Annex 1 (Technical Performance Specification of the Service).

****Place and Date:**** _____

First name, last name, and designation of the signatory

Please attach a copy of the identity documents of the signatories. The application can also be signed by a proxy with power of attorney; in this case, please attach a certified copy of the power of attorney under penalty of exclusion from the tender.

European Single Procurement Document (ESPD)

Part I: Information concerning the procurement procedure and the contracting authority or contracting entity

Information about publication

For procurement procedures in which a call for competition has been published in the Official Journal of the European Union, the information required under Part I will be automatically retrieved, provided that the electronic ESPD-service is used to generate and fill in the ESPD. Reference of the relevant notice published in the Official Journal of the European Union:

Received notice number

Notice number in the OJS: 0000/S 000-0000000

In case publication of a notice in the Official Journal of the European Union is not required, please give other information allowing the procurement procedure to be unequivocally identified (e. g. reference of a publication at national level)

OJS URL

In the event that publication of a notice in the Official Journal of the European Union is not required, please provide other information that will enable the public procurement process to be unambiguously identified.

Identity of the procurer

Official name:

Ministero degli Affari Esteri e della Cooperazione
Internazionale, Ambasciata d'Italia Nairobi

VAT number, if applicable: 80213330584

Website (if applicable): <https://ambnairobi.esteri.it>

City: Nairobi

Street and number:

United Nations Crescent, Gigiri, Muthaiga, Nairobi, Kenya

Postcode: 00619

Contact Person: Nicola Guarnieri

Telephone: +254 (0) 20 5137500

Fax:

E-mail: amm.nairobi@esteri.it

Country: Italy

Information about the procurement procedure

Title:

Supervision and Safety Coordination of the construction of a new Compound of the Embassy of Italy in Nairobi

Short description:

Engineering and architectural services for Works Supervision and Safety Coordination during the Execution Phase of the construction of a new Compound to be used as the Embassy of Italy on the land located at Limuru Road, Muthaiga, Nairobi, Kenya

File reference number

attributed by the contracting authority or contracting entity (if applicable):

37/2026 prot 1180-P

Type of Procedure

Restricted procedure

Objects of Contracts:

CPV Codes:

Number of Lots: 0

CA Lots

Please take into account the following requirements regarding the lots of this procurement procedure:

Tenders may be submitted for

-

Maximum number of lots

-

Maximum number of lots that may be awarded to one tenderer

-

Part II: Information concerning the economic operator

A: Information about the economic operator

Name:

Street and number:

Postcode:

City:

Country:

Contact person or persons:

E-mail:

Telephone:

Fax:

VAT number, if applicable:

Website (if applicable):

Is the economic operator a Micro, a Small or a Medium-Sized Enterprise?

Yes / No

EO is a sheltered workshop

Only in case the procurement is reserved: is the economic operator a sheltered workshop, a 'social business' or will it provide for the performance of the contract in the context of sheltered employment programmes?

Your answer?

Yes / No

What is the corresponding percentage of disabled or disadvantaged workers?

%

If required, please provide details on whether the employees concerned belong to a specific category of disabled or disadvantaged workers?

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

EO registered in a PQS

If applicable, is the economic operator registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)?

Your answer?

Yes / No

Please provide the name of the list or certificate and the relevant registration or certification number, if applicable

-

If the certificate of registration or certification is available electronically, please state where

-

Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list

-

Does the registration or certification cover all of the required selection criteria?

Yes / No

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

EO together with others

Is the economic operator participating in the procurement procedure together with others?

Your answer

Yes / No

Please indicate the role of the economic operator in the group (leader, responsible for specific tasks...)

-

Please identify the other economic operators participating in the procurement procedure together

-

Where applicable, name of the participating group:

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Lots the EO tenders to

Where applicable, indication of the lot(s) for which the economic operator wishes to tender

Lot ID

-

B: Information about representatives of the economic operator #1

First name:

Last name:

Date of birth:

Place of birth:

Street and number:

Postcode:

City:

Country:

Telephone:

E-mail:

Position/Acting in the capacity of:

C: Information about reliance on the capacities of other entities

Relied on entities

Does the economic operator rely on the capacities of other entities in order to meet the selection criteria set out under Part IV and the criteria and rules (if any) set out under Part V below?

Your answer?

Yes / No

Name of the entity

-

ID of the entity

ID of the entity

-

Type of ID

ID of the entity

-

Activity of the entity (for this specific procedure)

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

D: Information concerning subcontractors on whose capacity the economic operator does not rely

Not relied on entities

Does the economic operator intend to subcontract any share of the contract to third parties?

Your answer?

Yes / No

Activity of the entity (for this specific procedure)

-

Share (expressed as a percentage) on the contract amount:

-

Part III: Exclusion grounds

A: Grounds relating to criminal convictions

Article 57(1) of Directive 2014/24/EU sets out the following reasons for exclusion

Participation in a criminal organisation

Participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime

Your answer

Yes / No

Date of conviction

//

Length of Conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Has the economic operator taken measures to demonstrate its reliability (Self-Cleaning)?

Yes / No

Corruption

Corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ C 195, 25.6.1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator

Your answer

Yes / No

Date of conviction

//

Length of Conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Has the economic operator taken measures to demonstrate its reliability (Self-Cleaning)?

Yes / No

Fraud

Fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995)

Your answer

Yes / No

Date of conviction

//

Length of Conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Has the economic operator taken measures to demonstrate its reliability (Self-Cleaning)?

Yes / No

Terrorist offences or offences linked to terrorist activities

Terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002). This exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision

Your answer

Yes / No

Date of conviction

//

Length of Conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Has the economic operator taken measures to demonstrate its reliability (Self-Cleaning)?

Yes / No

Money laundering or terrorist financing

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgement for money laundering or terrorist financing, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15)

Your answer

Yes / No

Date of conviction

//

Length of Conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Has the economic operator taken measures to demonstrate its reliability (Self-Cleaning)?

Yes / No

Child labour and other forms of trafficking in human beings

Money laundering or terrorist financing, as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011)

Your answer

Yes / No

Date of conviction

//

Length of Conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied
URL
Reference/Code
Issuer

Has the economic operator taken measures to demonstrate its reliability (Self-Cleaning)?

Yes / No

B: Grounds relating to the payment of taxes or social security contributions

Article 57(2) of Directive 2014/24/EU sets out the following reasons for exclusion

Payment of taxes

Has the economic operator breached its obligations relating to the payment of taxes, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Threshold

-

Additional information

Your answer

Yes / No

Country or member state concerned

-

Amount concerned

-

Has this breach of obligations been established by means other than a judicial or administrative decision?

Yes / No

Please describe which means were used

-

Has the economic operator fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes due, including, where applicable, any interest accrued or fines?

Yes / No

Please describe them

-

If this breach of obligations was established through a judicial or administrative decision, was this decision final and binding?

Yes / No

Please indicate the date of conviction or decision

//

In case of a conviction insofar as established directly therein, the length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Payment of social security contributions

Has the economic operator breached its obligations relating to the payment social security contributions, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Threshold

-

Additional information

Your answer

Yes / No

Country or member state concerned

-

Amount concerned

-

Has this breach of obligations been established by means other than a judicial or administrative decision?

Yes / No

Please describe which means were used

-

Has the economic operator fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the social security contributions due, including, where applicable, any interest accrued or fines?

Yes / No

Please describe them

-

If this breach of obligations was established through a judicial or administrative decision, was this decision final and binding?

Yes / No

Please indicate the date of conviction or decision

//

In case of a conviction insofar as established directly therein, the length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

C: Grounds relating to insolvency, conflicts of interests or professional misconduct

Article 57(4) of Directive 2014/24/EU sets out the following reasons for exclusion obligations in the fields of environmental law

Has the economic operator, to its knowledge, breached its obligations in the field of environmental law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2004/18/EU

Your answer

Yes / No

Please describe them

-

If so, has the economic operator taken sufficient measures to demonstrate its reliability despite the existence of a relevant ground for exclusion (self-regulation or "self-cleaning")?

Yes / No

Please describe them

-

obligations in the fields of social law

Has the economic operator, to its knowledge, breached its obligations in the field of social law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2004/18/EU

Your answer

Yes / No

Please describe them

-

If so, has the economic operator taken sufficient measures to prove its reliability despite the existence of a relevant ground for exclusion (self-regulation or self-cleaning)?

Yes / No

Please describe them

-

obligations in the fields of labour law

Has the economic operator, to its knowledge, breached its obligations in the field of labour law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2004/18/EU

Your answer

Yes / No

Please describe them

-

If so, has the economic operator taken sufficient measures to prove its reliability despite the existence of a relevant ground for exclusion (self-regulation or self-cleaning)?

Yes / No

Please describe them

-

Bankruptcy

Is the economic operator bankrupt? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer

Yes / No

Please describe them

-

Indicate why the economic operator will still be able to execute the contract, taking into account the applicable national rules and measures in relation to the continuation of activities in the situations cited

-

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Insolvency

Is the economic operator the subject of insolvency or winding-up? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer

Yes / No

Please describe them

-

indicate why the economic operator will still be able to execute the contract, taking into account the applicable national rules and measures in relation to the continuation of activities in the situations cited?

-

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Arrangement with creditors

Is the economic operator in arrangement with creditors? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer

Yes / No

Please describe them

-

indicate why the economic operator will still be able to execute the contract, taking into account the applicable national rules and measures in relation to the continuation of activities in the situations cited?

-

Is this information available free of charge for authorities in a database of an EU Member State?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Guilty of grave professional misconduct

Is the economic operator guilty of grave professional misconduct? Where applicable, see definitions in national law, the relevant notice or the procurement documents.

Your answer

Yes / No

Please describe them

-

Have you taken measures to demonstrate your reliability

Yes / No

Please describe them

-

Agreements with other economic operators aimed at distorting competition

Has the economic operator entered into agreements with other economic operators aimed at distorting competition?

Your answer

Yes / No

Please describe them

-

Have you taken measures to demonstrate your reliability

Yes / No

Please describe them

-

Conflict of interest due to its participation in the procurement procedure

Is the economic operator aware of any conflict of interest as indicated in national law, the relevant notice or the procurement documents due to its participation in the procurement procedure?

Your answer

Yes / No

Please describe them

-

Direct or indirect involvement in the preparation of this procurement procedure

Has the economic operator or an undertaking related to it advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure?

Your answer

Yes / No

If so, provide detailed information on the measures taken to prevent possible distortions of competition:

-

Early termination, damages or other comparable sanctions

Has the economic operator experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract?

Your answer

Yes / No

Please describe them

-

Have you taken measures to demonstrate your reliability (Self-Cleaning)?

Yes / No

Please describe them

-

Guilty of misinterpretation, withheld information, unable to provide required documents and obtained confidential information of this procedure

Can the economic operator confirm that it has not been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, it has not withheld such information, it has been able, without delay, to submit the supporting documents required by a contracting authority or contracting entity, and it has not undertaken to unduly influence the decision making process of the contracting authority or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?

Your answer

Yes / No

null

-

D: Purely national exclusion grounds

Do the purely national grounds of exclusion, which are specified in the relevant notice or in the procurement documents, apply?

Purely national exclusion grounds

Do the purely national grounds of exclusion, which are specified in the relevant notice or in the procurement documents, apply?

False corporate communications - The subjects of the economic operator listed in art. 80, co. 3, of the legislative decree n. 50/2016 were sentenced with a definitive sentence or criminal decree of conviction that has become irrevocable or sentence applying the penalty upon request pursuant to article 444 of the Criminal Procedure Code for the crimes of false corporate communications referred to in articles 2621 and 2622 of Civil Code? The economic operator is not required to declare the sentence if: the exclusion period established by the sentence or decree or provided for by art. 80, co. 10 and 10-bis of Legislative Decree no. 50 /2016; the offense was decriminalized; rehabilitation took place; the perpetual accessory penalty has been declared extinct pursuant to Article 179, seventh paragraph, of the Criminal Code; the offense was declared extinct after the conviction; the sentence was revoked. (Article 80, paragraph 1, letter b-bis), Legislative Decree no. 50/2016) Convictions involving prohibitions on contracting with the public administration - The subjects of the economic operator listed in art. 80, co. 3, of the legislative decree n. 50/2016 were sentenced with a definitive sentence or criminal decree which has become irrevocable or sentence applying the penalty upon request pursuant to Article 444 of the Code of Criminal Procedure for any other crime from which, as an ancillary penalty, the incapacity to negotiate with the public administration? The economic operator is not required to declare the sentence if: the exclusion period established by the sentence or decree has ended; the offense was decriminalized; rehabilitation took place; the perpetual accessory penalty has been declared extinct pursuant to Article 179, seventh paragraph, of the Criminal Code; the offense was declared extinct after the conviction; the sentence was revoked. (Article 80, paragraph 1, letter g), Legislative Decree no. 50/2016)

Your answer?

Yes / No

Date of conviction

//

Length of conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Have you taken measures to demonstrate your reliability (Self-Cleaning)?

Yes / No

null

-

False corporate communications - The subjects of the economic operator listed in art. 80, co. 3, of the legislative decree n. 50/2016 were sentenced with a definitive sentence or criminal decree of conviction that has become irrevocable or sentence applying the penalty upon request pursuant to article 444 of the Criminal Procedure Code for the crimes of false corporate communications referred to in articles 2621 and 2622 of Civil Code? The economic operator is not required to declare the sentence if: the exclusion period established by the sentence or decree or provided for by art. 80, co. 10 and 10-bis of Legislative Decree no. 50 /2016; the offense was decriminalized; rehabilitation took place; the perpetual accessory penalty has been declared extinct pursuant to Article 179, seventh paragraph, of the Criminal Code; the offense was declared extinct after the conviction; the sentence was revoked. (Article 80, paragraph 1, letter b-bis), Legislative Decree no. 50/2016) Convictions involving prohibitions on contracting with the public administration - The subjects of the economic operator listed in art. 80, co. 3, of the legislative decree n. 50/2016 were sentenced with a definitive sentence or criminal decree which has become irrevocable or sentence applying the penalty upon request pursuant to Article 444 of the Code of Criminal Procedure for any other crime from which, as an ancillary penalty, the incapacity to negotiate with the public administration? The economic operator is not required to declare the sentence if: the exclusion period established by the sentence or decree has ended; the offense was decriminalized; rehabilitation took place; the perpetual accessory penalty has been declared extinct pursuant to Article 179, seventh paragraph, of the Criminal Code; the offense was declared extinct after the conviction; the sentence was revoked. (Article 80, paragraph 1, letter g), Legislative Decree no. 50/2016)

Your answer?

Yes / No

Date of conviction

//

Length of conviction

Start date - End date

__/__/____ - __/__/____

Reason

-

Who has been convicted

-

Length of the period of exclusion

Start date - End date

__/__/____ - __/__/____

Have you taken measures to demonstrate your reliability (Self-Cleaning)?

Yes / No

null

-

1) They exist for the subjects referred to in art. 80, paragraph 3, of the Code causes of forfeiture, suspension or prohibition provided for in article 67 of Legislative Decree 6 September 2011, n. 159, or of an attempt of mafia infiltration referred to in Article 84, paragraph 4, of the same decree (Article 80, paragraph 2, of the Code)? The economic operator is not required to declare the cause of exclusion if a provision has been adopted that provides for the judicial administration provided for in Article 34 of Legislative Decree 159/2011 or the judicial control provided for by art. 34-bis, paragraph 6, of the same decree

Your answer?

Yes / No

2) It has been subject to the interdictory sanction referred to in article 9, paragraph 2, letter c) of the legislative decree 8 June 2001, n. 231 or another sanction that involves the prohibition of contracting with the public administration, including the disqualification provisions referred to in Article 14 of Legislative Decree 9 April 2008, n. 81 (Article 80, paragraph 5, letter f);

Your answer?

Yes / No

6) Has violated the rules governing the right to work of disabled persons as per law 12 March 1999, n. 68 (Article 80, paragraph 5, letter i); The economic operator is not required to declare the violation if the exclusion period provided for by art. 80, co. 10-bis of Legislative Decree no. 50/2016.

Your answer?

Yes / No

9) The economic operator is in the condition provided for by art. 53 paragraph 16-ter of Legislative Decree 165/2001 (pantouflage or revolving door) in that it has entered into subordinate or independent employment contracts and, in any case, has assigned tasks to former employees of the contracting authority that have ceased their employment relationship for less than three years and in the last three years of service have exercised authoritative or negotiating powers on behalf of the same contracting authority against the same economic operator?

Your answer?

Yes / No

In riferimento a tutta la sezione D "Motivi di esclusione previsti esclusivamente dalla legislazione nazionale":

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Part IV: Selection criteria

A: Suitability

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.

Enrolment in a relevant professional register

It is enrolled in relevant professional registers kept in the Member State of its establishment as described in Annex XI of Directive 2014/24/EU; economic operators from certain Member States may have to comply with other requirements set out in that Annex.

Register name

URL

Your answer

Yes / No

Registration number

-

Reasons why it is not registered

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Enrolment in a trade register

It is enrolled in trade registers kept in the Member State of its establishment as described in Annex XI of Directive 2014/24/EU; economic operators from certain Member States may have to comply with other requirements set out in that Annex.

Register name

URL

Your answer

Yes / No

Registration number

-

Reasons why your are not registered

-

Is this information available electronically?

Yes / No

Evidence Supplied
URL
Reference/Code
Issuer

B: Economic and financial standing

Article 58(3) of Directive 2014/24/EU sets out the following selection criteria

General yearly turnover

Its general yearly turnover for the number of financial years required in the relevant notice, the in the ESPD, the relevant notice or the ESPD is as follows:

Minimum requirement

-

Amount

-

Start date; End date

Start date - End date

__/__/____ - __/__/____

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Average yearly turnover

Its average yearly turnover for the number of years required in the relevant notice, the procurement documents or the ESPD is as follows:

Number of fiscal years

0

Minimum requirement

-

Average for the required period

-

Additional information

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Specific average turnover

Its specific average yearly turnover in the business area covered by the contract for the number of years required in the relevant notice, the procurement documents or the ESPD is as follows:

Number of fiscal years

-

Business domain description**Minimum requirement**

-

CPVs:

CPV Code

-

Start date; End date**Start date - End date**

__/__/____ - __/__/____

Amount

-

Is this information available electronically?

Yes / No

Evidence Supplied**URL****Reference/Code****Issuer****Specific yearly turnover**

Its specific yearly turnover in the business area covered by the contract for the number of financial years required in the relevant notice, the procurement documents or the ESPD is as follows:

Number of fiscal years

-

Business domain description**Minimum requirement**

-

CPVs:

CPV Code

-

Start date; End date**Start date - End date**

__/__/____ - __/__/____

Amount

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Professional risk indemnity insurance

The insured amount in its professional risk indemnity insurance is the following:

Lots the requirement applies to

Type of insurance

Minimum amount

-

Amount

-

As an EO I will commit to obtain the minimum amount required

Yes / No

I am exempt

Yes / No

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

C: Technical and professional ability

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.

For works contracts: performance of works of the specified type

For public works contracts only: During the reference period, the economic operator has performed the following works of the specified type. Contracting authorities may require up to five years and allow experience dating from more than five years.

Minimum number of references

-

Requirement

Lots these references apply to

Lots IDs

-

Reference description

-

Total amount

-

Activity of the economic operator

-

Specific amount

-

Period (Start and End dates)

Start date - End date

__/__/____ - __/__/____

Confidential

Yes / No

Recipient name

-

Contact person name

-

Contact email

-

Contact telephone

-

Is this information available online?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

For service contracts: performance of services of the specified type

For public service contracts only: During the reference period, the economic operator has provided the following main services of the type specified. Contracting authorities may require up to three years and allow experience dating from more than three years.

Minimum number of references

-

Requirement

Lots these references apply to

Lots IDs

-

Reference description

-

Total amount

-

Activity of the economic operator

-

Specific amount

-

Period (Start and End dates)

Start date - End date

__/__/____ - __/__/____

Confidential

Yes / No

Recipient name

-

Contact person name

-

Contact email

-

Contact telephone

-

Is this information available online?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Technicians or technical bodies for quality control

It can call upon the following technicians or technical bodies, especially those responsible for quality control. For technicians or technical bodies not belonging directly to the economic operator's undertaking but on whose capacities the economic operator relies as set out under Part II, Section C, separate ESPD forms must be filled in.

Requirement

First name

-

Last name

-

Profession

-

Experience

-

Other information

-

How long with EO

-

Is this information available online?

Yes / No

Evidence supplied

URL

Reference/Code

Issuer

Name

-

Experience area

-

Other information

-

Is this information available online?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

For works contracts: technicians or technical bodies to carry out the work

In the case of public works contracts, the economic operator will be able to call on the following technicians or technical bodies to carry out the work:

Requirement

First name

-

Last name

-

Profession

-

Experience

-

Other information

-

How long with EO

-

Is this information available online?

Yes / No

Evidence supplied

URL

Reference/Code

Issuer

Name

-

Experience area

-

Other information

-

Is this information available online?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Technical facilities and measures for ensuring quality

It uses the following technical facilities and measures for ensuring quality and its study and research facilities are as follows:

Requirement

Please describe them

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Educational and professional qualifications

The following educational and professional qualifications are held by the service provider or the contractor itself, and/or (depending on the requirements set out in the relevant notice or the procurement documents by its managerial staff.

Requirement

First name

-

Last name

-

Please describe the educational or professional qualification

-

If possible please indicate the ESCO identifier for this qualification

-

If possible please describe the ESCO qualification

-

Qualification name

-

Qualification issuing date

//

Qualification issuing body

-

Is this information available online?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Allowance of checks

For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose: The economic operator will allow checks to be conducted on the production capacities or the technical capacity of the economic operator and, where necessary, on the means of study and research which are available to it and on the quality control measures? The check is to be performed by the contracting authority or, in case the latter consents to this, on its behalf by a competent official body of the country in which the supplier or service provider is established.

Requirement

Do you allow checks?

Yes / No

Is this information available online?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Part V: Reduction of the number of qualified candidates

The economic operator should only provide information where the contracting authority or contracting entity has specified the objective and non discriminatory criteria or rules to be applied in order to limit the number of candidates that will be invited to tender or to conduct a dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms of documentary evidence, if any, to be produced, is set out in the relevant notice or in the procurement documents referred to in the notice. For restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships only:

The economic operator declares that:

Reduction of the number of qualified candidates

The economic operator declares that It meets the objective and non discriminatory criteria or rules to be applied in order to limit the number of candidates in the following way:

Your answer

Yes / No

Please describe them

-

Is this information available electronically?

Yes / No

Evidence Supplied

URL

Reference/Code

Issuer

Part VI: Concluding statements

The undersigned formally declare that the information stated under Parts II - V above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.

The undersigned formally declare to be able, upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where:

a) The contracting authority or contracting entity has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge (on condition that the economic operator has provided the necessary information (web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevant consent to such access), or

b) As of 18 October 2018 at the latest (depending on the national implementation of the second subparagraph of Article 59(5) of Directive 2014/24/EU), the contracting authority or contracting entity already possesses the documentation concerned.

The undersigned formally consent to [identify the contracting authority or contracting entity as set out in Part I, Section A], gaining access to documents supporting the information, which has been provided in [identify the Part/Section/Point(s) concerned] of this European Single Procurement Document for the purposes of [identify the procurement procedure: (summary description, reference of publication in the Official Journal of the European Union, reference number)].

Date, place and, where required or necessary, signature(s):

Date

Place

Signature

Professional Fee Schedule for Construction Supervision and Contract Administration Services Based on EBK and BORAQS Frameworks

Here's the complete professional fee breakdown for all the professional fees requested, based on the list provided inside the Call for Tender and here below reported, for the technical services of Architects, Quantity Surveyors, and Engineers, on an estimated 16.000.000 USD project in Kenya:

1. No. 1 – Construction Manager and Head of the Site Works Supervision Office
2. No. 1 – Health and Safety Coordinator during the Construction Phase
3. No. 1 – Site Director for Architectural and Landscape/Environmental Works
4. No. 1 – Site Director for Structural Works
5. No. 1 – Site Director for Water, Sanitary, Sewerage and Fire-Fighting Systems
6. No. 1 – Site Director for Mechanical, HVAC, and Solar-thermal Systems
7. No. 1 – Site Director for Electrical and ICT Systems
8. No. 1 – Quantity Surveyor (Cost and Measurement Expert)

Professional Fees for Architects, Engineers, and Quantity Surveyors in Kenya

This document summarizes the applicable minimum professional fees for Architects and Quantity Surveyors in Kenya based on the total construction cost, as per Legal Notice No. 188 of 2023 under the Architects and Quantity Surveyors Act (Cap. 525).

Moreover, takes into consideration also the Engineers Board of Kenya (EBK) legal notice No. 20 of 2022 – scale of fees for professional engineering services, regarding the Engineers professional fees.

1. Construction Manager and Head of the Site Works Supervision Office

BORAQS Architect Fees (New Works and Renovations)

Fees for the professional responsible for construction execution, contract administration, progress of works and contractor payments, management of variations, and acting as the Client's Representative.

Construction Cost (KES)	Percentage Fee New Works (%)	Resulting Fee
16.000.000 USD <i>(Between 1B to 5B kes)</i>	2%	320.000 USD

2. Safety and Healthy Manager - Architect Fees (New Works and Renovations)

Engineers Board of Kenya (EBK) legal notice No. 20 of 2022 (New Works and Renovations)

Clause: EBK "Time-Charge Minimum Rates" for supervision

Table which lists minimum hourly, daily and monthly fees, by categories of engineer.

Parameter	Value
Duration	2 years
Site visits per week	2 hours
Hours per visit	2 hours
Hours per week	4 hours
Total project hours (2 years) 416 hours	

Rate basis	Raw fee (416h)	+ multiplier for seniority and complexity	Final fee
Senior high-tier Category E1 12.500 kes/hr	5.200.000 kes	X 2.1	84.000 USD (10.920.000 kes)

3. Site Director for Architectural and Landscape/Environmental Works BORAQS Architect Fees (New Works and Renovations)

Clause: M.3 (Page 606)

Percentage Fees for Architects for Normal Services based on Total Cost of Works

Construction Cost	Minimum Percentage Fee New Works (%)	Resulting Fee
16.000.000 USD (Between 1B to 5B kes)	5.65% for the full architectural services, which for the Architectural Works Supervision and Making Good and Defects, it is the 25% of the total	226.000 USD

4. Site Director for Structural Works

Engineers Board of Kenya (EBK) legal notice No. 20 of 2022 (New Works and Renovations)

The regulation sets minimum percentage fees, on range of 3.5–4.5% of the construction costs, for structural engineering works, but design and supervision combined, not supervision alone. Therefore, for supervision-only, it is reasonable to apply 40–50% (depending from the complexity of the intervention) of the full engineering fee, since design services are not required.

Construction Cost for Structural Works	Minimum Percentage Fee New Works (%)	+ multiplier for very high security and seismic standards	Resulting Fee
6.600.000 USD	4.5% for the full structural services, which for the Structural Works Supervision, it is the 50% of the total	X 1.4 EBK Section 5.2 allows multipliers to reflect scope, risk, technology and responsibility	207.900 USD

5. Site Director for Water, Sanitary, Sewerage and Fire-Fighting Systems

Engineers Board of Kenya (EBK) legal notice No. 20 of 2022 (New Works and Renovations)

The rules allow for professional fees to be calculated in multiple ways depending on the nature of the services and scope: they can be a percentage of cost of works, or time-based (hourly / daily / monthly). The rules demand that any fee agreement must consider “project complexity, cost of works, responsibility, level of skill required, duration, risk, technology involved, etc.” when determining fee. This legitimizes using an “uplift” or weighting (multiplier) for more complex/risk-heavy works.

The regulation sets minimum percentage fees, on range of 3.5–4.5% of the construction costs for MEP, but design and supervision combined, not supervision alone.

Therefore, for supervision-only, it is reasonable to apply 40–50% (depending from the complexity of the intervention) of the full engineering fee, since design services are not required.

Construction Cost for MEP Works	Minimum Percentage Fee New Works (%)	+ multiplier for complex installations	Resulting Fee
4.100.000 USD	3.5% for the full mechanical services, which for the Mechanical Works Supervision, it is the 40% of the total	X 1.4 EBK Section 5.2 allows multipliers to reflect scope, risk, technology and responsibility	80.360 USD

6. Site Director for Mechanical, HVAC, and Solar-thermal Systems

Engineers Board of Kenya (EBK) legal notice No. 20 of 2022 (New Works and Renovations)

The regulation sets minimum percentage fees, on range of 3.5–4.5% of the construction costs for MEP, but design and supervision combined, not supervision alone.

Therefore, for supervision-only, it is reasonable to apply 40–50% (depending from the complexity of the intervention) of the full engineering fee, since design services are not required.

Construction Cost for MEP Works	Minimum Percentage Fee New Works (%)	+ multiplier for complex installations	Resulting Fee
4.100.000 USD	3.5% for the full HVAC services, which for the HVAC Works Supervision, it is the 40% of the total	X 1.4 EBK Section 5.2 allows multipliers to reflect scope, risk, technology and responsibility	80.360 USD

7. Site Director for Electrical and ICT Systems

Engineers Board of Kenya (EBK) legal notice No. 20 of 2022 (New Works and Renovations)

The regulation sets minimum percentage fees, on range of 3.5–4.5% of the construction costs for MEP, but design and supervision combined, not supervision alone.

Therefore, for supervision-only, it is reasonable to apply 40–50% (depending from the complexity of the intervention) of the full engineering fee, since design services are not required.

Construction Cost for MEP Works	Minimum Percentage Fee New Works (%)	+ multiplier for complex installations	Resulting Fee
4.100.000 USD	4.5% for the full electrical services, which for the Electrical Works Supervision, it is the 50% of the total	X 1.4 EBK Section 5.2 allows multipliers to reflect scope, risk, technology and responsibility	129.150 USD

8. Quantity Surveyor (Cost and Measurement Expert)

BORAQS Architect Fees (New Works and Renovations)

Clause: M.4

Percentage Fees for Quantity Surveyors for Normal Services based on Total Cost of Works

Construction Cost (KES)	Minimum Percentage Fee New Works (%)	Resulting Fee
16.000.000 USD (Between 1B to 5B kes)	3.45% for the full quantity surveyor services, which for only the Works Supervision part: - Cost Control & Valuations 20%	138.000 USD

TOTAL REMUNERATION FOR FULL SUPERVISION SERVICES

LIST OF PROFESSIONALS	AMOUNT
Construction Manager and Head of the Site Works Supervision Office	320.000 USD
Health and Safety Coordinator during the Construction Phase	84.000 USD
Site Director for Architectural and Landscape/Environmental Works	226.000 USD
Site Director for Structural Works	207.900 USD
Site Director for Water, Sanitary, Sewerage and Fire-Fighting Systems	80.360 USD
Site Director for Mechanical, HVAC, and Solar-thermal Systems	80.360 USD
Site Director for Electrical and ICT Systems	129.150 USD
Quantity Surveyor (Cost and Measurement Expert)	138.000 USD
TOTAL	1.265.770 USD

Based on EBK and BORAQS fee frameworks, supervision-only services for a complex institutional building of USD 16M value, involving multidisciplinary MEP integration, seismic compliance, European standards of documentation, and public-client contract administration, reasonably fall in the range 6.5/8.5% of construction value, fully consistent with the calculated total of USD 1.265.770.



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MANUALE OPERATIVO MANIFESTAZIONE DI INTERESSE



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Premessa

Il presente Manuale Operativo disciplina la partecipazione e la gestione con modalità telematica della seguente procedura:

Procedura di gara	Manifestazione di interesse
Modalità telematica	Si

Art. 1 - Requisiti di partecipazione

Possono partecipare alla presente procedura tutti i soggetti abilitati al Portale "TRASPARE". Per abilitarsi al Portale è necessario effettuare la procedura di registrazione al Portale mediante l'accesso all'apposita "Area Fornitori". Sarà necessario compilare il Modulo di attivazione e confermare la procedura di iscrizione.

Art. 2 - Definizioni utili per la procedura telematica – glossario

Si riporta di seguito il significato dei principali termini indicati nei successivi articoli:

Abilitazione: risultato del procedimento che consente l'accesso e la partecipazione degli Operatori Economici abilitati al sistema informatico per lo svolgimento della gara telematica.

Account: insieme dei codici personali di identificazione costituiti dal User ID (e-mail) e password, che consentono alle Imprese abilitate l'accesso al sistema e la partecipazione alla gara telematica. **Firma digitale:** è uno dei requisiti che l'offerta deve possedere per essere giuridicamente rilevante e per garantirne inviolabilità/integrità e provenienza. È il risultato della procedura informatica (validazione) basata su certificazione qualificata rilasciata da un certificatore accreditato e generata mediante un dispositivo per la creazione di una firma sicura ai sensi di quanto previsto dall'art. 38, comma 2, del D.P.R. n° 445/2000. La firma digitale si basa su un sistema cosiddetto a "chiavi asimmetriche", ossia due serie di caratteri alfanumerici, appositamente generati dal sistema: una chiave è conosciuta dal solo firmatario (chiave segreta), l'altra conoscibile da chiunque (chiave pubblica). La chiave segreta è necessaria alla sottoscrizione dei documenti. La chiave pubblica è necessaria alla verifica della effettiva provenienza del documento dal titolare. La sicurezza di un simile sistema risiede nel fatto che ad ogni chiave pubblica corrisponde una sola chiave segreta, e che, con la conoscenza della sola chiave pubblica, è impossibile riuscire a risalire alla chiave segreta.

Per garantire la corrispondenza tra "chiave pubblica" e "chiave segreta" nonché la titolarità delle chiavi in capo al soggetto firmatario, si ricorre ad un Ente certificatore, cioè un soggetto terzo il cui compito è quello di garantire la certezza della titolarità delle chiavi pubbliche (attraverso dei cosiddetti "certificati") e di rendere conoscibili a tutti le chiavi pubbliche (attraverso un elenco telematico).

L'elenco dei certificatori è disponibile all'indirizzo <http://www.agid.gov.it>

Gestore del sistema: L&G Solution S.r.l., di cui si avvale l'Ente per le operazioni di gara, di cui all'art. 58 del D.Lgs. 50/2016.

Sistema/Piattaforma: sistema informatico per le procedure telematiche di acquisto di cui all'art. 58 del D.Lgs. 50/2016

Busta telematica: Archivio informatico contenete la documentazione richiesta dal bando/disciplinare di gara ai fini della partecipazione dell'impresa. Il contenuto dell'offerta presentata da ciascun Concorrente non è accessibile agli altri concorrenti e all'Ente. **Upload:** processo di trasferimento e invio di dati dal sistema informatico del Concorrente a un sistema remoto, ossia a "distanza", per mezzo di connessione alla rete internet.

Hash MD5: L'MD5 è una funzione hash crittografica. Calcolare l'MD5 di un file significa generare un'impronta (tecnicamente hash) di caratteri, univoca di quel file.

Art. 3 - Dotazione informatica e avvertenze

Per partecipare alla Gara Telematica le Imprese concorrenti devono dotarsi, a propria cura e spese, della seguente strumentazione tecnica e informatica necessaria:

1) Personal Computer collegato ad Internet.

Tutte le funzionalità disponibili sulla Piattaforma sono usufruibili mediante un Personal Computer Standard dotato di un Browser (tra quelli indicati nel punto 2) e collegato ad Internet.

È consigliata una connessione ADSL o connessione internet aziendale.

Nota: Se l'accesso ad internet avviene attraverso la rete aziendale, si raccomanda di consultare il personale IT interno per verificare la disponibilità di banda e la possibilità di accesso in base alle configurazioni di proxy/firewall.

Risoluzione schermo minima 1024 x 768.

2) Web Browser (programma che permette di collegarsi ad Internet).

Ai fini di un corretto funzionamento della Piattaforma Telematica è necessario utilizzare i seguenti web browser: *Mozilla Firefox o Google Chrome.*

3) Configurazione Browser.

È supportata la configurazione di default, come da installazione standard, in particolare per quanto riguarda le impostazioni di security, di abilitazione javascript, di memorizzazione cookies e di cache delle pagine web. **4)**

Programmi necessari.

In base alle funzionalità utilizzate ed alle tipologie di documenti trattati come allegati, sono necessari programmi aggiuntivi quali: utilità di compressione/decompressione formato zip/rar, visualizzatori di formato pdf (Adobe Acrobat reader), programmi stand-alone per la gestione della firma digitale (es. DIKE di InfoCert).

5) Strumenti necessari.

Una firma digitale (cfr. definizioni).

Tutti gli operatori economici che partecipano alle gare mediante l'utilizzo della Piattaforma Telematica, esonerano espressamente l'Ente, il Gestore del Sistema e i loro dipendenti e collaboratori da ogni responsabilità relativa a qualsiasi malfunzionamento o difetto relativo ai servizi di connettività necessari a raggiungere il sistema attraverso la rete pubblica di telecomunicazioni nonché derivante dal mancato utilizzo dei web browser indicati al punto 2 del presente articolo.

Le Imprese partecipanti dovranno impegnarsi, anche nei confronti dei propri dipendenti, ad adottare tutte le misure tecniche ed organizzative necessarie ad assicurare la riservatezza e la protezione degli strumenti informatici assegnati. L'account e la password necessari per l'accesso al sistema e la partecipazione alla gara sono personali.

Le Imprese concorrenti sono tenute a conservarli con la massima diligenza e a mantenerli segreti, a non divulgarli o comunque a cederli a terzi e a utilizzarli sotto la propria esclusiva responsabilità nel rispetto dei principi di correttezza e buona fede, in modo da non recare pregiudizio al sistema e in generale ai terzi. Le Imprese partecipanti si impegnano a manlevare e tenere indenne l'Ente e il Gestore del Sistema risarcendo qualunque pregiudizio, danno, costo e onere di qualsiasi natura, ivi comprese le spese legali eventuali che dovessero essere sopportate dagli stessi a causa di violazioni delle presenti regole e di un utilizzo scorretto o improprio del sistema.

Il Gestore del Sistema e l'Ente non possono essere in alcun caso ritenuti responsabili per qualunque genere di danno diretto o indiretto subito dai concorrenti o da terzi a causa o comunque in connessione con l'accesso, l'utilizzo o il mancato funzionamento del sistema, dei suoi servizi e delle apposite procedure di firma digitale.

Tutti i soggetti abilitati sono tenuti a rispettare le norme legislative, regolamentari e contrattuali in tema di conservazione e utilizzo dello strumento di firma digitale e ogni istruzione impartita in materia dal Certificatore che ha rilasciato le dotazioni software; esonerano altresì espressamente l'Ente e il Gestore del sistema da qualsiasi responsabilità per conseguenze pregiudizievoli di qualsiasi natura o per danni diretti o indiretti arrecati ad essi o a terzi dall'utilizzo degli strumenti in parola. Il mancato e non corretto utilizzo degli appositi strumenti informatici di volta in volta richiesti nel corso della procedura costituisce una violazione delle presenti regole, che può comportare la sospensione o la revoca dell'abilitazione, oltre al risarcimento dei danni eventualmente provocati.

Art. 4 - Modalità di partecipazione alla manifestazione di interesse

Le imprese dovranno accedere al Portale (area riservata Fornitori) mediante l'inserimento delle proprie credenziali (e-mail e password) associate all'impresa abilitata.

Fatto ciò i concorrenti saranno tra quelli che potranno, previo espletamento di tutte le formalità amministrative, rispondere alla manifestazione di interesse.

I concorrenti dovranno **firmare digitalmente** tutta la documentazione richiesta per la manifestazione di interesse, inserirla in archivi informatici firmati digitalmente e procedere all'upload degli stessi sul sistema entro il termine previsto dalle indicazioni trasmesse dalla stazione appaltante.

INVIO TELEMATICO DELLA MANIFESTAZIONE DI INTERESSE:

FASE 1 – Creazione degli archivi informatici e firma digitale

La documentazione indicata nella manifestazione di interesse dovrà essere firmata digitalmente ed inserita in appositi archivi informatici (formato file .zip/.rar). Su tali archivi informatici i concorrenti dovranno apporre, altresì, la firma digitale entro il termine di ricezione dell'offerta indicata dalla stazione appaltante.

FASE 2 - Caricamento ed Invio Telematico della propria manifestazione

Entro il termine previsto dalla Stazione Appaltante le imprese partecipanti dovranno accedere alla Piattaforma mediante le proprie credenziali e partecipare alla procedura di gara dal modulo GARE – MANIFESTAZIONE DI INTERESSE.

Selezionata la manifestazione di interesse, l'impresa tramite la funzione INVIA MANIFESTAZIONE DI INTERESSE, potrà completare il procedimento di partecipazione inserendo l'archivio informatico firmato digitalmente contenente la documentazione richiesta firmata digitalmente.

In ogni caso, ai fini del termine previsto per l'invio della domanda di partecipazione alla manifestazione di interesse per prevenire eventuali malfunzionamenti, si consiglia di procedere all'upload della documentazione richiesta con congruo anticipo rispetto al termine di scadenza previsto dalla stazione appaltante.

Avvertenze

La presentazione della manifestazione di interesse è compiuta quando l'Operatore Economico visualizza un messaggio del Sistema che indica la conferma della corretta ricezione della manifestazione di interesse e l'orario di registrazione.

L' ARCHIVIO INFORMATICO CONTENENTE LA MANIFESTAZIONE DI INTERESSE contiene, per ogni archivio caricato dal fornitore, l'**hash MD5** calcolato sul file salvato dalla piattaforma telematica a seguito del trasferimento (upload).

Pertanto il fornitore, per verificare il corretto inoltro della "**BUSTA DI GARA TELEMATICA**", è tenuto a verificare la corrispondenza tra gli hash md5 indicati

nella “**BUSTA DI GARA TELEMATICA**” e quelli calcolati sugli archivi informatici caricati a sistema.

N.B. Qualora il fornitore riscontri una mancata corrispondenza tra i predetti hash md5, entro i termini di scadenza indicati nell’avviso pubblico, potrà ritirare l’offerta presentata e ripetere l’operazione “**INVIA MANIFESTAZIONE DI INTERESSE**”.

Modalità di presentazione della documentazione in caso di partecipazione in Raggruppamento Temporaneo di Imprese (RTI), Associazione Temporanea di Impresa (ATI) o Consorzio.

La manifestazione di interesse dovrà essere:

- caricata sul sistema, nei termini previsti nell’avviso pubblico e secondo le modalità descritte nel presente Manuale, dalla sola ditta mandataria, che riceverà a mezzo pec tutte le comunicazioni di gara (chiarimenti, soccorso istruttorio, richieste giustificazioni, ecc.).

Art. 5 - Richiesta chiarimenti

L’operatore economico potrà inoltrare le richieste chiarimenti attraverso la funzione “**RICHIESTA CHIARIMENTI**” disponibile accedendo alla propria area riservata tramite le proprie credenziali (username e password) entro i termini previsti nella documentazione di gara.

Le risposte alle richieste di chiarimento verranno notificate all’indirizzo PEC dell’Operatore Economico e saranno visualizzabili anche nei dettagli di gara nella scheda “chiarimenti”. Le domande e le relative risposte ai chiarimenti, inoltre, saranno pubblicate nell’apposito spazio dedicato ai chiarimenti.

Art. 6 – Comunicazioni di gara

Le comunicazioni tra l’Ente banditore e gli operatori economici avvengono tramite la Piattaforma e sono accessibili nell’area riservata dell’operatore economico. **È onere dell’operatore economico prenderne visione.**



TRASPARE

certified eProcurement platform

EPROCUREMENT GUIDELINES – EXPRESSION OF INTEREST



www.traspares.com

Foreword

This manual describes the participation to and management of the online public procurement procedure with the following features:

Tender procedure	Expression of Interest
Telematic mode	Yes

Art. 1 - Participation Requirements

This procedure is open to all parties registered to the "TRASPARE" Portal. In order to log in to the Portal, it is necessary to carry out the Portal registration procedure by accessing the "Suppliers Area". The user must fill in the Activation Form and confirm the registration procedure.

Art. 2 - Definitions useful for the online procedure - glossary

The meaning of the main terms indicated in the following articles is given below:

Registration: the result of the procedure allowing access and participation of the Economic Operators to the eProcurement platform.

Account: set of personal identification codes -i.e. User ID (e-mail) and password - which allows authorised companies to access the system and participate in the electronic tender.

Digital signature: this is one of the requirements that the offer must possess in order to be legally relevant and to guarantee its inviolability/integrity and origin. It is the result of an online procedure (validation) that provides a qualified certification issued by an accredited certifier. The signature is generated by a device for the creation of a secure signature pursuant to Article 38, paragraph 2 of Presidential Decree No. 445/2000.

The digital signature is based on a so-called 'asymmetric keys' system. This consists in the use of two sets of alphanumeric characters, specially generated by the system: one key is known only to the signatory (secret key), the other knowable by anyone (public key). The secret key is needed to sign documents. The public key is needed to verify that the documents originated from the owner. The security of such a system lies in the fact that each public key corresponds to one secret key, and that, with knowledge of the public key alone, it is impossible to trace back the secret key. In order to guarantee the correspondence between the public key and the secret key, as well as the ownership of the keys by the signatory, the platforms refers to a certifying body, i.e. a third party whose task is to guarantee the certainty of ownership of public keys (through so-called 'certificates') and to make public keys known to all (through an online list).

The list of certifiers is available at <http://www.agid.gov.it>

System operator: L&G Solution S.r.l., whose services are used by the Entity for eProcurement operations.

System/Platform: IT system for online purchasing procedures pursuant to Art. 25 of Legislative Decree 36/2023.

Tender Dossier: Computer folder containing the documents required for participation in the tender. The content of the bid submitted by each participant is not visible to other participants and to the Entity.

Upload: the process of transferring and sending data from the Competitor's computer system to a remote system, i.e. "remotely", by means of an Internet connection.

Hash MD5: MD5 is a cryptographic hash function. Calculating the MD5 of a file means generating a unique character fingerprint (technically hash) of that file.

Art. 3 - Computer equipment and warnings

To participate in eProcurement procedures, competing companies must equip themselves, at their own expense, with the following technical and computer equipment required:

1) Personal computer connected to Internet.

All the functionalities available on the Platform can be used by means of a Standard Personal Computer equipped with a Browser (among those indicated in point 2) and connected to the Internet.

An ADSL or corporate Internet connection is recommended.

Note: If Internet access is via the corporate network, it is recommended to consult internal IT staff to check bandwidth availability and accessibility according to proxy/firewall configurations.

Minimum screen resolution 1024 x 768.

2) Web Browser (programme enabling connection to Internet).

In order for the eProcurement Platform to function properly, it is necessary to use the following web browsers:

Mozilla Firefox;

Google Chrome.

3) Browser Configuration.

The platform supports the browser default configuration, as per standard installation, in particular for what concerns security settings, enabling javascript, storing cookies and caching web pages.

4) Required programs.

Depending on the functions used and the types of documents handled as attachments, additional programs are required, such as: zip/rar format compression/decompression utilities, pdf format viewers (Adobe Acrobat reader), stand-alone programs for digital signature management (e.g. DIKE by InfoCert).

5) Tools needed.

A digital signature (see definitions).

All economic operators participating in tenders through the use of the eProcurement Platform, expressly exonerate the Entity, the System Administrator and their employees and collaborators from any liability relating to any malfunctioning or defect of the connectivity services necessary to reach the system through the public telecommunications network as well as resulting from the non-use of the web browsers indicated in point 2 of this article.

Participating companies must undertake, also vis-à-vis their employees, to adopt all necessary technical and organisational measures to ensure the confidentiality and protection of the IT tools assigned.

The account and password required to access the system and participate in the competition are personal.

Competing companies are obliged to be diligent and keep these credentials secret, to not disclose or in any way transfer them to third parties and to use them under their sole responsibility in accordance with the principles of fairness and good faith, so as not to prejudice the system and third parties in general. The participating companies undertake to indemnify and hold harmless the Entity and the System Administrator against any prejudice, damage, costs and charges of any kind, including any legal fees that they may incur as a result of violations of these rules and incorrect or improper use of the system.

Under no circumstances may the System Administrator and the Entity be held liable for any kind of direct or indirect damage suffered by competitors or third parties as a result of, or in connection with, access to, use of, or failure to operate the system, its services and the digital signature procedures.

All authorised individuals are required to comply with the laws, regulations and contractual provisions on the preservation and use of the digital signature tool and any with instructions issued on the subject by the Certification Authority that issued the software. They also expressly exonerate the Entity and the System Operator from any liability for prejudicial consequences of any kind or for direct or indirect damage caused to them or to third parties by the use of the tools in question.

Failure to properly use the computer tools required in the course of the procedure constitutes a violation of these rules, which may result in the suspension or revocation of the authorisation, as well as compensation for any damage caused.

Art. 4 - Modalities of participation in the online tender

To participate in a tender, companies will have to access the Portal (Suppliers' reserved area) by entering their credentials (e-mail and password). After completing this step and all additional administrative formalities, the companies will be able to participate in the tender.

Participants must digitally **sign** all the documents required for participation in the tender, place them in digitally signed computer folder and upload them to the system within the deadline specified in the tender documents.

ONLINE SUBMISSION OF THE OFFER:

STEP 1 - Creation of computer folder and digital signature

The documents required to participate in the tender must be digitally signed and placed in special computer folder (.zip/.rar file format). Participants must also digitally sign the folder by the deadline of the tender.

STEP 2 - Upload and Online Submission of Offer

The companies interested in bidding must access the Platform using their credentials and participate in the tender procedure using the TENDER – EXPRESSION OF INTEREST module, within the deadline specified in the tender documents.

Once the expression of interest has been selected, the company will be able to complete the participation process by inserting the digitally signed computer file containing the required digitally signed documentation.

In any case, in order to meet the deadline for the submission of bids and in order to prevent possible malfunctions, we recommend companies to upload all required documents well in advance of the tender deadline.

Warnings

Submission of the quote is completed when the Economic Operator receives a message from the System indicating confirmation of the correct receipt of the quote and the time of registration.

The "**EXPRESSION OF INTEREST DOSSIER**" contains, for each file uploaded by the supplier, **the MD5 hash** calculated on the file saved by the platform following its upload.

Therefore, the supplier, in order to verify the correct forwarding of the "**EXPRESSION OF INTEREST**

DOSSIER", is required to check the correspondence between the md5 hashes indicated in the "**EXPRESSION OF INTEREST DOSSIER**", and those calculated on the computer files uploaded to the system.

N.B. Should the supplier find a mismatch between the aforementioned **md5 hashes** within the tender deadline, he may withdraw the submitted offer and repeat the "**SEND EXPRESSION OF INTEREST**" operation.

Submission of documents in case of participation in a Temporary Group of Enterprises (RTI), Temporary Association of Enterprises (ATI) or Consortium

The mandated company only will upload the expression of interest dossier onto the system within the indicate deadline and following the procedure described in this Manual as well as in the tender document prepared by the Contracting Authority. The mandated company will receive all tender notices (clarifications, preliminary aid, request for justifications, etc.) by e-mail

Art. 5 - Request for Clarification

The economic operator may submit requests for clarifications through the **"CLARIFICATIONS REQUEST"** function within the deadlines set out in the tender documentation. The function is available in the reserved area, accessible through the operator's credentials (username and password).

Responses to clarifications requests will be notified to the Economic Operator's REM address and will also be displayed in the tender details under the "clarifications" tab. Questions and answers to clarifications will also be published in the clarification space.

Art. 6 - Tender Notices

Communications between the contracting authority and economic operators take place via the Platform and are accessible in the Suppliers reserved area.

It is the responsibility of the economic operator to take note of it.



TRASPARE

certified eProcurement platform

MANUAL DE OPERACIONES MANIFESTACIÓN DE INTERÉS



www.traspares.com

Prólogo

El presente Manual Operativo regula la participación y gestión del procedimiento de licitación en modalidad telemática con las siguientes características:

Procedimiento de licitación	Manifestación de interés
Modo telemático	SI

Art. 1 - Requisitos de participación

Este procedimiento está abierto a todas las personas inscritas en el Portal "TRASPARE". Para poder acceder al Portal, es necesario llevar a cabo el procedimiento de registro en el Portal accediendo al "Área de Proveedores". Deberá rellenar el módulo de activación y confirmar el procedimiento de registro.

Art. 2 - Definiciones útiles para el procedimiento telemático - glosario

A continuación se indica el significado de los principales términos indicados en los artículos siguientes:

Habilitación: resultado del procedimiento que permite el acceso y participación de los Operadores Económicos habilitados al sistema informático para la realización de la licitación telemática.

Cuenta: conjunto de códigos de identificación personal compuesto por el identificador de usuario (correo electrónico) y la contraseña, que permite a las empresas autorizadas acceder al sistema y participar en la licitación electrónica.

Firma digital: es uno de los requisitos para que la oferta sea jurídicamente relevante y garantice la inviolabilidad/integridad y la procedencia. Es el resultado de un procedimiento informático de validación. Este procedimiento se basa en una certificación reconocida, emitida por un certificador acreditado y generada por un dispositivo de creación de firma segura, conforme al Art. art. 38, apartado 2, del D.P.R. n° 445/2000.

La firma digital utiliza un 'sistema de clave asimétrica'. Esto consiste en dos conjuntos de caracteres alfanuméricos generados por el sistema: una clave privada, conocida solo por el firmante, y una clave pública, accesible para cualquiera. La clave secreta es necesaria para firmar documentos. La clave pública es necesaria para verificar la procedencia real del documento del titular. La seguridad de un sistema de este tipo reside en el hecho de que a cada clave pública le corresponde una sola clave secreta y que, conociendo únicamente la clave pública, es imposible rastrear hasta la clave secreta.

Para asegurar que la "clave pública" y la "clave secreta" correspondan y sean propiedad del firmante, se utiliza una entidad certificadora. Este tercero verifica la propiedad de las claves públicas mediante "certificados" y las publica en una

lista telemática. [La lista de certificadores está disponible en http://www.agid.gov.it.](http://www.agid.gov.it)

Gestor del sistema: L&G Solution S.r.l., que el Ente utiliza para las operaciones de licitación, según el art. 58 del Decreto Legislativo 50/2016.

Sistema/Plataforma: Sistema informático para procedimientos de compra telemática con arreglo al Art. 58 del Decreto Legislativo 50/2016

Sobre telemático: Archivo informático que contiene los documentos exigidos por el pliego/anuncio de licitación para la participación de la empresa. El contenido de la oferta presentada por cada concursante no es accesible a los demás concursantes ni a la Entidad.

Upload: proceso de transferencia y envío de datos desde el sistema informático del Concursante a un sistema remoto, es decir, "a distancia", mediante una conexión a Internet.

Hash MD5: El MD5 es una función hash criptográfica. Calcular el MD5 de un archivo significa generar una huella digital de caracteres única (técnicamente hash) de ese archivo.

Art. 3 - Equipamiento informático y advertencias

Para participar en el Licitación Telemática, las empresas concursantes deberán equiparse, corriendo con los gastos, con los siguientes equipos técnicos e informáticos necesarios:

1) Ordenador personal conectado a Internet.

Todas las funcionalidades disponibles en la Plataforma pueden utilizarse mediante un Ordenador Personal Estándar equipado con un Navegador (de los indicados en el punto 2) y conectado a Internet.

Se recomienda una conexión a Internet ADSL o corporativa.

Nota: Si el acceso a Internet se realiza a través de la red corporativa, se recomienda consultar al personal informático interno para comprobar la disponibilidad de ancho de banda y la accesibilidad según las configuraciones de proxy/firewall. Resolución mínima de pantalla 1024 x 768.

2) Navegador web (programa que permite la conexión a Internet).

Para el correcto funcionamiento de la Plataforma Telemática, deben utilizarse los siguientes navegadores web:

Mozilla Firefox;

Google Chrome.

3) Configuración del navegador.

Se admite la configuración por defecto, según la instalación estándar, en particular en lo que respecta a la configuración de seguridad, la habilitación de javascript, el almacenamiento de cookies y el almacenamiento en caché de páginas web.

4) Programas obligatorios.

En función de las funcionalidades utilizadas y de los tipos de documentos manejados como adjuntos, se requieren programas adicionales, tales como: utilidades de compresión/descompresión de formatos zip/rar, visualizadores de formatos pdf (Adobe Acrobat reader), programas autónomos para la gestión de

firmas digitales (por ejemplo, DIKE de InfoCert).

5) Herramientas necesarias.

Una firma digital (ver definiciones).

Todos los operadores económicos que usen la Plataforma Telemática exoneran expresamente a la Entidad, al Administrador del Sistema y a sus empleados y colaboradores de cualquier responsabilidad. Esto incluye mal funcionamiento o defectos relacionados con los servicios de conectividad necesarios para acceder al sistema a través de la red pública de telecomunicaciones. También se incluyen problemas derivados de no usar los navegadores web especificados en el punto 2 de este artículo.

Las empresas participantes deberán comprometerse, también frente a sus empleados, a adoptar todas las medidas técnicas y organizativas necesarias para garantizar la confidencialidad y la protección de las herramientas informáticas asignadas.

La cuenta y la contraseña necesarias para acceder al sistema y participar en la Licitación son personales.

Las empresas licitadoras están obligadas a mantener la cuenta y la contraseña en secreto, a no divulgarlas ni transferirlas en modo alguno a terceros y a utilizarlas bajo su exclusiva responsabilidad de acuerdo con los principios de equidad y buena fe, para no perjudicar al sistema y terceros en general.

Las empresas participantes se comprometen a indemnizar y mantener indemne a la Entidad y al Administrador del Sistema frente a cualquier perjuicio, daño, coste y gasto de cualquier tipo, incluidos los honorarios de abogados en que puedan incurrir como consecuencia de las infracciones de estas normas y del uso incorrecto o indebido del sistema.

En ningún caso el Administrador del Sistema y la Entidad serán responsables de cualquier tipo de daño directo o indirecto que sufran los competidores o terceros como consecuencia o en relación con el acceso, uso o imposibilidad de funcionamiento del sistema, sus servicios y los procedimientos de firma electrónica.

Todos los autorizados están obligados al cumplimiento de las disposiciones legales, reglamentarias y contractuales sobre la conservación y uso de la herramienta de firma electrónica. Además, deben seguir las instrucciones de la Autoridad de Certificación que emite el software. Asimismo, exoneran expresamente al Organismo y al Operador del Sistema de responsabilidad por daños directos o indirectos causados a ellos o a terceros por el uso de estas herramientas.

El no uso ocasional de las herramientas informáticas requeridas durante el procedimiento se considera una infracción de estas normas. Esto puede resultar en la suspensión o revocación de la autorización, así como en la obligación de indemnizar los daños y perjuicios causados.

Art. 4 - Cómo participar en la manifestación de interés

Las empresas deben acceder al Portal a través del Área Reservada a Proveedores, introduciendo las credenciales (correo electrónico y contraseña) asociadas a la empresa autorizada.

Una vez hecho esto, los concursantes estarán entre los que podrán, tras haber cumplido todas las formalidades administrativas, participar en la licitación.

Los licitadores deberán **firmar** digitalmente todos los documentos requeridos para participar en la licitación, introducirlos en archivos informáticos firmados digitalmente y cargarlos en el sistema dentro del plazo establecido en los documentos de licitación.

PRESENTACIÓN TELEMÁTICA DE LA MANIFESTACIÓN DE INTERÉS:

FASE 1 - Creación de archivos informáticos y firma digital

Los documentos previstos para la participación en la licitación deben estar firmados digitalmente y colocados en archivos informáticos especiales (formato de archivo .zip/.rar). Los concursantes también deberán firmar digitalmente estos archivos informáticos antes de la fecha límite de recepción de la oferta indicada por el poder adjudicador.

FASE 2 - Carga y presentación telemática de su evento

Dentro del plazo estipulado, las empresas participantes deberán acceder a la Plataforma con sus credenciales para participar desde el módulo de Licitación.

Una vez seleccionada la manifestación de interés, la empresa podrá completar el proceso de participación introduciendo el archivo informático firmado digitalmente que contiene la documentación requerida firmada digitalmente.

En cualquier caso, para evitar posibles disfunciones, es aconsejable proceder a la carga de la documentación requerida con suficiente antelación a la fecha límite fijada por el órgano de contratación.

Advertencias

La presentación de la manifestación de interés se completa cuando el Operador Económico muestra un mensaje del Sistema indicando la confirmación de la correcta recepción de la manifestación de interés y la hora de registro.

El "**SOBRE DE LICITACIÓN TELEMÁTICA**" contiene, para cada archivo cargado por el proveedor, **el hash MD5** calculado sobre el archivo guardado por la plataforma telemática tras la transferencia (carga).

Por lo tanto, el proveedor, con el fin de verificar el correcto envío del "**SOBRE DE LICITACIÓN TELEMÁTICA**", está obligado a comprobar la correspondencia entre los hashes md5 indicados en el "**SOBRE DE LICITACIÓN TELEMÁTICA**" y los calculados en los ficheros informáticos cargados en el sistema.

Nota En caso de que el proveedor encuentre una discordancia entre los **hashes md5** mencionados dentro del plazo de presentación de ofertas, podrá retirar la oferta presentada y repetir la operación **"ENVIAR OFERTA"**.

Presentación de documentación en caso de participación en una Reagrupación Temporal de Empresas (RTI), Agrupación Temporal de Empresas (ATI) o Consorcio.

La manifestación de interés debe ser:

- cargados en el sistema, en los plazos establecidos en el anuncio público y según los procedimientos descritos en este Manual, únicamente por la empresa mandataria, que recibirá por correo electrónico todos los anuncios de licitación (aclaraciones, ayudas preliminares, solicitudes de justificación, etc.).

Art. 5 - Solicitud de aclaración

El operador económico puede presentar solicitudes de aclaración mediante la función **"SOLICITUD DE ACLARACIÓN"**, accesible en su área reservada con sus credenciales, dentro de los plazos establecidos en el pliego de condiciones. Las respuestas a las solicitudes de aclaración se enviarán a la dirección PEC* del Operador Económico y se publicarán en la pestaña "aclaraciones" de los detalles de la licitación.

Las preguntas y respuestas a las aclaraciones también se publicarán en el espacio de aclaraciones.

Art. 6 - Anuncios de licitación

Las comunicaciones entre la autoridad licitadora y los operadores económicos tienen lugar a través de la Plataforma y son accesibles en el área reservada del operador económico. **Es responsabilidad exclusiva de las partes velar por ello.**

* En el caso de los operadores exteriores, debe entenderse por PEC la dirección de correo electrónico facilitada al obtener la condición de operador económico.



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MANUEL OPÉRATIONNEL MANIFESTATION D'INTÉRÊT



Avant-propos

Le présent Manuel Opérationnel régit la participation et la gestion de la procédure suivante par voie télématique :

Procédure d'appel d'offres	Manifestation d'intérêt
Mode télématique	Oui

Art. 1 - Conditions de participation

Cette procédure est ouverte à tous ceux qui sont inscrits sur le portail "TRASPARE". Pour pouvoir accéder au portail, il est nécessaire d'effectuer la procédure d'inscription au portail en accédant à l'"Espace fournisseurs". Vous devrez remplir le formulaire d'activation et confirmer la procédure d'enregistrement.

Art. 2 - Définitions utiles pour la procédure télématique - glossaire

La signification des principaux termes indiqués dans les articles suivants est donnée ci-dessous : **Habilitation** : le résultat de la procédure permettant l'accès et la participation des opérateurs économiques habilités au système informatisé pour la réalisation de l'appel d'offres télématique. **Compte** : l'ensemble des codes d'identification personnels composés de l'User ID (e-mail) et du mot de passe, qui permettent aux entreprises autorisées d'accéder au système et de participer à l'appel d'offres électronique.

Signature numérique : c'est l'une des conditions pour que l'offre soit juridiquement pertinente et pour garantir l'inviolabilité/l'intégrité et la provenance. C'est le résultat de la procédure informatisée (validation) basée sur une certification qualifiée délivrée par un certificateur accrédité et générée au moyen d'un dispositif pour la création d'une signature sécurisée conformément à l'art. 38(2) du Décret présidentiel italien n° 445/2000.

La signature numérique est basée sur un système appelé "clés asymétriques", c'est-à-dire deux séries de caractères alphanumériques, spécialement générés par le système : une clé est connue du seul signataire (clé secrète), l'autre est connue de tous (clé publique). La clé secrète est nécessaire pour signer les documents. La clé publique est nécessaire pour vérifier la provenance réelle du document auprès du détenteur. La sécurité d'un tel système réside dans le fait qu'une seule clé secrète correspond à chaque clé publique et que, si l'on ne connaît que la clé publique, il est impossible de remonter jusqu'à la clé secrète. Afin de garantir la correspondance entre la "clé publique" et la "clé secrète", ainsi que la propriété des clés par le signataire, il est fait appel à un organisme de certification, c'est-à-dire une tierce partie dont la tâche consiste à garantir la certitude de la propriété des clés publiques (par le biais de ce que l'on appelle des "certificats") et à faire connaître les clés publiques à tous (par le biais d'une liste télématique).

La liste des certificateurs est disponible à l'adresse suivante:

<http://www.agid.gov.it>

Gestionnaire de système: L&G Solution S.r.l., que l'Organisme utilise pour les opérations d'appel d'offres, visées à l'art. 58 du Décret législatif italien n° 50/2016.

Système/Plateforme: système informatique pour les procédures d'achat télématiques au titre de l'art. 58 du Décret législatif italien n° 50/2016

Enveloppe télématique: Archives informatiques contenant la documentation requise par l'avis d'appel d'offres/le cahier des charges pour la participation de l'entreprise. Le contenu de l'offre soumise par chaque soumissionnaire n'est pas accessible aux autres soumissionnaires et à l'Organisme.

Transfert: le processus de transfert et d'envoi de données du système informatique du soumissionnaire vers un système distant, c'est-à-dire à "distance", au moyen d'une connexion Internet.

Hash MD5: MD5 est une fonction de hachage cryptographique. Calculer le MD5 d'un fichier signifie générer une empreinte digitale unique (techniquement un hachage) de ce fichier.

Art. 3 - Matériel informatique et avertissements

Pour participer à l'appel d'offres télématique, les entreprises soumissionnaires doivent se doter, à leurs propres frais, de l'équipement technique et informatique nécessaire suivant :

1) Ordinateur personnel connecté à l'Internet.

Toutes les fonctionnalités disponibles sur la Plateforme peuvent être utilisées au moyen d'un ordinateur personnel standard équipé d'un navigateur (parmi ceux indiqués au point 2) et connecté à Internet.

Il est recommandé de disposer d'une connexion ADSL ou d'une connexion Internet d'entreprise. Remarque: Si l'accès à l'internet passe par le réseau de l'entreprise, il est recommandé de consulter le personnel informatique interne pour vérifier la disponibilité de la bande passante et l'accessibilité en fonction de la configuration du proxy/pare-feu. Résolution minimale de l'écran 1024 x 768.

2) Navigateur Web (programme permettant la connexion à Internet).

Pour le bon fonctionnement de la plate-forme télématique, les navigateurs suivants doivent être utilisés:

Mozilla Firefox ;

Google Chrome.

3) Configuration du Navigateur.

La configuration par défaut, selon l'installation standard, est prise en charge, notamment en ce qui concerne les paramètres de sécurité, l'activation de javascript, le stockage des cookies et la mise en cache des pages web. **4)**

Programmes obligatoires.

Selon les fonctionnalités utilisées et les types de documents traités comme pièces jointes, des programmes supplémentaires sont nécessaires tels que : utilitaires de compression/décompression au format zip/rar, visualiseurs au

format pdf (Adobe Acrobat reader), programmes autonomes pour la gestion de la signature numérique (par exemple DIKE d'InfoCert).

5) Outils nécessaires.

Une signature numérique (voir définitions).

Tous les opérateurs économiques qui participent aux appels d'offres en utilisant la plate-forme télématique exonèrent expressément l'Organisme, le Gestionnaire de Système et leurs employés et collaborateurs de toute responsabilité en cas de dysfonctionnement ou de défaut lié aux services de connectivité nécessaires pour accéder au système par l'intermédiaire du réseau public de télécommunications, ainsi qu'en cas de non-utilisation des navigateurs web indiqués au point 2 du présent article.

Les entreprises participantes doivent s'engager, également vis-à-vis de leurs employés, à adopter toutes les mesures techniques et organisationnelles nécessaires pour assurer la confidentialité et la protection des outils informatiques attribués.

Le compte et le mot de passe nécessaires pour accéder au système et participer au concours sont personnels.

Les entreprises soumissionnaires sont tenues de les conserver avec la plus grande diligence et de les garder secrètes,

de ne pas les divulguer ou en tout cas de les céder à des tiers et de les utiliser sous leur responsabilité exclusive

dans le respect des principes d'équité et de bonne foi, afin de ne pas porter préjudice au système et en général aux tiers.

Les entreprises participantes s'engagent à indemniser et à dégager de toute responsabilité l'organisme et le gestionnaire du système en indemnisant tout préjudice, dommage, coût et frais de quelque nature que ce soit, y compris les frais juridiques qui pourraient être supportés par eux en raison de violations de ces règles et d'une utilisation incorrecte ou incorrecte du système.

Le Gestionnaire de Système et l'Organisme ne peuvent en aucun cas être tenus responsables de tout type de dommage direct ou indirect subi par des soumissionnaires ou des tiers à la suite ou en relation avec l'accès au système, à ses services et aux procédures de signature numérique, leur utilisation ou l'absence de fonctionnement du système, de ses services et des procédures de signature numérique.

Toutes les personnes autorisées sont tenues de respecter les lois, les règlements et les dispositions contractuelles en vigueur.

sur la conservation et l'utilisation de l'outil de signature numérique et toute instruction émise à ce sujet par l'Autorité de Certification qui a émis le logiciel ; ils exonèrent également expressément l'Organisme et l'Opérateur de Système de toute responsabilité pour les conséquences préjudiciables de toute nature ou pour les dommages directs ou indirects qui leur seraient causés ou qui seraient causés à des tiers par l'utilisation des outils en question.

Le fait de ne pas utiliser les outils informatiques requis de temps à autre au cours de la procédure constitue une violation de ces règles, qui peut entraîner la suspension ou le retrait de l'autorisation, ainsi que la réparation des dommages causés.

Art. 4 - Comment participer à la manifestation d'intérêt

Les entreprises devront accéder au portail (espace réservé aux fournisseurs) en entrant leurs informations d'identification (e-mail et mot de passe) associées à l'entreprise autorisée. Les soumissionnaires seront alors parmi ceux qui pourront répondre à la manifestation d'intérêt après que toutes les formalités administratives auront été accomplies.

Les soumissionnaires devront **signer numériquement** tous les documents requis pour la manifestation d'intérêt, les introduire dans des archives informatiques signées numériquement et les charger dans le système dans le délai prévu par les indications transmises par le poste adjudicataire.

ENVOI TÉLÉMATIQUE DE LA MANIFESTATION D'INTÉRÊT :

ÉTAPE 1 - Création d'archives informatiques et de signatures numériques

La documentation indiquée dans la manifestation d'intérêt doit être signée numériquement et insérée dans les archives informatiques spéciales (format .zip/.rar). Les soumissionnaires devront également signer numériquement ces archives informatiques avant la date limite de réception de l'offre indiquée par le Poste Adjudicataire.

PHASE 2 - Chargement et envoi télématique de votre événement

Dans les délais fixés par le Poste Adjudicataire, les entreprises participantes accèdent à la plateforme en utilisant leurs identifiants et participent à la procédure d'appel d'offres depuis le formulaire "APPEL D'OFFRES - MANIFESTATION D'INTÉRÊT".

Une fois la manifestation d'intérêt sélectionnée, l'entreprise, via la fonction ENVOYER MANIFESTATION D'INTÉRÊT, pourra compléter le processus de participation en insérant les archives informatiques signées numériquement contenant la documentation requise signée numériquement.

En tout état de cause, aux fins du délai prévu pour l'envoi de la demande de participation à la manifestation d'intérêt afin de prévenir d'éventuels dysfonctionnements, il est recommandé de procéder au transfert de la documentation demandée suffisamment à l'avance par rapport au délai d'expiration prévu par le poste adjudicataire.

Avertissements

La soumission de la manifestation d'intérêt est terminée lorsque l'Opérateur Économique affiche un message du Système confirmant la bonne réception de la manifestation d'intérêt et l'heure de l'enregistrement.

LES ARCHIVES INFORMATIQUES CONTENANT LA MANIFESTATION

D'INTÉRÊT contiennent, pour toutes les archives chargées par le fournisseur, le **hachage MD5** calculé sur le fichier enregistré par la plateforme télématique suite au transfert (upload).

Par conséquent, le fournisseur, afin de vérifier l'envoi correct de l'"**ENVELOPPE D'APPEL D'OFFRES TÉLÉMATIQUE**", est tenu de vérifier la correspondance entre les hachages md5 indiqués dans l'"**ENVELOPPE D'APPEL D'OFFRES TÉLÉMATIQUE**" et ceux calculés sur les archives informatiques chargées dans le système.

N.B. Si le fournisseur constate une non-correspondance entre les hachages md5 susmentionnés, dans les délais indiqués dans l'avis public, il peut retirer l'offre soumise et répéter l'opération "**ENVOYER MANIFESTATION D'INTÉRÊT**".

Modalités de présentation de la documentation en cas de participation au Groupement Temporaire d'Entreprises (RTI), à l'Association Temporaire d'Entreprises (ATI) ou au Consortium.

La manifestation d'intérêt devra être:

- chargée dans le système, dans les délais prévus par l'avis public et selon les procédures décrites dans le présent Manuel, par la seule société mandataire, qui recevra par courrier électronique certifié toutes les communications d'appel d'offres (éclaircissements, aides préliminaires, demandes de justifications, etc.)

Art. 5 - Demande d'éclaircissement

L'opérateur économique pourra transmettre les demandes d'éclaircissements via la fonction

"DEMANDE ÉCLAIRCISSEMENTS" disponible en accédant à son espace réservé via ses identifiants (nom d'utilisateur et mot de passe) dans les délais prévus dans la documentation de l'appel d'offres.

Les réponses aux demandes d'éclaircissement seront notifiées à l'adresse PEC* de l'opérateur économique et seront également affichées dans les détails de l'offre sous l'onglet "éclaircissements".

Les questions et les réponses aux éclaircissements seront également publiées dans l'espace d'éclaircissement.

Art. 6 – Communications d'appel d'offres

Les communications entre l'Organisme Commissaire-priseur se font via la plate-forme et sont accessibles dans l'espace réservé de l'opérateur économique. **C'est un devoir exclusif d'en prendre connaissance.**

* Pour les opérateurs étrangers, il faut entendre par adresse PEC l'adresse électronique fournie lors de la qualification en tant qu'opérateur économique.

**INFORMATION ON THE PROTECTION OF INDIVIDUALS REGARDING THE
PROCESSING OF PERSONAL DATA**
Regulation (EU) 2016/679, art. 13

Pursuant to Article 13 of EU Regulation 2016/679 on personal protection with regard to the processing of personal data and on the free movement of such data (hereinafter EU Regulation or GDPR), the contracting authority provides the following information on the processing of personal data.

Purposes of the processing

- The data provided by the candidates are collected and processed by the Administration in order to verify that the legal requirements to take part in the tender are met and, in particular, for the purpose of verifying the administrative and technical-economic abilities of the subjects in question;
- All data acquired by the Administration may also be processed for study and statistical purposes in accordance with the rules laid down in the EU Regulations.

Legal basis and nature of conferment

The candidate/tenderer is required to provide data to the Administration by reason of the legal obligations arising from the legislation on tenders and public contracts. Refusal to provide the data requested by the Administration could result, depending on circumstances, in the impossibility of admitting the candidate to take part in the tender or his exclusion from it or his forfeiture of the contract, as well as the impossibility of stipulating the contract.

Nature of the data processed

The data to be processed for the purposes specified above are of the following nature: i) common personal data (e.g. personal details and contact details); ii) data relating to criminal convictions and offences (so-called "judicial" data) as per Art. 10 of the EU Regulations, limited to the sole purpose of assessing possession of the requisites and qualities required by the legislation in force for the purposes of taking part in the tender and the award of the contract. On the other hand, data falling within the "special categories of personal data" (so-called "sensitive"), pursuant to Article 9 of the EU Regulations, are not requested.

How data are processed

Data will be processed by the Administration in such a way as to guarantee the necessary security and confidentiality and may involve manual, paper-based, IT or telematic tools suitable for processing the data in compliance with the security measures contemplated in the EU Regulations.

Sphere of data communication and circulation

The data may be:

- processed by Administrative staff occupied in the tender procedure and execution of the Contract, by the staff of other Administrative offices carrying out related activities, as well as by the offices engaged in activities for study and statistical purposes;
- communicated to free-lancers, professionals, consultants, who provide consultancy or
- assistance to the Administration in matters of the tender procedure and the execution of the
- Contract, for any legal protection that may be necessary, or for sector studies or statistical purposes;
- communicated to outside parties who are members of Commissions evaluating candidate applications and tenders;
- communicated to other candidates who may request access to tender documents within the limits permitted under Law No 241 of 7 August 1990;
- communicated to the National Anti-Corruption Authority, in compliance with the provisions of AVCP Determination no. 1 of 10/01/2008;
- communicated to the other control bodies of the MAECI.

The name of the successful tenderer and the price at which the contract has been awarded will be published in the Official Journal of the European Union (OJEU). In addition to the above, in compliance with legal obligations requiring administrative transparency (Article 1, paragraph 16, letter b, and paragraph 32 of Law 190/2012; Article 35 of Legislative Decree no. 33/2013; as well as Article 28 of Legislative Decree no. 36/2023), the candidate/contractor acknowledges and

agrees that the data and documentation that the law requires to be published, may be published and disseminated, where the conditions are met, through the "Transparency" section of the website www.esteri.it and on the website of the contracting authority: <https://ambnairobi.esteri.it/it/>The data may be transferred to an international organization in order to comply with legal obligations, in which case the transfer will take place in compliance with the requirements of the EU Regulations.

Data retention period

As regards management of the call for tenders, the data will be retained for a maximum period of 15 years from its conclusion or, where applicable, its cancellation, in accordance with the combined provisions of Articles 157, 317 and 161 of the Criminal Code. Said period is suspended in the event of ongoing legal proceedings. Furthermore, the data may be stored, in aggregate form also, for study or statistical purposes, in accordance with Article 89 of the EU Regulations and Articles 97-110 bis of Legislative Decree 196/2003 and subsequent amendments and additions.

Automated decision-making process

In the context of the tender stage, there is no automated decision-making process.

Rights of the tenderer/data subject

“Data subject” means any natural person whose data are transferred by the tenderer to the Administration.

The data subject is entitled to the rights set out in Articles 15 to 23 of the EU Regulations. In particular, the data subject has the right to: i) obtain, at any time, confirmation as to whether or not personal data concerning him/her are being processed; ii) the right to access his/her personal data in order to find out the purpose of the processing, the category of data being processed, the recipients or categories of recipients to whom the data are or will be communicated, the period of retention of the data or the criteria used to determine this period; iii) the right to request rectification of the data, under the conditions provided for in the applicable legislation; iv) the right to request, within the limits of the law and without consequences as regards participation in the tender or the awarding of the contract, the erasure of data, as well as limitation of the processing or to object to the processing; v) the right to data portability, which shall be applicable within the limits of Art. 20 of the EU Regulations. If, in the event of exercising the right of access and related rights, the response to the request is not received within the time limits laid down by law and/or is not satisfactory, the data subject may assert his or her rights by lodging a complaint or appeal with the Supervisor for the protection of personal data or with the judicial authorities.

Data controller

The data controller is the Ministry of Foreign Affairs and International Cooperation (MAECI) - which operates, in this specific case, through the Embassy of Italy in Nairobi, based in United Nations Crescent, P.O. Box 63389-00619 Muthaiga, Nairobi (Kenya), e-mail: ambasciata.nairobi@esteri.it, PEC: amb.nairobi@cert.esteri.it - which has appointed its own Data Protection Officer (DPO).

Any request regarding the processing of personal data provided and the exercise of rights should be addressed to the DPO, who may be contacted at the following address: Ministry of Foreign Affairs and International Cooperation, Piazzale della Farnesina 1, 00135 ROME (Italy), telephone: 0039 06 36911 (switchboard), PEO: rpd@esteri.it; PEC: rpd@cert.esteri.it.

Consent to the processing of personal data

Having acquired the above information, by submitting the tender/offer and signing the contract, the legal representative pro tempore of the tenderer/contractor acknowledges and expressly consents to the processing of personal data as defined above, including judicial data, concerning him. The tenderer undertakes to comply with the obligations of information and consent, where necessary, pertaining to natural persons (data subjects) whose personal data are provided as part of the contracting procedure, as regards the processing of their personal data, including judicial data, by the Administration for the purposes described above.

(Place and date)

(Signature of the data subject for viewing and consent to the processing of data)
