

INVITATION TO SUBMIT A TENDER

Instructions for tenderers

CIG Code N. Z27132032E

CUP N. B85E12001290002

Subject: TO ECONOMIC OPERATORS INVITED TO TENDER ON A PROVISION OF “SERVICE IN SUPPORT OF THE RESEARCH AND DEVELOPMENT ACTIVITIES OF THE PROJECT ECOSCALE”, TO BE PERFORMED AT THE INSTITUTE OF BIOMETEOROLOGY, NATIONAL RESEARCH COUNCIL, UOS SASSARI (INFORMATION NOTICE N.IBIMET-SS-1-2015 PUBLIC PROCUREMENT).

Please find enclosed the call for tenders relating to the above-mentioned contract.

If you are interested in the possibility of providing services with regard to the present invitation, you are hereby invited to submit a tender following the indications and procedures laid down in this Invitation to Tender.

This invitation letter and the attached Technical Specifications contain rules which will regulate the contractual conditions, as well as those related to the participation terms to the tender procedure negotiated via procedure for minor piecework contracts by the Institute of Biometeorology, National Research Council, with Contract Determination of the Head of UOS Sassari published on 09/02/2015 Prot. n. 241, in accordance with the National Research Council Regulation, published in the Official Gazette n.133 of 08/06/2013 concerning "Regulations for the acquisition in economy of goods and services."

Under the combined provisions of the art. 2, paragraph 2, of Law no. 241/1990 and art. 11, paragraph 6, of Legislative Decree no. 163/2006, the closing date of the procedure is set to be at 180 (one hundred eighty) calendar days from the deadline date for submitting the tender application.

The following documents, to be used for the participation in the tender selection, and according to the methods below described, form integral and substantial part of this Letter of Invitation:

- a) «Participation Application/Self-certification declaration» (Annex A and A-bis)
- b) «facsimile technical offer» (Annex B)
- c) «facsimile economic offer» (Annex C)
- d) «technical specifications» (Annex D)
- e) «contract outline» (Annex E)

Contracting Authority (denomination and contact address):

Istituto di Biometeorologia del Consiglio Nazionale delle Ricerche – Traversa La Crucca 3 – 07100 Sassari. Telephone: 0039-079-2841501; Fax 0039-079-2841599

email d.murgia@ibimet.cnr.it

website for downloading documentation and announcements:

<http://www.urp.cnr.it>

Responsible in charge of the procedure (Responsabile Unico del Procedimento, RUP): Mr. Pierpaolo Masia.

Art. 1) - OBJECT OF THE PROCEDURE.

The object of the present procedure is the “**Provision of services in support of the research and development activities of the project ECOSCALE**” to be performed at the Institute of Biometeorology, National Research Council, Sassari.

The technical definitions and administrative provisions governing the relationship between the Contracting Authority and the economic operators are defined in the "Technical Specifications" (Appendix D) to this Invitation letter.

Art. 2) - ELIGIBLE ENTITIES.

All the economic operators that laid down in subjects of art. 34, paragraph 1 of Legislative Decree no. 163/2006, are eligible to participate in this tender procedure.

Under the provisions of art. 38, paragraph 1, *m-quater*) of Legislative Decree no. 163/2006, and subsequent modifications and supplements, the participation in the same procedure for economic operators that are under a control situation as in art. 2359 of the Civil Code, or in any relationship, also *de facto*, is prohibited if the control situation or relationship that involves the deals are due to a single decision-making.

In the event that such a condition is detected for the contractor of the tender after the award of the procedure itself, or after the award of the contract, the Contracting Authority shall cancel the award, with the subsequent repetition of procedural steps.

Art. 3) PARTICIPATION OF TEMPORARY JOINT VENTURES AND CONSORTIA.

Articles 35, 36 and 37 of Legislative Decree no. 163/2006 are applied in these cases.

For the participation of permanent consortia, the provisions of art. 277 of Presidential Decree 207/2010 are applied.

Art. 4) - REQUIREMENTS FOR THE PARTICIPATION.

Without prejudice to the procedures for submission of the tender as described below, for the purposes of the tender the economic operator will have to declare the possession of the requirements listed below. Pursuant to paragraph 2 of art. 38 of Legislative Decree no. 163/2006, the economic operator certifies the possession of the requirements by the participation application/self-certification declaration in accordance with the model (Annex A) prepared by the Contracting Authority.

4.1) General requirements.

Constitutes grounds for exclusion from the tender the lack of the subjective requirements of art. 38 of Legislative Decree no. 163/2006 and subsequent amendments. The exclusion also applies to the economic operators for which there are other impediments by law to participate in the procedure (in accordance with art. 32-*quater* of the Criminal Code of the Italian Republic) or, in any case, to sign contracts with public entities, such as the following reported just as examples but not exhaustive:

- 1) subject to which was imposed exclusion from competition for two years, for serious discriminatory behavior (racial, ethnic, national or religious) under Article 44 of Legislative Decree no. July 25 1998, n. 286 ("Uniform provisions governing immigration and the status of aliens");
- 2) entities with individual plans of emergence from black economy in accordance with art. 1-bis, paragraph 14, of the L. October 18, 2001, n. 383;
- 3) subjects who have been imposed the exclusion from tendering up to two years, for serious discriminatory behavior in access to employment, pursuant to art. 41 of Legislative Decree no. April 11, 2006, n. 198 ("Code of equal gender opportunities ");
- 4) participants who have been imposed the exclusion from tendering up to five years for breaching the obligation to apply or enforce toward employees' conditions not less than those conditions laid down in the collective contract of the category and the area under Article 36 of the Law of 20 May 1970 n. 300 ("Regulations on the Protection of the freedom and dignity of workers, freedom of association and trade union activities in the workplace and regulations on employment").

4.2) Requirements of professional competence and special order for participation.

The requirements of professional and special order are prerequisites of a substantive nature for the participation in the tender, in accordance with articles 39, 41 and 42 of Legislative Decree no. 163/2006.

Consequently, **the deficiency** of the below mentioned participation requirements, **necessarily results in the exclusion from the procedure.**

These requirements must be held at the time of submitting the tender: the failure to possess or loss of the requirements is, therefore, reason for exclusion.

4.2.1) Requirements of professional competence.

Economic operators will have to prove their registration in the register of the Chamber of Commerce, Industry, Handicraft and Agriculture or in the register of provincial commissions for the craft, or at the relevant professional bodies.

If the applicant is a citizen of another UE State and is not resident in Italy, he/she will have to prove his/her enrollment, as prescribed in the State of residence, in one of the professional or trade registers listed in Annex XI-A for public works contracts, Annex XI-B for public supply contracts, and in Annex XI-C for public service contracts, by affidavit or as prescribed in the Member State in which he/she is established.

The economic operators from Member States not listed in those Annexes, can attest, under their own responsibility, that the provided certificate has been issued by one of the professional or trade registers established in the country in which they are resident.

4.2.2) Requirements of technical-professional and economic-financial capabilities.

The demonstration of the technical capacity of economic operators will be proved through the presentation of a summary list of supplies similar to those requested in the tender, over the last three years, for a minimum amount in the period not less than the total of alleged tender.

The list mentioned above shall contain:

- An indication of the clients public and/or private and their location;
- The type of supplies/services;
- Amounts;
- The reference period.

The possession of the requirements is governed by art. 275 of Presidential Decree 207/2010 of the Italian Republic.

The first and second place in the order of merit will be required to certify the possession of such a requirement by submitting the originals or copies conform to the original, made pursuant to Presidential Decree 445/2000, certificates and/or receipted invoices included in the list of supplies summary, for a minimum three-year period and an amount not inferior to the total of alleged tender.

In the case of participation in the competition of micro, small and medium enterprises (MSME), the verification referred to in paragraph 2 of art. 48, when necessary, will be performed only for the successful tenderer, and not for the second ranked tenderer, according to art. 13, paragraph 4, of Law no. 180/2011.

Art. 5 DEADLINE AND TERMS FOR TENDER SUBMISSION

5.1) The mail package.

The economic operators can send the tender offer, enclosed in a single package, closed and sealed on the natural closure edges, with sealing wax or other suitable means (other suitable means shall be deemed stickers or tape adhesive), and countersigned on the flaps thereof, to ensure security against tampering.

The package containing the tender offer and the related documentation must be sent to the following address:

Consiglio Nazionale delle Ricerche

Istituto di Biometeorologia

Traversa La Crucca n. 3- 07100 Sassari, Italy.

under penalty of exclusion from the procedure no later than the final deadline of:

h 12:30 on April 9, 2015

The final deadline is designed to protect the principle of equal treatment.

In addition:

- the offer submitted by the deadline terms is binding for the economic operator;
- by the closing date of the offer, who has submitted a tender may withdraw; offer withdrawn will be considered as an offer not submitted.

The package must be signed on the closing flaps and must show:

- the legal name and the full address of the tenderer and
- the following indication " **TENDER WITH NEGOTIATED PROCEDURES FOR THE PROVISION OF SERVICES IN SUPPORT OF THE RESEARCH AND DEVELOPMENT ACTIVITIES OF THE PROJECT ECOSCALE - TO BE PERFORMED AT THE INSTITUTE OF BIOMETEOROLOGY SASSARI, ITALY, OF THE NATIONAL RESEARCH COUNCIL OF ITALY – C.I.G. Z27132032E – OFFER – DO NOT OPEN**".

The package containing the tender offer and the related documentation must be sent via private courier or the State postal service. It can be also hand-delivered on weekdays, Monday through Friday (except holidays), from 9:00 to 12:30 at the following address: Consiglio Nazionale delle Ricerche, Istituto di Biometeorologia, Traversa La Crucca n. 3- 07100 Sassari, Italy.

In the latter case, a receipt, indicating the date and time of delivery, will be issued as proof of the delivery. The sending of the package containing the tender documents is completely and exclusively at the risk of the sender. The CNR IBIMET will not be liable for postal errors or any other error, or for any other reasons, if the package does not reach the mailing address within the compulsory deadline. Packages

that arrive after the above-mentioned compulsory deadline will not be taken into consideration, even if sent before this deadline. In any case, the delivery will be attested by the label affixed into the envelope by the Protocol Office of the CNR IBIMET.

The Contracting Authority will not pay any reimbursement, for whatsoever reason, to economic operators for the submitted documentation, which will be filed in the official record and cannot be returned to economic operators under any circumstances.

5.2) The envelopes.

The mail package, under penalty of exclusion from the procedure, will have to contain three different envelopes, each single one will have to be closed and sealed on the natural closure edges, with sealing wax or other suitable means (other suitable means shall be deemed stickers or tape adhesive), and countersigned on the flaps thereof, to ensure security against tampering. Each single one will also have to show the legal name and full address of tenderer, and the following specific text for envelopes A, B, and C: "**A- Administrative Documentation**"; "**B -Technical Offer**", and "**C- Economic Offer**".

For Economic Operators participating individually: in order to identify the origin of these envelopes, they must indicate, outside each envelope, the legal name and the full address of the tenderer.

The envelopes should also have the following label:

- **"ENVELOPE A: TENDER WITH NEGOTIATED PROCEDURES FOR THE PROVISION OF SERVICES IN SUPPORT OF THE RESEARCH AND DEVELOPMENT ACTIVITIES OF THE PROJECT ECOSCALE - TO BE PERFORMED AT THE INSTITUTE OF BIOMETEOROLOGY SASSARI, ITALY, OF THE NATIONAL RESEARCH COUNCIL OF ITALY — C.I.G. Z27132032E – ADMINISTRATIVE DOCUMENTATION".**
- **"ENVELOPE B: TENDER WITH NEGOTIATED PROCEDURES FOR THE PROVISION OF SERVICES IN SUPPORT OF THE RESEARCH AND DEVELOPMENT ACTIVITIES OF THE PROJECT ECOSCALE - TO BE PERFORMED AT THE INSTITUTE OF BIOMETEOROLOGY SASSARI, ITALY, OF THE NATIONAL RESEARCH COUNCIL OF ITALY — C.I.G. Z27132032E – TECHNICAL OFFER".**
- **"ENVELOPE C: TENDER WITH NEGOTIATED PROCEDURES FOR THE PROVISION OF SERVICES IN SUPPORT OF THE RESEARCH AND DEVELOPMENT ACTIVITIES OF THE PROJECT ECOSCALE - TO BE PERFORMED AT THE INSTITUTE OF BIOMETEOROLOGY SASSARI, ITALY, OF THE NATIONAL RESEARCH COUNCIL OF ITALY — C.I.G. Z27132032E – ECONOMICAL OFFER".**

For temporary joint ventures and for consortiums, constituted or prospective: in order to identify the origin of these envelopes, they must indicate, outside each envelope, the complete legal name and the

complete full address of:

- the agent company and/or one of the principal companies, in the case of temporary joint ventures, formed or forming, and/or one of the companies participating jointly in the case of consortia of bidders, as in art. 34, paragraph 1, letter. e) of Legislative Decree no. n. 163/2006;
- the Consortium, in case of ordinary consortium of art. 34, paragraph 1, letter. e) of the Legislative Decree no. 163/2006 already constituted or consortia under letters. b) and c) of art. 34, paragraph 1 of the Decree. N.163/2006.

The envelopes must have also the labels already described for companies participating individually.

5.3) The content of the envelopes.

5.3.1) ENVELOPE "A- ADMINISTRATIVE DOCUMENTATION"

Envelope "A", signed on the closing flap and called "A – Administrative Documentation", must contain the following documents:

- Participation application/Self-certification declaration (see Attachments A and A-bis) written on plain paper in Italian or English, attesting the possession of the requirements prescribed at the article 5 of this Letter of Invitation, using the facsimile forms prepared by the Contracting Authority.
- **In the case of joint ventures already formed:** a copy of the Articles of Association and the power of attorney to act on behalf of the Grouping.
- **In the case of Consortium that uses the requirements of its consortium members or participating on behalf of some associates,** a copy of the following documents:
 - 1) Articles of Association;
 - 2) Statute;
 - 3) Shareholders with an indication of the stakes;
 - 4) Any additional documentation by which it is possible to verify the relationships between the consortium and the consortium members.

All statements and documents, constituting the administrative documentation referred to in this article, will not have corrections and erasures and shall be signed by the legal representative or by an attorney of the legal representative (in this case the power of attorney must be attached).

Please remember that the signing of declaration in lieu is not subjected to authentication, but you need to attach to it a photocopy of an identity document of the subscriber valid for the current period (ex. Art. 38, paragraph 3, Presidential Decree 445/2000).

5.3.2) ENVELOPE "B- TECHNICAL OFFER"

Inside the envelope "B" shall be inserted the technical offer, prepared on plain paper in Italian or English, using the facsimile form (Annex B – Technical offer) prepared by the Contracting Authority, and giving details about:

- specification of the supply offer, in accordance with the requirements of article 2 of the Technical Specifications (Annex D).

The technical offer must be signed by the legal representative or by an attorney of the legal representative (in this case must be accompanied by power of attorney) and may also be avoid of any indication, reference, or mention (direct or indirect) of the economic offer.

5.3.3) ENVELOPE "C- ECONOMIC OFFER"

Envelope "C", signed on the closing flap and called "C- ECONOMIC OFFER", should contain the economic offer, prepared on stamp paper¹ in Italian or English, using the facsimile form (Annex C – Economic offer) prepared by the Contracting Authority, indicating the total amount of the economic offer, which will be the contract amount excluding VAT.

The economic offer must be signed by the legal representative or by an attorney of the legal representative (in this case must be accompanied by power of attorney), and the proposed price for the service requested must be written out both in full and in numbers, with a maximum of two decimals. If the economic offer will be indicated using three or more decimals, the amount will be rounded to the second decimal place up or down, in case the third decimal is equal or greater than 5 or below 5, respectively. In case of discrepancies between the numbers and the written out indication of the offer, the version in the best interest of the contracting authority will be held valid.

Moreover, the economic offer:

- should not contain conditions relating to methods of payment, delivery terms, limitations of validity or other elements in conflict with the requirements laid down in this Invitation letter and in the Technical Specification (Annex D);

- should not be plural, partial, undetermined or conditional, nor will impose restrictions and must contain specific commitments about:

- the validity of not less than 180 (one hundred eighty) calendar days from the date stated for receipt of tenders;
- maintaining a fixed and unchanged price until fulfillment of contractual obligations;
- the profitability of the same;
- the inclusion of any burden directly and indirectly, except the tax burden, which must be supported to run, according to the requirements of Technical Terms, according to its offering and workmanlike, the supply object of this tender, as well as all tasks necessary to ensure the obligations associated with the provisions on safety and protection of workers, all included and

¹ Valid for Italians and foreigners who have legal residency in Italy.

excluded nothing.

5.4) Reasons for being excluded from the tender.

Article. 46, paragraph 1-bis of Legislative Decree no. 163/2006, provides for the possibility of exclusion in all cases where it is breached the principle of confidentiality of tenders, referring to the hypothesis of absolute uncertainty about the origin of the offer, and to undamaged packaging, or to other irregularities relating to the closure of the packages, such as to indicate, according to the concrete circumstances, that the principle of secrecy of those tenders was violated.

With specific regard to the submission of tenders, and with regard to the identification of the tenderers, the exclusion will be consequential to the following violations:

- a) failure to indicate on the mail package the reference of the tender for which the offer is addressed;
- b) labeling the mail package with an indication totally wrong or generic, to the point that it is not possible to identify the package received as containing the offer for this tender;
- c) failure to seal the mail package and inner envelopes with airtight closing, to ensure their integrity and prevent it from opening without leaving tampering; to avoid doubts of interpretation, it should be noted that by "sealing" shall mean a seal bearing any sign or stamp affixed to plastic material such as wax or lead or strip glued, such that attests the closing mail package and the envelopes and certify the authenticity of the closure of the original sender, and, therefore, to exclude any possibility of tampering with the contents;
- d) absence on the envelopes inside the mail package of appropriate indication to identify the contents of the same (administrative documentation, technical offer, economic offer);
- e) failure to include the administrative documentation, the economic offer and the technical offer in separate envelopes, duly sealed, inside the package.

Art. 6) TENDER SELECTION CRITERIA.

The procedure will be awarded to the most economically advantageous tender in accordance with art. 83 of Legislative Decree no. 163/2006, on the basis of the criteria and maximum scores indicated below:

Criteria	Maximum Score
Technical offer quality	65
Benefits	5
Economical offer	30

6.1) Evaluation of the technical offer.

The evaluation of the quality of the technical offer will be made by the Evaluation Committee, according to the parameters given in the tables below in accordance with Appendix "P" of DPR October 5, 2010, no. 207. The correct quality/price ratio shall be restored in accordance with the provisions of Opinion n. 109, of 27/06/2012 of the Authority for the Supervision of Public Contracts (the so-called "riparametrazione"). In particular, the best technical offer will be awarded 70 points. The others will receive points, calculated using the following formula:

$$\text{Technical score} = (\text{final score of the technical offer in question} / \text{final score of the best technical offer}) \times 100$$

Sub-criteria for assessing the quality of the Technical offer	Maximum Score
1 – Technological solutions	35
Project plan development and milestones defined by the supplier (Reference no. 1)	10
Consistency and compliance with the instructions and guidelines reported in the technical specifications – Annex D(Reference no. 2)	10
Methodology used to develop the application software: techniques and tools used in the different phases of development of the application software(Reference no. 3)	8
Accessibility features of software application and user-friendliness (Reference no. 4)	4
Implementation of open source software solutions (Reference no. 5)	3
2 – Profile of the personnel resources	15
Expertise and experience of the personnel resources (Reference no. 6)	10
Professional profile of the personnel resources (Reference no. 7)	5
3 – Assistance and support (Reference no. 8)	2
4 – Delivery time (Reference no. 9)	8
5 – Technical specifications’ improvements (Reference no. 10)	5
Total	65

Sub-criteria for evaluating the benefits	Maximum Score
Quality of after-sale services (Reference 11)	5
Totale	5

The scores awarded to each sub-criteria will be based on discretionary scores (D) and objective assessment scores (O)

Reference 1 Project plan development and milestones defined by the supplier (max score 10)

- Excellent 10 (D)
- Good 8 (D)
- Sufficient 6 (D)
- Insufficient 4 (D)
- Largely insufficient 2 (D)
- Poor 0 (D)

Reference 2 Consistency and compliance with the instructions and guidelines reported in the technical specifications (max score 10)

- Excellent 10 (D)
- Good 8 (D)
- Sufficient 6 (D)
- Insufficient 4 (D)
- Largely insufficient 2 (D)
- Poor 0 (D)

Reference 3 Methodology used to develop the application software: techniques and tools used in the different phases of development of the application software (max score 8)

- Adequate methodology 8 (D)
- Sufficient methodology 5 (D)
- Insufficient methodology 2 (D)
- Inadequate methodology 0 (D)

Reference 4 Accessibility features of software application and user-friendliness (max score 4)

	– Excellent	4 (D)
	– Good	3 (D)
	– Sufficient	2 (D)
	– Insufficient	1 (D)
Reference 5	<u>Implementation of open source software solutions</u> (max score 3)	
	– Open Source software	3 (O)
	– Vendor-provided software	0 (O)
Reference 6	<u>Expertise and experience of the personnel resources</u> (max score 10)	
	– Excellent	10 (D)
	– Good	8 (D)
	– Sufficient	6 (D)
	– Insufficient	4 (D)
	– Largely insufficient	2 (D)
	– Poor	0 (D)
Reference 7	<u>Professional profile of the personnel resources</u> (max score 5)	
	– Excellent	5 (D)
	– Good	4 (D)
	– Sufficient	3 (D)
	– Insufficient	2 (D)
	– Largely insufficient	1 (D)
Reference 8	<u>Assistance and support</u> (max score 2)	
	– Remote and on-site assistance services	2 (O)
	– Remote assistance service	1 (O)
	– No assistance	0 (O)
Reference 9	<u>Delivery time</u> (max score 8)	
	– If the system prototype is ready for system testing within 6-7 months from the signing of the contract	8 (O)
	– If the system prototype is ready for system testing within 8-9 months from the signing of the contract	4 (O)
	– If the system prototype is ready for system testing within 10-11 months from the signing of the contract	2 (O)

- If the system prototype is ready for system testing within 12 months from the signing of the contract 1 (O)
- Reference 10 Technical specifications' improvements (e.g., software functionality, accessibility, easiness of use, performances) (max score 5)
- Significant 5 (D)
 - Valuable 4 (D)
 - Sufficient 3 (D)
 - Marginal 2 (D)
 - Not significant 1 (D)
- Reference 11 Quality of after-sale services (max score 5)
- Quality of after-sales services and personnel resources used for providing after-sale services max score 5 (D)

6.2) Evaluation of the economic offer.

The maximum score of 30 points (P_{OEmax}) will be awarded to the offer with the lowest price.

For the other offers, in accordance with Annex "P" of the D.P.R. 05/10/2010, n. 207, the score for the economic offer (P_{OE}) will be calculated using the following formula:

$$P_{OE} = P_{OEmax} \times V_{min}/V_i$$

where:

- V_{min} is the value of the offer with the lowest price
- V_i is the offer value of each economic operator.

6.3) Overall assessment of the offer.

Award of the contract will be assigned to the economic operator that, by adding the points awarded respectively to the technical offer, economical offer, and benefits, will obtain the highest total score.

Tenderers will be excluded from the present tender when they submit:

- offers where exceptions and / or conditions of any kind are included, relative to the conditions of the service provisions specified in Schedule Contract and/or Technical Specifications;
- offers subject to any conditions;
- offers that replace, amend and/or supplement the above mentioned conditions of offer which are

incomplete and/or partial;

- offers of services that are different, in a pejorative sense, by the provisions of the Technical Specifications and/or of the Contract Scheme.

Tenderers will be also excluded when:

- they are involved in objective situation, which are detrimental to the equal treatment between economic operators and/or detrimental to the confidentiality of tenders;
- They failed to provide the required documents or made false declarations. It should be noted, in this regard, that falsification of documents and false statements:
 - a) result in criminal penalties pursuant to art. 76 of Presidential Decree n. 445/2000;
 - b) are cause for exclusion from participation in this tender.

Please note that:

- In case of discrepancy between what is indicated in numbers and those in letters, the option that is more favorable to the Contracting Authority will prevail;
- In the event of tied scores within tenders found to be the first in the overall score, preference will be awarded to the offer with the highest score for technical offer. In the event of a further tie, the award shall be made in open session by drawing lots, pursuant to art. 77 R.D. 827/1924.

The Contracting Authority reserves the right to:

- a) do not proceed to award if no offer is convenient or appropriate in relation with the tender subject, in accordance with the provisions of art. 81, paragraph 3, of Legislative Decree no. 163/2006;
- b) award the contract even if there is only one valid offer after verification of the consistency of it, according to art. 9 of R.D. 827/1924;
- c) suspend, re-call or do not award the tender providing reasonable justifications;
- d) do not conclude the contract, even if the award occurred before, providing reasonable justifications.

It should be noted, finally, that:

- pursuant to art. 46 of Legislative Decree No. 163/2006, the Economic operators may be invited to complete or to provide clarification relative to the contents of the documents and statements submitted, with the power to assign to this end a mandatory period within which the economic operators must submit the request, under the penalty of exclusion from the tender;
- abnormally low tenders will be evaluated in accordance with Articles 86, 87, 88 and 89 of Legislative Decree no. no. 163/2006;
- the submitted tenders will bound economic operators for a period of 180 (one hundred eighty) calendar days from the deadline date for the submission of tenders;
- In case it is found, relative to this tender, that tenderers performed practices and/or antitrust agreements, prohibited under the existing applicable legislation - including Articles 81 et seq. of the EC Treaty and Articles 2 et seq. Law no. 287/1990 - the Contracting Authority reserves the right to assess the above mentioned practices, also referred to Article 38, paragraph 1, letter f) of Legislative Decree no. No. 163/2006 and Article 68 of R.D. n. 827/1924, and to decide the

exclusion of tenderers from participation in subsequent tendering procedures launched by the Contracting Authority itself, and having the same object of this tender. In addition, the Contracting Authority reserves the right to report to the competent authorities any evidence that could prove the practical realization in this tender of practices and/or agreements restricting competition in the market, also for verifying the existence of any type of criminally relevant behaviour, taking care to make available to the Authority any such documentation in its possession;

- the Contracting Authority will notify the Supervisory Authority of Public Contracts (AVCP) the information referred to AVCP Determination n. 1 of 10/01/2008.

Art. 7) AWARD PROCEDURE.

The procedural stages of the tender will be carried out by a special Selection Committee (hereafter Commission), specifically appointed in accordance with the provisions of art. 84 of Legislative Decree no. 163/2006. The Commission, in accordance with the terms contained in this Letter of invitation and the Technical Specifications (Annex D), will examine all documents received, will evaluate the offers and will make the merit ranking.

7.1) First stage.

The Commission will meet in an open session on the day

April 21, 2015 at 10:00 a.m.

at the local office of the IBIMET, National Research Council, Traversa La Crucca 3, 07100 Sassari.

The envelopes received after the deadline of submission or declared ineligible will be not open, but they will be filed in the official records. Complaints will not be accepted if, for any reason, the package containing all the tender documentation is not received by the date set by the notice.

At this first session of the Commission, as well as the following sessions open to the public (listed below), appointees in charge of economic operators may assist. Their names, in consideration of the procedures for third-party access at the National Research Council, must be notified by fax (079-2841599) or e-mail (d.murgia@ibimet.cnr.it), no later than the day preceding the date of the meeting, together with a copy of an identification document and an identification photo, as well as with the indication of its powers or the particulars of the special power of attorney.

Access and stay of the economic representative of the Operators in the office where the procedural stages of the tender will be carried out, are subject to full compliance with the procedures in force at the National Research Council and to the exhibition of the original of the aforementioned identification document.

The sessions of the tender might be suspended and updated at other hours or days, at the incontestable

discretion of the Commission, with no possibility for economic operators to stake claims on this regard.

The Commission will prepare special written reports to document each meeting.

The Commission, on the day set for the public session, in accordance with the provisions of this Letter of invitation, will declare the procedure open, and will proceed, also with further meetings if necessary, to assess the following requirements:

- to verify the conformity of proposals received in relation to the time of arrival and to the external formal requirements of the envelopes;
- to open the submitted proposals with the aim to verify the presence of envelopes "A", "B" and "C", as well as the integrity and external requisites of the envelopes.
- to open the envelope "A - Administrative Documentation", verifying and examining the contents, and expressing positive or negative admission of economic operators; if the result is negative, the Commission shall not proceed with the opening of the envelopes "B" and "C";
- to open the envelope "B - Technical Offer", submitted by the admitted economic operators, with the subsequent verification and recording of the submitted documents.

The public session will be considered complete at the end of the work mentioned above.

7.2) Second stage.

Afterward, in one or more closed sessions, the Commission will examine and evaluate the technical offers of economic operators admitted, according to the weighting factors as reported in art. 6.1 of this Letter of invitation, and in accordance with the Opinion n. 109 of 27/06/2012 of the Authority for the Supervision of Public Contracts for works, services and supplies, and will perform the resetting of the technical offers and benefits, according to Appendix "P" of Presidential Decree October 5, 2010, n. 207.

7.3) Third stage.

The next phase will take place in open session, disclosed to interested parties by fax or by email, at the same location specified for the first phase. In this session, the Commission will read the scores awarded to the technical proposal, and it will open the envelopes "C" – "Economic Offer" containing the offers, and will proceed to verify the completeness and correctness of the offers relatively to form and substance.

The Commission will proceed, then, to read out the economical offers in order to assign the appropriate score by applying the algorithm indicated in art. 6.2 of this Letter of Invitation.

The overall rating for each economic operator will therefore be determined by the sum of the scores awarded to the technical offer and benefits, and the score of the economical offer.

The Commission will verify, therefore, with regard to economic operators who declared the existence of a situation of control pursuant to ex art. 2359 of the Civil Code, the documents they have produced to demonstrate that this situation of control did not affect the formulation of the offer. Then, the Commission will proceed to exclude the economic operators for which is verified that its offerings are attributable to a single decision-making on the basis of unique items, as provided for the provisions of art. 38, paragraph 2,

of Legislative Decree no. 163/2006.

The Commission will then proceed to make the merit ranking on the basis of overall scores obtained by each economic operator and proclaim, in the possible absence of anomalous offers, the temporary award. Any anomalous offer will be identified by the Commission in the same session, in accordance with the provisions of art. 86, paragraph 2, of Legislative Decree no. No. 163/2006 and subsequent amendments, in case the score awarded to both the economic offer and the aggregate score awarded to the technical offer are equal to or greater than four-fifths of the corresponding maximum scores provided and set out in Article. 6 of this Letter of Invitation.

Art. 8) FINAL AWARD AND VERIFICATION OF REQUIREMENTS.

The provisional award is subject to approval by the Contracting Authority pursuant to art. 12, paragraph 1 of Legislative Decree no. 163/2006, within the period of thirty days from its receiving. After thirty days, the award is considered approved.

Within five (5) calendar days from the issuance of the order of the final award, the Contracting Authority will notify the same award to the first and second Operators in the ranking, and also to all subjects as provided in art. 79, paragraph 5, letter a) of Legislative Decree. N. 163/2006 and subsequent amendments. The Contracting Authority will also notify the economic operators that they were excluded from the tender, in accordance with art. 79, paragraph 5, letter b) of Legislative Decree. N. 163/2006 and subsequent amendments.

The Contracting Authority, within ten (10) calendar days from the conclusion of the operations of the tender, will also proceed to the verification of the technical and organizational capability requirements stated in the offer. The verification will be done on the successful tenderer and the competitor who resulted second according to the ranking, in accordance with Art. 48, paragraph 2, of Legislative Decree no. 163/2006.

The aforementioned tenderers must therefore provide the Contracting Authority, within ten (10) calendar days, with the documentation provided for in Article. 4.2.2 of this Letter of Invitation, as proof of the requirements stated in the offer.

In the meanwhile, the Contracting Authority will check the general requirements stated in the offer as a matter of course.

The final award will become effective after the positive verification of the possession of the prescribed requirements, pursuant to art. 11, paragraph 8, of Legislative Decree no. 163/2006.

Art. 9) PROCEDURES FOR THE SIGNING OF THE CONTRACT.

The successful tenderer will be required to submit to the Contracting Authority the following documentation, preliminary and necessary for the conclusion of the contract.

9.1) Final deposit.

A final deposit of ten (10) percent of the net contract, pursuant to art. 113 of Legislative Decree 163/2006, by means of a bank guarantee or an insurance policy guaranteeing payment or a guarantee issued by Financial Intermediaries (registered in the special list referred to in Article 107 of Legislative Decree no. 01/09/1993 n. 385, which play exclusive or predominant activity of issuing guarantees, authorized to do so by the Ministry of Economy and Finance), with authentic signature of the person issuing the guarantee.

The deposit will cover the cost associated with the failure or improper performance, and ceases to have effect at the date of issue of the official statement for a proper execution.

The guarantee, if given pursuant to art. 75, paragraph 3, of Legislative Decree no. 163/2006, must specifically provide for the waiver of the benefit of prior examination of the principal debtor, the waiver exception provided for in Article 1957, paragraph 2, of the Civil Code, as well as effectiveness of the guarantee within fifteen days from a written request made by the Contracting Authority.

Pursuant Article 113, paragraph 1 of Legislative Decree no. 163/2006, in case of an award downward more than ten percent with respect to the total alleged amount, the final deposit will be increased by many percentage points as there are those in excess of ten percent; whether the decline is greater than twenty percent, the final deposit will be increased by a further two percentage points for each point downward more than twenty percent.

Pursuant Article 7, paragraph 7, of Legislative Decree no. 163/2006, the amount of the guarantee will be reduced by 50% for the economic operators in possession of the certification of the quality system complies with European standards of the series UNI CEI ISO 9000. The above mentioned certification must be issued by accredited bodies, in accordance with European standards of the series UNI CEI EN 45000 and UNI CEI EN ISO / IEC 17000. To receive this benefit, the economic operator, during the tender, should notify the possession of the requirement, and should document the same in accordance with the provisions in force.

In case of temporary joint ventures or ordinary Consortium competitors or EEIG, this requirement must be fulfilled by all members of the group. In case of temporary joint ventures or Consortium the guarantee must be submitted:

- a) in the case of constituted temporary joint ventures by the agent company and have to be headed to the same;
- b) in the case of temporary joint ventures constituting, by one of the companies and have to be headed to all the companies of future grouping;
- c) in the case of the Consortium, by the Consortium itself.

9.2) Civil liability insurance policy.

A true certified copy of the insurance policy, made pursuant to Presidential Decree 445/2000, to cover the risk of liability towards third parties and towards workers employed, valid for the entire duration of the contract, provided with a valid receipt.

9.3) Traceability of financial flows.

The form "Information according to Law 136/2010" duly completed and signed.

Art. 10) TIME LIMIT FOR THE SIGNING OF THE CONTRACT AND FORM.

Once that the final award became effective, and without prejudice to the exercise of the powers of self-defense in all cases permitted by applicable laws, the award of the contract will take place within a period of sixty (60) days, in accordance with art. 11, paragraph 9, of Legislative Decree no. 163/2006.

The contract cannot be signed before 35 (thirty-five) days after the sending of the last of the notifications of final adjudication, pursuant to art. 11, paragraph 10, of Legislative Decree no. 163/2006, without prejudice to cases in art. 10-bis of that article.

The Contracting Authority also reserves the right to do not award the contract, that is, if the contract was already signed, to proceed with the resolution of the contractual agreement, if elements or relevant indications to the discretionary assessments permitted by law are acquired, so according to art. 10, paragraph 9, Presidential Decree 252/1998.

The contract will be concluded through private agreement pursuant to art. 334, paragraph 2, of the Presidential Decree 207/2010.

Art. 11) WARNINGS.

The Contracting Authority may proceed, at any time, to verify the statements issued by the economic operators and the requirements and certificates, in accordance with art. 38, paragraphs 3 et seq., of Legislative Decree no. 163/2006. In case the verification proves the untruthfulness of information provided by economic operators, the Contracting Authority will declare decayed the award, as well as will provide to inform the Judicial Authority, reserving the right, at its sole discretion, to issue a new tender or to entrust the service to the economic operator which is listed as second in the ranking, and this without prejudice of all damages that may arise to the Contracting Authority for any higher cost of the provided services. After 180 (one hundred and eighty) calendar days after the deadline for submission of tenders, Economic Operators can set themselves free from the offers by sending a formal written notice to the Contracting Authority. The loss of the requirements for admission after the signing of the contract constitutes condition for the resolution of the contract. For all matters not specifically provided for in this Letter of Invitation and in the Technical Specifications (Annex D), and its annexes, express reference is made to the current national and EU legislation.

Art. 12) GENERAL INFORMATION.

Communications relating to this procedure - including communications of exclusion - can be communicated to the interested economic operators by fax or by email indicated in the Participation Application/Self-certification declaration.

Each economic operator undertakes to communicate any changes of the information provided. Such communications of exclusion supersede any other form of notification by the Contracting Authority. This communication determines the starting point for time-limits for setting out the remedies of protection provided under law regulations. The submission of tenders, the request for documents, and the award of the procedure are not binding on the Contracting Authority nor are constitutive of rights for the economic operators. The Contracting Authority, by virtue of the powers of self-defense, reserves to itself the right to suspend, revoke or cancel the entire procedure at any stage of the same, even subsequent to the award, without the Economic Operators can be entitled for any claims. In case of suspension, revocation or cancellation of the tender, Economic Operators will not have any right for asking any refund or compensation, even under Articles 1337 and 1338 of the Civil Code. The Contracting Authority also reserves the right to make no final award for reasons of public interest and when the offer is evaluated not convenient, under art. 81, paragraph 3, of Legislative Decree no. 163/2006.

Art. 13) PRIVACY POLICY.

Under the terms and for the purposes of articles 7 and 13 of Legislative Decree no. 30 June 2003, n. 196 "Code concerning the protection of personal data", the Contracting Authority will collect, record, re-order, storage and use personal data, whether by electronic means or not, for the purposes of carrying out the institutional activities of the Contracting Authority, including participation in the procedure of this tender, and the possible signature and management of the contract, and for legal obligations in respect of which the THE provision of personal data is required. For these purposes such personal data may be disclosed to third parties. The holder of the processing of personal data is the Contracting Authority.

Art. 14) PERSON IN CHARGE FOR THE TENDER PROCEDURE

The person in charge for the tender procedure is Mr. Pierpaolo Masia, phone 079 2841520, Fax 079 2841599, e-mail p.masia@ibimet.cnr.it.

The Responsible of the CNR IBIMET Sassari
Istitute of Biometeorology
Dott. Pierpaolo Duce
