



TENDER TO AWARD A CONTRACT FOR THE DEVELOPMENT AND DELIVERY OF  
BASIC TRAINING COURSES IN COMPUTER FORENSICS FOR ANTITRUST CASE-  
HANDLERS, AS FORESEEN IN THE PROJECT

*"European Antitrust Training and Exchange Program in Forensic  
IT (EATEP\_FIT)" (ref HOME / 2010 / ISEC / FP / C2 / 4000001438)*

- TENDERING NOTICE -

TENDER No.:3554948    CIG No.: 3551633444

<p><b>DIREZIONE CENTRALE RISORSE UMANE E STRUMENTALI</b> <i>UFFICIO AFFARI GENERALI E CONTRATTI</i></p>	<p>TENDERING NOTICE TO AWARD A CONTRACT FOR THE DEVELOPMENT AND DELIVERY OF BASIC TRAINING COURSES IN COMPUTER FORENSICS FOR ANTITRUST CASE- HANDLERS, AS FORESEEN IN THE PROJECT</p> <p><i>"European Antitrust Training and Exchange Program in Forensic IT (EATEP_FIT)" (ref HOME/2010/ISEC/FP/C2/4000001438)</i></p>
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## **Article 1 – Foreword**

The Autorità Garante della Concorrenza e del Mercato (hereinafter Authority/Buyer) intends to award a contract for the development and delivery of the basic training courses in computer forensics for antitrust case-handlers, as foreseen in the project *"European Antitrust Training and Exchange Programs in Forensic IT (EATEP\_FIT)"*, whose proposal submitted under the EU Programme *"Prevention of and Fight against Crime 2010 – Call for proposals restricted to Framework Partners – Action grants within the framework partnership agreements"* was awarded a grant by the European Commission, Directorate-General Home Affairs, (ref. Specific Grant Agreement No. HOME / 2010 / ISEC / FP / C2-4000001438 on a Grant for an Action).

## **Article 2 – Awarding authority**

Autorità Garante della Concorrenza e del Mercato (hereinafter Authority/Buyer) – Piazza G. Verdi 6/A – 00198 ROMA – IT – [www.agcm.it](http://www.agcm.it)

## **Article 3 – Subject of the bid and presumed amount of the contract**

The tenderer must provide the design, development and provision of training courses focused on the use of FIT techniques and tools (Encase – Guidance Software Co., in particular), according to specifications detailed in the Technical Specifications document.

The presumed amount of the contract for its whole duration is 167,000.00 EUR, plus VAT.

## **Article 4 – Procedures and adjudication criteria**

The contract will be adjudicated by way of an open procedure below the community threshold, pursuant to Article 124 of the Legislative Decree 12 April 2006 No. 163, according to the criterion of the most economically advantageous tender, pursuant to Article 83 of the mentioned Legislative Decree and in terms of the criteria stated in the tendering documents and the related Technical specifications.

## **Article 5 – Variants**

No variants will be accepted.

## **Article 6 – Duration of the contract**

The contract will run from January 2012 until July 2014 included.

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## **Article 7 – Place of execution**

The place of delivery of the training courses is Brussels, barring any unforeseen circumstances at the premises of the EFTA Surveillance Authority (hereinafter ESA), 35 rue Belliard, 1040, Brussels (Belgium). ESA will provide a training room for a maximum of 10 attendees, equipped with 10 laptops running Windows 7 and Office 2007.

## **Article 8 – Conditions of access to the bidding procedure**

The bidding company's proposal must be accompanied by a declaration signed by the company's legal representative, as per Articles 46 and 47 of Presidential Decree No. 445/2000, together with a photocopy of a currently valid identity document of the person signing, who must declare:

1. That he/she has carefully read and understood the tendering documentation, as well as the rules governing the adjudication procedure and the execution of the related contract, which, whether adjudicated, will be respected in its entirety;
2. That he/she has considered and evaluated all the conditions relating to the services included in the request for proposals which may have a bearing on the offer and the contractual conditions, that he/she has considered all the general and specific circumstances having to do with the execution of the contract and has taken these into account in formulating the economic proposal;
3. That he/she possesses a certificate demonstrating membership of the professional register in his/her own country for the activities included in the request for proposal (please provide inscription number and date);
4. That the company possesses all necessary authorizations for carrying out the activities included in the request for proposal;
5. That the company and/or its legal representatives are not in any of the situations which would exclude them from participating in public bidding procedures under Article 38 of Legislative Decree No. 163 of 12 April 2006; for purposes of attesting to the possession of the requirement provided for by Article 38 (*m quarter*), the applicant must make the express declaration indicated in letter a) or letter b) of subparagraph 2 of this Article. In case of recurrence of the events referred to in letter b) above, the applicant must include (enclosed within the general Packet) a designated, sealed envelope containing documentation that demonstrates how the situation of control had no influence on the formulation of the bid. This envelope must be labeled as follows: ENVELOPE D) SITUATION OF CONTROL DOCUMENTATION. The envelope will be opened after the economic proposal has been opened;
6. That the company and its legal representatives have never been convicted with the benefit of the conviction being excluded from their criminal record (Article 38(2) of Legislative Decree No. 163/2006). In cases to the contrary, the company and its legal representatives must indicate any and all convictions that have been excluded from their criminal record;

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7. As proof of its technical capabilities – within the meaning of Articles 41 and 42 of Legislative Decree No. 163 of 12 April 2006 – the course catalog of the tenderer must include courses in *Forensic IT* (or *computer forensics*) for the end users. The company must provide a statement testifying to the fact that courses analogous to those indicated in Technical Specifications were held in 2009-2010-2011, and that the last year's revenue (exclusive of VAT) was no less than the amount involved in the tender;
8. To be in compliance with the laws on the rights of disabled workers, pursuant to Law No. 68/1999;
9. To be in compliance with the obligations prescribed in Legislative Decree no. 81 of 9 April 2008 (if not applicable, please explain).

\* \* \*

In the case of RTIs (Temporary Groupings of Companies), whether newly forming or already formed, the above declaration must be made by each member company in the group and, in the case of consortiums, by the consortium itself and each member company of the consortium.

It should be remembered that any false declaration:

- a) involves civil and criminal responsibilities and penalties pursuant to Article 76 of Presidential Decree no. 445/2000;
- b) constitutes grounds for exclusion from participation in this bidding procedure and subsequent bids for any kind of contract;
- c) constitutes grounds for withdrawal of the awarding of a contract (should the untruthfulness of the content of this declaration be ascertained only after the contract has been awarded);
- d) constitutes grounds for cancellation of the contract under Article 1456 of the Civil Code (should the untruthfulness of the content of this declaration be ascertained only after the contract has been signed).

As regards the truthfulness of declarations, the Authority reserves the right to make all necessary enquiries ex officio.

The above documents, if so required by the Authority, are to be presented as originals or certified copies as per Articles 18 and 19 of Presidential Decree No. 445/2000 as amended. In the case of RTIs (Temporary Groupings of Companies), whether newly forming or already formed, the above documents must be furnished by each enterprise in the group.

RTIs (Temporary Groupings of Companies), whether newly forming or already formed, and business consortiums are allowed to participate in compliance with the rules in Articles 34 and 37 of Legislative Decree no. 163/2006, pertaining to enterprises based in other EU member countries under the forms permitted in their host country.

RTIs (Temporary Groupings of Companies) are not allowed to participate if two or more members each possess all of the objective prerequisites required to participate in the tender,

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unless this joint participation is justified by objective reasons of a technical-organizational nature. The burden of proof for the existence of said conditions is on the applicant.

In the case of an already-formed RTI (Temporary Grouping of Companies), presentation of the bid must, under penalty of exclusion from the tender, be accompanied by an original or certified copy of the irrevocable collective mandate of representation granted to the agent company in the forms prescribed by Articles 18 and 19 of Presidential Decree No. 445/2000.

In the case of a Consortium, the bid must also be accompanied by the deed of association.

In regards to the prerequisites for the applicant company and designated professionals, recourse to the pooling mechanism is permissible pursuant to and in accordance with the procedures and conditions of Article 49, Legislative Decree No. 163 of 12 April 2006. In this case, the applicant company and the secondary companies must present the declarations prescribed in Article 49 of Legislative Decree no. 163 of 12 April 2006.

In the case of an RTI (Temporary Grouping of Companies), the requirements in points 1 through 6, 8 and 9 above are not cumulative. In relation to point 7, each participant must be in possession of the relevant certifications for the specific aspects of the service being entrusted to them.

Participants are forbidden to participate in the tender as a member in more than one temporary grouping or ordinary consortium of applicants, or to participate in the tender as a single company while simultaneously participating in the same tender as a member of a grouping or ordinary consortium of applicants, as prescribed in Article 37(7) of Legislative Decree No. 163/2006.

## **Article 9 – Presentation of the proposal**

A company wishing to participate in this bidding procedure must deliver to the Autorità Garante della Concorrenza e del Mercato – Ufficio Affari Generali e Contratti, P.zza G. Verdi, 6/A, 00198, Rome (ITALY) a Packet containing the documents mentioned in this tendering notice. Such Packet – on pain of exclusion and pursuant to art. 46(1bis) of the Legislative Decree no. 163/2006 – must be duly sealed, so as to guarantee the secrecy of the contents, with wax or glued paper strip, with adhesive tape or equivalent sealing method on all openable flaps, countersigned and with the bidding company's stamp; the Packet must also bear on the outside the name of the bidding company and the following wording:

**“Procedura aperta per l'affidamento del servizio del servizio di sviluppo ed erogazione di corsi di formazione di base in computer forensics per funzionari istruttori antitrust, come previsto nel progetto “European Antitrust Training and Exchange Program in Forensic IT (EATEP\_FIT)” (rif. HOME / 2010 / ISEC / FP / C2 / 4000001438)”**

The said envelope must be delivered by registered mail with a return receipt or delivered by hand or by a delivery agency and **must reach the Authority's Ufficio Protocollo**

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**(Registry Office), situated on the ground floor of the above-mentioned address no later than 4:00 p.m. on 18 January 2012,** on pain of unacceptability of the proposal. Opening time: from Monday to Thursday 9.00am-1.30pm and 2.30pm-5.00pm; on Friday 9.00am-1.30pm and 2.30pm-4.30pm.

The date of receipt of the Packet will be deemed to be the date stamped on it by the above Office.

After the above date, no proposal will be considered valid even if it replaces or adds to a previous one. Furthermore a proposal once presented may not be withdrawn.

A bidding company is bound by the proposal made for a period of 120 calendar days following the above cutoff date for the presentation of proposals.

Delivery of the Packet is at the sender's total and exclusive risk, any responsibility on the part of the Authority being excluded with regard to mail or other delays causing the deadline to be missed.

The Packet must contain the following three envelopes, duly sealed and bearing the name of the bidding company and bearing the following wordings:

**ENVELOPE A: DOCUMENTATION**

**ENVELOPE B: TECHNICAL PROPOSAL**

**ENVELOPE C: ECONOMIC PROPOSAL**

The General Packet may also include **ENVELOPE D: SITUATION OF CONTROL DOCUMENTS**, as per Article 8, point 5) of the present Tendering notice.

The envelopes must contain respectively what follows:

**ENVELOPE A – DOCUMENTATION:**

A.1) Application to participate, in which the applicant:

- indicates whether they are participating as a single Enterprise or as the member of an RTI (Temporary Grouping of Companies), specifying shares / type of participation for each Company;
- indicates, pursuant to Article 79(5 *quinquies*) of Legislative Decree No. 163 of 12 April 2006, the following: service address, electronic mail address and the fax number used for communicating with the contracting authority;

A.2) Declaration of the company's legal representative as to the requirements cited in Article 8, written in conformity with Articles 46 and 47 of Presidential Decree no. 445/2000, accompanied by a photocopy of a current identity document of the person signing;

A.3) copy of the "Disciplinare di gara" signed on every page by the participating company's legal representative to indicate acceptance of the contents [**Only the Italian text is**

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**authentic – you must sign the Italian document for acknowledgement];**

- A.4) copy of the “Capitolato tecnico” signed on every page by the participating company’s legal representative to indicate acceptance of the contents **[Only the Italian text is authentic – you must sign the Italian document for acknowledgement];**
- A.5) copy of the “Obblighi contrattuali” signed on every page by the participating company’s legal representative to indicate acceptance of the contents **[Only the Italian text is authentic – you must sign the Italian document for acknowledgement];**
- A.6) documentary evidence that a cautionary deposit has been created of Euro 3.340,00 (Three thousand three hundred forty euros), being 2% of the estimated amount of the bid. The cautionary deposit must be created in one of the ways and forms specified in Article 75 of Legislative Decree No. 163/2006.

If the guarantee accompanying the proposal takes the form of a cautionary deposit, the payment is to be made using the following bank details: Banca Nazionale del Lavoro Dipendenza di Roma Tesoreria C/Corrente n. 218280 presso 6382 ROMA TESORERIA IBAN: IT94 S010 0503 3820 0000 0218 280 Codice Swift/Bic: BNLITRR. The wording of the reason for the transfer must include the identifying code of the bid “CIG 3551633444 – gara a favore dell’Autorità Garante della Concorrenza e del Mercato”.

Where the transfer is made to the Authority’s current account, in order to facilitate repayment of the cautionary deposit, the number of the current account and the details of the bank branch for such repayment should be shown. The cautionary deposit made by the winning bidder shall be held by the Authority until the contract has been signed. Should the winning bidder not fulfil the obligations deriving from its win, the Authority shall proceed to confiscate the cautionary deposit, without the need for legal warnings, declaration of indebtedness or any further judicial or other formality.

Envelope A must also contain proof of payment for the amount of € 20.00 to the Autorità per la Vigilanza sui Contratti Pubblici di Lavori, Servizi e Forniture (AVCP, [www.avcp.it](http://www.avcp.it)): CIG 3551633444.

In the case of an RTI (Temporary Grouping of Companies), the surety bond in the form of a bank guarantee must be in the name of the group-leader company or a subject identified as the future group leader, and the bank guarantee must clearly indicate the names of the remaining group members.

- A.7) documentary evidence that a financial institution has issued a surety bond for the execution of the contract as per Article 113 of Legislative Decree No. 163/2006, should the bidder win the contract. In the case of a newly-forming RTI (Temporary Grouping of Companies), a single surety bond is required along with a single document attesting to the commitment of the guarantor. This type of document must be issued on behalf of each of the future RTI members, each of which must be identified individually within the context of the collective nature of their participation in the tender.



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A.8) in the case of an already-formed RTI (Temporary Grouping of Companies), an original copy or certified reproduction of the irrevocable collective mandate of representation granted to the agent company in the forms prescribed by Articles 18 and 19 of Presidential Decree No. 445/2000;

A.9) in the case of a Consortium, the deed of association;

A.10) in the case of pooling, the declarations referred to in Article 49 of Legislative Decree No. 163 of 12 April 2006 and an original copy or certified reproduction of the contract by virtue of which the secondary operator makes a commitment to the applicant to provide the qualifications and make the necessary resources available for the entire duration of the contract.

A.11) Certification of fiscal regularity (D.U.R.C.) as per Article 2 of Law-decree No. 210 of 25 September 2002, as converted from Law No. 266 of 22 November 2002, and as per Article 3(8) of Legislative Decree No. 494 of 14 August 1996, as modified.

In cases in which an applicant, for the possession of the financial and technical capabilities requested in point 7 of the Article 8 above, opts to pool (pursuant to Article 49 of Legislative Decree No. 163/2006) with another subject, the Packet must also include :

- a signed declaration issued by the other subject in accordance with Article 47 of Presidential Decree No. 445/2000, as indicated in point A.2), above, and the formalities attesting to the possession of the general requirements prescribed by Article 38 of Legislative Decree No. 163/2006 and to the following:
  - a) that it binds itself on behalf of the participant (indicated by name) and the contracting authority to provide resources that the applicant needs but is lacking and make them available for the entire duration of the contract;
  - b) that it is not participating in the tender independently or in an association, consortium or grouping pursuant to Article 34 of Legislative Decree No. 163/2006, nor does it find itself under a situation of control, as per Article 38(2), with any other enterprise participating in the tender, or otherwise to have indicated the name of the other applicant with which the declarer is in a condition of control ex Article 2359, Civil Code, and to declare that, in spite of this fact, the bids in question are not imputable to a single decision-making center;
  - c) (only for the pooling of enterprises in the same group) the existing legal and economic ties within the group to which the enterprise and the applicant both belong;
- original copy or authenticated reproduction of the contract by virtue of which the secondary enterprise binds itself to providing the participant with the requirements and to making the necessary resources available for the entire duration of the contract, (except as provided by Article 49(2, letter g) of Legislative Decree No. 163/2006.

Please remember that in the case of RTIs (Temporary Groupings of Companies), each one must submit the administrative documentation of specific concern to it in terms of the provisions of Article 8, above.

In the case of participation in an RTI / ordinary consortium of applicants that has yet to be constituted, the administrative documentation and declaration of intent to constitute an RTI must be completed and signed by each participating subject and every company to be

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included in the ordinary grouping / consortium of applicants that has yet to be formed (it may also be signed by power of attorney of the legal representative, in which case an original or officially notarized copy of the related proxy document must also be submitted. For non-resident enterprises from countries other than Italy, the CCIAA (Chamber of Commerce) certificate or other equally valid document bearing the details of the notary proxy and the specific powers granted to it should also be included.

### **ENVELOPE B – Technical Proposal**

The envelope containing the technical proposal should be labeled "ENVELOPE B," and its contents should include the technical proposal with a full program implementing the contracted service in full correspondence with the goals, description and subject described in Articles 2, 3 and 4 of the Technical Specifications.

The proposal should contain a detailed description of the elements detailed in Article 4 of the Technical Specifications.

### **ENVELOPE C – Economic Proposal**

The envelope labeled "ENVELOPE C" should contain the economic proposal for the service being addressed by the present tender, and it should be closed in the same way, under penalty of exclusion, as the general Packet and bear the name of the bidding company and the label "ECONOMIC PROPOSAL."

The asking price should be formulated in EUROS (exclusive of VAT) and should be written in numbers and spelled out in letters. In the case of a discrepancy between the price in numbers and the price in letters, the price in letters shall prevail. Bid increments are not admissible, under penalty of exclusion. It should also contain:

1. a breakdown of the asking prices for implementing the activities described in the Technical proposal, clearly indicating the main types or categories of professionals to be employed, the number of work days for each type or category and related unit prices;
2. the description and quantification (including unit prices, where appropriate) of the primary items of expenditure (remember that the bidding price includes all of the secondary fees (e.g., transfers) required for full implementation of the activities);
3. a summary table, which should provide a clear summary of the asking prices for the group of activities with breakdowns by primary cost items and implementation phases.

This documentation must be stamped, initialed on every page and signed by the legal representative.

The proposal, which must be written in Italian or English, must indicate the company name or name of the bidder, legal domicile, tax identification number and VAT identification number and must bear, under penalty of exclusion, the full legible signature (first and last name) of the company's legal representative or a proxy empowered to make legally-binding commitments on behalf of the enterprise (attach a copy of the special power of attorney) and the information from a valid form of identification.

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In the case of a newly-forming RTI (Temporary Grouping of Companies), the joint proposal must bear the signature of a Legal Representative from each of the grouping companies.

The company must specify the V.A.T. rate that applies to the service in question for the present tender.

In addition to the asking price, the Authority will also pay the V.A.T., if necessary.

For the compilation of the proposal to be considered correct, any corrections made to the numbers in question must be expressly confirmed and signed by a legal representative of the participating company.

Proposals that are conditional, partial or expressed in an indeterminate manner will be considered null and void.

### **Article 10 – Adjudication procedure**

**The criteria for adjudicating the bid** are the most economically advantageous tender, pursuant to Article 83 of Legislative Decree 12 April 2006, No. 163.

For the opening of the envelopes and the evaluation of the documents, declarations and proposals presented by the bidders, the Authority will set up an adjudication Commission.

The adjudication Commission will be set up on 19 January 2012 at 10 a.m. in the Authority's Ufficio Affari Generali e Contratti, in P.zza Verdi 6/A, Rome (Italy).

The public hearings of the Commission may be attended by only one representative of each bidder, who must have a valid identity document and a proxy signed by the Legal Representative along with a photocopy of the identity document.

The adjudication Commission will open the Packets and check and evaluate the contents in the following manner.

In public session the Commission will:

- check that the envelope has not been tampered with and arrived before the deadline; the envelope will be opened to check that Envelopes "A", "B" and "C" are present;
- open Envelope "A" to check the presence and content of the administrative documents requested;
- communicate the outcome of the verification of the administrative documents contained in Envelope "A",
- to carry out the drawing provided for by Article 48 of Legislative Decree No. 163/2006 for the purpose of sample-based verification of the economic-financial and technical-organizational capacity requirements, for which the randomly-selected applicant is then allowed ten days to present the requested documentation. Upon completion of the above verification, the tender participants shall be reconvened in a new public session.

**The date of the new public session will be communicated to the participants via fax or electronic mail and published on the purchaser profile ("profilo di committente") of the Authority.**

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In public session the Commission will:

- communicate the outcome of the verification procedure, pursuant to Article 48 of Legislative Decree No. 163/2006, and any resulting exclusion;
- open envelope "B" with the technical proposal and read the score assigned to each qualitative element of the proposal;
- open envelope "C" with the economic proposals and read the asking prices indicated by the applicants.

The Commission will then proceed to publish the final rankings.

In cases of a situation of control among the applicants, as per Article 38(2, letter b) of Legislative Decree No. 163 of 12 April 2006, the Commission will proceed to open Envelope D for this scope after the economic proposal has been opened.

In the case of bids that appear to be abnormally low, pursuant to Articles 124 and 86 of Legislative Decree No. 163/2006, the Authority will initiate verification proceedings while reserving the right to proceed simultaneously with the verification of the best proposals, up to fifth place in the ranking, in order to identify the best proposal within a normal price range.

In the case of irregularities of form, without prejudice to equal treatment of all bidders and in the interests of the Authority, the Company will be invited in writing, which may be just a fax, to complete the documentation presented or to provide any necessary clarifications.

The Authority reserves the right not to award the contract if an offer is not deemed suitable or cost-effective with respect to the subject of the bid.

At its own discretion, the Authority reserves the right to cancel the results of the procedure if, in its own unchallengeable judgement, it deems the objective of the exercise has not been met.

The Authority will advise the winner and those indicated by article 79(5) of the Legislative Decree no. 163/2006 within 5 days of adjudication.

The Authority is not liable to compensate and/or reimburse participants for any amount or for any reason whatever with regard to the bids presented.

## **Article 11 – Contract award criteria**

**The tender will be adjudicated** to the bid that is most economically advantageous as measured in terms of :

- **Quality.** Weight = 80
- **Price.** Weight = 20

### ***a) Technical assessment (maximum score 80)***

The minimum criteria for the quality of the bid are: 60% of the maximum score for each technical criterion, and 70% of the maximum total score for all criteria combined.

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Technical proposals will be evaluated on the basis of the following criteria. The assessment will be based on the information provided by the tenderer as requested in Article 4 of the Technical Specifications.

	%	Maximum score	Minimum required score
1) Coverage of the needs ( <i>see Article 4.1 of the technical specifications</i> )	37.5	30	18
2) CVs of named trainers ( <i>see Article 4.2 of the technical specifications</i> )	37.5	30	18
3) Methodology for the design and execution of the services ( <i>see Article 4.3 of the technical specifications</i> )	25	20	12
<i>Technical score</i>	100	80	56

***b) Economic assessment (maximum score 20)***

Economic proposals will be evaluated in accordance with the following formula:

$$\text{Economic score} = (\text{Lowest price} / \text{Bid price}) \times 20$$

***c) Adjudication of the contract***

The contract shall be adjudicated to the bidder with the highest point score:

$$\text{Total score} = \text{Technical score} + \text{Economic score}$$

The Buyer reserves every right not to proceed with adjudication of the contract for the present tender should, in its incontestable opinion, the requested services no longer be required or should the bids received be deemed inadequate.

The Authority reserves the right to determine whether the service should be adjudicated in the case that only one single bid is submitted.

The tender will be adjudicated to the company that submits the most economically advantageous tender, i.e., the highest scoring bid (the sum obtained by evaluating different qualitative and economic parameters), even in the case that only one single proposal is submitted as long as the Authority deems it to be congruent and economical.

In case of a tie, the process will then proceed in compliance with the prescriptions of Article 18(5) of the Ministerial Decree of 28 October 1985. For this purpose, a representative of the applicant should attend the session accompanied by the documentation testifying to their authority to represent the tenderer and reformulate its proposal.

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## **Article 12 – Handling of personal information**

Pursuant to Article 13 of Legislative Decree No. 196 of 30 June 2003, be advised that:

- a) personal information is handled for purposes of ascertaining the fitness of the applicants to participate in the contracting procedures for the service in question;
- b) handling of personal information shall take place at the Offices of the Entity, and shall entail the use of computerized systems in the manner and within the limits dictated by the aforementioned purposes, being characterized by full and proper respect for applicant rights and confidentiality;
- c) submission of this information is obligatory for subjects who intend to participate in the tender;
- d) failure to submit the information needed from purposes of admission will result in exclusion from the tender;
- e) the submitted information may be distributed within the Authority's office and communicated to other public entities or subjects in accordance with existing laws and regulations;
- f) the interested parties enjoy the rights defined in Article 7 of Legislative Decree No. 196/2003;
- g) the Tendering Entity shall act as the Data Controller.

## **Article 13 – Validity of the bids**

The participating enterprises shall be held to their offers for 120 days starting from the date scheduled for the opening of the envelopes, save as provided for by Article 6 ("Duration of the contract") of the present Tendering notice.

## **Article 14 – Disputes**

Any disputes that arise concerning execution of the contract shall be defined in terms of the corresponding articles of the Technical Specifications.

## **Article 15 – Regularization**

The adjudicating commission may in any case request the regularization of documents in relation to formal aspects or insignificant omissions in the interest of the Entity and the regularity of the tender.

## **Article 16 – Application of collective and sectoral employment agreements**

The winning enterprise(s) is/are obligated to apply the sector-based CCNL (National Collective Bargaining Agreement) to their employees in full, thereby ensuring legal and retributive conditions that are no less than those of existing CCNLs.

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## Article 17 – Other information

- I. the contracting Administration reserves the right to adjudicate even in the presence of only one single valid bid, as long as it is congruent and economical;
- II. all documentation must be written in Italian or English.
- III. participation in the tender implies the acceptance of all conditions and procedures contained in the tender documentation and technical specifications;
- IV. delivery of the Packet containing the documentation and proposals for participating in the tender remain at sender's sole risk, even should force majeure be responsible for its failure to arrive by the prescribed deadline;
- V. should the proposal present any discrepancies between numerical figures written in numbers and in letters, the indication expressed in letters shall prevail;
- VI. documentation related to the present tender can be accessed at the Internet website of the tendering Administration ([www.agcm.it](http://www.agcm.it));
- VII. requests for information of a technical and/or administrative nature should be addressed to the tendering Administration (contact: Francesca Bevilacqua – tel. no. +39 06 85821522 – email: [gare.contratti@agcm.it](mailto:gare.contratti@agcm.it), fax: +39 06 85821184); requests for either type of information must be submitted (by fax or email only) by and not after the date of **9 January 2012**.

Any clarifications and/or corrections to the tender documentation deemed necessary by the tendering Administration, such as additional information related to tendering procedures, will be published in electronic format on the internet site of the Administration. The applicants themselves, therefore, accept full responsibility for visiting this website prior to the submission of their Packet as per Article 9 above, in order to check for the presence of any new clarifications, corrections or specifications. Should the Administration's website malfunction or otherwise become inaccessible, any additional documentation that is issued will be communicated by electronic mail at the request of the enterprises in question.

- VIII. Any contestation of the present tendering documentation may be addressed, alternatively, by recourse to the competent Regional Administrative Tribunal (T.A.R. Regione Lazio, Via Flaminia, no. 189 00196 ROME) within 30 days of full cognizance.

The Manager Responsible

*Chiara Lacava*

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Pursuant to Articles 1341 and 1342 of the current Civil Code, the bidding Company declares it accepts the content of the Tendering Notice, of the Contractual Obligations and of the Technical Specifications on which the proposal has been submitted.

(Company stamp and signature of its Legal Representative)

**[Only the Italian text is authentic – you must sign the Italian document]**



<p><b>DIREZIONE CENTRALE RISORSE UMANE E STRUMENTALI</b> <i>UFFICIO AFFARI GENERALI E CONTRATTI</i></p>	<p>TENDERING NOTICE TO AWARD A CONTRACT FOR THE DEVELOPMENT AND DELIVERY OF BASIC TRAINING COURSES IN COMPUTER FORENSICS FOR ANTITRUST CASE-HANDLERS, AS FORESEEN IN THE PROJECT</p> <p><i>"European Antitrust Training and Exchange Program in Forensic IT (EATEP_FIT)" (ref HOME/2010/ISEC/FP/C2/4000001438)</i></p>
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Being well informed as to the rights and limitations specified in Legislative Decree no.196/2003 concerning "The protection of persons and other parties as regards the processing of personal data", by my signature appended to this request for proposals, I express my consent and authorize the Autorità Garante della Concorrenza e del Mercato to process my personal data, exclusively for the purposes of managing this bid procedure and the possible stipulation and management of a supply contract, as well as to file the same on the Authority's premises. Such data are required by express provisions of the law and regulations. As regards the processing of said data, bidding companies may exercise the rights stipulated in the above-mentioned Legislative Decree.

(Company stamp and signature of its Legal Representative)

**[Only the Italian text is authentic – you must sign the Italian document]**