

**Regulation to create an Economic
Operators Register to be consulted for
the procurement of goods, services and
works**

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Art. 1 Objective of the regulation

The present Regulation (**the Regulation**) intends to provide the rules to create and manage an Economic Operators Register (**the Register**) that the Italian Agency for Development Cooperation in Tunis (**AICS Tunisi/ the Contracting Authority**) will use to identify Economic Operator eligible to participate in the procurement of services, goods and works for the implementation of the development cooperation projects and programs financed by AICS in Tunisia, Libya, Morocco and Algeria.

AICS Tunisi is a regional office of the Italian Agency for Development Cooperation (AICS) established in Tunisia. AICS is an independent body operating under the supervision of the Italian Ministry of Foreign Affairs and International Cooperation.

It is regulated by Law n.125 of 2014, "General Discipline on International Cooperation for Development", which replaced the previous Law 49/1987.

With the present Regulation, AICS Tunisi intends to identify Economic Operators while guaranteeing transparent and systematic application of the selection criteria and with respect to the principles of non-discrimination, equal treatment, transparency, competition and turnover.

Art. 2 – Area of application

The Register will be used by AICS Tunisi to award contracts for the provision of services, goods and works within the framework of development cooperation projects and programs implemented by AICS Tunisi in Tunisia, Libya, Algeria and Morocco.

The requirements, specific tasks and expertise required to perform specific contracts will be detailed in Specific Terms of Reference, which will be sent out to eligible Economic Operators included in the Register, when AICS requires a service, a good or work provider. .

Art. 3 - Structure of the Economic Operators Register

The Register, structured in 9 different categories, will have a minimum duration of 48 months and will be updated every 6 months.

The following table provides the details for each category and the type of services that might be requested. The services herewith stated must not be considered exhaustive.



SERVICE CONTRACTS

Category n.	Title	Type of services	Category of interest [Yes/No]
Cat. 1	<p><u>Supply and management of human resources with specific technical expertise in:</u></p> <p>a) <u>Development cooperation (such as: identification, preparation, implementation and management of Development Cooperation Initiatives, coordination of development partners, Monitoring and Evaluation, Communication, Audit etc);</u></p> <p>b) <u>Office services (such as: cleaning, gardening, guard services etc);</u></p> <p>c) <u>Interpreting and /Translation services;</u></p> <p>d) <u>Trainings – Lecturers, including the relevant teaching and learning material;</u></p> <p>e) <u>Insurance for National and International Staff;</u></p>	<ul style="list-style-type: none"> - Supply of technical experts: recruitment process management, monitoring of contractual obligations, fee payments, local tax obligations. - Management of technical experts: monitoring of contractual obligations, fee payments, local tax obligations. - Carry out Development studies and reports. - Audit 	- [Y/N]
Cat. 2	<p><u>Supply of communication products and activities</u></p>	<ul style="list-style-type: none"> - Brand identity products, such as ad hoc graphic projects including brochures, banners, gadgets, photos, videos, publications and other visibility materials (from design to production), purchase and managements of visibility slots (radio, tv, newspapers and magazines, advertising boards, ...), Audio-video production. 	- [Y/N]
Cat. 3	<p><u>Logistic support</u></p>	<ul style="list-style-type: none"> - Supply of services such as: venues 	- [Y/N]

		<ul style="list-style-type: none"> selection, audio services, interpreting, transport, catering, accommodation. - Supply of airline tickets. - Supply of Taxi Transportation. - Booking of hotel rooms. - Car rental. - Customs clearance Services. - Travel Insurance Services. - 	
Cat. 4	<u>Technical Consultancy</u>	<ul style="list-style-type: none"> - Qualified personnel for technical advice, studies/investigations and for programs design (construction engineer, doctor, financial, lawyers etc.) 	- [Y/N]
Cat. 5	Monitoring and Evaluation <u>Agency</u>	<ul style="list-style-type: none"> - Monitoring and Evaluation of AICS Initiatives/programs 	- [Y/N]
Cat. 6	Financial audit services	<ul style="list-style-type: none"> - Financial monitoring and Audit 	- [Y/N]
Cat. 7	Insurance agencies	<ul style="list-style-type: none"> - Health insurance for AICS local and international personnel - Office equipment Insurance - Travel insurance 	- [Y/N]
Cat. 8	Private Security Companies	<ul style="list-style-type: none"> - supply of security guards, installation of video surveillance systems and alarms etc. - Security Services. 	- [Y/N]
SUPPLY CONTRACTS			
Cat. 9	<u>IT services</u>	<ul style="list-style-type: none"> - Supply, installation and maintenance of IT equipment, software and services: Internet Modem, Router, Uninterruptable Power Supply (UPS), VoIP Phones., Desktop and Notebook Computers. , Headsets, Servers., Multi-Function Printers, Projector Big Screen TV etc. 	- [Y/N]
Cat. 10	<u>Office Furniture's and Maintenance</u>	<ul style="list-style-type: none"> - Supply and maintenance of office furniture and equipment's: Work Station, 	- [Y/N]

		Storage Furniture, Seating Pieces etc.	
Cat. 11	<u>Office Stationery</u>	- Supply of office Stationery: Pens, Highlighter, Permanent marker, Pencil, Notebooks, ruled paper, Stapler and staples, Plastic pockets, Arch folders, Folder dividers, Post-Its, Scissors, Calculator, Printer toner, Envelopes, Printer paper etc.	- [Y/N]
Cat. 12	<u>Cleaning Supplies and Equipment</u>	- Supply of office Cleaning Supplies: Vacuum and vacuum bags, Bucket(s) and plastic tote, Bathroom cleaners, Dish, Floor cleaner, disinfectant cleaners, Dryer sheets, Room freshener, disinfestation, etc.	- [Y/N]
Cat. 13	Fuel for office vehicles	- Supply of fuel for office vehicles	- [Y/N]
Cat. 14	Gardening items	- Supply of: Wheelbarrow, Dibber, Digging Spade, Garden Trowel, Fork Hoe, Garden Knife, Garden Secateurs, Heavy Duty Hoe.	- [Y/N]
OPERATORS FOR WORKS CONTRACTS			
Cat. 15	Small building works	- repair of electric and hydraulic lines, painting of walls, construction of small infrastructural works etc.	- [Y/N]

Interested Economic Operators will have the possibility to enroll in each category of interest, provided that they are able to proof their previous experience in each category.

The Contracting Authority may decide to expand the list of categories of the Register. In that case the Contracting Authority will publish a notice to inform the public about the expansion of the Register and the opportunity to submit a new registration request.

Art. 4 –Eligible Economic Operators

Non for Profit Organizations, Companies or other competent organizations may be eligible for the enrolment in the Register, provided that they are duly registered in Tunisia and/or Libya and/or Morocco and/or Algeria according to the competent national regulations and can therefore carry out relevant activities in the Country and provide evidences of experience related to the scope of each category of the Register.

The Contracting Authority has selected 3 macro-categories of Economic Operator eligible to be enrolled in the Register:

1. Company
2. Non for Profit Organizations,
3. Free-Lance Consultant

Art. 4.1 - Admission criteria

Interested Economic Operators must comply with administrative, legal, technical and financial criteria listed in the annexes A and B. If any of the requirements, are not satisfied, the request of the Economic Operator will be rejected. Before formalizing the rejection, the Contracting Authority may consider the possibility to request additional documentation to the interested Economic Operator to complete its registration request.

Specifically, in order to demonstrate the compliance with the required criteria, the Economic Operators shall submit the following documentation:

1. **“Annex A – Self Declaration Form” and related ID cards of person in power of attorney.**
2. **“Annex B – Registration Form” and related documents; certificate of registration and related documents as foreseen at Annex B point 7.**
3. **Annex C- Informative Note on The Protection Of Personal Data**

The documentation includes a number of self-declaration statements, the selection of the category of interest and a form for the description of the most relevant previous experiences and contracts performed in the last 3 years.

AICS will check the compliance of the documentation received with the instructions given in “art. 4 – Admission criteria and eligible economic operators”. Failure to comply with these requirements will lead to a negative evaluation of the Economic Operator’s candidature and its exclusion from the Register. In addition to this, Economic Operators (EO) guilty of making false declarations will not be included in the Register.

In case of positive assessment, the Economic Operator will be included in the Register and informed accordingly within 30 working days from the submission. In case any clarification or additional documentation is required, the EO will be contacted within 20 working days from the date of submission. If the Economic Operator will not be contacted by the Committee within 20 working days, its submission will be deemed as rejected.

There is no deadline to apply for the registration in the Economic Operators Register. AICS Tunis will constantly update the register based on the new registration requests received.

The inclusion in the Register will remain valid for the following 48 months.

By signing the self-declaration in Annex A.3 attached to this regulation, the interested Economic Operator will have to provide evidence, that it does not fall under any of the following categories:

- a. bankrupt, or being wound up, or having its affairs administered by the courts, or entered into an arrangement with creditors, or suspended its business activities, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b. is subject of proceedings for a declaration of bankruptcy, for winding- up, for administration by the courts, for an arrangement with creditors or for any similar procedure provided for in national legislation or regulations;
- c. the company, or persons having power of representation, or decision making, or control over them is been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- d. is guilty of severe professional misconduct proven by any means which the contracting authority can justify;
- e. the company, or persons having powers of representation, or decision making or control over them, is been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in criminal organization, money laundering or any other illegal activity;
- f. is not in compliance with its obligations relating to the payment of social security contributions, or payment of taxes in accordance with the legal provisions in the country of registration;
- g. is not affiliated to any criminal organization (In case of awarding, the Contracting Authority reserves the right to verify that the information provided is reliable and true, also through the diplomatic channels, before proceeding with the signature of the Contract).

Art. 5 - Registration modality

Economic Operators (EOs) can submit their expression of interest for the inclusion in the Register, by completing the documentation available at web pages:

- <https://tunisi.aics.gov.it/> section “Trasparenza/Registro Operatori Economici”,

and sending it to the following address:

Address for hand delivery
AICS Tunis Regional Office
1, rue Harroun Errachid, Mutuelleville –
1002 - Tunis, Tunisie

Email Address (Annexes A-B-C must be submitted in pdf format)

tunisi@pec.aics.gov.it

and in copy to:

segreteria.tunisi@aics.gov.it

sonia.gheribi@aics.gov.it

Art. 6 – Update of the Register

Each Economic Operator will be contacted every 48 months to confirm or update the information provided at the time of its application in order to keep their registration status valid.

Each Economic Operator will be reached via email 40 working days before the end of the 48 months period to update its profile and to renew the subscription request.

If, following the communication sent by AICS Tunisi, an Economic Operator will fail to update or confirm its subscription it will be cancelled from the Register. In this eventuality AICS Tunisi will communicate the completion of the cancellation procedure to the interested Economic Operator. The cancellation procedure will be performed in accordance to Art. 9 of the Regulation.

In any case, each Economic Operator is required to communicate to AICS Tunisi any change related to its professional status or category of interest that may affect its participation in a procurement procedure.

Art. 7 - Control procedure

AICS Tunisi will perform periodic random audits, including for example the request of an updated National Registration Certificate, to verify the validity of the administrative requirements of the registered Economic Operators. If an Economic Operator will fail to pass the random audit, it will be cancelled from the Register and will be informed accordingly.

While performing the procurement procedure for awarding a contract, AICS Tunis will control the original documentation submitted by the Economic Operator, who will also have to provide a self-declaration to confirm the current validity of the documentation originally submitted.

The same control procedure will be applied to the Economic Operator proposed for the awarding

of the contract at the end of any selection procedure. Failure to pass this control due to false self-declaration will result in cancellation from the Register and the withdrawal of the offer from the contract award procedure.

Art.8 – General information

Economic Operators interested in subscribing to the Register can request additional information or clarifications on the procedure through email, by contacting AICS Tunisi office at the following address:

tunisi@pec.aics.gov.it

and in copy to:

segreteria.tunisi@aics.gov.it

sonia.gheribi@aics.gov.it

Art. 9 – Length of subscription and cancellation from the Register

Economic Operators registration will remain valid for the entire duration of the Register, as per Art. 6, or until a cancellation procedure takes place.

Cancellation from the Register may happen in the following cases:

- The Economic Operator fails to provide evidence of the administrative, technical and economic requirements requested during the registration procedure or during the evaluation phase of a specific contract procurement procedure;
- The Economic Operator fails to update the details of its application in accordance with Art.6 of the Regulation;
- There is a clear negligent behavior by the Economic Operator towards the Contracting Authority during the execution of a contract;

In all these cases, the Contracting Authority will send a written communication to the Economic Operator providing the motivations behind the cancellation decision. Any reply from the Economic Operator must be sent within 10 working days from the receipt of the cancellation communication. After the expiry of the above mentioned 10 working days, the Contracting Authority will express the final decision on the cancellation procedure. The registration will remain suspended during the cancellation procedure period until the termination of the procedure.

The completion of the cancellation procedure will lead to erasing the Economic Operator from the Register and from all the categories of its interest.

The cancellation procedure may also be initiated following a direct request by the Economic Operator.

Art. 10 – Register management criteria

All communications between the Contracting Authority and an Economic Operator related to the cancellation procedure, the invitation to participate in a “request for proposals”, the completion of the procurement procedure or others, will be executed through mail.

Economic Operators will be invited to “request for proposals” in compliance with the principles of rotation, equal treatment, proportionality, transparency, competition and turnover.

Art. 11 – Management of Economic Operator data

All information provided by the Economic Operator will be used only for completing the registration or cancellation procedures, the transmission of “request for proposals” or the execution of procurement procedures, while guaranteeing the highest level of privacy of the Economic Operator data. All information will be stored in a hardcopy and softcopy archive in the Contracting Authority office. The Economic Operator has the right to request changes in the data stored in case these might be incorrect.

Art. 12 – Advertisement

The notice for the creation of a Register of Economic Operators will be published on the websites: <https://tunisi.aics.gov.it/> section “Trasparenza/Registro Operatori Economici”

Art. 13 – Entry into force

The present regulation will enter into force the day of its publication on the website <https://tunisi.aics.gov.it/> section “Trasparenza/Registro Operatori Economici”.