



Prot. n. 10/2020

CIG SIMOG 8263286752

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Sydney NSW 2000 - Australia
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**TO: I.L.C.A. Italian Language and Cultural Association
12/9 Goomerah Crescent Darling Point NSW 2027 ,
email: ilcasydney2020@gmail.com**

LETTER OF INVITATION

RE: Invitation to participate in a tender for the award of the contract for the supply of Teachers of Italian Language and Culture who will run courses of Italian Language and Culture organised by the Istituto Italiano di Cultura (Italian Cultural Institute) in Sydney, from 01/10/2020 to 31/12/2022, pursuant to section 35, 36 and 216, paragraph 9 of Legislative Decree (D.L.gs) 18 April 2016 n. 50 as amended by Legislative Decree (DM) 56 of 19 April 2017.

As a result of the publication of the tender on the website of the **Istituto Italiano di Cultura** (Italian Cultural Institute) in Sydney ("**Client**") from 25/02/2020 to 01/04/2020 (deadline), after which potential participants in the tender ("**Participants**") have been identified, you are invited to submit an offer for the award of the service in question ("**Contract**"), as specified below.

Deadline for the submission of offers: 01 May 2020, 12.00 noon

- 1. Object, basis of the tender, duration and amount of the contract.**

- 1.1 The tender relates to the award of the contract for the supply of teachers of Italian language and culture ("**Service**") to the **Istituto Italiano di Cultura** (Italian Cultural Institute) in Sydney from 01 October 2020 to 31 December 2022, as specified in the annexed draft contract (Model Contract *Annexure 1*).
- 1.2 The courses of Italian Language and Culture ("**Courses**") will be run at the premises of the **Istituto Italiano di Cultura** (Italian Cultural Institute), located in 125 York Street, Sydney ("**Premises**"), or another venue in the City of Sydney as per the operational requirements of the Institute
- 1.3 The tender price is AUD 60.00 (sixty Australian dollars) per hour of teaching ("**Tender Price**"). This amount is inclusive of any employee entitlements, including Superannuation and insurance costs of the Teachers employed by the Economic Operator (Participant) who will be awarded the Contract, as better regulated by the attached Contract Model . No other charge or expense will be charged to the Client. The contract will be awarded by selecting the lowest offer with respect to the base price set out at AUD 60,00 (sixty) for each hour of teaching
- 1.4 The **Istituto Italiano di Cultura** (Italian Cultural Institute) estimates the value of the Service at **190,080 AUD**, equivalent to 116.015,63 EUR (based on the Banca d'Italia's exchange rate on 24.02.2020), all-inclusive, to be paid in fortnightly instalments.
- 1.5 The total value of the contract-service payable by the **Istituto Italiano di Cultura** (Italian Cultural Institute) to the Economic Operator for the period 01/10/2020 to 31/12/2022.

2. Minimum requirements to participate in the tender

- 2.1 The Economic Operators admitted to participate in the tender must possess the requirements specified in section 45 of Legislative Decree 50/2016, which are listed below:
 - a) requirements of a general nature (section 80 of Legislative Decree 50/2016, as amended by Legislative Decree 56/2017);
 - b) requirements of professional competence, economic and financial capacity and professional technical skills, as per section 83 of Legislative Decree 50/2016 and as amended by Legislative Decree 56/2017.

(The complete text of Legislative Decree 50/2016 is housed and can be viewed here: http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2016-04-19&atto.codiceRedazionale=16G00062)
- 2.2 Economic operators who fall within one of the grounds of exclusion pursuant to section 80 of Legislative Decree 50/2016 as amended by Legislative Decree 56/2017 are not allowed to participate to the tender.
- 2.3 Economic operators who fall within one of the grounds of exclusion contained in *Annexure 3* and do not possess the special qualification requirements indicated in *Annexure 2* and in *Annexure 1* (Contract Model) are excluded from this procedure.

- 2.4 The absence of grounds for exclusion and the possession of special qualification requirements are attested by a statutory declaration completed following the sample contained in *Annexure 3*.
- 2.5 The Participants authorise the Client to confirm with the competent local authorities the veracity of the declarations and/or statements made by the Participants with respect to the requirements to participate to the tender.
- 2.6 The Participants must hold an adequate insurance cover against professional risks.

3. How to lodge the relevant documentation

All the statutory declarations required for the purpose of participating in this tender must be in plain paper, signed by the person submitting the declaration (legal representative of the Economic Operators, or other person with the power to validly and legally bind the Economic Operators) pursuant to section 46 and 47 of Presidential Decree 20 December 2000, no. 445, a copy of which is housed and can be viewed here:

http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2001-02-20&atto.codiceRedazionale=001G0049&elenco30giorni=false.

Every statutory declaration must be accompanied by a copy of a valid ID of the person signing of behalf of the Participants.

4. Award criteria

- 4.1 The criterion upon which the Contract will be awarded is that of the lowest price.
- 4.2 The contract will be awarded by selecting the lowest offer with respect to the base price set out at 60.00 (sixty) AUD for every hour of teaching (no offer exceeding this amount will be taken into consideration) by the teachers employed by the Economic Operator.
- 4.3 Once the deadline for the submission of the offers has expired, the offer will be subject to the evaluation of the person responsible for the procedure (“RUP”), assisted by the chief administrative officer of the Client - who will also act as a first witness - and by a second witness chosen within the staff of the Client.
- 4.4 The Client will proceed to award the Contract even in the presence of only one valid offer, provided that it is deemed appropriate and convenient. In this regard, the Client can request clarifications with respect to the offers received.
- 4.5 Should offers with the same Tender Price be submitted, the Client will ask the Economic Operators to bring down their offers.

5. Submissions methods and criteria for the admissibility of the offers

- 5.1 The package containing the offer ("**package**") completed in three envelopes (as better specified below), under penalty of exclusion from the tender, must be duly sealed, sent by registered post to the address indicated in this letter of invitation and received by 12 noon on 01/05/2020.
- 5.2 The package can also be delivered by hand to the Client's address at Level 4, 125 York Street, Sydney NSW 2000, no later than 12:00 noon of 01/05/2020, Monday to Thursday between 09.30 and 18.00, and Friday between 09.30 to 13.00.
- 5.3 The timely delivery of the Package remains exclusive responsibility of the Participants.
- 5.4 The package containing the three envelopes must be marked "DO NOT OPEN – TENDER OFFER FOR THE ADJUDICATION OF THE CONTRACT FOR SERVICE WITH RESPECT TO THE SUPPLY OF TEACHERS TO THE IIC, SYDNEY".
- 5.5 The package, fully sealed with adhesive tape on the closing flaps, must contain three more envelopes, also sealed, bearing the header of the sender as well as a brief description of their content:

Envelope n. 1: Administrative documentation (*Annexure 3*)

Envelope n. 2: Technical offer (*Annexure 2*)

Envelope n. 3: Economic offer (*Annexure 4*)

5.6 Envelope no. 1 must contain the following documentation (*Annexure 3*):

1. Statutory Declaration
2. Document proving the requirements for the participation in the tender
3. Privacy information

In case of incompleteness or any other substantial irregularity in the required documentation, the Client may grant to the Participant a period of time, not exceeding 10 (ten) days, for the necessary documentation to be submitted, completed, integrated or regularized. Should the deadline not be met by the Economic Operator, this will be excluded from the tender. Any fault in the documentation that does not allow the identification of the content or of the person responsible constitutes a fundamental irregularity and cannot be remedied.

5.7 Envelope no. 2 must contain (*Annexure 2*):

The Technical Offer indicating:

- (a) That the Participant will guarantee a number of Teachers that is adequate to run the Courses, with a minimum number of 50 Courses per year, divided as follows:
 - I. beginner, intermediate and advanced level
 - II. conversation courses
 - III. culture courses
- (b) The professional qualifications of the Teachers who will run the Courses. In this respect, the Teachers:

1. must not have criminal convictions;
2. must meet the legal requirements to be able to work in Australia;
3. must be native speakers of Italian;
4. must hold a bachelor's degree;
5. must have a certificate attesting their competence in teaching Italian to non-Italian speakers or, alternatively, have at least 150 hours of proven experience in teaching Italian as a foreign language.

5.8 Envelope no. 3 must contain (Annexure 4):

The Economic Offer declaration must be signed in a legible form by the legal representative of the Economic Operator or by any other person holding power of attorney. The offer must be equal to or lower than the Tender Price (AUD 60.00 per hour of teaching). Offers of an amount higher than the Tender Price will not be accepted.

6. Adjudication criteria

The adjudication criterion is based on the offer with the **lowest price**.

7. Selection procedure

- 7.1 The offers received will be publicly opened on **06 May at 10 am** at the Institute's Premises (Level 4, 125 York Street, Sydney NSW 2000).
- 7.2 This letter of invitation is valid as a formal invitation to the public session that can be attended by the legal representatives (or specifically designated persons) of the Participants.
- 7.3 During this session the RUP, in the presence of two witnesses:
 - (a) will consider the regularity of the package's arrival and their integrity;
 - (b) will open the envelope, examine the documentation and verbalize the offers received.
- 7.4 The outcome of the tender will be communicated through a letter which will be sent to the Economic operator who will win the tender.
- 7.5 Within 7 days from the receipt of the letter, the Client and the Economic Operator who has won the tender must sign the Contract.

8. Further rules for the selection procedure

- 8.1 Any substantial or formal irregularity in the documentation will invalidate the offer itself, which will remain excluded from the procedure.
- 8.2 The submitted documentation will not be returned.
- 8.3 The Client reserves the right to verify at all times the existence of all the requirements for the participation to the tender, in particular with respect to the professional qualifications of the Teachers that may be proved by providing employment contracts.

9. Miscellaneous

- 9.1 No conditional offers or offers that are equal to or greater than the Tender Price will be considered.
- 9.2 This procedure does in no way bind the Client, who will communicate through the RUP the results of the tender to the Participants by registered mail.
- 9.3 In the event of disputes, the laws applied will be the laws of New South Wales. Forum competent is that of Sydney.
- 9.4 Under Article 17 of the D.M. 392/95 as amended by the D.I. n. 211 of 03.12.2005, the Client reserves the right to supervise the teaching standards applied within the Courses.
- 9.5 Failure to execute the Services according to a schedule approved by the Client before the beginning of each semester, carrying out an activity contrary to the rules and institutional goals of the Client or which may damage its image, or being in breach of any other contractual obligations, will result in the termination of the agreement. In this regard, the following violations are to be considered serious breaches:
- i. violation of the Code of Conduct for Public Employees, Presidential Decree April 16, 2013 no. 62, a copy of which is housed and can be viewed at:
<http://www.gazzettaufficiale.it/eli/id/2013/06/04/13G00104/sq>
 - ii. violation of the MAECI Code of Conduct, D.M. 18.09.2014, a copy is housed and can be viewed at:
<https://www.esteri.it/mae/resource/mae/2014/09/codicedicomportamentomaeci.pdf>
- The above rules are applied to the selected Economic Operator.
- 9.6 The Client guarantees the protection of personal data provided by the Participant in accordance with Italian laws concerning the protection of individuals with regard to the treatment of personal data, as long as it does not come into conflict with NSW laws, in which case the latter will prevail.
- 9.7 The selection procedure of the Participant is ruled by Italian law.
- 9.7 Any clarification regarding the tender process can be addressed to the RUP, Lillo Teodoro Guarneri, by 07/08/2018, by sending it to: admin.iicsydney@esteri.it.
- 9.8 All the participants will receive an individual answer, in anonymous form - in order to protect the integrity and confidentiality of the selection procedure - to their requests for clarification within 4 days from the deadline to submit the offers.

Annexures:

no. 1: model of Contract – *Service Agreement*

no. 2: model of *Technical Offer*

no. 3: model of *Administrative Documentation*

no. 4: model of *Economic Offer*

Sydney 08/04/2020

R.U.P.
Lillo Teodoro Guarneri

