

Rome, 7/02/2020

Ref. no. 4428\_2020

Sent by e-mail

**JATO Dynamics Limited**

HUNTON House, Highbridge Industrial Estate,  
Oxford Road, Uxbridge, UB8 1LX

**Subject: Negotiated procedure for the conclusion of a contract whose object is an automotive comparison and configuration database - CIG 8194850C24 - Request for Proposal**

By means of a "Contract Notice" signed on 23/12/2019, Consip S.p.A. a single-member joint stock company (hereinafter also *Consip*), has determined to acquire an automotive comparison and configuration database (hereinafter also *the Service*) and its relative services.

Consip S.p.A. considers this concession applicable and in accordance to Italian procurement regulation (Legislative Decree n. 50/2016 art.63 comma 2 lett. c) and EU regulation (Directive n. 2014/24/EU art. 32 comma 2b), where Consip's assessment has determined that, hence the very specific technical and sector-related characteristics of the Service, there are no other bidders or economically viable solutions available. Therefore the Service required can be entirely awarded to JATO Dynamics Limited.

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In this Request for Proposal, Consip S.p.A. intends to award a Contract – the subject of which is access to an automotive comparison and configuration database for a 12 month period.

By signing the Contract, the Company is assuming an obligation to provide the Service referred to above. The Contracting Authority is Consip S.p.A.

The Contract will not contain an arbitration clause.

In accordance with art. 31 of Italian Legislative Decree no. 50 of 18 April 2016, Ms. Claudia Rogo is appointed as the person responsible for the procedure.

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Given the aforementioned considerations, the Company is required to send to Consip S.p.A., by 14/2/2020, its proposal, complete with all the documentation indicated in the present document to the e-mail address: [enrico.giacomelli@consip.it](mailto:enrico.giacomelli@consip.it).



The e-mail containing the proposal must include the following:

- a) The **Participation Document**. This declaration must be submitted as digital document, signed by the legal representative of the economic operator, or in any case by a representative with power of attorney.
- b) the **Bid declaration**, which, in accordance with the facsimile attached to this Request for Proposal, must specify the maximum overall contractual amount and all fixed and variable payments, which must not exceed the maximum amount of EUR 66.066,00, VAT exclusive;

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### **DATA PROCESSING**

Pursuant to art. 13 of Legislative Decree no. 196/2003 "Code regarding the protection of personal data" (hereinafter also the "Privacy Code") and in accordance to art. 13 of the EU Regulation n. 2016/679 on the protection of individuals regarding the processing of personal data, as well as the free circulation of such data (hereinafter also "EU Regulation" or "GDPR"), Consip S.p.A. provides the following information on the processing of personal data.

#### **Purpose of the treatment**

In relation to the activities carried out by Consip, it should be noted that:

- the data provided by the competitors is collected and processed by Consip S.p.A. in order to verify the existence of the requisites required by law for the purpose of tender participation and, in particular, for the purpose of verifying the administrative and technical-economic capacities of these parties, as well as for the purpose of awarding the contract, in fulfillment of specific legal obligations deriving from the legislation on public procurement and contracts;
- the data provided by the winning bidder is acquired by Consip for the purposes of drafting and signing the Contract, for the fulfillment of the legal obligations connected to it, as well as for the management and the economic and administrative execution of the contract itself.

All the data acquired by Consip S.p.A. may also be processed for study and statistical purposes in compliance with and the rules established by EU Regulation.

#### **Nature of the conferment**

The Competitor is obliged to provide the data to Consip S.p.A., due to the legal obligations deriving from the legislation on public procurement and contracts. The refusal to provide the data requested by Consip S.p.A. could determine, depending on the case, the impossibility to admit the competitor to the participation in the competition or its exclusion from this or the expiry of the award, as well as the impossibility to stipulate the contract.

#### **Sensitive and judicial data**



As a rule, the data provided by the competitors and by the contractor are not classified as "sensitive" according to article 4, paragraph 1, letter d) of the Privacy Code, nor in the "particular categories of personal data" of which art. 9 EU regulation. The processing of "judicial" data referred to in Article 4, paragraph 1, letter e) of the Privacy Code and "personal data relating to criminal convictions and offenses" pursuant to art. 10 EU Regulation, on the other hand, is limited to the sole purpose of evaluating the possession of the requisites and qualities required by the current applicable regulations for the purposes of participation in the tender and award.

#### **Methods of data processing**

Data processing will be carried out by Consip S.p.A. in order to guarantee the necessary security and confidentiality and can be implemented using manual, paper, IT and telematics suitable to process the data in compliance with the security measures set out in the Privacy Code and from the EU Regulation.

#### **Scope of communication and dissemination of data**

The data may be:

- treated by the personnel of Consip S.p.A. that manages the bidding process;
- communicated to independent collaborators, professionals, consultants, who provide advice or assistance to Consip S.p.A. with regard to the bidding process, also for possible legal protection, or for sector studies or statistical purposes;
- communicated to the National Anti-corruption Authority, in compliance with the provisions of the AVCP Determination n. 1 of 10/01/2008.

The name of the Competitor awarded the tender and the contract award price and the information and data concerning the participation in the tender, may be published via the website [www.consip.it](http://www.consip.it), within the limits and in application of the principles and provisions on public data and the re-use of public sector information. In addition to the above, in compliance with the legal obligations that impose administrative transparency, the contracting party acknowledges and agrees that the data and documentation required by law to be published via the website [www.consip.it](http://www.consip.it), section "Transparent Company".

#### **Data retention period**

The data retention period is 10 years from the definitive awarding to the contracting authority. Furthermore, the data may be kept, even in aggregate form, for study or statistical purposes in compliance with articles 89 of the EU Regulation and 110 bis of the Privacy Code.

#### **Automated decision-making process**

There is no automated decision making process.

#### **Rights of the interested party**

"Interested" means any natural person whose data is transferred from the competitor to the contracting authority.

The interested party has: *i)* the right to obtain, at any time, confirmation that personal data concerning him is being processed; *ii)* the right of access to personal data to know: the purpose of the processing, the category of data processed, the recipients or categories of recipients to whom the data are or will be



communicated, the retention period of the same or the criteria used to determine this period; *iii*) the right to request, and in the case to obtain, the correction and, where possible, the cancellation or, again, the limitation of the treatment and, finally, can oppose, for legitimate reasons, to their treatment; *iv*) the right to data portability that will be applicable within the limits of art. 20 of the EU regulation.

If in the event of exercise of the right of access and related rights provided for by articles from 15 to 22 of the EU Regulation, the response to the request does not arrive within the indicated time and / or is not satisfactory, the interested party can assert its rights before the judicial authority or by contacting the Guarantor for the protection of personal data through specific complaint, appeal or report.

**Data controller and Data Protection Officer**

The data controller is Consip S.p.A., with registered office in Rome, Via Isonzo n. 19 / D-E.

For the exercise of the rights referred to in articles 15 to 23 of the EU Regulation and to request an updated list of data processors, Consip S.p.A. can be contacted at the following addresses:

- Consip S.p.A.: [esercizio.diritti.privacy@consip.it](mailto:esercizio.diritti.privacy@consip.it)

**Consent to the processing of personal data**

Once the above information has been acquired, with the submission of the offer and / or the signing of the Contract, the legal representative of the economic operator / bidder acknowledges and consents expressly to the treatment as defined above of the personal data concerning him.

The competitor agrees to comply with the obligations of disclosure and consent, where necessary, to natural persons (Interested parties) for whom personal data is provided in the custody procedure, with regard to the processing of their personal data by of Consip S.p.A. for the purposes described above

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Salvatore Celano  
Divisione Amministrazione, Finanza e  
Controllo  
Division Manager  
*Digital signature*

**Annexes:**

Annex 1 – Participation Document

Annex 2 – Bid declaration facsimile