SUBJECT: POC PUGLIA 2014-2020 - AXIS VI "ENVIRONMENTAL PROTECTION AND PROMOTION OF NATURAL AND CULTURAL RESOURCES" - ACTION 6.8 "INTERVENTIONS FOR THE COMPETITIVE REPOSITIONING OF TOURISM DESTINATIONS". EXECUTIVE PROJECT "DIGITAL COMMUNICATION AND BRAND IDENTITY OF DESTINATION PUGLIA".

Negotiated procedure pursuant to art. 76, paragraph 2, letter. b) No. 3 of Italian Legislative Decree. n.36/2023, via direct negotiation on Em.PULIA PLATFORM aimed at *Cable News Network Inc* for the purchase of promotional advertising communication services for the International Communication Plan of Destination Puglia, after preliminary market consultation (Ref. D.D.G. n. 210/2024).

CUP-Unified Project Code: I59I23001370006

Attention to
Cable News Network Inc.
1050 Techwood Drive NW
Atlanta
Georgia, 30318
USA
Tax Code and VAT n. 51-0386049
MAIL: monica.rubini@wbd.com; topdigamma2024@gmail.com;
PEC-Certified mail: manliostanzione@pec.it

INVITATION LETTER – REQUIREMENT OF SERVICES

ART. 1 – CONTRACTING AUTHORITY
ARET PUGLIAPROMOZIONE - PUGLIA REGION TOURISM BOARD
Registered headquarters – Piazza Aldo Moro 33/A Bari, Italy
Operation headquarters – Lungomare Starita n. 4 c/o Fiera del Levante pavilion 172 Bari - Italy
PEC-Certified mail: comunicapp@pec.it
Online access to information: www.aret.regione.pugia.it – Calls and Notices

RUP-Sole Project Manager Olga Buono: o.buono@aret.regione.puglia.it
ARET Head of the Communications Office and Contract Execution Director
Alessandra Campanile: a.campanile@aret.regione.puglia.it

ART. 2. - PROCEDURE
2.1. Procedure
Direct purchase of services pursuant to art. 76, paragraph 2 letter. b) n. 3 of Italian Legislative Decree. n. 36/2023.

The offer must be submitted no later than 25 days after receipt of this invitation letter, pursuant to art. 92, paragraph 1 of Italian Legislative Decree. n. 36/2023.
Participating operators are invited to read the manuals available to operators on the Em.PULIA platform for uploading their offer.
Operators are required to pay a fee in the event of an assignment exceeding €150,000.00, pursuant to **ANAC** resolution no. 610 of 19 December 2023, regarding "Implementation of art. 1, paragraphs 65 and 67, of law 23 December 2005, n. 266, for the year 2024".
The type of service does not involve interfering risks, therefore no safety costs are envisioned.

Service
79342000-3 marketing and communication services
NUTS code: ITF4

ART. 3 – CONTEXT, SERVICE PURPOSE, SOURCE OF FUNDING
3.1. Context
With General Director Decision of 05.03.2024 nr. 76, the call/consultation was approved for the procurement of useful information for the launch of online procedures as to the assignment to economic operators holding exclusive rights of promotional advertising communication services for the international communication plan of destination Puglia.
This call implements the executive project "Digital communication and brand identity of destination Puglia (Business to Consumer)", year 2024, and provides communication/advertising promotion services in line with the brief document including strategies, objectives and operational guides for the implementation of an internationally distributed media plan. The Plan aims to implement effective actions for the off-season promotion the destination Puglia and tourism products for the year 2024. The direct communication purposes are to improve and increase incoming flows in the medium-long term through the narration of tourism experiences as divided into main categories: Sea and Nautical sports, Food and Wine, Sports, Nature and Wellness, Art and Culture, Towns and Villages, MICE and Wedding Destination. The above are to be communicated as experiences to live in Puglia, a welcoming land that is immensely rich in its tangible and intangible heritage.
The published Consultation (call) is aimed at the category of operators holding exclusive rights.
The pursued public interest is to promote Puglia as a responsible, reliable and quality-driven destination, in line with the purposes of the Strategic Tourism Plan aimed at strengthening, increasing and innovating destination's promotional actions in the tourism and cultural fields.
With D.D.G. n. 231 of 18.06.2024, the report of the formal legal authentication of documents uploaded by participants in the aforementioned call was approved, so as to evaluate the exclusivity regarding the services to be delivered.
A communication was sent to all participants (reg. n. 0022357-U-2024-2024-06-25) stating the following: *The RUP- Sole procedure manager will proceed with online procedures for direct negotiation assignments to approved exclusive economic operators (minutes dated 06.17.2024 approved with Decision no. 231/2024) based on provisions of the call and pursuant to the Italian Public Contracts Code (Legislative Decree no. 36/2023).*
The approved list from which to obtain one or more possible economic operators is valid until 31.12.2024.

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3.2. Reasons for choosing the selected operator

Cable News Network Inc. detains the exclusive management of all advertising spaces on the international broadcaster Eurosport, dedicated to sports and broadcast in Europe.

The Eurosport 1, 2 channels and the Eurosport.com digital platform reach a vast, high-spending audience interested in international travel, a healthy lifestyle and inspired by sports. It reaches 205 million users with the television broadcaster and 335 million users with the digital platform.

The Eurosport broadcaster fulfills the purposes of ARET-Pugliapromozione for the promotion and valorization of Puglia as a destination as committed to sports and outdoor tourism, contributing to the well-being of travelers.

Furthermore, considering the strategic needs of ARET-Pugliapromozione to give priority to television channels for the promotion of the 2024 target campaign, Eurosport is suitable to the purpose due to the nature of offered services and the targeted audience.

Therefore, the company is suitable for the purchase of spaces and communication services for the year 2024.

3.2. Purpose of the requested Service

In light of the above and in line with the strategic needs of ARET Pugliapromozione, the selected company is required to carry out the following communication services in the agreed spaces:

- Rotation broadcasting of the commercial advs videos, created by Pugliapromozione, in 30" and 15" cuts;
- Broadcast of the commercial advs videos in the time slots with the best impact and effectiveness;
- Uploading of the commercial advs videos on the Eurosport television and digital platform;

Execution of services is expected to take place from the second half of September onwards with expiration on 30.11.2024, including reporting operations.

3.3. Funding sources

POC PUGLIA 2014-2020 - AXIS VI "ENVIRONMENTAL PROTECTION AND PROMOTION OF NATURAL AND CULTURAL RESOURCES" - ACTION 6.8 "INTERVENTIONS FOR THE COMPETITIVE REPOSITIONING OF TOURISM DESTINATIONS". EXECUTIVE PROJECT "DIGITAL COMMUNICATION AND BRAND IDENTITY OF DESTINATION PUGLIA" (BUSINESS TO CONSUMER) 2024.
CUP-Unified project code **I59I23001370006**

ART. 4. - SERVICE AMOUNT
4.1. Service Amount

The overall estimated amount based on the procedure is **€310.000,00 (VAT exempt),** subject to reductions.
The amount is not subject to price revision (ref. art. 60-D-lgs- n.36/2023), considering the shortness of the initiative.

ART. 5. - PARTICIPATION REQUIREMENTS, MANDATORY DOCUMENTATION, PRELIMINARY RELIEF

5.1. Participation requirements

The operator is required to certify the absence any reason for exclusion pursuant to art. 94 and following articles of Legislative Decree n. 36/2023; possession of the requirements is mandated by art. 99 of the same decree, by completing the **ESPD** which contains substitute declarations compliant with the provisions of the Consolidated Law on legislative and regulatory provisions regarding administrative documentation (Italian Presidential Decree no. 445/2000).

5.2. **Documents required for participation**

The operator is required to provide the following documents:
1. This Letter of Invitation - digitally signed by the legal representative of the company and/or the appointed proxy (in this case please attach the power of attorney deed) for acceptance of the conditions contained therein;
2. The technical sheet with the indication of the economic offer (indication of unit costs of individual services/spaces and total costs with and without VAT) and technical specifications of each space and services covered by the economic offer;
3. The completed ESPD is mandatory and signed as affidavit
4. Documents for availment (discretionary);
5. Subcontracting contract (discretionary);
6. Traceability of financial flows (attached form);
7. Declaration of compliance pursuant to art. 17 L.68/99 (attached form);
8. Legal representative ID;

The RUP-Sole procedure manager, taking note of the documentation delivered by the aforementioned supplier and the further administrative documents, evaluates the adequacy of the economic offer on which the discount is applicable (maximum discount offer), requesting any clarification on possible incongruity of the same pursuant to the combined provisions of articles 110 and 54 of Legislative Decree no. 36/2023.

The coherence of the detail of the service plan is entrusted to the DEC which, where necessary, following the sending of the assignment proposal by the RUP, requests a technical remodulation of the services, in order to guarantee full communication effectiveness of the Puglia brand during the event.

Subject to the contract, variations in the communication plan services are exceptionally allowed at the same cost, subject to comparison and formal acceptance by the DEC. Without prejudice to reductions in the event of non-execution or partial execution of services.

5.3. Preliminary relief, availment, subcontracting

5.3.1. Preliminary relief

The insufficiencies of any formal element of the application, and in particular, the lack, incompleteness

and any other irregularity of the essential elements and of the ESPD, with the exclusion of those relating to the economic offer (in the case of this procedure), can be remedied through the preliminary relief procedure referred to in art. 101 paragraph 1 of Legislative Decree no. 36/2023, within a maximum of 5 days from the delivered request by the contracting authority to the participant.
The essential irregularity can be remedied when it is not combined with a substantial deficiency in the requirement, so as to prove that omitted or irregularly produced documentation was aimed at.

5.3.2. Availment

Discretionary. In case of application, it is activated pursuant to art. 104 of Legislative Decree. n. 36/2023.

5.3.4. Subcontracting

Discretionary. In case of application, it is activated pursuant to art. 119 of Legislative Decree. n. 36/2023.

ART. 6 - METHODS RELATING TO THE COMPLETION OF THE PROCEDURE AND THE AWARDING

The contracting authority has the right not to proceed with the assignment of services for reasons of public interest, and the participant is not entitled to any claim in this regard.
Based on the provisions of Italian Legislative Decree. n. 36/2023, art. 17, paragraph 2, the direct assignment will be completed through a decision and contract, containing, in a simplified way, the purpose of the assignment, the amount, the supplier, the reasons for the choice of the assigned supplier, its possession of the general requirements, as well as possession of technical-professional requirements.

ART. 7 - CONTRACT SIGNING

The signing of the contract is subject to the positive outcome of controls provided for by the art. 94 and 95 ff. and 99 of Italian Legislative Decree. n. 36/2023.
The signing is done pursuant to art. 55 paragraph 2 of Italian Legislative Decree. n. 32/2023, without the obligation of the thirty days waiver provided for in the first paragraph.
The Supplier is not required - pursuant to art. 117, paragraph 14, of Legislative Decree 36/2023. – to deliver the final guarantee for the execution of the contract, since it is an assignment to an operator of proven solidity and professionalism, executing a high-performance and competitive service, taking into account the short duration of the contract (expires on 30.11.2024) and the contract termination causes available by A.RE.T. pursuant to art. 122 of Italian Legislative Decree. n. 36/2023;
The contract is subject to obligations regarding the traceability of financial flows referred to in the law. 13 August 2010, n. 136.

Art. 8 – CONFIDENTIALITY AND COMMUNICATION OF PERSONAL DATA

Pursuant to data protection legislation (EU Regulation 2016/679), be informed that the Data Controller of the data released for participation in this procedure is A.Re.T. Pugliapromozione represented by the General Director Luca Scandale. Received personal data will be used for activities related to participation in this procedure, in compliance with legal obligations and in execution of contractual or pre-contractual measures.
In particular, for the purposes of carrying out the selection procedures, the data transmitted (including any data relating to criminal convictions or crimes) will be subject to examination by the RUP and the

Project Manager, so that admissibility of the offer presented and participation requirements are assessed. At the end of the procedure, the data will be stored in the archives of the Contracting Authority (according to the specific sector regulations governing conservation of administrative documents) and access will be permitted in accordance with the relevant provisions in force. Without prejudice to compliance with the legislation on the right of access, personal data will not be communicated to third parties except on the basis of a legal obligation or in relation to verifying the truthfulness of what has been declared to participate in this direct negotiation. For further information on data processing, please refer to the specific attached information, pursuant to art. 13 of EU Regulation 2016/679.
The operator is required to ensure confidentiality of information, documents and administrative deeds during participation in the procedures and, subsequently, during the execution of assigned services, undertaking to strictly comply with all the rules relating to application of Regulation (EU) 2016/679 of the European Parliament and of the Council, and of any applicable provisions of Italian Legislative Decree 196/2003.

ART. 9 – RIGHT OF ACCESS TO DOCUMENTS
Participants may, pursuant to art. 35 of Italian Legislative Decree 36/2023 and art. 22 of Law no. 241/1990, exercise the right of access to the tender documents.

ART. 10 - SETTLEMENT OF DISPUTES
Disputes are settled by the appointed jurisdictional body for appeal procedures against this procedure, upon communication of the contract.

Bari, 26.07.2024

THE GENERAL DIRECTOR
Luca Scandale

SCANDALE LUCA
26.07.2024
09:26:46
GMT+01:00

Acknowledgement of acceptance
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